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Panel report issued in the WTO dispute *US – COOL*

On 18 November 2011, a WTO panel issued its report for the *US – COOL* dispute. This case was commenced on 1 and 17 December 2008, respectively, when Canada and Mexico independently requested consultations with the US. The request for consultations concerned a series of statutory and regulatory instruments pertaining to certain mandatory US country of origin labelling (hereinafter, COOL) provisions, which require that consumers be informed at the retail level of the country of origin of certain covered agricultural commodities, including beef and pork. Canada and Mexico also submitted that the US COOL measure includes a letter issued by US Secretary of Agriculture Vilsack to industry representatives (hereinafter, the '*Vilsack letter*'). The '*Vilsack letter*' concerned the implementation of the COOL measure, and suggested that industry '*voluntarily*' adopt a list of certain practices to ensure that consumers are adequately informed about the source of food products. Under the COOL measure, to be eligible for designation as a covered commodity having exclusive US origin, the commodity must be derived from an animal that was exclusively born, raised and slaughtered in the US. This would exclude such a designation for beef or pork exported to the US for immediate slaughter.

A WTO panel was established to hear this dispute on 19 November 2009. Canada and Mexico argued, *inter alia*, that the mandatory COOL provisions were inconsistent with Article 2.1 and 2.2 of the WTO Agreement on Technical Barriers to Trade (hereinafter, the TBT Agreement). These two provisions, respectively, bind WTO Members to provide national treatment regarding technical regulations, and ensure that technical regulations are not more trade-restrictive than necessary to fulfil a legitimate objective. Canada and Mexico also argued that the COOL measure violated Article X:3(a) of the General Agreement on Tariffs and Trade (hereinafter, the GATT), which requires WTO Members to administer their laws and regulations in a uniform and impartial manner. Mexico also claimed that the US violated Articles 2.4, 12.1, and 12.3 of the TBT Agreement. Article 2.4 of the TBT Agreement provides that, when relevant international standards exist or their completion is imminent, WTO Members must use them as a basis for their technical regulations, except when such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives pursued. Article 12.1 of the TBT Agreement requires WTO Members to provide differential and more favourable treatment to developing country WTO Members. Article 12.3 of the TBT Agreement requires WTO Members to ensure that technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports from developing country WTO Members.

The Panel determined that the COOL measure constitutes a technical regulation within the meaning of the definition contained in Annex 1.1 of the TBT Agreement, and that it is inconsistent with some of the US WTO obligations. In particular, the Panel found that the COOL measure violates Article 2.1 of the TBT Agreement by according less favourable treatment to imported Canadian cattle and hogs than to '*like*' domestic products. The Panel also found that the COOL measure does not fulfil its legitimate objective of providing consumers with information on origin, and therefore violates Article 2.2 of the TBT

Agreement. For example, the Panel was unconvinced that the differentiation of origin based on the order of country names (*e.g.*, '*product of the US, Mexico (or Canada)*', meaning the animal was raised in the US, but born in either Mexico or Canada) could communicate accurate origin information to consumers. The Panel did not review the '*Vilsack letter*' under the TBT Agreement, as it found that this letter is not a technical regulation within the meaning of the definition contained in Annex 1.1 of the TBT Agreement. However, the Panel found that the letter's '*suggestions for voluntary action*' go beyond certain obligations under the COOL measure, and that the letter therefore constitutes unreasonable administration of the COOL measure in violation of Article X:3(a) of the GATT.

Addressing Mexico's argument under Article 2.4 of the TBT Agreement, the Panel noted the Appellate Body's reasoning in *EC – Sardines* that the complaining party bears the burden of demonstrating that the relevant international standard at issue is appropriate and effective to fulfil the legitimate objectives pursued by the responding party through its regulation. Here, the Panel concluded that the international standard suggested by Mexico (*i.e.*, the Codex Alimentarius Standard for the labelling of pre-packaged foods - CODEX-STAN 1-1985) was an inappropriate reference because it provided information on where a commodity was processed, but failed to meet the US' objective of providing information to consumers about the countries in which an animal was born, raised and slaughtered. The Panel further concluded that Mexico failed to demonstrate a violation of Articles 12.1 and 12.3 of the TBT Agreement, ruling, *inter alia*, that Mexico did not prove that the US failed to take account of Mexico's special development, financial and trade needs in the preparation and application of the COOL measure. For instance, the Panel noted that the US made several modifications to elements of the COOL measure in response to concerns expressed by Mexico, such as softening certain record-keeping requirements.

US – COOL is the third WTO report released this autumn (see also the analysis of *US – Clove Cigarettes* in Trade Perspectives, Issue No. 16 of 9 September 2011 and *US – Tuna II (Mexico)* in Trade Perspectives, Issue No. 17 of 23 September 2011) which provides important jurisprudential guidance on the scope of Articles 2.1 and 2.2 of the TBT Agreement, two provisions which had previously received little analysis by WTO dispute settlement panels. The Panel's findings in *US – COOL* indicate that, where evidence exists of strong consumer demand for country of origin labelling, WTO panels will likely find mandatory COOL schemes to be legitimate objectives within the meaning of Article 2.2 of the TBT Agreement. However, *US – COOL* suggests that COOL schemes may be vulnerable to challenges under Article 2.2 of the TBT Agreement for failing to provide information to consumers in an accurate and clear manner. This observation is particularly relevant for stakeholders in the European food industry, given that the EU recently adopted the EU Food Information Regulation (*i.e.*, *Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, repealing e.g. Council Directive 90/496/EEC on nutrition labelling and Directive 2000/13/EC on food labelling*; see Trade Perspectives, Issue No. 14 of 15 July 2011, and the Ferrero/Nutella article below) under which mandatory country of origin labelling will be extended. Currently, COOL is mandatory where a failure to provide such information could mislead consumers and also for a limited range of commodities (such as fruits and vegetables, beef, olive oil and honey). Under the new rules, it will be extended to fresh meat from pigs, sheep, goats and poultry.

The *US – COOL* ruling is also commercially significant for Canadian and Mexican beef and pork exporters. In Canada alone, the COOL measure has had a significant economic impact, reportedly causing a 60% reduction in pork exports from Ontario to the US between 2007-2010, and costing the Canadian cattle industry an estimated 400 million CAD annually. Canadian and Mexican beef and pork exporters stand to gain greatly if, in response to the *US – COOL* ruling, the US now modifies the COOL measure. Yet recent reports indicate that the US plans to appeal this ruling. If the Panel's report is not ultimately appealed, the US

must comply with the Panel's findings, or otherwise face the risk of '*retaliatory*' trade measures applied by Canada and Mexico. Business parties with a stake in the North American pork and cattle industries, or an interest in the WTO-legality of EU regulations on country of origin labelling for food products, should follow subsequent developments closely.

Ferrero has been ordered by a German Court to change the nutrition labelling on Nutella as it is considered misleading

On 20 October 2011, following an action brought by the German Federation of Consumer Organisations (*Verbraucherzentrale Bundesverband*), the Italian confectioner Ferrero was ordered by the Frankfurt Court of Appeals (*Oberlandesgericht Frankurt*, hereinafter the Court) to change the nutrition labelling on its Nutella brand or, if it desists, to face fines of up to 250,000 EUR. The first instance judgment in February 2011 had ruled in favour of Ferrero.

The Court found that, even if they meet the requirements of the German nutrition labelling regulation (*i.e.*, *Nährwertkennzeichnungsverordnung*), the tables which indicate the content of nutrients, vitamins and minerals and which are reproduced on the Nutella chocolate-hazelnut cream label are misleading, as they can give (because of their design) the average consumer in the specific purchase situation the incorrect impression that the food contains very little fat and sugar, but much more vitamins and minerals.

Ferrero's German Nutella label indicated in one part of the table the fat and carbohydrate content per every 15g portion, as well as in percentage terms of the guideline daily amount (hereinafter, GDA), while recommended daily dietary intakes (hereinafter, RDA) for vitamins and minerals were indicated in a separate part of the table per 100g. This way, the content of Vitamin B12 was indicated as 30% of the RDA (the one of Vitamin E as 78% of the RDA), and the content of some minerals (*i.e.*, calcium, iron and magnesium) was given as between 15%-25% of the RDA. These percentages referred to 100g portions of Nutella. Fats and carbohydrates (including sugar) were at 7% and 3% (9% for sugar) respectively of the GDA; however, these figures were only listed per 15g portion of Nutella. Both the terms GDA and RDA were defined on the label. The Court held that a peculiarity in this case is that the challenged table (with mandatory information on nutrients per 100g), contained not only additional voluntary (but expressly permitted) indications (*i.e.*, the vitamins and minerals per serving as a percentage of the RDA), but also combined it with yet another (not explicitly regulated) category (*i.e.*, the percentage of the GDA of the nutrients per 15g serving).

The Court held that the average and well-informed consumer will only realise the whole context of this information when he or she looks in detail at the table. However, the Court asserted that the consumer, at least in a typical purchase situation in front of a supermarket shelf, does not have the necessary time and attention to examine the tables in detail. To reach this conclusion, the members of the Court's Panel judged from their own knowledge and experience. The Court added that Ferrero's reference to the draft EU Food Information Regulation (which, in the meantime, has been published as *Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, repealing e.g. Council Directive 90/496/EEC on nutrition labelling and Directive 2000/13/EC on food labelling*) justifies no different assessment. The Panel could not deduct from the new rules (which were not in force at the time of the hearing and which could not, therefore, be taken into consideration for the decision) that the use of the disputed tables, whose design risks misleading the public, should be explicitly allowed. A violation of § 11 I Nr. 1 of the *German Food Code* (LFGB) was therefore established for misleading advertising. As this was considered to be an unfair commercial practice under §§ 3 II, 4 Nr. 11, 8 III Nr. 3 of the *Act Against Unfair Competition* (UWG), Ferrero was ordered to desist from continuing to use the label in question or otherwise face fines.

Ferrero has already announced that by the end of 2011 a new label will be introduced in the German market. Nevertheless, Ferrero seems to intend to appeal the decision of the Court at the next and final instance, the *Bundesgerichtshof* (appellate court, hereinafter BGH). Final appeals to the BGH (*i.e.*, Revisions) are not automatically admissible. The Court held in its judgment that the conditions set in § 543 II of the German Civil Process Code (hereinafter, the ZPO) for a Revision are not met as *'the decision depends solely on the application of recognised principles of misleading advertising and the specific facts of the case*'. However, Ferrero can lodge a complaint against the decision not to permit a revision (*i.e.*, *Nichtzulassungsbeschwerde* under § 544 of the ZPO). In general, the revision shall be admitted if the case is of fundamental importance, or when the development of the law, or ensuring uniform jurisprudence, requires a decision by the appellate court. These are quite important hurdles.

It should be noted that all the nutritional information on the Nutella label was objectively correct and verifiable and in compliance with the respective German nutrition labelling provisions, which implement Council Directive 90/496/EEC on nutrition labelling. The Court simply held that the overall design of the label was potentially misleading the average (but well-informed) consumer, who will not have the time to study in detail the information on the labelling. Therefore, a key question in this case is whether the application of recognised principles of misleading advertising and the specific facts of the case can justify a condemnation of Ferrero just because of the overall design, which is admittedly intellectually-demanding and complex due to the amount of (correct) information provided, but which does not seem to breach any current or future nutrition labelling rules.

As a general note, a nutrition declaration (according to point (l) of Article 9(1) of *Regulation (EU) No. 1169/2011 on the provision of food information to consumers*) will be mandatory in the EU as of 13 December 2016 (in relation to the Food Information Regulation, see Trade Perspectives, Issue No. 14 of 15 July 2011). Articles 29 to 35 of *Regulation (EU) No. 1169/2011* establish detailed requirements for nutrition declarations, and also address issues like the voluntary indication of reference intakes. Food business operators should analyse in detail the new EU rules on nutrition labelling and the possibilities which *Regulation (EU) No. 1169/2011* provide to promote the nutritional properties of foodstuffs. The respective labels on food products should, however, be carefully assessed so as to ensure compliance with these detailed and not always straightforward rules.

The EU Advocate General stated that programming language and computer program functionalities should not enjoy copyright protection

On 29 November 2011, Advocate General Yves Bot of the European Court of Justice (hereinafter, the ECJ or the Court) presented his opinion in the case C-406/10 *SAS Institute Inc. v. World Programming Ltd*. The case was referred to the ECJ for a preliminary ruling by the Chancery Division of the High Court of Justice of England and Wales. The dispute deals with the copyright protection of software against the allegedly illegal reproduction in alternative computer programs developed by competitors. The claimant had developed software using its own '*SAS language*', while the respondent created an alternative computer program, which would enable users to run applications written in SAS language. Before British courts, the respondent acknowledged that it intended to emulate much of the functionality of the SAS software. Nonetheless, the British courts have not found any infringement of the copyright in the source code of the program, ruling that competitors are entitled to study the program functions and then to write their own program to emulate the functionalities.

In his opinion, the Advocate General (hereinafter, the AG) interprets the provision of *Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs* and *Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society*. In the view of the AG, those Directives should be interpreted to mean that the functionalities of the computer program and the programming language are not capable of being protected by copyright. The AG suggests that it should still be for the national courts to decide if the reproduction of the functionalities of the program infringes the copyrights of the author if the expressions of the author's own intellectual creation are reproduced. The opinion states that it should not be subject to authorisation for a licensee to reproduce the form of the program code so as to be able to write its own computer program and ensure interoperability between the elements of different programs. The AG's opinions are not binding for the Court, but the ECJ tends to follow such opinions in approximately 80% of cases. The decision on the case is expected to be rendered by the ECJ in early 2012.

The position of the AG appears to be in line with international regulation of copyrights. There are a number of international instruments that inform the scope and protection of copyrights in national legislation. However, the Berne Convention for the Protection of Literary and Artistic Works (hereinafter, the Berne Convention), concluded in 1886 and further revised, does not specifically address the availability of copyright protection for programming languages and functions. The most detailed guidance on the issue can be found in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter, the TRIPs Agreement). Article 10.1 of the TRIPs Agreement prescribes that computer programs, whether in source or object code, shall be protected as literary works under the Berne Convention. Neither the TRIPs Agreement, nor available jurisprudence, defines the concept of '*computer programs*'. The World Intellectual Property Organisation defines a computer program as a '*set of instructions capable, when incorporated in a machine-readable medium, of causing a machine to indicate, perform or achieve particular functions, tasks or results*'. It appears that programming language, used for crafting a program, is not captured by this definition. Moreover, Article 9.2 of the TRIPs Agreement (unlike the Berne Convention and the Universal Copyright Convention of 1952) determines specifically what is not copyrightable. The provision maintains that '*copyright protection shall extend to expressions and not ideas, procedures, methods of operation or mathematical concepts as such*'. The negotiating history of the provision demonstrates that this wording was introduced into the TRIPs specifically to grant copyright protection to computer programs. In other words, only perceptible creations could be subject to copyrights. Programming language is likely to fall within the category of '*procedures*' or '*methods of operation*' of a program, as just a means to an end and not the functional result of the program. Unlike patent law, copyrights do not protect ideas or methods of operation as such without any connection to a particular work.

However, the answer is not that straightforward in respect of the functionalities of a computer program emulated by the competitors of the program's author. In the well-known *University of London Press Ltd v University Tutorial Press Ltd* case, Judge Peterson stipulated the famous rule that '*what is worth copying is prima facie worth protecting'*. Nevertheless, if copying of the programming language alone is of little use, the copying of the program's functionalities may potentially be inconsistent with the TRIPs Agreement. Should any such dispute be referred to the WTO, its adjudicators would likely adopt the approach developed by the British courts: the overall architecture of a program may be treated equally to novel plots capable of protection, while the business methods and the functional peculiarities of the program shall be denied copyright protection and remain in the public domain (*Cantor Fitzgerald International v Tradition (UK) Limited*). This approach would allow a balance to be sustained between the objective of providing protection for the moral and material interests of authors and, at the same time, promoting the widest enjoyment of the benefits of scientific progress and its applications. This position is also supported by the ECJ Advocate General, who admits that unauthorised reproduction of functionalities of a computer program may be

illegal if the substantial parts of elements reproduced express the author's own intellectual creation.

The ruling of the ECJ in this case may be of significant interest for all software-producing companies present in the European market. Some studies claim that global losses from copyright infringements in the digital environment totalled 59 billion USD in 2010. However, in the absence of a clear regulatory framework on the scope of copyrights in software, any estimate appears premature. The decision of the ECJ would resolve one of the contentious issues and harmonise the application of copyright rules across the EU. In addition, if the programming language and functionalities are found to be incapable of copyright protection, the decision will foster a wider and easier use of the results of the valuable functionalities in the digital environment. The position of the ECJ on the reproduction of the program functionalities will be of particular importance, as it will set out a uniform approach towards the standards of reversed engineering in software and internet platforms. For the protection of new inventive processes and methods of operation capable of industrial application, interested businesses should consider the use of patents, granting higher standards of protection for the period of the patent's validity.

Turkey's 0% tolerance threshold for imports of food and feed with traces of GMO content is raising concerns within the international business community

Turkey's stance regarding the import of food and feed with trace amounts of genetically modified organisms (hereinafter, GMOs) has raised concerns amongst its domestic business community and international trading partners. Turkey recently enacted the Turkish Biosafety Code 5777 (hereinafter, the Code), and the Communiqué Concerning GMOs and GMO-Based Products (hereinafter, the Communiqué). Both the Code and the Communiqué (hereinafter referred to as the New Regulations) repealed all previous regulations concerning GMOs and GM-based products, and came into force on 26 September 2010. Under the New Regulations, all food and feed containing GM content requires authorisation to be placed on the market. Pursuant to the New Regulations, the Biosafety Council is the designated competent authority that handles most matters pertaining to GMOs and GM-based products.

The New Regulations provide that the Turkish authorities will establish a threshold level for GM content below which certain food and feed products would not be required to be labelled as having GM content. However, this has not happened so far. As a consequence of the failure to adopt a threshold level, the legal threshold limit for traces of GMO content in imports of food and feed products is in practice considered to be '*zero*'. Yet given the advanced technological capacity and sensitivity of modern laboratory testing instruments, traces of GMO content can be detected even in organic food and feed, and Turkey's threshold level depends on the sensitivity level of GM test kits (to identify and precisely quantify trace components of GM material). A wide range of Turkish food and feed products thus potentially must be labelled with information as to their GMO content. This poses challenges for food and feed importers, which cannot always prevent accidental contamination of their products with trace amounts of GMOs.

Turkey's New Regulations may pose several legal problems. First, Turkey's maintenance of a 0% tolerance threshold for imports of food and feed with traces of GMO content may be at odds with Turkey's harmonisation process with the EU's food legislation (*acquis*). Candidate countries conducting negotiations to join the EU, such as Turkey, are required to take steps towards harmonisation and eventual adoption and implementation of the EU food *acquis*. The EU Commission monitors this process and presents annual reports to the EU Council and the EU Parliament. For instance, in its 2010 report on progress made by Turkey in

harmonising its agricultural policies with the EU food *acquis*, the EU Commission noted that Turkey had failed to fully remove technical barriers to trade in bovine products.

There is a possibility that Turkey's maintenance of a 0% tolerance threshold for imports of food and feed with trace GMO content may be found by the EU Commission's next report to place Turkey's agricultural policies even further at odds with the EU's food *acquis*. One reason is that on 25 June 2011, the EU published *Commission Regulation (EU) No. 619/2011 of 24 June 2011 laying down the methods of sampling and analysis for the official control of feed as regards presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired* (for more background on this measure, see Trade Perspectives, Issue No. 5 of 10 March 2011). This regulation ends import restrictions on animal feed containing traces of GM crops, up to a threshold of 0.1% of GM material in relation to the total mass of the sampled feed. However, under the new rules, only unauthorised GMO imports that are already approved in a non-EU country, and with an application pending with the European Food Safety Authority for at least three months, will be allowed into the EU (as well as certain GM feed material that was authorised in the EU, but for which no application for renewal of the authorisation has been submitted). The 0% threshold limit in Turkey's New Regulations appears to diverge from *Commission Regulation (EU) No. 619/2011* and this could pose challenges for Turkey's ongoing EU accession talks, all the more so given that Turkey's main agricultural imports from the EU consist of cereals that may, under EU law, contain up to 0.1% of GM material in relation to the total mass of the sampled feed.

A separate issue, where there is lack of approximation to EU law, is that GM labelling requirements do not apply in the EU to foods containing material that contains, consists of, or is produced from GMOs in a proportion no higher than 0.9% of the food ingredients considered individually, or food consisting of a single ingredient, provided that this presence is adventitious or technically unavoidable (Article 12 (2) of *Regulation (EC) No. 1829/2003 on genetically modified food and feed*). In order to establish that the presence of this material is adventitious or technically unavoidable, operators must be in a position to supply evidence to satisfy the competent authorities that they have taken appropriate steps to avoid the presence of such material. As to the 0.9% threshold, *Regulation (EC) No. 1829/2003* provides that, despite the fact that some operators avoid using genetically modified food and feed, such material may be present in minute traces in conventional food and feed as a result of adventitious or technically unavoidable presence during seed production, cultivation, harvest, transport or processing. In such cases, this food or feed should not be subject to labelling requirements. In order to achieve this objective, a threshold should be established for the adventitious or technically unavoidable presence of genetically modified material in foods or feed. The failure of the Turkish authorities to establish a threshold level for adventitious or technically unavoidable GM content is another way in which Turkey's agricultural policies appear to diverge from the EU's food *acquis*, and this could further complicate Turkey's ongoing EU accession talks.

Turkey's New Regulations could also be vulnerable to a challenge under WTO law, as suggested by the Panel's decision in *EC – Biotech*. In 2003, Argentina, Canada and the US challenged the EU's *de facto* ban (due to undue regulatory delays) on imports of biotech products. The Panel ruled, *inter alia*, that EU Member States had violated Articles 5.1 and 2.2 of the WTO's Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter, SPS Agreement), as the import prohibition on biotech products was not based on an appropriate risk assessment as required by Article 5.1 of the SPS Agreement and defined in Annex A(4) of the SPS Agreement, and that the import prohibition on biotech products was maintained without sufficient scientific evidence, in breach of Article 2.2 of the SPS Agreement. If Turkey persists in banning imports of food and feed containing traces of GMOs that have not yet been authorised in Turkey, yet have been authorised in one or more

other WTO Member jurisdictions, Turkey could find itself vulnerable to a costly WTO dispute similar to that of the *EC – Biotech* case.

Turkey has faced increasing pressure both internationally and domestically to modify its 0% legal threshold level for trace amounts of GMOs in imported food and feed. It has been reported that, in response to a Turkish request for the US to simplify customs regulations for importing fruits and vegetables into the US market, US authorities have reportedly asked Turkey to modify Turkish legislation that mandates a prison term for importers of GM food. These negotiations have reportedly been unfruitful. Turkish food supplement producers, food ingredient producers, and flavour and aroma producers have also expressed particular concern over the economic impact of the New Regulations. Commercial parties with an interest in trade in food and feed with Turkey – in 2010, a 3 billion EUR export market for EU agricultural goods alone – should monitor this developing story closely.

Recently Adopted EU Legislation

Market Access

- *Notice concerning the entry into force of the Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products*

- *Information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

- *Council Decision of 27 October 2011 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

- *Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

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- *Council Decision of 27 October 2011 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

- *Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

Trade Remedies

- *Notice concerning the anti-dumping measures in force in respect of imports into the Union of citric acid originating in the People's Republic of China: change of the name of a company subject to an individual anti-dumping duty rate*

- *Notice concerning undertakings offered in connection with the anti-dumping proceeding concerning imports of citric acid originating in the People's Republic of China: change of the name of a company*

- *Notice of initiation of an anti-dumping proceeding concerning imports of bioethanol originating in the United States of America*

- *Notice of initiation of an anti-subsidy proceeding concerning imports of bioethanol originating in the United States of America*

Customs Law

- *Commission Implementing Regulation (EU) No. 1247/2011 of 29 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1248/2011 of 29 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1249/2011 of 29 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1224/2011 of 28 November 2011 for the purposes of Articles 66 to 73 of Council Regulation (EC) No. 1186/2009 setting up a Community system of reliefs from customs duty*

- *Commission Implementing Regulation (EU) No. 1225/2011 of 28 November 2011 for the purposes of Articles 42 to 52, 57 and 58 of Council Regulation (EC) No. 1186/2009 setting up a Community system of reliefs from customs duty*

- *Commission Implementing Regulation (EU) No. 1200/2011 of 18 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1201/2011 of 18 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1202/2011 of 18 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1203/2011 of 18 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No 1204/2011 of 18 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1196/2011 of 17 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1195/2011 of 16 November 2011 concerning the classification of certain goods in the Combined Nomenclature*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 1253/2011 of 1 December 2011 amending Regulations (EC) No. 2305/2003, (EC) No. 969/2006, (EC) No. 1067/2008 and (EC) No. 1064/2009 opening and providing for the administration of EU tariff quotas for cereal imports from third countries*

- *Commission Implementing Regulation (EU) No. 1238/2011 of 30 November 2011 amending Implementing Regulation (EU) No. 372/2011 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2011/2012 marketing year*

- *Commission Implementing Regulation (EU) No. 1239/2011 of 30 November 2011 opening a standing invitation to tender for the 2011/2012 marketing year for imports of sugar of CN code 1701 at a reduced customs duty*

- *Commission Implementing Regulation (EU) No. 1240/2011 of 30 November 2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2011/2012*

- *Commission Implementing Regulation (EU) No. 1243/2011 of 30 November 2011 fixing the import duties in the cereals sector applicable from 1 December 2011*

- *Commission Implementing Regulation (EU) No. 1234/2011 of 23 November 2011 amending Regulation (EU) No. 1245/2010 opening Union tariff quotas for 2011 for sheep, goats, sheepmeat and goatmeat*

- *Commission Implementing Decision of 28 November 2011 authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada*

- *Commission Implementing Regulation (EU) No. 1223/2011 of 28 November 2011 amending Regulation (EC) No. 1688/2005 as regards sampling of flocks of origin of eggs and the microbiological examination of such samples and samples of certain meat intended for Finland and Sweden*

- *Commission Implementing Regulation (EU) No. 1220/2011 of 25 November 2011 amending Regulation (EC) No. 867/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards operators' organisations in the olive sector, their work programmes and the financing thereof*

- *Commission Implementing Decision of 24 November 2011 authorising the placing on the market of flavonoids from Glycyrrhiza glabra L. as a novel food ingredient under Regulation (EC) No. 258/97 of the European Parliament and of the Council (notified under document C(2011) 8362)*

- *Commission Implementing Regulation (EU) No. 1218/2011 of 24 November 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Commission Implementing Regulation (EU) No. 1199/2011 of 21 November 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No. 1924/2006 and (EC) No. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004*

Trade-Related Intellectual Property Rights

- *Commission Implementing Regulation (EU) No. 1212/2011 of 23 November 2011 amending Regulation (EC) No. 1416/2006 laying down specific rules on*

the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community

- *Notice concerning the entry into force of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products*

Other

- *Commission Regulation (EU) No. 1210/2011 of 23 November 2011 amending Regulation (EU) No. 1031/2010 in particular to determine the volume of greenhouse gas emission allowances to be auctioned prior to 2013*

- *Arrangements for importing fishery and aquaculture products into the EU with a view to the future reform of the CFP European Parliament resolution of 8 July 2010 on the arrangements for importing fishery and aquaculture products into the EU with a view to the future reform of the CFP*

- *Information on the date of entry into force of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros*

- *Commission Implementing Regulation (EU) No. 1222/2011 of 28 November 2011 amending Regulation (EC) No. 1010/2009 as regards administrative arrangements with third countries on catch certificates for marine fisheries products*

- *Commission Regulation (EU) No. 1193/2011 of 18 November 2011 establishing a Union Registry for the trading period commencing on 1 January 2013, and subsequent trading periods, of the Union emissions trading scheme pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No. 280/2004/EC of the European Parliament and of the Council and amending Commission Regulations (EC) No. 2216/2004 and (EU) No. 920/2010*

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