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Brazil's proposed tobacco legislation under scrutiny at the most recent meeting of the WTO Committee on Technical Barriers to Trade

At the meeting of the WTO Committee on Technical Barriers to Trade (hereinafter, TBT Committee) held on 24-25 March 2011, WTO Members discussed Brazil's recent introduction of *Draft Resolution No.112 of 29 November 2010* (hereinafter, *Draft Tobacco Regulation*), which sets maximum legal levels of tar, nicotine and carbon monoxide in tobacco products, and prohibits the use of all additives in these products.

Article 5 of Brazil's *Draft Tobacco Regulation* prohibits the production and commercialisation in Brazil of any smoking tobacco product that is composed of a list of additives found in Annex 1 of the *Draft Tobacco Regulation*. Some WTO Members, which produce and export two different varieties of tobacco (*i.e.*, Burley and Oriental), have alleged that Brazil's *Draft Tobacco Regulation* represents a *de facto* prohibition on placing 'blended' tobacco products on the Brazilian market. Blended tobacco is usually produced by combining certain tobacco varieties, such as Burley and Oriental tobacco, with a number of additives, such as tobacco flavourings, perfumes and sugars, which would be proscribed by the *Draft Tobacco Regulation*. A list of these additives is contained in Annex 1 of the *Draft Tobacco Regulation*. At the 24-25 March 2011 meeting of the TBT Committee, approximately 15 WTO Members argued that Brazil's *de facto* prohibition on placing blended tobacco products on the Brazilian market was more trade restrictive than necessary to achieve Brazil's public health objectives. The most-affected WTO Members appear to be certain developing countries, such as the Dominican Republic, Kenya, Mozambique, Tanzania, and Zambia. All of these WTO Members derive a significant share of national revenue from the export of Burley and Oriental tobacco.

The concerns expressed by these WTO Members appear to relate to Articles 2.1 and 2.2 of the WTO Agreement on Technical Barriers to Trade (hereinafter, TBT Agreement). Article 2.1 of the TBT Agreement would prohibit discrimination by Brazil against developing country exports of Burley and Oriental tobacco in favour of different tobacco varieties, such as Virginia tobacco (also known as 'Bright Leaf' Tobacco), produced in Brazil. In order for Article 2.1 of the TBT Agreement to apply, it would have to be argued that Brazil's alternative tobacco varieties are 'like products' to Burley and Oriental tobacco. However, it should be noted that, like Burley and Oriental tobacco, Virginia tobacco is itself normally blended with many of the same additives that would be banned by the *Draft Tobacco Regulation*. Brazil also produces large amounts of Burley tobacco, the production of which would potentially be negatively affected by Brazil's *Draft Tobacco Regulation*. Brazil produces other varieties of tobacco – such as darker tobacco and sun-cured tobacco – which typically contain fewer additives, and are used primarily to manufacture cigars and dark-cigarettes, rather than lighter types of cigarettes which contain more flavouring additives. Brazil's *Draft Tobacco Regulation* might accordingly be viewed as an attempt to impose a trade-restrictive measure for the benefit of its darker tobacco and sun-cured tobacco producers.

Article 2.2 of the TBT Agreement obliges WTO Members to ensure that technical regulations are not prepared, adopted or applied in a manner that creates unnecessary obstacles to international trade. This same provision binds WTO Members not to impose technical regulations that are more trade-restrictive than necessary to protect human health. The above developing countries may argue that Brazil's *Draft Tobacco Regulation* is an attempt to reduce import levels into Brazil of Burley and Oriental tobacco, which, as noted above, are usually combined with some of the additives proscribed by Annex 1 of the *Draft Tobacco Regulation* in order to create blended tobacco. In this view, Brazil's *Draft Tobacco Regulation* could be seen as a disguised attempt to promote the production within Brazil of alternative tobacco varieties, such as darker tobacco and sun-cured tobacco. An argument could be made that, in light of Article 2.2 of the TBT Agreement, a more proportionate, and less trade-restrictive, Brazilian public health measure would be, *inter alia*, to raise the level of excise taxes levied against all tobacco sales within Brazil.

Most WTO Members at the recent TBT Committee meeting also apparently argued that Brazil has provided insufficient scientific evidence to justify its claims that additives make tobacco products more dangerous to public health, or more attractive to consumers. In this regard, Article 2.2 of the TBT Agreement commits WTO Members to assess available scientific information when seeking to fulfil a legitimate public health objective.

In recent years, other WTO Members have embraced TBT measures similar to those used by Brazil in order to prohibit additives in tobacco products. These measures have often been justified as being consistent with the provisions of the World Health Organization's Framework Convention on Tobacco Control (hereinafter, WHO Framework Convention). The WHO Framework Convention is a treaty that entered into force in 2005, and has already been ratified by 172 countries. It includes provisions that set minimum standards regarding the production, sale, distribution, advertisement, and taxation of tobacco. An example of another legislative measure inspired by the WHO Framework Convention is Canada's *Cracking Down on Tobacco Marketing Aimed at Youth Act*, adopted by the Canadian Parliament in October 2009, and discussed at the 2009 meeting of the TBT Committee. This Act prohibits the use of certain additives in cigarettes and other tobacco products, and is aimed at preventing young people from smoking.

Tobacco regulations, such as those introduced by Brazil and Canada, may affect a number of different stakeholders involved in the tobacco production chain, including tobacco growers, tobacco products manufacturers, packagers, importers and exporters. The TBT Agreement, while it allows WTO Members to adopt regulations designed to promote national public health goals, is also designed to ensure that such technical regulations do not create unnecessary obstacles to international trade. Although there have been no WTO legal findings under Article 2.2 of the TBT Agreement, the proportionality test inherent in this provision should serve as a limit to which this provision may be used to defend public health goals. With the advent of non-WTO multilateral treaties – such as the WHO Framework Convention – that may prompt WTO Members' adoption of certain measures capable of affecting trading relationships, business parties now require more than ever a detailed understanding of the TBT Agreement in order to ensure that their commercial trading interests are protected.

Environmental and socio-economic grounds cited as possible justification for EU Member States to ban or restrict GMO cultivation

On 12 April 2011, the EU Parliament's Committee on the Environment, Public Health and Food Safety voted on a draft report of 27 January 2011 on the proposal for a regulation of the EU Parliament and of the EU Council amending *Directive No. 2001/18/EC on the*

deliberate release into the environment of genetically modified organisms, as regards the possibility for the EU Member States to restrict or prohibit the cultivation of GMOs in their territory. The report was adopted with 34 votes in favour, 10 against, and 16 abstentions. The EU Parliament's rapporteur, Corinne Lepage, commented that '*[t]his vote is a clear signal from the Parliament to the Council and Commission that the EU authorisation system should be maintained but it should be acknowledged that some agricultural and environmental impacts, as well as socio-economic impacts linked to contamination, can be cited by Member States to justify a ban or restriction on GMO cultivation*'.

The proposal would amend Directive No. 2001/18/EC by inserting provisions that may provide EU Member States with a legal basis for adopting (if they wish) measures restricting or prohibiting the cultivation of all or of particular GMOs which have been previously authorised in accordance with either this Directive or Regulation (EC) No. 1829/2003 on genetically modified food and feed in all or parts of their territory, subject to EU Member States respecting certain conditions. The aim of the GMO authorisation procedure is to ensure a high level of protection of human life and health, animal health and welfare, the environment, and consumers' interests, while ensuring the effective functioning of the EU internal market. The EU Parliament emphasises that *'cultivation is in fact closely linked to land use and the conservation of fauna and flora, areas in which the Member States retain significant powers'.* Furthermore, *'the grounds given by the Member States may also include, inter alia, the risk of resistance development in weeds or in the target organisms, or the invasive potential of the plant'.*

The proposed amendments to the GMO authorisation procedure, which has been suggested against the backdrop of widespread opposition within Europe against the release of GMOs and their use in agriculture, do not directly affect the safety approval of GM crop varieties, which will continue to be carried out at the EU level. The EU Commission's proposed changes would have allowed EU Member States to state only 'other' reasons (than those related to the assessment of the adverse effect on health and environment) to restrict or ban crops that have been given a green light at the EU level. However, if the amendment proposed by the Committee on the Environment, Public Health and Food Safety to the GMO authorisation procedure is eventually adopted into EU law, EU Member States may now also be able to cite agricultural, environmental (*i.e.*, pesticide resistance, the invasiveness of the crops, or the need to maintain biodiversity) and socio-economic grounds linked to contamination (*i.e.*, where contamination risks cannot practicably be managed or to protect other types of agriculture) as a justification for banning or restricting GMO cultivation.

The EU Parliament states that the respective opinions issued by the legal services of the EU Council and the EU Parliament both expressed strong reservations about the legality of national measures that could be taken by Member States on the basis of 'other' reasons that had very little to do with environmental considerations, such as public morality, public order, or ethics. Thus, the EU Parliament's report envisages something more concrete, and states that '*Member States may adopt measures restricting or prohibiting the cultivation of all or particular GMOs authorised in accordance with Directive 2001/18 or Regulation (EC) No. 1829/2003, and consisting of genetically modified varieties placed on the market in accordance with relevant EU legislation on the marketing of seed and plant propagating material, in all or part of their territory, provided that those measures are based on i) grounds relating to environmental impacts which might arise from the deliberate release or the placing on the market of GMOs, and which are complementary to the environmental impacts examined during the assessment of the negative impacts on the environment; or ii) the absence or lack of data on the potential negative impacts of the release of GMOs on the territory or biodiversity of the Member State; or iii) other grounds that may include, inter alia, changes in agricultural practices, land use, town and country planning, socio-economic impacts, or other legitimate factors*'.

As a justification for providing EU Member States with legal rationales which they may invoke to restrict or prohibit the cultivation of all or of particular GMOs, the EU Parliament's report argues that the risk assessment conducted at the EU level cannot be considered exhaustive. In addition, the absence or lack of data relating to the potential negative impacts of GMOs on specific national ecosystems, or receiving environments, should be a sufficient reason to allow EU Member States to ban the cultivation of the GMOs concerned. It should also be possible for EU Member States to invoke other factors which may or may not be linked to environmental impacts. Members of the EU Parliament also argue that this approach would provide greater legal protection against possible WTO challenges to 'GMO bans', and would complement the European Food Safety Authority's (EFSA) role in evaluating the health and environmental implications of GMOs.

It must be recalled that an EU Member State ban on GM crop production within its borders would not appear to be a *prima facie* violation of WTO law. This is because such a ban would not appear to restrict the actual trade of a product. Such a ban may nevertheless give rise to related trade issues, including, for instance, an import ban on GM crop seeds used to produce GM crops.

The environmental profile (*i.e.*, pest resistance or biodiversity preservation) seems to be an astute idea, which may ultimately provide a justification for specific GM crop cultivation bans or import restrictions on GM crop seeds. The question is whether this approach would likely stand up to WTO legal scrutiny. An EU Member State could attempt to defend a GM crop cultivation ban or related restrictions based on Article XX(b) of the GATT. This provision addresses measures necessary to protect human, animal or plant life or health. A protection of human, animal or plant life or health defence under Article XX(b) of the GATT could be open to a WTO challenge based on the necessity test, meaning that a panel might examine whether a GM crop ban or restriction is '*necessary*' to achieve the policy objective of protecting human, animal, or plant life or health.

Alternatively, an EU Member State could defend a GM crop cultivation ban or related restrictions on the basis of Article XX(g) of the GATT, which relates to the conservation of exhaustible natural resources, if such measures are made effective in conjunction with restrictions on domestic production or consumption. The words of Article XX(g), '*exhaustible natural resources*', must be read in light of contemporary concerns about the protection and conservation of the environment. A defence could be argued along the lines of the Appellate Body's interpretation of Article XX(g) of the GATT in *US - Shrimp*, where it held that the measure at stake was '*primarily aimed at' the conservation of natural resources, and that the measure was not a 'simple, blanket prohibition*', and that a reasonable '*means and ends relationship*' existed between the measure and the policy of natural resource conservation.

It remains to be seen whether an EU Member State GM crop cultivation ban or related restrictions could fall within the definition of an SPS measure found in Annex A paragraph 1 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter, SPS Agreement). To meet the definition of an SPS measure under Annex A paragraph 1, the environmental grounds cited as possible justifications by an EU Member State, such as the risk of pest resistance or the preservation of biodiversity, would have to be invoked with a goal such as, *inter alia*, protecting animal or plant life or health from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms. If the SPS Agreement does not apply, then it would appear to be more difficult for EU Member States to invoke the precautionary principle to justify a GM crop cultivation ban or related restrictions based on an absence or lack of scientific data. This is because Article 5.7 of the SPS Agreement represents arguably the most explicit precautionary principle found in WTO law.

A plenary session of the EU Parliament is due to vote on the proposals on 9 June 2011. By giving EU Member States legal rationales for banning or restricting GMOs which have received EU-wide approval, the proposals could actually create significant new commercial opportunities for the GM industry in Europe by retaining EU Member State support for an EU GMO crop approval system that provides for EU-wide approval, but simultaneously allows EU Member States a fall-back option of denying GMO crop production authorisation due to environmental considerations and socio-economic factors. Although this is an innovative legal approach by the EU, it remains to be seen whether it will survive a possible legal challenge at the WTO in the future. It should also be noted that the ability of EU Member States to deny authorisation for GMO crop cultivation within their territory is a separate issue from that of EU authorisation for the marketing and consumption of GMO products throughout the EU, which is not addressed by the draft report of the EU Parliament's Committee on the Environment, Public Health and Food Safety. The free movement within the EU of GM products (*i.e.*, GM food and feed) which have already received EU-level authorisation would not be affected by the proposals in the draft report.

The EU is set to impose for the first time countervailing duties on imports from China

On 31 March 2011, EU Member States endorsed a proposal from the EU Commission to impose definitive anti-dumping and countervailing duties on imports of coated fine paper from China. Anti-dumping duties against Chinese imports have been imposed regularly by the EU. Pending EU Council approval, the EU may apply, for the first time, countervailing duties against imports from China.

The countervailing duty proceeding was initiated on 17 April 2010 following a complaint lodged on 4 March 2010 by Cepifine, the European association of fine paper manufacturers. When these proceedings were started, the EU Commission had already initiated anti-dumping proceedings. Provisional anti-dumping duties were imposed on 16 November 2011. However, at that stage, the EU Commission refrained from applying provisional countervailing duties. On 31 March 2011, EU Member States, within the framework of the Anti-dumping Committee, endorsed the EU Commission's proposal to adopt definitive anti-dumping and countervailing duties on imports of coated paper from China. The proposed duties range, respectively, between 8% and 35.1% (anti-dumping duties) and 4% and 12% (countervailing duties), and, should they be finally approved by the EU Council, they are set to enter into force by 17 May 2011.

On the basis of the countervailing duty investigation, the EU Commission found that China was granting subsidies through a number of schemes which included preferential lending to the coated paper industry, income tax exemptions, indirect tax and import tariff programme exemptions, grants, and government provision of goods and services. Among the claims put forward during the investigation, the Chinese Government and the exporters argued that the imposition of countervailing duties, in addition to anti-dumping duties, would amount to double counting (*i.e.*, where the simultaneous application of anti-dumping and countervailing duties on the same imported products results, at least to some extent, in the offsetting of the same subsidisation twice). In fact, where anti-dumping investigations are conducted against exporting producers from non-market economies and the non-market economy methodology is used, double counting may occur more easily. The non-market economy methodology implies resorting to third country prices and costs to calculate the dumping margin and the use of non-subsidised values. In practice, the anti-dumping duties resulting from the application of the non-market economy methodology may already offset the distortions provoked by subsidisation. Double counting is prohibited under both WTO and EU rules.

This issue was recently assessed by a WTO panel and the Appellate Body in a case triggered by China against countervailing and anti-dumping duties simultaneously imposed by the US on four products originating in China following parallel countervailing duty and anti-dumping investigations. In this case, the Appellate Body found that, by failing to address China's claims concerning double counting in the four countervailing duty investigations, the US failed to fulfil its obligation to determine the '*appropriate*' amount of countervailing duties within the meaning of Article 19.3 of the Agreement on Subsidies and Countervailing Measures.

In the context of coated paper proceedings, the EU Commission has argued that double counting does not occur because (*inter alia*) of the application of the lesser duty principle. Under the lesser duty rule principle, which applies in the EU but is not required under the WTO, the level of anti-dumping or countervailing duties is based, respectively, on the dumping and the subsidies margins, unless a lower rate would be adequate to remove the injury. In the EU's parallel investigations on coated paper, the levels of injury were found to be the same. However, whereas in the anti-dumping investigations the dumping margin found was significantly higher than the injury level, in the countervailing duty proceedings the subsidy margin was found to be lower than the injury. Therefore, pursuant to the lesser duty rule, the EU Commission set the proposed anti-dumping duty at the injury level and the proposed countervailing duty at the level of the subsidy margin. On this basis, the EU Commission appears to argue that, because the proposed anti-dumping duty in the parallel proceeding is based on the injury margin, and the dumping margin is '*capped*' by the injury levels, the subsidy margin found in the countervailing duties investigation would not provide additional protection to EU industry. In addition, the proposed anti-dumping duties have been further adjusted to subtract the amount collected pursuant to the countervailing duties.

Some exporters have already announced that they would consider challenging the duties before the EU General Court, if the proposed duties are endorsed by the EU Council. In addition, they may ask the Chinese Government to challenge EU duties before the WTO if they were to believe that these measures have been applied inconsistently with the WTO Anti-dumping Agreement and the Agreement on Subsidies and Countervailing Measures. On the other hand, Chinese subsidisation practices have already been challenged once before the WTO. In February 2007, the US and Mexico requested consultations regarding refunds, reductions and tax exemptions granted to Chinese enterprises upon domestic purchase or the achievement of export performance criteria. The WTO panel did not rule on the specific Chinese measures, as the parties to the dispute reached a mutually agreed solution.

The EU reportedly imported about 130 million EUR worth of Chinese coated paper in 2009 – most of which was apparently used for brochures and coffee table books. Should the EU Council endorse the Commission's proposal, for the first time the EU would be imposing countervailing duties on imports from China. The EU has traditionally tackled unfair practices by Chinese exporters (including, often, when involving subsidisation) through anti-dumping measures. This may be due to China's non-market economy status (and the related difficulties in identifying, in such a context, countervailing subsidies) and to the relative procedural simplicity of the anti-dumping instrument as opposed to countervailing duties. However, this proceeding appears to mark a change in EU policy. As China's economic reforms are moving the country towards a market economy, the EU institutions may increasingly resort to countervailing duties against imports from China. In this respect, it is worth noting that the US began applying countervailing duty legislation to imports from China in 2007. Some analysts, in fact, view the political implications as being of greater importance, noting that this action could give the green light to other EU industries considering making complaints to the Commission concerning Chinese (or other foreign) subsidies. It could also indicate a new aggressiveness on the part of the EU regarding Chinese state subsidies (*i.e.*, there may perhaps be future complaints regarding the Chinese renewable energy industry, including, *inter alia*, solar panels).

The EU Commission publishes the Trade and Investment Barriers Report highlighting trade barriers faced by EU exporters in key trading partners

On 10 March 2011, the EU Commission adopted its first annual Trade and Investment Barriers Report (hereinafter, the Report) and presented it to the EU Council on 24 March 2011. The Report contains an overview of trade issues deemed by the Commission to be of major strategic importance for European businesses. The Report focuses on trade barriers which have arisen in the markets of several key strategic EU trading partners, including China and Brazil. The EU Commission's annual reports on trade and investment were introduced as part of the Europe 2020 strategy.

The Trade and Investment Barriers Report focuses attention on a number of strategic EU trading partners, such as Argentina, Brazil, China, India, Japan, Russia, and the US. The most important barriers faced by EU operators and investors in these (and other) markets relate, in particular, to government procurement, the ineffective enforcement of intellectual property rights, restrictions on the export of raw materials, market access and regulatory barriers affecting the supply of services, customs-related measures (including licensing requirements), technical regulations and standards and measures affecting foreign investment.

With particular reference to China, the Report notes that exports from the EU to China increased by 121% between the first 11 months of 2005 and the first 11 months of 2010. However, the Report raises concerns regarding Chinese export restrictions, particularly with regard to Chinese export duties and quotas on raw materials (see Trade Perspectives Issues No. 12 of 19 June 2009, No. 21 of 13 November 2009, and No. 8 of 23 April 2010). The Report highlights that, in 2009, these restrictions affected EU imports of raw materials from China worth approximately 1.2 billion EUR, representing 6% of the EU's total imports of these goods. The EU Commission also expresses concern over China's continuing export restrictions on rare earth minerals (see Trade Perspectives Issue No. 1 of 14 January 2011), noting that Chinese export restrictions on rare earth minerals affected 62% of the EU's total import of rare earth minerals in 2009. According to the EU Commission, these Chinese measures resulted in significant market shortages and market price increases of up to 500%, problems which are expected to continue given China's latest reductions in rare earth mineral export quotas. The EU Commission notes the crucial importance of rare earth minerals in many high-tech EU industries central to the Europe 2020 strategy, such as information technology and renewable energy manufacturing. As such, the EU Commission views China's rare earth mineral export restrictions as being a particular threat for the future modernisation and competitiveness of the EU's economy.

The Report also outlines a series of EU – Brazil trade irritants. The EU Commission notes that the EU is Brazil's largest trading partner, accounting for almost 25% of Brazilian trade. In particular, Brazil is the biggest exporter of agricultural goods to the EU, accounting for approximately 10% of the EU's agricultural imports. However, the Report notes that the Brazilian market features a relatively high level of trade protection, with applied customs tariffs averaging 12%, and significant non-tariff barriers limiting the activities of traders and investors. First, a cargo sharing agreement between Brazil and Argentina limits the opportunities for EU shipping companies to take part in international trade with Brazil. Second, a recent Brazilian law introduced a 25% preference margin for local goods and services, and restricted to national suppliers any government procurement of goods and services that are considered to be of national strategic interest. According to the EU Commission, this final provision has already negatively affected European suppliers of information communication technology products. The Brazilian government procurement market was estimated in 2007 to be as large as 133 billion EUR; Brazilian restrictions on government procurement thus constitute a trade limitation with far-reaching economic

consequences. Finally, the Report notes that Brazil has limited trade through restrictions on the export of certain raw materials, which are considered strategic to Brazilian industry. This includes Brazilian leather products such as bovine raw hides, regular skins, and special tanned skins known as '*wet-blue*', all of which are key inputs for the EU leather industry. Brazilian export restrictions on these products amounted to 87 million EUR in 2009. The EU Commission alleges that Brazilian export restrictions on these products have been used to assist the development of the Brazilian finished leather goods industry.

The Report represents a newly proactive approach by the EU Commission in systematically monitoring and publishing information on trade barriers faced by EU exporters seeking access to the EU's most significant trading partners. The adoption of the Report suggests that the EU Commission is prepared to assume a more assertive role in protecting the interests of EU producers, exporters, and importers in the global trading arena. Commercial parties should use this information to remain informed and optimise their strategic planning.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No 392/2011 of 19 April 2011 on the issue of import licences for applications lodged during the first seven days of April 2011 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat*

- *Council Decision of 11 April 2011 on the signing, on behalf of the European Union, of the 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 12 April 2011 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, providing further liberalisation of agricultural products, processed agricultural products and fish and fishery products and amending the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part*

- *Commission Implementing Regulation (EU) No 380/2011 of 18 April 2011 opening a tariff quota for certain quantities of industrial sugar for the 2011/2012 marketing year*

- *Commission Implementing Regulation (EU) No 386/2011 of 18 April 2011 on the issue of import licences for applications submitted in the first seven days of April 2011 under the tariff quota for high-quality beef administered by Regulation (EC) No 620/2009*

- *Commission Implementing Regulation (EU) No 387/2011 of 18 April 2011 on the issue of licences for the import of garlic in the subperiod from 1 June 2011 to 31 August 2011*

- *Commission Implementing Regulation (EU) No 372/2011 of 15 April 2011 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2011/2012 marketing year*

- *Commission Regulation (EU) No 354/2011 of 12 April 2011 opening and providing for the management of tariff quotas of the Union for certain fish and fishery products originating in Bosnia and Herzegovina*

- *Corrigendum to Commission Implementing Regulation (EU) No 351/2011 of 11 April 2011 amending Regulation (EU) No 297/2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station*

- *Commission Implementing Regulation (EU) No 342/2011 of 8 April 2011 amending Annex II to Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements*

- *Commission Implementing Regulation (EU) No 343/2011 of 8 April 2011 opening and providing for the administration of Union tariff quotas for wines originating in Bosnia and Herzegovina*

Trade Remedies

- *Notice of the impending expiry of certain anti-dumping measures regarding polyethylene terephthalate (PET) from India, Indonesia, Malaysia, Republic of Korea, Taiwan, and Thailand*

- *Commission notice concerning a notice of initiation of an anti-dumping proceeding concerning imports of certain concentrated soy protein products originating in the People's Republic of China*

Customs Law

- *Commission Implementing Regulation (EU) No 378/2011 of 15 April 2011 fixing the import duties in the cereals sector applicable from 16 April 2011*

- *Commission Implementing Regulation (EU) No 347/2011 of 8 April 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No 388/2011 of 19 April 2011 concerning the authorisation of maduramicin ammonium alpha as a feed*

additive for chickens for fattening (holder of authorisation Alpharma (Belgium) BVBA) and amending Regulation (EC) No 2430/1999

- *Commission Implementing Regulation (EU) No 389/2011 of 19 April 2011 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase, subtilisin and alpha-amylase as feed additive for laying hens (holder of authorisation Danisco Animal Nutrition)*

- *Commission Implementing Regulation (EU) No 371/2011 of 15 April 2011 concerning the authorisation of dimethylglycine sodium salt as feed additive for chickens for fattening (holder of the authorisation Taminco N.V.)*

- *Commission Implementing Regulation (EU) No 373/2011 of 15 April 2011 concerning the authorisation of the preparation of Clostridium butyricum FERM-BP 2789 as a feed additive for minor avian species except laying birds, weaned piglets and minor porcine species (weaned) and amending Regulation (EC) No 903/2009 (holder of authorisation Miyarisan Pharmaceutical Co. Ltd, represented by Miyarisan Pharmaceutical Europe S.L.U.)*

- *Commission Implementing Regulation (EU) No 361/2011 of 13 April 2011 concerning the authorisation of Enterococcus faecium NCIMB 10415 as a feed additive for chickens for fattening (holder of authorisation DSM Nutritional products Ltd represented by DSM Nutritional Products Sp. z o.o) and amending Regulation (EC) No 943/2005*

- *Commission Implementing Regulation (EU) No 344/2011 of 8 April 2011 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control*

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