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The EU Council approves an increase of the '*high-quality beef*' tariff rate quota to implement the arrangements with Canada and the US pursuant to the *EC-Hormones* dispute

On 26 April 2012, the EU Council approved an EU Commission's proposal to expand the autonomous tariff rate quota (hereinafter, TRQ) for imports of '*high-quality fresh, chilled or frozen beef*' into the EU. This TRQ was established in 2009 through Council Regulation No. 617/2009, as a result of the agreement reached by the EU and the US to solve the *EC-Hormones* WTO dispute. Initially set at 20,000 tonnes, the TRQ will grant favourable market access conditions to 48,200 tonnes of '*high-quality beef*'. This increase intends to implement Phase 2 of the EU-US agreement, as well as the arrangement reached between the EU with Canada.

The EU-US agreement, as incorporated in the *Memorandum of Understanding [...] Regarding the Importation of Beef from Animals not Treated with Certain Growth Promoting Hormones and Increased Duties Applied by the US to Certain Products of the European Communities* (hereinafter, MoU) signed on 13 May 2009 is structured in three phases. Under Phase 1, the EU committed to establish an autonomous annual TRQ of 20,000 tonnes for '*high-quality beef*' with an in-quota *ad valorem* tariff rate set at 0%. Phase 2 of the arrangement, to be implemented as of August 2012, requires the EU to increase the annual quantity of imports allowed under the '*high-quality beef*' quota to 45,000 tonnes (see, for further details, Trade Perspectives, Issue No. 18 of 2 October 2009). However, this quantity must also be increased to reflect the commitments undertaken by the EU pursuant to a similar arrangement signed with Canada in March 2011. This latter arrangement requires the EU to increase the autonomous TRQ for imports of '*high-quality beef*' first by 1,500 tonnes (Phase 1 of the EU-Canada arrangement) and then by a further 1,700 tonnes, once both Parties enter Phase 2 of the arrangement. Therefore, Council Regulation No. 617/2009 will be amended to provide for an increase in the quantity of '*high-quality beef*' allowed under the TRQ to an initial amount of 21,500 tonnes and, as of August 2012, to 48,200 tonnes.

The TRQ is open to the benefit of all exporting countries on a most-favoured nation (MFN) basis (*i.e.*, *erga omnes*) and is administered through an import licensing system based on the '*simultaneous examination method*' (*i.e.*, licences are allocated in proportion to the overall quantities requested, through the application of reduction coefficients, if necessary). Access to the TRQ is, however, subject to compliance with certain requirements, which are provided in Annex I to Commission Regulation No. 620/2009 (hereinafter, the Implementing Regulation). In particular, on the basis of the definition agreed by the parties to the deal, the Implementing Regulation defines '*high-quality beef*' as '*beef cuts obtained from carcasses of heifers and steers less than 30 months of age which have only been fed a diet, for at least 100 days before slaughter, containing not less than 62% of concentrates and/or feed grain co-products on a dietary dry matter basis*' and meeting or exceeding certain indicated parameters. In addition, Annex I to the Implementing Regulation requires that the carcass,

from which beef cuts are derived, be subject to a quality evaluation based on the carcass maturity and palatability traits of the beef cuts according to certain specified criteria. Compliance with these requirements must be certified by third-countries' authorities recognised for this purpose, which will issue certificates of authenticity that must accompany the shipments to the EU. Traders must exhibit the certificates of authenticity and the import licences at EU customs in order to import under the TRQ.

Although the TRQ is opened to all supplying countries (*i.e.*, on an MFN-basis), the definition of '*high-quality beef*' set in the Implementing Regulation appears to have been constructed so as to favour US and Canadian exports, *de facto* excluding from the TRQ beef supplied by a number of WTO Members where different production methods are in place (*e.g.*, grass-feeding, followed in certain Latin American countries) and/or where quality evaluation procedures have not been established. The criteria set within the definition of '*high-quality beef*', implemented through the system of issuance of certificates of authenticity, allows the EU to '*allocate*' the quantities of beef under the TRQ to cuts that have been produced and marketed according to specific procedures (in particular, those practiced by US and Canadian producers), whereas products not obtained in the ways prescribed by the Implementing Regulation may not access under the 0% rate of duty. Currently, together with US and Canadian beef, products from Australia, New Zealand and Uruguay have been recognised as meeting the definition of '*high-quality beef*' and are allowed access under the TRQ. However, it appears that the quantities currently exported by these countries under the TRQ are significantly lower than those exported by the US. In addition, products from the two major beef exporters to the EU (*i.e.*, Argentina and Brazil) and from other beef exporting countries (*i.e.*, Namibia) are *de facto* not granted access to the EU under the TRQ. Producers must undertake significant investments in order to adjust to the production methods and other requirements provided in the Implementing Regulation, so these criteria discourage or *de facto* prevent many operators (and countries) from benefitting of this favourable TRQ.

The potentially *de facto* discriminatory character of the TRQ is not surprising given that the measure was conceived as a form of '*compensation*' to the US and Canada for the nullification and impairment of their rights, as sanctioned by the WTO Dispute Settlement Body and in order to halt '*retaliatory*' measures on a range of EU products. Beef producers and operators from all countries should carefully assess the requirements and criteria of the TRQ, in order to determine whether the favourable access to the lucrative EU beef market justifies the investments needed to be able to produce '*high-quality beef*' as defined under the Implementing Regulation.

New negotiating topics to be expected in FTA negotiations between the EU and ASEAN Member States

Given the failure (to date) of the WTO Doha Round in delivering significant results, already in 2006 the EU re-oriented its trade strategy to focus also on the negotiation and conclusion of far-reaching, comprehensive bilateral trade agreements covering not only the '*traditional*' topics of trade in goods and tariffs, but also, *inter alia*, services, investment, non-tariff barriers, public procurement and intellectual property rights. In this context, the EU and the Association of Southeast Asian Nations (hereinafter, ASEAN) launched negotiations for a regional Free Trade Agreement (hereinafter, FTA) in May 2007. After eight rounds of negotiations, in May 2009 the two partners agreed to put the discussions on hold, due to the extreme complexity and sensitivity of regional ('*block-to-block*') trade negotiations. Instead, the EU decided to pursue the conclusion of bilateral FTAs with individual ASEAN Member States, and then to eventually use these agreements as '*stepping stones*' for a regional EU-ASEAN FTA to be built thereupon. So far, the EU is engaged in negotiations with Singapore

and Malaysia, and trade talks are expected to be launched soon with Vietnam and the Philippines.

These ongoing FTAs constitute an illustration of the so-called '*EU new generation agreements*', insofar as they embrace issues going well beyond those traditionally covered by EU FTAs. The EU has broadened the scope of its FTAs to include a number of policy areas where effective commitments and increased transparency requirements are deemed essential, particularly in relation to: intellectual property rights, services, investment, government procurement and competition. In addition, the EU is committed to reflect in its new generation FTAs the objectives of sustainable development and respect of social rights. Trading partners are advised to take into consideration the EU's position in these key areas of negotiation, since it may provide them with some useful insights regarding what to expect in the event of actual FTA negotiations.

The FTA with the Republic of Korea was concluded by the EU in 2009. This agreement constitutes the first FTA concluded by the EU with an Asian partner. It is also the most ambitious and comprehensive FTA ever negotiated by the EU, and, therefore, it is expected to serve as a benchmark for future agreements, including those that are currently being negotiated. The EU-Korea FTA is organised around 15 chapters, 3 protocols, various sector-specific annexes (on automotive products, pharmaceuticals, chemicals and consumer electronics) and 4 understandings. The agreement provides, *inter alia*, for commitments on trade in goods, services and investment; binding provisions on trade-related issues regarding intellectual property rights; and mechanisms to address non-tariff barriers. In addition, the EU-Korea FTA contains a number of dedicated chapters on trade remedies, technical barriers to trade (hereinafter, TBT), sanitary and phytosanitary measures (SPS measures), and customs and trade facilitation, which allow the Parties to address potential issues arising pursuant to these policy areas. Indeed, the EU Commission itself stated that the FTA with Korea constitutes '*a good reference point for future agreements*', as far as non-tariff barriers are concerned. ASEAN and its Member States must be prepared to face, in future FTA negotiations, demands from the EU side in line with what was negotiated and ultimately agreed with Korea. On TBT issues, for instance, the EU is committed to include strong and precise clauses on technical regulations and standards. The EU Commission already expressed its interest to dig deep into its trading partners' regulatory practices, with a view to tackling regulatory disparities (*i.e.*, potential barriers). The EU itself will not lower its standards, but it may be willing to negotiate the inclusion of trade facilitation and cooperation mechanisms and provide technical assistance to the EU's trading partners in those fields.

Areas in which ASEAN Member States will be expected to grant greater concessions include services and investment (that are treated in a single chapter in the EU-Korea FTA), government procurement, competition and intellectual property rights. Government procurement is an area where considerable negotiating pressure from the EU must be expected, especially in light of recent EU initiatives aimed at addressing disparities between the EU and third countries regarding access to procurement (see, Trade Perspectives, Issue No. 7 of 5 April 2012).

Competition policy is another area in which the EU would expect commitments to be undertaken. The EU has been one of the biggest sponsors of including an agreement on core principles of competition in the WTO and will therefore want to see competition principles reflected in its FTAs, to ensure that EU companies do not suffer the effects of anti-competitive practices and unfair subsidisation put in place in third countries. To that end, the benchmark EU-Korea FTA includes provisions in the area of subsidies that are more far-reaching than the actual WTO rules. In addition, it provides for core principles on competition and includes a commitment for parties to enforce their competition laws and maintain authorities responsible for that purpose. Anti-competitive safeguards are also foreseen in

the services chapter of the EU-Korea FTA, in relation to telecommunications services and postal and courier services.

As for the protection of intellectual property rights, the FTA between the EU and Korea provides for a chapter that deals, in particular, with copyrights, designs and geographical indications. The rules contained therein complement and specify the obligations of the Parties under the TRIPs Agreement. Along the same lines, high demands can be expected by ASEAN Countries from the EU in specific areas that constitute core EU interests, such as geographical indications and enforcement of rights.

The conclusion and implementation of FTAs between the EU and ASEAN Members States will provide an enhanced framework for European companies to invest in key sectors in ASEAN countries, and it will allow ASEAN Members to attract FDI in key strategic sectors. However, the FTA negotiations will also provide ASEAN Member States with an opportunity to discuss and solve outstanding issues with the EU, notably in respect of certain EU policies in the field of the environment, which are significantly impairing access of ASEAN products to the EU market, such as, *inter alia*, the sustainability criteria for biofuels, market access requirements imposed on timber products (FLEGT) and the EU's framework on illegal, unregulated and unreported (IUU) fisheries.

Further progress in the Canada – EU Comprehensive Economic and Trade Agreement negotiations is made, but important issues remain

Progress continues in the Comprehensive Economic and Trade Agreement (hereinafter, CETA) negotiations between the EU and Canada, which would represent the widest-ranging trade deal entered into by Canada. CETA encompasses negotiations on trade in goods, tackles non-tariff barriers and touches on all aspects of Canada and EU economic activity (*e.g.*, regulations, services, investment, government procurement, intellectual property rights, and competition).

CETA negotiations are said to be approximately 75% complete, with the parties optimistic that the agreement may be signed by the end of 2012. However, the most difficult issues for concluding the CETA appear to remain firmly on the table. At least 7 major issues must be resolved before CETA is concluded: including Canada's supply-management boards for poultry, eggs and dairy, a mutually satisfactory package on rules of origin, government procurement, regulatory barriers, market access for agricultural products, intellectual property and labour mobility issues must still be reached and agreed to (see a further description of CETA issues in Trade Perspectives, Issue No. 2 of 28 January 2011).

Canada's heavily protected supply-management boards for poultry, eggs and dairy pose a significant obstacle to the conclusion of CETA negotiations. These sectors will not likely be opened in any meaningful way due, *inter alia*, to lobbying efforts of farmers in Quebec and Ontario. The EU's goal now appears to be that of obtaining additional tariff-free or low-tariff access to Canada's dairy market, including improved access for EU cheese. Achieving this goal could, in turn, require the EU to concede greater access to Canadian beef and pork meat products into the EU. While the EU is set to increase the quantity of '*high-quality beef*' allowed under its '*high-quality beef*' TRQ, (see a further description of the EU's '*high-quality beef*' TRQ in the first article to this issue of Trade Perspectives) many Canadian producers believe that CETA is not worth signing without achieving significant gains for grains or animal products currently being kept out of the EU market for being of genetically-modified content or containing certain hormones.

Reaching a mutually satisfactory definition on rules of origin remains one of the most complex and difficult issues of CETA negotiations. This complexity is the result of legitimate differences of opinion, industry lobbying efforts and the realisation that this decision will have far-reaching consequences for Canadian, EU and third country producers. Determining the percentage of transformation and classification of goods as '*originating in*' the EU or Canada appears to rank among the most important issues, as certain goods manufactured in Canada (*e.g.*, textiles, autos) are fully integrated in the North American supply chain. For autos assembled in Canada, it is claimed that EU automakers pushed the EU to negotiate a 60% local content requirement, while Canada purportedly seeks a rule of origin as low as 30%. Because NAFTA has a 62.5% NAFTA (*i.e.*, Canadian, Mexican or US) local content requirement for autos, North American automakers have significantly integrated supply chains. Autos produced in Canada will inevitably have a high level of content from the US and Mexico. Consequently, it would be difficult for Canadian auto manufacturers to meet the high local content requirement requested by the EU. A similar negotiating hurdle arose in the context of the EU-Korea FTA negotiations, where the EU additionally had to agree on the maintenance by Korea of its duty draw-back scheme (see further description of EU-Korean negotiations in Trade Perspectives, Issue No. 6 of 27 March 2009). The EU is reluctant to give cars (and other products) of non-Canadian origin indirect market access through the CETA. In contrast, this concern is shared by Canadian organisations opposing the CETA, based upon their perceived fear that few, if any, North American cars have more than 30% Canadian local content and might not benefit from this preferential trade agreement.

Among the EU's other top demands is the right for European companies to have bidding access to lucrative Canadian Government contracts at the federal, provincial and municipal levels. Although the WTO Agreement on Government Procurement (hereinafter, GPA) requires Members to treat foreign firms equally to national companies in terms of access to procurement, such rules only apply to Canada's federal government, not its provincial, territorial and municipal governments, which benefit from certain exemptions from the application of the GPA. The EU has reiterated that Canada must give up these exemptions for the CETA to be concluded. In response, Canada has purportedly agreed to prohibit municipalities and provinces from offering incentives or favouring local bidders on procurement contracts. Some provinces and 32 municipalities, however, have expressed reluctance in giving up this right to prefer local bidders, while certain municipalities have apparently requested exclusion from the CETA altogether.

The commercial stakes for concluding the CETA continue to drive the parties towards a final agreement. Conclusion of the CETA will undoubtedly increase opportunities for export and investment for both Canadian and EU businesses. Canadian businesses would receive greater export opportunities outside the US and Asia, while EU businesses would obtain an additional entry point into the NAFTA market with increased opportunities. While CETA negotiations appear to be in their final stages, EU Member States and Canadian Provinces also need to approve the outcome of the negotiations. Affected industries and traders still have time to assess the possible ramifications of the CETA on their products and contact the competent authorities at national or EU level in order for their interests to be duly taken into account (both in offensive and defensive terms).

EU Member States endorse the '*Union list*' of flavouring substances despite Germany's opposition

At a meeting of the Standing Committee on the Food Chain and Animal Health (hereinafter, SCoFCAH) on 23 April 2012, EU Member States endorsed a proposal for a Commission Implementing Regulation adopting the list of flavourings and source materials, which are permitted in the EU (hereinafter, the '*Union list*'). The SCoFCAH expressed its favourable

opinion by qualified majority (*i.e.*, 275 votes in favour, 29 votes against (of Germany), and 41 abstentions). The new regulation intends to harmonise rules for the use of flavouring substances within the single market, where consumers and companies currently face divergent national provisions. '*Flavourings*' are products not intended to be consumed as such, which are added to food in order to impart or modify odour and/or taste. '*Flavouring substances*' are defined as chemical substances, which include natural flavouring substances and flavouring substances obtained by chemical synthesis or isolated from nature using chemical processes.

The title of the new regulation establishing the '*Union List'* is *Commission Implementing Regulation adopting the list of flavouring substances provided for by Regulation (EC) No. 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 1565/2000 and Commission Decision 1999/217/EC.* It is important to distinguish between two broad categories of flavouring substances listed: 1) '*Evaluated flavouring substances*' (*i.e.*, substances for which the evaluation and approval have been completed at EU level and are assigned no footnotes in Part A of the *Union list* of flavourings and source materials); and 2) '*Flavouring substances under evaluation*' (*i.e.*, substances where the risk assessment at EU level has not been completed at the time of entry into force of this Regulation and which are assigned footnotes 1 to 4 in Part A of the *Union list* of flavourings and source materials).

The establishment of the *Union list* is the result of work carried out by the European Food Safety Authority (hereinafter, EFSA) and other scientific bodies in assessing the safety of around 2,800 flavouring substances. *Regulation (EC) No. 2232/96 laying down the procedure for flavouring substances used or intended for use in or on foodstuff* provided the procedure for evaluation and authorisation of flavouring substances. EU Member States provided the Commission with lists of flavouring substances, which may be used in or on foods marketed in their territory. The notified substances were entered in a register laid down by *Commission Decision 1999/217/EC of 23 February 1999 adopting a register of flavouring substances used in or on foodstuffs.* The measures necessary for the adoption of an evaluation programme have been established in *Commission Regulation (EC) No. 1565/2000.* Flavouring substances not included in the register have also been included in the evaluation programme. The EFSA-evaluated flavouring substances are implemented through a stepwise approach that integrated information on structure-activity relationships, intake from current uses, toxicological thresholds of concern, and available data on metabolism and toxicity (in relation to the scientific evaluation, see Trade Perspectives, Issue No. 21 of 19 November 2010).

Substances that had already been classified by the Scientific Committee on Food (*i.e.*, EFSA's predecessor in this context, hereinafter, SCF), the Council of Europe (hereinafter, CoE) or by the Joint FAO/WHO Expert Committee on Food Additives (an international expert scientific committee jointly administered by the FAO and the WHO, which since 1956, in particular, evaluates the safety of food additives, hereinafter referred to as JECFA), as not presenting a safety concern, did not need to be re-evaluated within the evaluation programme and were included in the *Union list*. However, substances classified by JECFA, since 2000, *so as to present no safety concern on the basis of the default approach for estimation of intake*, have to be considered by the EFS. Those substances, for which the EFSA agreed with the JECFA's conclusion, have been included in the *Union list*. For a number of substances, the EFSA has not completed the evaluation or it has requested additional scientific data to be provided for completion of the evaluation. For these substances, the new regulation states that *'in accordance with the objectives of Regulation (EC) No. 2232/96 and Regulation (EC) No. 1334/2008 and in order to enhance legal certainty, it is appropriate to include those substances in the Union list to allow those substances which are currently placed on the market, to continue to be used in or on foods*

until risk assessment and authorisaton procedures have been concluded.' In order to manage the submissions of additional scientific data requested by the Authority, time limits have been set for the persons responsible for placing flavouring substances on the market, so as to comply with the EFSA's requests as expressed in the published opinions. Therefore, in the *Union list*, the footnote '*1*' is allocated to the flavouring substances for which the evaluation has to be completed by the EFSA. Footnotes '*2*' to '*4*' refer to time limits set for the applicants to comply with the EFSA's requests as expressed in the published opinions ('*2*': additional scientific data shall be submitted by 31 December 2012; '*3*': additional scientific data shall be submitted by 30 June 2013; and '*4*': additional scientific data shall be submitted by 31 December 2013). Where the necessary information is not provided within the mandated deadline, the flavouring substance in question will be withdrawn from the *Union list*.

In the SCoFCAH meeting, Germany refused to accept (and voted against) the proposal for a regulation setting out the *Union list* and expressed this refusal for the following reasons: 1) Toxicologically inconclusive evaluated substances are approved. In particular, artificial flavourings, whose toxicological evaluation was incomplete, should be subject to a national reservation system; 2) Various substances that are to be approved as flavouring substances have already been approved as food additives (especially benzoic acid, acetic acid, propionic acid, etc.) and problems in delineating use of these substances have not been resolved; 3) In determining the maximum amount of substances that may arise from various sources, the maximum amount should be based on all sources (*e.g.*, for quinine); and 4) Alcohol should not be approved as flavouring in the foreseen amount *quantum satis* and should generally be regarded as a food, which must be labelled. Germany concluded that, after the general approval as flavouring, alcohol may be subsumed in the future under the term '*flavouring*'. In fact, under EU food labelling rules for flavourings established in Part D (i.e., '*Designation of flavourings in the list of ingredients*') of Annex VII (i.e., '*Indication and designation of ingredients*') to *Regulation (EU) No. 1169/2011 on the provision of food information to consumers*, flavourings shall be designated either by the terms: *'flavouring(s)'* or by a more specific name or description of the flavouring. More specific rules have been set for *'smoke flavouring(s)'* and for use of the term *'natural'* for the description of flavourings. Quinine and/or caffeine used as flavouring in the production or preparation of food must be mentioned by name in the list of ingredients immediately after the term *'flavouring(s)*' (*e.g.*, '*flavouring caffeine*'). A similar provision specifying that the flavouring is alcohol has not been established. Belgium welcomed the adoption of the *Union list* of flavouring substances, but was concerned about the inclusion of non-evaluated newly-notified flavouring substances in the *Union list*.

At international level, Codex Guidelines for the use of flavourings (CAC/GL-2008) provide the principles for safe use of the components of flavourings evaluated by JECFA and determined to present no safety concern at estimated levels of intake, or that have established JECFA acceptable daily intakes. There are also industry-driven harmonisation efforts. With the goal of a globally harmonized open list of approved flavouring ingredients, the Global Reference List (GRL) of the International Organisation of the Flavour Industry (IOFI) is a global positive list of flavouring materials (including both chemically defined substances and natural complex substances) that have been determined to be safe for their intended use by one or more authoritative bodies, such as the Expert Panel of the Flavour and Extract Manufacturers Association of the US (FEMA), the EFSA, the CoE, the EU's SCF, the Japanese Food Safety Commission (FSC), and the US Food and Drug Administration (FDA), or the JECFA. According to the IOFI, the importance of the GRL is highlighted by the growing acceptance of this list by regulatory authorities. The European Flavour Association (EFFA) welcomed the positive vote on the *Union List* and noted in a statement that all materials supported by the industry during the ongoing safety evaluation process are included.

It has been reported that the Commission's formal adoption of the regulation and subsequent publication in the Official Journal is expected later this year. The regulation is set to come into force 20 days after publication, with the *Union list* entering into use 6 months later to provide the food industry with sufficient time for adapting to the new rules. Flavouring substances not included in the *Union list* may still be placed on the market and used in or on food until 18 months after the date of application of the list. It must be noted that a number of substances have been included in the *Union list* '*under reservation*' of data submission and final approval. For transparency reasons, the *Union list* will also be available in an on-line database allowing consumers, food businesses and national food control authorities to easily identify which flavouring substances are authorised in food. Establishment of the *Union list* seems to be a further step towards global harmonisation of approved flavouring substances, subject to the outstanding evaluations where some JECFA assessments have not been deemed exhaustive. Germany's (unsuccessful) opposition to the *Union list* as adopted last week may just be a sign that the remaining assessments of flavouring substances will not be straightforward. Whether the application of different standards by various risk assessment bodies has the potential for trade implications and commercial frictions with EU trading partners, it remains to be seen and it should be closely monitored by interested parties (see, Trade Perspectives Issue No. 21 of 19 November 2010).

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 374/2012 of 26 April 2012 amending Regulation (EU) No. 1255/2010 laying down detailed rules for the application of the import tariff quotas for 'baby beef' products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia*

- *Council Decision of 23 April 2012 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 Brazil pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultrymeat provided for in the EU Schedule annexed to GATT 1994, and of the Agreement in the form of an Exchange of Letters between the European Union and Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions with respect to processed poultrymeat provided for in the EU Schedule annexed to GATT 1994*

Trade Remedies

- *Notice of the impending expiry of certain anti-dumping measures*

- *Council Implementing Regulation (EU) No. 349/2012 of 16 April 2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 1225/2009*

- *Council Implementing Regulation (EU) No. 332/2012 of 13 April 2012 amending Regulation (EC) No. 130/2006 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of*

tartaric acid originating in the People's Republic of China, and excluding company Hangzhou Bioking Biochemical Engineering Co., Ltd from the definitive measures

Customs Law

- *Decision No. 1/2012 of the EU-EFTA Joint Committee on a common transit procedure of 19 January 2012 concerning an invitation to Croatia to accede to the Convention of 20 May 1987 on a common transit procedure*

- *Decision No. 1/2012 of the EU-EFTA Joint Committee on the simplification of formalities in trade in goods of 19 January 2012 concerning an invitation to Croatia to accede to the Convention of 20 May 1987 on the simplification of formalities in trade in goods*

- *Commission Implementing Decision of 23 April 2012 on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No. 1528/2007 to take account of the special situation of Swaziland with regard to peaches, pears and pineapples (notified under document C(2012) 2511)*

- *Commission Implementing Decision of 20 April 2012 amending Implementing Decision 2011/861/EU on a temporary derogation from rules of origin laid down in Annex II to Council Regulation (EC) No. 1528/2007 to take account of the special situation of Kenya with regard to tuna loins (notified under document C(2012) 2463)*

Food and Agricultural Law

- *Commission Regulation (EU) No. 378/2012 of 3 May 2012 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health*

- *Commission Regulation (EU) No. 379/2012 of 3 May 2012 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health*

- *Commission Implementing Regulation (EU) No. 382/2012 of 3 May 2012 on the minimum customs duty for sugar to be fixed in response to the fifth partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) No. 1239/2011*

- *Commission Regulation (EU) No. 380/2012 of 3 May 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use levels for aluminium-containing food additives*

- *Commission Implementing Regulation (EU) No. 373/2012 of 30 April 2012 fixing the import duties in the cereals sector applicable from 1 May 2012*

- *Directive 2012/12/EU of the European Parliament and of the Council of 19 April 2012 amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption*

- *Commission Implementing Regulation (EU) No. 355/2012 of 24 April 2012 amending Regulation (EC) No. 690/2008 recognising protected zones exposed to particular plant health risks in the Community*

- *Commission Implementing Regulation (EU) No. 356/2012 of 24 April 2012 amending Implementing Regulation (EU) No. 1239/2011 as regards the periods during which tenders may be submitted in response to the second and subsequent partial invitations to tender for the 2011/2012 marketing year for imports of sugar at a reduced customs duty*

- *Commission Implementing Regulation (EU) No. 357/2012 of 24 April 2012 amending Implementing Regulation (EU) No. 29/2012 on marketing standards for olive oil*

- *Commission Implementing Decision of 19 April 2012 amending Annex I to Decision 2006/766/EC as regards the entry for Chile in the list of third countries from which imports of live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods for human consumption are permitted (notified under document C(2012) 2446).*

Trade-Related Intellectual Property Rights

- *Publication of an application pursuant to Article 6(2) of Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs*

Other

- *Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part*

- *Commission Delegated Regulation (EU) No. 363/2012 of 23 February 2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No. 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market*

Ignacio Carreño, David A. Farrugia, Eugenia Laurenza, Anna Martelloni, Blanca Salas and Paolo R. Vergano contributed to this issue.