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An expanded product list under the WTO Information Technology Agreement is reportedly expected within the next months

Informed sources have reported that a final expanded list of products under the WTO '*Ministerial Declaration on Trade in Information Technology Products*' (or '*Information Technology Agreement*', hereinafter ITA) could be consolidated and agreed upon by July 2013.

The ITA was concluded in the 1996 Singapore Ministerial Conference and entered into force on 1 July 1997. Currently, 76 WTO Members are parties to the ITA. The ITA envisages a tariff cutting mechanism, aimed at facilitating global trade and investment in information technology goods, which encourages the adoption of information and communications technology (hereinafter, ICT). The provisions of the ITA operate within the scope of Article II:1(b) of the WTO General Agreement on Tariffs and Trade (GATT), which establishes that WTO Members are bound by the tariff rates reflected in their Schedules of Commitments. In general terms, the ITA requires that participants' Schedules accord zero tariff levels to all ITA-covered products and that all other duties or charges for such products be also bound to zero.

The ITA's product coverage is specified in the two Attachments to its Annex, which list the covered products according to the Harmonised System (hereinafter, HS) nomenclature (Attachment A) and another set of covered goods, '*whether or not included in Attachment A*' (Attachment B). The commitments undertaken under the ITA apply on a most-favoured-nation basis, inasmuch as they benefit all WTO Members equally, whether or not they are participants to the ITA. The provisions of the ITA currently apply to six broad categories of ICT products, (*i.e.*, computers, telecommunications equipment, semiconductors, semiconductor manufacturing equipment, software and scientific equipment), while many consumer ICT products are excluded from its coverage.

The ITA requires participants to meet periodically and agree whether, according to the latest technological developments and on the basis of their experience in the application of tariff concessions and changes to the HS nomenclature, the product coverage specified in the Attachments needs to be reviewed. Negotiations in this regard have been ongoing since 1997, without any product having been added to those originally agreed upon. In this light, on 2 May 2012, the US circulated a concept paper calling for the re-launch of negotiations aimed at, essentially, expanding product coverage under the ITA. The paper was co-sponsored by Canada, Chinese Taipei, Costa Rica, Japan, Korea, Malaysia and Singapore. It was expressly supported by Australia, Israel, New Zealand and Peru. The paper acknowledged that the original product scope of the ITA no longer reflects the state of the market in ICT products, which has evolved dramatically over the past years, and called for participants to promptly agree on an expansion of the scope of the products covered. In particular, the paper suggested that new products should include: a) products capable of processing digital signals; b) products able to send or receive digital signals with or without

lines; c) ICT manufacturing equipment; and d) related components. Further, the paper also called on ITA participants to advance in the elimination of Non-Tariff Measures (hereinafter, NTMs), in order to facilitate trade also in this respect. The EU welcomed the concept paper and recalled its particular concern on this point.

Indeed, in 2008, the EU submitted a proposal that emphasised the need to work towards the progressive elimination of NTMs and even subordinated any developments in ITA negotiations to advances in that area. *Inter alia*, the EU was particularly concerned with excessive regulatory requirements applying to both products and conformity assessment procedures (allegedly not in line with the risks involved), the lack of transparency and predictability in the transposition of international standards, and the suitability and proportionality of customs procedures. Although the EU has currently dropped such proposal, it remains concerned that the removal of NTMs to trade in ICT goods be addressed in a collective and transparent manner. In this regard, the EU has suggested that participants submit periodic progress reports on their talks on how to eliminate NTMs to all ITA participants.

On 28 March 2013, a consolidated working list was circulated to participants. The draft list, which to date is not publicly available, reflects the latest proposed additions to the current ITA Attachments, but it remains subject to any further negotiations among participants. It has been reported that the list includes two new tariff lines covering air combat simulators, ground flying trainers and parts thereof. The consolidated list also appears to include pacemakers and other devices worn, carried or implanted in the body; as well as parts and accessories for products that had been previously proposed, such as laser-operated machine tools and machines for drilling holes in printed circuits. In addition, 22 products have allegedly been removed from the previous draft list, including tariff lines covering home appliances such as washing machines, air conditioners and refrigerators with digital or wireless functions. Further negotiations among participants, which lately appear to be more focused on bilateral consultations, will continue to take place. Informed sources indicate that participants may be very close to reaching an agreement on an expanded list of products, which could be reasonably expected by the end of July 2013. Prior to its entry into force, the final list will need to be approved by all 76 participants to the ITA.

Businesses operating in the sector of ICT goods are advised to stay abreast of upcoming developments related to the ITA. Insofar as manufacturers and any other operators dealing with goods covered by the new list stand to enormously benefit from the provisions of the ITA, companies are strongly recommended to liaise with their competent national authorities and ensure that their products of interest are covered by the ITA. In addition, inasmuch as the presence of NTMs, in the form of regulatory barriers and burdensome customs procedures, currently impacts trade in ICT products, the removal of such barriers should be a key priority for exporting manufacturers, and should be duly factored-in these negotiations. In the absence of specific rules and tailored mechanisms against NTMs, remedies remain available under the WTO. In particular, the WTO Committee of Participants on the Expansion of Trade in Information Technology Products provides for a *forum* of consultations where participants may raise concerns on the implementation of the ITA. Given the extensive implications of NTMs, participants may also express their concerns in the framework of other relevant WTO Committees (*e.g.*, the Committee on Technical Barriers to Trade). As a last resort, WTO Member States may also seek to solve their disputes in the context of the WTO dispute settlement system.

CJEU rules that public administrations can '*name and shame*' food business operators when food placed on the market does not entail a health risk, but is unfit for human consumption

On 11 April 2013, the Court of Justice of the European Union (hereinafter, CJEU) delivered its judgment in Case C 636/11, following a request for a preliminary ruling from the Regional Court (*Landgericht*) of Munich in the proceedings of the game meat trader Karl Berger (hereinafter, Berger) against the Federal German State of Bavaria (*Freistaat Bayern*). The request for a preliminary ruling concerned, in particular, the interpretation of Article 10 of *Regulation (EC) No. 178/2002 of the EU Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, which establishes, in relevant part, that '*where there are reasonable grounds to suspect that a food or feed may present a risk for human or animal health (depending on the nature, seriousness and extent of that risk) public authorities must take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or feed, or type of food or feed, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk*'.

The request for a preliminary ruling was made in proceedings at the Regional Court of Munich between Berger and the State of Bavaria concerning the latter's administrative liability because of information made available to the public in relation to the former's products. Berger, who was explicitly named in warnings issued by the Bavarian authorities, claimed EUR 7.2 million in damages, accusing the public administration of having published consumer warnings without adequate legal basis. Berger argued, *inter alia,* that Article 10 of *Regulation (EC) No. 178/2002* allowed for the public to be informed only where there was an actual threat to health, but not where the problem was just that of foodstuffs unfit for human consumption, which could have been recalled. The case at hand was one of the most spectacular cases of the '*rotten meat*' (*Gammelfleisch*) scandals, which hit Germany in 2005 and 2006. In January 2006, the Passau Veterinary Office carried out official inspections in several establishments of Berger, which, at that time (it later became insolvent), was active in the game meat processing and distribution sector. The authorities found that the hygiene conditions were inadequate and took samples of the game meat concerned, which revealed that the food in question was unfit for human consumption. The Bavarian State Ministry for the Environment, Health and Consumer Protection, on 23 January 2006, declared its intention to inform the public that the food items, in relation to which anomalies had been detected, were unfit for human consumption and it informed the company that it would not inform the public if the company itself informed the public effectively and promptly. Berger argued that, while the products might exhibit sensory anomalies, there was, in its view, no risk to health. Therefore, it objected to the proposal to inform the public on the basis that this action was disproportionate and it proposed to issue a '*product warning*' inviting its customers to attend their usual retail outlet in order to exchange the five game products listed in that warning. On 24 and 25 January 2006, the Bavarian Minister for Consumer Protection announced in two press releases that game meat products marketed by Berger were to be recalled as '*[i]nspections carried out revealed that samples of meat from the batches listed below gave off a rancid, nauseous, musty or acidic smell. In six out of the nine samples examined, the putrefaction process had already started. Berger is required to take back meat from those same batches which are still on the market*'. The competent authorities immediately issued a temporary prohibition on Berger from marketing products manufactured or processed in its establishments. Also, the EU Commission initiated, at the instigation of the Federal Office for Consumer Protection and Food Safety (*Bundesamt für Verbraucherschutz und Lebensmittelsicherheit*), a rapid alert in the rapid alert system for foodstuffs and animal feeds (RASFF) of the European Union.

The Bavarian authorities acted upon Article 40(1) of the German Code on foodstuffs, consumer items and animal feed (*Lebensmittel- Bedarfsgegenstände- und Futtermittelgesetzbuch, LFGB*), which provides that, '*Within the framework of Article 10 of Regulation (EC) No. 178/2002, the competent authority may inform the public of the name of the food or animal feed and the name or trade name of the food or animal feed manufacturer, processor or distributor; where doing so is better able to prevent risks, it may also release the name of the operator responsible for placing on the market. A public information measure, within the meaning of and in accordance with the above rules, may also be taken in the following cases:[…] 4. where food, which is not injurious to health but is unfit for human consumption, in particular because it is nauseating, is or has been distributed in significant quantities or where, because of its specificity, it has been distributed only in small quantities but over a relatively lengthy period of time*'.

As the German law permitted '*naming and shaming of the operator*', the Regional Court of Munich asked the CJEU to clarify whether Article 10 of *Regulation (EC) No. 178/2002* precludes rules of national law allowing information to be issued to the public mentioning the name of a food and the name or trade name of the food manufacturer, processor or distributor, in the event that the food is not injurious to health, but is unfit for human consumption, particularly food that is nauseating, food that is or has been distributed in significant quantities or, because of its specificity, that has been distributed only in small quantities, but over a relatively lengthy period of time. In its judgment of 11 April 2013, the CJEU held that Article 14 of Regulation No. 178/2002 sets out food safety requirements. Under Article 14(2), a food which is unfit for human consumption is said to be '*unsafe*'. Article 14(1), (2) and (5) of the regulation provides that: '*(1) Food shall not be placed on the market if it is unsafe. (2) Food shall be deemed to be unsafe if it is considered to be: (a) injurious to health; (b) unfit for human consumption. (5) In determining whether any food is unfit for human consumption, regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay*'. The CJEU argued that, inasmuch as a foodstuff is unacceptable for human consumption and accordingly unfit, it does not fulfil the food safety requirements under Article 14(5) of *Regulation (EC) No. 178/2002* and it prejudices the interests of consumers, the protection of whom, as stated in Article 5 of that regulation, is one of the objectives of food law. The CJEU concluded that where food, though not injurious to human health, does not comply with the aforementioned food safety requirements because it is unfit for human consumption, national authorities may, as provided under the second subparagraph of Article 17(2) of *Regulation (EC) No. 178/2002*, inform the public thereof in accordance with the requirements of Article 7 of *Regulation (EC) No. 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules,* which provides that '*[t]he competent authorities shall ensure that they carry out their activities with a high level of transparency. For that purpose, relevant information held by them shall be made available to the public as soon as possible except information which might be covered by professional secrecy in duly justified cases*'.

The judgment of the CJEU is important for a number of reasons. Firstly, it interprets widely the concept that, under EU law, food shall be deemed to be unsafe not only if it is considered to be injurious to health, but also if it is unfit for human consumption. Secondly, it establishes that EU Member States' legislation that permits, while warning the public of food safety incidents, the '*naming and shaming*' of food business operators, is a means that public authorities may use and which is not contrary to EU law. It is now for the Regional Court of Munich to decide in the main proceedings whether the recall and the '*naming and shaming*' of Berger's products in various press releases and statements was the appropriate means to deal with this matter or whether there were other more proportional means available like the recall and exchange of products suggested by Berger to make sure that its

products, which had already reached the consumers and which were not injurious to health, but unfit for human consumption, were recalled.

Turkey's 0% tolerance threshold for imports of food with traces of GMOs continues to raise concerns within the business community

Turkey's stance regarding the importation of food with trace amounts of genetically modified organisms (hereinafter, GMOs) has long raised concerns amongst its domestic business community and international trading partners. Concerns are set to increase as Turkey's restrictive regulation is now leading to the initiation of criminal proceedings against executives and representatives of food trading companies for alleged violations of the applicable rules.

In 2010, Turkey 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 GMO Regulations) repealed all previous regulations concerning GMOs and GM-based products. The GMO Regulations came into force on 26 September 2010 (see Trade Perspectives, Issue No. 22 of 2 December 2011).

Under the GMO Regulations, all food containing GM content requires authorisation to be placed on the market. So far, no GMO for use in food has been authorised in Turkey. In addition, the GMO Regulations entrust Turkish authorities to establish a threshold level for authorised GM content below which certain food products would not be required to be labelled as having GM content. However, no threshold has been set so far. As a consequence of the failure to issue authorisations for specific GMOs and to adopt a threshold level related to labelling requirements, the legal threshold limit for traces of GM content in imports of food products is, in practice, considered to be '*zero*'.

However, given the advanced technological capacity and accuracy of modern laboratory testing instruments, traces of GM content can be detected even in organic food, and Turkey's threshold level depends on the setting of GM test kits (to identify and precisely quantify trace components of GM material). A wide range of food products, including imported foodstuffs, inasmuch as they contain traces of GM substances unauthorised in Turkey, are, therefore, subject to restrictions in Turkey. This framework poses challenges for food importers, which cannot always prevent accidental contamination of their products with trace amounts of GMOs. In addition, inasmuch as the Code foresees sanctions and penalties for violation of GM regulations, the executives of companies trading in food products are now facing criminal procedures, and may be subject to sanctions ranging from 3 to 12 years of imprisonment, as well as fines. Companies may be sanctioned with an administrative fine ranging from 100,000 to 200,000 Turkish Liras.

Turkey's GMO Regulations pose a number of legal concerns, *vis-à-vis* the EU and the WTO legal framework. Under an EU perspective, Turkey's maintenance of a 0% tolerance threshold for imports of food with traces of GMO content may be at odds with Turkey's harmonisation process with the EU's food legislation (*acquis*). EU authorities have authorised a number of GM substances for use in food (and feed) such as maize, oilseed rape and starch potato, which are of common use. In addition, the EU's GM labelling requirements do not apply 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 GM food, such material may be present in minute traces in conventional food as a result of adventitious or technically unavoidable presence during seed production, cultivation, harvest, transport or processing. In such cases, this food should not be subject to labelling requirements. Turkey's GMO framework is, therefore, more restrictive than the EU's, inasmuch as: (i) currently no authorisation is granted for GMOs for use in food; and (ii) no rules for adventitious or technically unavoidable contamination of authorised GM content affecting labelling requirements can be established. As a consequence, food products with GM content that are authorised in the EU are not authorised in Turkey. Inasmuch as 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 failure of the Turkish authorities to align its GM framework to that of the EU, by carrying out assessments to authorise GM substances and establishing a threshold level for adventitious or technically unavoidable GM, may conflict with the EU's food *acquis*, and this could complicate Turkey's ongoing EU accession talks.

Turkey's GMO 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. Turkey's 0% tolerance could also be viewed, *de facto*, if not *de jure,* as overly restrictive and clearly disproportionate *vis-à-vis* the objective of protection of human health. If Turkey persists in banning imports of food containing traces of GMOs that have not yet been authorised in Turkey, but 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. In 2011, it was 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 (see Trade Perspectives, Issue No. 22 of 2 December 2011). The initiation of criminal proceedings and the possible application of criminal sanctions for executives of companies trading in food products, including imprisonment up to 12 years, adds to the overall lack of proportionality of Turkey's measures and may trigger further international pressure on Turkey to remove or modify its legislation.

Issues at stake concerning the EU-Japan trade negotiations

On 19 April 2013, trade negotiators from the EU and Japan held, in Brussels, the first round of negotiations on a Free Trade Agreement (hereinafter, FTA). Discussions, which were held within a five-day round of negotiations, were based on the scoping exercise concluded in May 2012 by the two partners, as well as on the negotiating mandate adopted by the EU Council in November 2012. Furthermore, these negotiations constituted a follow-up to the joint statement made by the President of the EU Commission, José Manuel Barroso, the

President of the EU Council, Herman Van Rompuy, and the Prime Minister of Japan, Shinzo Abe, in the context of the Japan-EU Business Summit of 25 March 2013 in Tokyo.

Despite the existence of some initial worries from the trading partners' respective industries, parties are aiming for enhanced market access in the form of reduction or removal of tariffs on a wide range of goods. The EU expects Japan to remove many of its NTMs, which affect trade on a number of goods, and result in significant trade barriers. On the other side, Japan aims at enhanced access in the EU market for its domestic automotive, electronics and machinery industries. At the same time, both trading partners have a shared interest to boost investment and market access for their services sectors.

Concerns on the EU industries' side appear to focus mainly on the automotive sector (see Trade Perspectives, Issue No. 18 of 5 October 2012), in light of the foreseeable increase of competition with the Japanese automotive industry. EU manufacturers already raised their concerns that the entry into force of the EU-Korea FTA in July 2011 had negatively affected the EU automotive industry, as a result of the tariff reductions. Fears that the EU-Japan FTA will produce a similarly damaging impact appear to be widespread within the EU automotive sector.

It is recalled that, in the context of the EU-Korea FTA negotiations, contentious issues concerned the 45% foreign (*i.e.*, non-FTA) content '*ceiling*' for the granting of preferential treatment, coupled with the maintenance of the duty drawback scheme (*i.e*., the refunding of duties paid on the importation of parts and components of the final product upon the latter's exportation), which overall provided Korean manufacturers active in certain segments of the automotive industry with an advantage over EU competitors, due to the possibility of using Chinese parts and components, be refunded of the import duties for such products and have their exports qualify as '*originating goods*' under the EU-Korea FTA (see Trade Perspectives, Issue No. 13 of 2 July 2010). Eventually, the parties agreed on a bilateral safeguard mechanism under which the EU is allowed to re-impose duties in case of a particularly injurious surge of imports (see Trade Perspectives, Issue No. 3 of 11 February 2011). A different approach, for the possible protection of its domestic industry, was followed by the US in the US-Korea FTA negotiations, where the negotiating partners agreed on the inclusion of a '*snap-back*' provision. Under this clause, the US may impose tariffs on Korean cars if Korea does not comply with the provisions of the agreement in a manner that may cause nullification or impairment of its obligations and, therefore, materially affect sales, purchases or distribution of US vehicles in Korea (see Trade Perspectives, Issue No. 18 of 5 October 2012). In light of the different approaches in existing FTAs, EU negotiators should carefully consider which mechanism is more suitable for the preservation of the interests of the EU automotive industry *vis-à-vis* Japanese competition.

With respect to the EU's offensive interests, the EU-Japan FTA is expected to deliver results *vis-à-vis* the removal or reduction of NTMs currently affecting, *inter alia*, EU pharmaceutical products in Japan. In particular, Japan requires that a number of clinical trials for drugs be conducted in its territory due to a medical consideration that ethnically different patients may respond to drugs differently.

Taking into account the manner in which the EU and Japan packaged their previous economic partnership agreements (as it may be seen in the EU-Korea FTA and in the Japan-Mexico EPA, the Japan-Chile EPA or the Japan-Brunei EPA), another legal issue that may draw the interest of EU industries is the application of an automatic most-favoured-nation (hereinafter, MFN) clause in services and/or investment. Provisions embodying an MFN treatment would, to a certain extent, be beneficial to EU businesses, inasmuch as Japan has thus far concluded more preferential trade agreements. The fact that Japan currently has 13 FTAs in place, with 5 other FTAs under negotiation, and especially after having joined the Trans-Pacific Partnership (hereinafter TPP) negotiations, allows EU

investors and operators in services sectors to expect no less favourable treatment than that which Japan accords to its TPP and other FTAs' counterparts through their domestic regulations.

The next round of negotiations will be held on 24 to 28 of June 2013 in Tokyo. Noting that Japan is the EU's second biggest trading partner in Asia, following the developments in the negotiations of this FTA is crucial to EU industries, where the results of the deal are expected to increase the EU's GDP by 0.6% and boost EU exports to Japan by a third as well as 400,000 additional jobs. Similarly, Japanese or Japan-based companies should actively liaise with the Government of Japan to ensure that their commercial interests are duly factored in the developing negotiations. In both cases, the first step to be taken is that of understanding the scope of the negotiations, the negotiating techniques and processes, defining each company's or sector's strategy and engaging with domestic authorities and trading partners to ensure that such strategy can achieve the stated commercial objectives. Missing this '*train*' can prove costly.

Recently Adopted EU Legislation

Customs Law

- *Commission Implementing Regulation (EU) No. 384/2013 of 22 April 2013 concerning the classification of certain goods in the Combined Nomenclature*

Trade Remedies

- *Council Implementing Regulation (EU) No. 372/2013 of 22 April 2013 amending Implementing Regulation (EU) No. 1008/2011 imposing a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts originating in the People's Republic of China following a partial interim review pursuant to Article 11(3) of Regulation (EC) No. 1225/2009*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 405/2013 of 2 May 2013 opening and providing for the administration of Union tariff quotas for agricultural products originating in Peru*

- *Recommendation No. 93/13/COL of the EFTA Surveillance Authority of 21 February 2013 concerning a coordinated control plan with a view to establish the prevalence of fraudulent practices in the marketing of certain foods*

Other

- *Decision No. 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community*

- *Council Decision of 22 April 2013 on the signing, on behalf of the European Union, of an Agreement between the European Union and the Swiss*

Confederation concerning cooperation on the application of their competition laws

- *Regulation (EU) No. 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds*

- *Regulation (EU) No. 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship fund*

- *Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No. 1364/2006/EC and amending Regulations (EC) No. 713/2009, (EC) No. 714/2009 and (EC) No. 715/2009*

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