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Season's Greetings

2011 is drawing to a close and all of us in the Trade Group of FratiniVergano would like to wish you, your colleagues and families all the best for a peaceful holiday season and for a successful and healthy 2012. We hope that you have enjoyed Trade Perspectives© throughout this year and that you have always found it stimulating and timely. We have published again a total of 23 issues and invested a great deal of time and energies in this undertaking. You can find all previous issues on our website (http://www.fratinivergano.eu/TradePerspectives.html).

For the year to come, we plan on continuing our editorial efforts and on entertaining a closer dialogue with our readers. We would also be happy to host articles from some of our readers and make our publication a bit more 'inter-active'. Trade Perspectives is now circulated to over 2,500 recipients worldwide and not a single week goes by without new readers asking to be added to our circulation list. This fills us with pride, but also with a sense of commitment and discipline towards our readers' expectations.

We often hear from some of you with praises, criticisms, new ideas, comments and thoughts. Thank you for your interest in our publication and for helping us make it a better and more useful tool of discussion. We would be particularly interested in knowing your views on Trade Perspectives' format, editorial structure and sections. If you think that anything should be done differently or could be improved, please do not hesitate to share your suggestions with us. We look forward to hearing from you and to another year of exciting trade developments and discussions.

The EU may impose new restrictions on palm-oil based biofuels

Informed sources indicate that the EU may be considering to apply tariff restrictions (presumably in the form of anti-dumping measures) on imports of certain biodiesel products as a result of a surge of imports, particularly from Argentina, Indonesia and Malaysia. These measures would apply in addition to other types of requirements, which also act as a barrier against imports of certain biofuel products.

The EU already maintains anti-dumping and countervailing duties against imports of US biodiesel. These measures were imposed in 2009 through *Council Regulation (EC) No. 598/2009 of 7 July 2009* and *Council Regulation (EC) No. 599/2009 of 7 July 2009* for up to 5 years. Earlier this year, these measures were extended to imports of Canadian biodiesel by *Council Implementing Regulation (EU) No. 443/2011 of 5 May 2011* and *Council Implementing Regulation (EU) No. 444/2011 of 5 May 2011*. In addition, on 25 November 2011, the EU decided to initiate anti-dumping and countervailing duties investigations against imports of US ethanol into the EU (see Trade Perspectives, Issue No. 21 of 18 November 2011).

EU authorities may soon initiate anti-dumping proceedings against biofuel imports from other WTO Members. Members of the EU's domestic biofuel industry will reportedly ask the EU Commission to investigate whether (*inter alia*) Indonesian palm oil-based biofuel is being imported into the EU at dumped prices. It appears that imports of Indonesian biofuel into the EU have increased following a reduction, decided by the Indonesian Government, of the export tax levied on biodiesel products. This tax is now reportedly lower than the one which applies to exports of crude palm oil, stimulating domestic producers to export the processed fuel product (rather than crude palm oil). It has been calculated that palm oil-based biofuel is about 22% cheaper than European rapeseed-based biofuel. Imports from Malaysia and Argentina have also reportedly increased and could equally be targeted by EU investigations.

The opening of an anti-dumping investigation is subject to a preliminary determination by the EU Commission that there is sufficient evidence of dumping and injury to domestic (EU) producers. Measures can only be imposed where, following an investigation, EU authorities determine that: 1) targeted biofuel producers have engaged in dumping; 2) material injury has been suffered by the EU biofuel industry; 3) there is a causal link between the dumping and injury; and 4) the imposition of anti-dumping measures is not against the EU's interest. In conducting its investigations, the EU must ensure that it complies with its obligations under Article VI of the General Agreement on Tariffs and Trade (hereinafter, the GATT) and the WTO Agreement on the Implementation of Article VI of the GATT (*i.e.*, the WTO Anti-dumping Agreement).

Anti-dumping measures would not be the only restrictions that biofuel products from countries such as Indonesia and Malaysia face in the EU. Market access restrictions for these products may well arise as a consequence of the sustainability requirements foreseen in the EU's Renewable Energy Directive (*i.e.*, *Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC*). This instrument establishes a common framework for the promotion of energy from renewable sources in the EU by, *inter alia*, setting mandatory national overall targets and measures for the use of energy from renewable sources in order to reduce emissions and to achieve the EU's climate change and energy policy objectives. The EU's Renewable Energy Directive introduces sustainability criteria for biofuels and bioliquids, which are aimed at avoiding that the increase in demand for such energy sources, as well as the incentives provided for their use, will lead to the destruction of biodiversity and other detrimental effects for the environment.

In particular, the EU's Renewable Energy Directive focuses on two drivers for the purposes of achieving sustainability: 1) greenhouse gas emission savings from the use of biofuels and bioliquids must amount to at least 35% of the greenhouse gas emissions that would have resulted from usage of fossil fuels (as of 2017, such targets will be 50% for existing installations and 60% for new installations); and 2) the land used to produce biofuels and bioliquids must not have high biodiversity value and/or high carbon stock (see Trade Perspectives, Issue No. 10 of 21 May 2010). According to the EU's Renewable Energy Directive, '*unsustainable*' biofuels and bioliquids are not eligible for fulfilling the compliance requirements for national renewable energy targets, and are not entitled to financial support. This means that, even if allowed, imports of '*unsustainable*' biofuels will suffer *de facto* discrimination on the EU market *vis-à-vis* EU and like imported products, in possible violation of Articles I, III and XI of the GATT and Article 2.1 and 2.2 of the WTO Agreement on Technical Barriers to Trade, which embody the principles of non-discrimination and avoidance of trade restrictions. Biofuels produced from palm oil stand to be particularly affected by the sustainability requirements inasmuch as the production process of the raw material is deemed to contribute to the destruction of rain forests and habitat loss for

endangered species, and to increase the release of greenhouse gas emissions through, *inter alia*, the draining of peat swamps. Indonesia and Malaysia are the world's largest producers of palm oil, followed by Nigeria and Colombia.

With WTO Members increasingly enacting climate change mitigation measures that promote the consumption of biofuels, demand for biofuel products has greatly expanded and, as a consequence, investments in the biofuel industry have grown. Industries worldwide are positioning themselves in this lucrative market at the same time as restrictions are increasingly being imposed on trade in such products. The EU has applied anti-dumping and countervailing duties against imports of US biofuel in response to US federal and state subsidy programmes and it is likely to adopt similar measures on imports of US ethanol, which also appear to benefit from tax credits and other subsidy schemes. To apply anti-dumping measures on Indonesian palm oil-based biofuels, the EU must find that injurious dumping is indeed taking place. The sustainability requirements, on the other hand, are a consequence of the EU's drive towards environmental protection and climate change mitigation, which has translated into measures covering a wide range of areas and often affecting international trade. It appears clear, however, that the access of Indonesian palm oil-based biofuels to the EU stands to be affected by both anti-dumping measures and restrictions due to sustainability requirements. Certainly, the protection of the environment and the protection from unfair commercial practices (if proven) are legitimate reasons that may allow the adoption of restrictions. However, these barriers may only be imposed in strict compliance with relevant WTO rules and requirements.

The US Congress is set to consider extending the 54 USD cent tariff on imports of ethanol

A US Congressman has introduced legislation for the extension of the 54 USD cent tariff on imported ethanol. Should the proposal eventually receive Congressional approval, the additional tariff could apply until 2014.

The tariff is part of subsidy schemes that the US currently maintains in support of its ethanol production. The US maintains, *inter alia*, a tax credit of 45 USD cents per gallon of pure ethanol blended with gasoline (*i.e.*, the Volumetric Ethanol Excise Tax Credit, hereinafter, VEETC), the purpose of which is to stimulate the petroleum industry to blend ethanol into gasoline and encourage the sale of ethanol at the retail level. The VEETC is coupled to a tariff that applies to imports of ethanol into the US. Because all ethanol blended with gasoline is eligible for the VEETC, regardless of its origin, the tariff intends to offset the benefits that the scheme provides to foreign ethanol production. Therefore, in addition to the (legitimate) *ad valorem* tariff that applies on the import of ethanol for use in fuel, ethanol imports are subject to an additional 54 USD cent per gallon tariff. Ethanol imports from countries that are part of the North American Free Trade Agreement (Canada and Mexico), the Caribbean Basin Initiative, and the Andean Trade Preference Act are not subject to the additional duty, provided that the ethanol is produced with feedstocks from those nations (specific feedstock percentage requirements apply). It is precisely in response to the VEETC that, on 25 November 2011, the EU decided to initiate anti-dumping and countervailing duties investigations against imports of US bioethanol into the EU (in relation to this see Trade Perspectives, Issue No. 21 of 18 November 2011).

The VEETC and the import tariff, which are in force as of 2008, were initially set to expire at the end of 2010, but were extended one more year by the '*Tax Relief, Unemployment Insurance Reauthorisation, and Job Creation Act of 2010*' (see Trade Perspectives, Issue No. 23 of 20 December 2010). In spite of a joint request from the US/Brazil Council and the US Chamber of Commerce that the VEETC and the import tariff be allowed to expire at the

end of 2011, a proposal to extend the import tariff (but not the VEETC) until the end of 2014 was recently introduced in the US Congress. The tariff extension has reportedly been proposed to preserve the ethanol refining industry in Caribbean nations and to protect it from competition with Brazilian ethanol in the US market.

The import tariff appears to present a number of inconsistencies with WTO law, particularly with Articles II and I of the GATT. In particular, inasmuch as the US is imposing an additional tariff over and above the bound *ad valorem* rate, it appears to violate the provisions of Article II of the GATT, which precludes WTO Members from applying less favourable tariff treatment than what they have committed to, and inscribed in, their Schedules of Concessions. The additional import tariff would likely constitute an '*other duty or charge*' applied on, or in connection with, importation, within the meaning of Article II:1(b) of the GATT. Moreover, the additional tariff may also violate the most-favoured-nation treatment obligation, inasmuch as it exempts imports from certain WTO Members. Although the exemption from the additional tariff is provided within the context of preferential trade agreements and unilateral preferences, it remains to be seen whether it complies with the provisions of Article XXIV of the GATT (setting the requirements for the exceptions to the most-favoured nation obligation for preferences granted within free trade areas) and with the principle of non-discrimination that applies in the context of unilateral trade preferences.

The US ethanol support scheme is not supported by the US industry and has been widely condemned by UNICA, the Brazilian Sugarcane Industry Association, which last year, upon its first extension, urged the Brazilian Government to initiate dispute settlement proceedings at the WTO (see Trade Perspectives, Issue No. 23 of 20 December 2010). If extended in its current formulation, the additional tariff will sustain a protectionist measure against imports of ethanol and discriminate against US trading partners such as Brazil, the world's largest ethanol exporter. Reportedly, Brazil's ethanol production has declined in 2011 due to a poor sugarcane harvest and high global sugar prices. The possible extension of the US ethanol import tariff poses a further challenge for Brazil's ethanol producers. These stakeholders, as well as affected parties in other countries, should plan ahead and proactively consider the possibility of using WTO law, in combination with Brazil or other WTO Member countries, to defend their access to the US market.

The ECJ has clarified the conditions of the customs detention of goods from non-EU Member States allegedly infringing intellectual property rights

On 1 December 2011, the First Chamber of the European Court of Justice (hereinafter, the ECJ) rendered the judgement in Joint Cases C-446/09 and C-495/09 (*Koninklijke Philips Electronics NV v. Lecheng Meijing Industrial Company Ltd, Far East Sourcing Ltd, Röhlig Hong Kong Ltd, Röhling Belgium NV* and *Nokia Corporation v. Her Majesty's Commissioners of Revenue and Customs*). The decision of the ECJ clarifies the procedures for the customs seizure of goods in external transit or in customs warehousing, which were alleged to have violated intellectual property rights protected in the EU. In particular, the Court established the conditions under which imitations or copies of goods, protected by intellectual property rights in the territory of the EU, placed under such customs procedures may be detained by the customs authorities of EU Member States.

The question was referred to the ECJ by the Court of Antwerp and the Court of Appeal of England and Wales. Both Courts were asked to resolve the cases of temporary detention of '*pirated goods*' and '*counterfeit goods*', which were in transit through the EU or in customs warehousing. In both cases, the products allegedly violated the intellectual property rights of European companies: the design of shavers developed by Philips (Case C-446/09) and the trademark of Nokia (Case C-495/09). The power to detain such goods has been granted to

the customs authorities of EU Member States by *Council Regulation (EC) No. 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights* (hereinafter, the Regulation).

The ECJ has taken a restrictive approach on the interpretation of the detention rights of customs authorities. In its judgement issued on 1 December 2011, the ECJ emphasised the territorial limits of the applicability of the Regulation: the detention could be executed only when goods coming from non-EU Member States are subject or are likely to become subject to a commercial act (*i.e.*, sale, offering for sale or advertising) directed at EU consumers. The ECJ determined that customs authorities are entitled to suspend the consignment of an '*imitation or copy*' of EU-protected goods only if there are indications that the operators involved in the manufacture, transit or distribution of a product are about to direct the goods towards EU consumers or are disguising their commercial intentions. Such intentions could be confirmed by the lack of precise information on the identity of the manufacturer or consignor, refusal to cooperate with the customs authorities, or inappropriately filled customs declaration. However, the decision on the sufficiency of such evidence may only be made on a case-by-case basis. Unless a substantive examination has been performed, imitations or copies of goods protected in the EU by intellectual property rights may not be classified as '*counterfeit*' or '*pirated*' goods.

The judgement of the ECJ attempts to clarify the scope of the procedures for the suspension of the release of goods by customs authorities, allowed by Article 51 of the WTO Agreement on Trade-Related Aspects of the Intellectual Property Rights (hereinafter, the TRIPs Agreement). The TRIPs Agreement does not specify the exact conditions and procedures for such detention. Seizure of goods in transit, due to the alleged violation of intellectual property rights, remains one of the most contentious issues between WTO Members. In May 2010, India and Brazil individually requested consultations with the EU in response to seizures of several generic drug consignments in transit through the Netherlands' Schiphol Airport. The disputed measures, *inter alia*, included *Council Regulation (EC) No. 1383 of 22 July 2003*, recently brought before the ECJ. In view of the complainants, those seizures constituted a violation of Articles V and X of the GATT as being unreasonable, discriminatory and imposing unnecessary delays and restrictions on the freedom of transit. Moreover, as the case involved patent protection of drugs, specific violations of the TRIPs Agreement were also claimed. India alleged, *inter alia*, that the EU's seizures of the drugs in transit were inconsistent with Articles 41 and 42 of the TRIPs Agreement because the measures at issue created barriers to legitimate trade, permitted abuse of the rights conferred on the owner of a patent, were unfair, inequitable, unnecessarily burdensome and complicated, and created unwarranted delays. In the summer of 2011, the EU and India reached an *interim* settlement of the matter. Nonetheless, India reserved its right to file a formal WTO complaint if the actions by EU customs authorities were to further effectively restrict the transit of generic drugs.

The recent case before the ECJ is of critical importance due to the universal applicability of the conclusions of the Court. The concerns raised by India and Brazil at the WTO related solely to the violations of patents. Access to generic drugs by less developed countries in circumstances of extreme urgency has been specifically discussed by the WTO Membership with the Decision of the General Council on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPs Agreement and Public Health adopted on 30 August 2003. Unlike the generic drugs matter, the recent judgement of the ECJ applies to all types of intellectual property infringements. Notably, footnote 13 of the TRIPs Agreement implies that WTO Members are free to envisage the application of Section 4 of the TRIPs (*i.e.*, Special Requirements Related to Border Measures) with respect to goods in transit. Therefore, the EU is free to determine its rules on customs detention without any restrictions under Section

4 of the TRIPs Agreement. Nonetheless, the ECJ has taken a balanced approach to limit the powers of customs officials and grant additional protection to importers.

The EU Commission Standing Committee agrees on general function health claims, including proposed prohibition of about 2,000 claims

On 5 December 2011, in a meeting of the EU Commission's Standing Committee on the Food Chain and Animal Health, EU Member States supported the EU Commission's draft regulation establishing a list of permitted health claims (other than those referring to the reduction of disease risk and to children's development and health) made on foods (hereinafter, the draft regulation). This list covers the general function health claims, or '*Article 13*' health claims (*i.e.*, claims relating to the growth, development and functions of the body, referring to psychological and behavioural functions, or on slimming or weight-control). The scientific evaluation of these claims by the European Food Safety Authority (hereinafter, the EFSA) resulted in the publication of its opinions between October 2009 and July 2011 (see Trade Perspectives, Issue No. 17 of 23 September 2011).

A positive EFSA assessment of a particular claim did not automatically lead to the approval of the claim in the draft regulation. For example, the EFSA concluded that, for one claim on the effect of fats on the normal absorption of fat-soluble vitamins, and for another claim on the effect of sodium on the maintenance of normal muscle function, a cause and effect relationship has been established. However, the EU Commission argues in the draft regulation that the use of these two health claims would convey a conflicting and confusing message to consumers, because it would encourage consumption of nutrients for which, on the basis of generally accepted scientific advice, European, national and international authorities inform consumers to reduce their intake. Therefore, these two claims have been considered to not comply with Article 3(a) of *Regulation (EC) No. 1924/2006 on nutrition and health claims*, which states that the use of claims shall not be ambiguous or misleading. An important conclusion can, therefore, be drawn from the draft regulation: even if a cause and effect relationship between a food and a claimed effect can be established, the EU Commission considers that health claims, which are inconsistent with generally accepted nutrition and health principles, should not be approved.

The draft regulation contains a list of 222 permitted generic '*Article 13*' claims for, *e.g.*, vitamins, minerals, omega-3 and fibre. After adoption and entry into force of the regulation, anyone will be able to use the permitted health claims on the list, provided that the conditions of use, which make sure that the claimed effect is achieved, are met. About 2,000 claims, for which the authorisation process has been completed, have been rejected in the EU Commission's Standing Committee decision, mainly due to lack of conclusive evidence (on the basis of the data submitted) of a cause and effect relationship between a food category, a food or one of its constituents, and the claimed effect. The general principle of *Regulation (EC) No. 1924/2006* set out in its Article 10(1) is that '*health claims made on foods are prohibited unless they are authorised by the EU Commission in accordance with that Regulation and included in a list of permitted claims*'. These 2,000 claims will be inserted into the '*EU Register of nutrition and health claims*' (available on the EU Commission's website) as non-authorised and the reasons for the rejection of each claim will be stated.

Another batch of around 2,000 Article 13 claims (including health claims for plant and herbal substances, the so-called '*botanical*' substances) is still awaiting completion of the scientific evaluation and authorisation process. In September 2010, the EU Commission decided that more time was needed to decide how to continue with the assessment of these claims, as certain herbal substances can be present in the composition of both Traditional Herbal

Medicinal Products (hereinafter, THMPs) and in foods, and it is therefore possible that, for the same substance, the therapeutic indication given by manufacturers of THMPs is similar (with due distinctions, as medicinal claims are forbidden on foods) to a health claim made by food manufacturers. The problematic issue is that differences in legal requirements between health claims and THMPs could lead to different treatment of the same substance, according to whether it is present in a food or in a medicine, respectively, which could create discriminations on the market of herbal products and potential confusion for consumers. The EU Commission has indicated that *'a reflection exercise is underway aimed at achieving a consistent and coherent treatment of botanicals in the future'.* However, no timeframe for completion of this review has been given.

Under the Regulatory Procedure with Scrutiny, the draft regulation will now be forwarded to the EU Parliament and the EU Council. Intense lobbying for late amendments of the list of permitted Article 13 claims is expected, and some industry groups are increasing pressure on MEPs to exercise the EU Parliament's right to scrutinise and block the adoption of the regulation. If the draft regulation is eventually adopted (presumably in about three months), it will apply six months after the date of its entry into force. This time delay is provided in order to enable food business operators to adapt to its requirements, including the prohibition according to Article 10(1) of *Regulation (EC) No. 1924/2006* of about 2,000 rejected health claims whose evaluation has been completed. Further regulatory developments should be monitored by affected stakeholders within the EU, and also by third country producers inasmuch as health claims on foodstuffs and food supplements are of relevance to their trade with the EU.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 1267/2011 of 6 December 2011 amending Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries*

- *Commission Implementing Regulation (EU) No. 1262/2011 of 5 December 2011 amending Annex V to Council Regulation (EC) No. 1342/2007 as regards the quantitative limits of certain steel products from the Russian Federation*

- *Commission Implementing Regulation (EU) No. 1257/2011 of 23 November 2011 amending Regulation (EC) No. 810/2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat*

Trade Remedies

- *Council Implementing Regulation (EU) No. 1306/2011 of 12 December 2011 clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No. 261/2008 on imports of certain compressors originating in the People's Republic of China*

- *Corrigendum to Implementing Regulation of the Council (EU) No. 400/2010 of 26 April 2010 extending the definitive anti-dumping duty imposed by Regulation (EC) No. 1858/2005 on imports of steel ropes and cables originating, inter alia,*

in the People's Republic of China to imports of steel ropes and cables consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not, and terminating the investigation in respect of imports consigned from Malaysia

- *Commission Decision of 13 December 2011 terminating the anti-subsidy proceeding concerning imports of certain polyethylene terephthalate originating in Oman and Saudi Arabia*

- *Commission Decision of 13 December 2011 terminating the anti-dumping proceeding concerning imports of certain polyethylene terephthalate originating in Oman and Saudi Arabia*

- *Notice of the impending expiry of certain anti-dumping measures (iron or steel ropes and cables from Russia)*

- *Notice regarding a partial reopening of the anti-dumping investigation concerning imports of certain prepared or preserved citrus fruits (namely mandarins etc.) originating in the People's Republic of China*

Customs Law

- *Commission Implementing Regulation (EU) No. 1302/2011 of 9 December 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1303/2011 of 9 December 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Communication from the Commission concerning autonomous tariff suspensions and quotas*

- *Commission Implementing Regulation (EU) No. 1271/2011 of 5 December 2011 concerning the classification of certain goods in the Combined Nomenclature*

- *Commission Implementing Regulation (EU) No. 1272/2011 of 5 December 2011 concerning the classification of certain goods in the Combined Nomenclature*

Food and Agricultural Law

- *Notice on the Code of good labelling practice for pet food*

- *Commission Implementing Regulation (EU) No. 1308/2011 of 14 December 2011 fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy during marketing year 2011/2012*

- *Commission Implementing Regulation (EU) No. 1309/2011 of 14 December 2011 fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota*

isoglucose to be sold on the Union market at reduced surplus levy during marketing year 2011/2012

- *Commission Implementing Regulation (EU) No. 1290/2011 of 9 December 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Commission Implementing Decision of 8 December 2011 amending Decision 2010/221/EU as regards national measures for preventing the introduction of certain aquatic animal diseases into parts of Ireland, Finland and Sweden*

- *Commission Implementing Regulation (EU) No. 1277/2011 of 8 December 2011 amending Annex I to Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin*

- *Commission Implementing Regulation (EU) No. 1280/2011 of 8 December 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Commission Implementing Decision of 7 December 2011 amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries (notified under document C(2011) 8929)*

- *Commission Implementing Regulation (EU) No. 1274/2011 of 7 December 2011 concerning a coordinated multiannual control programme of the Union for 2012, 2013 and 2014 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin*

- *Corrigendum to Commission Implementing Regulation (EU) No 1270/2011 of 6 December 2011 fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar*

- *Commission Implementing Regulation (EU) No. 1269/2011 of 6 December 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Commission Implementing Regulation (EU) No. 1270/2011 of 6 December 2011 fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar*

- *Commission Implementing Regulation (EU) No. 1263/2011 of 5 December 2011 concerning the authorisation of Lactobacillus buchneri (DSM 16774), Lactobacillus buchneri (DSM 12856), Lactobacillus paracasei (DSM 16245), Lactobacillus paracasei (DSM 16773), Lactobacillus plantarum (DSM 12836),*

Lactobacillus plantarum (DSM 12837), Lactobacillus brevis (DSM 12835), Lactobacillus rhamnosus (NCIMB 30121), Lactococcus lactis (DSM 11037), Lactococcus lactis (NCIMB 30160), Pediococcus acidilactici (DSM 16243) and Pediococcus pentosaceus (DSM 12834) as feed additives for all animal species

- *Commission Regulation (EU) No. 1258/2011 of 2 December 2011 amending Regulation (EC) No. 1881/2006 as regards maximum levels for nitrates in foodstuffs*

- *Commission Regulation (EU) No. 1259/2011 of 2 December 2011 amending Regulation (EC) No. 1881/2006 as regards maximum levels for dioxins, dioxin-like PCBs and non dioxin-like PCBs in foodstuffs*

- *Commission Regulation (EU) No. 1282/2011 of 28 November 2011 amending and correcting Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food*

Trade-Related Intellectual Property Rights

- *Opinion of the European Data Protection Supervisor on the proposal for a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights*

Other

- *Commission Regulation (EU) No. 1293/2011 of 9 December 2011 establishing a prohibition of fishing for industrial fish in Norwegian waters of IV by vessels flying the flag of a Member State of the European Union*

- *Council Decision of 5 December 2011 amending and extending the application period of Decision 2010/371/EU concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EC Partnership Agreement*

- *Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area*

- *Council Decision of 8 November 2011 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area*

- *Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area*

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