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The EU repeals the restrictive measures against the Faroe Islands with respect to Atlanto-Scandian herring

On 20 August 2014, the coercive measures adopted by the EU in August 2013 with respect to the Faroe Islands in relation to the conservation of the Atlanto-Scandian herring stock, ceased to apply. The removal of the restrictive measures is the result of a political understanding reached in June by the EU and the Faroe Islands following discussions between the two trading partners during the previous months.

The restrictive measures at hand were laid down in *Commission Implementing Regulation (EU) No. 793/2013 of 20 August 2013 establishing measures in respect of the Faroe Islands to ensure the conservation of the Atlanto-Scandian herring stock* (hereinafter, the Implementing Regulation), which was adopted on the basis of *Regulation (EU) No. 1026/2012 of the European Parliament and of the Council of 25 October 2012 on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing* (*i.e.*, the Basic Regulation). Within the context of the Basic Regulation, which establishes a framework for the adoption of specific measures aimed at ensuring sustainability and long-term conservation of fishing stocks that are of common interest to the EU and third countries, the Implementing Regulation envisaged: (i) a prohibition to import into the EU fish or fishery products consisting of Atlanto-Scandian herring or mackerel caught under control of the Faroe Islands; and (ii) a prohibition to use EU ports, except in cases of emergency, imposed on vessels that fish for Atlanto-Scandian herring or mackerel flying the flag of the Faroe Islands and on vessels transporting such fish or fishery products (see Trade Perspectives, Issue No. 16 of 6 September 2013).

These measures were adopted in the aftermath of the Faroe Islands' withdrawal from the negotiations with the four other '*coastal States*' (*i.e.*, the countries whose economic exclusive zone is visited by the Atlanto-Scandian herring stock during its migration cycle – the EU, Iceland, Norway and Russia, apart from the Faroe Islands) on a catch share for the year 2013. In particular, the Faroe Islands was unable to agree on its share following the recommendation from the International Council for the Exploration of the Sea (responsible, *inter alia*, for the scientific assessment of the sustainable level of overall fishing volumes) that the total allowable catch of Atlanto-Scandian herring stock be reduced by 26% in 2013 with respect to the previous year. Instead, the Faroe Islands set its catch limit unilaterally and at a level that, in the EU's view, could lead to the increased risk of stock collapse, thereby undermining the purpose of the stock management arrangements among the '*coastal States*'.

However, after the restrictive EU measures had been in place for several months, in June 2014 the Faroe Islands did reduce its catch limit for the year 2014 at a level that is considerably below the limit set for 2013 (*i.e.*, a reduction from 105,230 tonnes to 40,000 tonnes) and that the EU considered would "*not therefore undermine the conservation efforts agreed between the EU and the other coastal States*". Accordingly, *Commission Implementing Regulation (EU) No. 896/2014 of 18 August 2014 repealing Implementing Regulation (EU) No. 793/2013 establishing measures in respect of the Faroe islands to ensure the conservation of the Atlanto-Scandian herring stock*, was adopted to repeal the restrictive measures at hand. This instrument clarifies, *inter alia*, that the Faroe Islands' catch limit for 2014 is in line with Article 7 of the *Basic Regulation*, which provides that restrictive measures shall cease to apply when the concerned country adopts appropriate corrective measures that (in relevant part) do not undermine the effect of measures taken by the EU (where applicable, in cooperation with other countries) for the purpose of the conservation of the relevant fish stocks. In any event, the bilateral understanding between the EU and the Faroe Islands is without prejudice to the forthcoming negotiations between the five '*coastal states*' on the management of the Atlanto-Scandian herring stock in coming years. It appears that the negotiations on the 2015 catch limits, which are expected to commence this Autumn, will likely address the Faroe Islands' claim for a considerably larger share within the total allowable catch.

The understanding reached by the EU and the Faroe Islands also implies the termination of the dispute settlement proceedings triggered by the Faroe Islands in various international *fora* against the EU's restrictive measures (see Trade Perspectives, Issue No. 21 of 15 November 2013). In particular, on 21 August 2014, Denmark notified to the WTO that the dispute that it had brought before the WTO Dispute Settlement Body in November 2013 in respect of the Faroe Islands (*i.e*., *European Union — Measures on Atlanto-Scandian Herring*) had been settled. Similarly, the Faroe Islands' Government indicated that the arbitral proceedings initiated by Denmark in respect of the Faroe Islands under the United Nations Convention on the Law of the Sea (hereinafter, UNCLOS), *i.e.*, case *Atlanto-Scandian Herring Arbitration (The Kingdom of Denmark in respect of the Faroe Islands v. The European Union)*, would be "*terminated immediately subsequent to the revocation of the EU trade measures*".

There are several aspects that rendered the disagreement between the EU and the Faroe Islands particularly intriguing. In the first place, the status of the Faroe Islands as a semi-autonomous Danish territory raised interesting jurisdictional questions under both the WTO and the UNCLOS, inasmuch as Denmark did not make a territorial reservation in relation to the Faroe Islands upon accession to the WTO, but submitted a statement relevant for the competences retained by the Faroe Islands upon ratification of the UNCLOS in 2004. Substance-wise, these controversies fuel the ongoing discussion on the reconciliation between trade and sustainable development, which continues to pose challenges on international adjudicating bodies. Regardless, it is undeniable that, from a commercial perspective, the settlement of disputes by means of a commonly-agreed solution between the parties is welcomed by the affected industry sectors, which are spared the negative effects of restrictive measures connected to the dispute.

Italian EU presidency prioritises fight against food fraud

At the Agriculture and Fisheries Council meeting in Brussels on 14 July 2014, the Italian Minister for Agricultural, Food and Forestry Policy presented the Italian EU Presidency's work programme. The agricultural policy priorities will include, *inter alia*, continuing the work on the proposal on organic farming and, if possible, negotiating with the EU Parliament, with a view to the adoption of the new proposal, focusing on the rules on control, import and combating fraud in this field. In regards to food and veterinary issues, the Presidency intends to reinforce cooperation between EU Member States' authorities in the fight against food fraud. At the request of the Swedish delegation, the EU Commission briefed the Council about food controls and food fraud, and action taken since the '*horsemeat scandal*' (for more details, see Trade Perspectives Issue No. 3 of 7 February 2014). The scandal showed that fraud along the food chain is both widespread and of a cross-border nature. Given that fraud can be multifaceted, the EU Commission emphasised that it is important to strengthen cooperation between institutional stakeholders with a variety of competences. At the same meeting, the Swedish delegation presented an information note '*Food Control and Food Fraud – how to regain Consumer Confidence in the Food Chain?*', which states, *inter alia*, that it appears as though food fraud is becoming increasingly sophisticated and that it is no longer enough to control only the safety of the food, there must be trust that the content of a food corresponds to what is indicated on the label. By raising the issue of food fraud, Sweden emphasised the importance of combating unfair practices along the food chain, important not only for consumers, but also for food business operators, who deserve not having their markets eroded by unscrupulous actors offering products that are not what they claim to be. Sweden concluded that, at EU level, the matter is even more complex and several Directorates General of the EU Commission as well as 28 EU Member States and their respective authorities are concerned. Therefore, it is important to take measures at the EU level.

In view of recent food fraud cases, which damaged consumers' trust in the food chain and have a negative impact on the EU agro-food sector, the EU Parliament adopted, on 14 January 2014, the *Resolution on the food crisis, fraud in the food chain and the control thereof* (hereinafter, the Resolution). The Resolution stresses the need for the EU to adopt a definition of '*food fraud*' (for more details, see Trade Perspectives Issue No. 3 of 7 February 2014). The Resolution suggests that EU policies and controls should widen their focus from health and safety only to food fraud, too, and that EU Member States should establish food fraud penalties that are at least twice the estimated economic gain sought by the fraudster, to prevent a recurrence of incidents like those surrounding horsemeat in 2013. The Resolution emphasises that, in particular, the marketing of unsafe food along with fraudulent practices, the adulteration of food, and any other labelling and advertising practices that may mislead the consumer, are prohibited. The Resolution also states that the EU regulatory framework in place for food safety and the food chain has provided a high level of food safety for EU consumers until now, but that the current legislation fighting food fraud is still fragile. Further to defining food fraud, the Resolution also calls for the enhancement of the Food and Veterinary Office's role and resources in detecting food fraud cases and for EU Member States to cooperate more through Europol on cross-border investigations.

Some individual EU Member States have started to address food fraud. In the UK, in December 2013, the *interim* conclusions of the Government-commissioned so-called *Elliot Review* by Professor Chris Elliott, Director of the Institute for Global Food Security at Queen's University Belfast, recommended that a new Food Crime Unit with the expertise to undertake investigations into serious food fraud should be hosted by the Food Standards Agency (hereinafter, FSA) to combat food fraud following the horsemeat crisis, while the food industry and government should work together to create '*intelligence hubs*', to gather, analyse and disseminate information about food crime. The *interim Elliot Review* also recommended that the Food Authenticity Programme, which has the lead role for supporting research into food authenticity testing, and policy over compositional labelling, should return from the Department for Environment, Food and Rural Affairs (DEFRA) to the FSA. The long awaited publication of the final *Elliot Review* on 4 September 2014 confirmed the preliminary findings that a new Food Crime Unit is urgently needed to protect the food industry and consumers from criminal activity and support better links with food crime agencies across the EU and beyond.

Europol is the EU's law enforcement agency, which was set up in order to establish police cooperation involving all the EU Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences. *Council Decision 2009/371/JHA of 6 April*

2009 establishing the European Police Office (Europol) lists in its Annex forms of serious crime, which Europol is competent to deal with, including '*swindling and fraud*' and '*counterfeiting and product piracy*'. As a joint Europol/Interpol operation targeting fake and substandard food and beverages, Operation *OPSON* (meaning food in ancient Greek) was initiated in 2011 with 10 participating countries. *OPSON III* in 2013 involved 33 countries (among them 19 EU Member States), *i.e*., Austria, Belarus, Belgium, Bulgaria, Chile, Colombia, Côte d'Ivoire, Czech Republic, Denmark, Finland, former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Luxembourg, the Netherlands, Peru, Philippines, Portugal, Qatar, Romania, South Korea, Sweden, Spain, Thailand, Turkey, United Kingdom, USA and Vietnam.

On 13 February 2014, it was reported that more than 1,200 tonnes of fake or substandard food and nearly 430,000 litres of counterfeit drinks have been seized in an Interpol/Europol coordinated operation across 33 countries in the Americas, Asia and Europe. Targeting the organised crime networks behind the illicit trade in counterfeit and unregulated food and drink, *OPSON III* led to the recovery of more than 131,000 litres of oil and vinegar, more than 80,000 biscuits and chocolate bars, 20 tonnes of spices and condiments, 186 tonnes of cereals, 45 tonnes of dairy products and 42 litres of honey. In total some 96 people were arrested or detained with investigations continuing in many countries. The operation, conducted throughout December 2013 and January 2014, and supported for the first time by the EU Commission's Directorate General for Health and Consumers (DG SANCO), involved police, customs, national food regulatory bodies and partners from the private sector, with checks carried out at shops, markets, airports, seaports and private homes.

In Italy, *inter alia*, an organised crime network behind the manufacture and distribution of fake champagne was discovered. French police identified and shut down an illegal abattoir on the outskirts of Paris. In Bangkok, Royal Thai Police raided a warehouse and recovered more than 270 bottles of fake whiskey, as well as forged stickers, labels and packaging. These examples show the global character of food fraud and the necessity to tackle it both on a national and international level. Examples of '*food fraud*' other than fake labels and illegal production sites include: (i) the recycling of animal by-products back into the food chain; (ii) packing and selling food with an unknown origin; (iii) knowingly selling goods that are past their '*use by*' date; (iv) products substituted with a cheaper alternative; (v) making false statements about the source of ingredients (*i.e.*, their geographic, plant or animal origin); and (vi) fraudulently claiming organic or other certification.

The EU Parliament's resolution calls for a definition of '*food fraud*'. According to the UK FSA, food fraud is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving the consumer. Although there are many kinds of food fraud, the two main types are the sale of food that is unfit and potentially harmful and the deliberate misdescription of food. Taking the definition of food fraud suggested in the UK, (*i.e.*, (i) placing food on the market with the intention to deceive and mislead the consumer, (ii) which is done deliberately and (iii) for reasons of financial gain), a link can also be established to deceptive labelling campaigns driven by certain manufacturers and retailers, such as the '*palm oil-free*' campaigns and other '*negative labelling*' campaigns in which certain (safe and legitimate) ingredients or nutrients are demonised, while products which do not contain these ingredients and nutrients are promoted. Such '*negative labelling*' campaigns often mislead consumers about the impact on, *inter alia*, human health, animal welfare, the environment and labour rights, and this is done intentionally by certain manufacturers and retailers for, presumably, if not ostensibly, reasons of financial gain (*i.e.*, increase of sales of products that do not contain the nutrient or ingredient being targeted in the negative). These '*negative labelling*' campaigns and marketing techniques are arguably illegal under several EU or EU Member States' laws, particularly when falling within nutritional contexts or if based on unsubstantiated and deceptive claims, but the argument must be made that the EU legislator should also consider regulating them as instances of food fraud if the test of the UK definition of '*food fraud*' is met.

Also the private sector is increasingly active against food fraud. The Global Food Safety Initiative (GFSI), *inter alia*, in July 2014 released a position paper on food fraud mitigation. Developed by the GFSI Guidance Document Working Group in conjunction with the GFSI Food Fraud Think Tank, while the manufacturers' and retailers' perspectives are represented by *Danone*, *Walmart* and *Royal Ahold*, the paper includes new requirements to be met by food companies looking to combat food fraud. The requirements specify that companies perform a food fraud vulnerability assessment and have a food fraud vulnerability control plan in place to eliminate vulnerabilities that are identified via the assessment.

There appears to be an urgent need to define '*food fraud*' in the EU, including a need for evidence-based labelling, and coordinated and reinforced international cooperation, including within the private sector, in order to effectively fight all types of food fraud and avoid overlapping competencies.

Recently released WTO panel report addresses Argentina's restrictive import measures

On 22 August 2014, the WTO Dispute Settlement Body circulated the panel report for the dispute *Argentina – Measures Affecting the Importation of Goods*. The measures challenged in this case affected the importation of certain goods into Argentina, especially in the sectors concerning foodstuffs, automobiles, motorcycles, mining equipment, electronic and office products, agricultural machinery, medicines, publications, and clothing.

The dispute initiated with a request for WTO consultations lodged by the EU on 25 May 2012 concerning measures maintained by Argentina on the importation of certain goods. Subsequently, on 21 August 2012, Japan and the US also sent separate requests for consultations with Argentina with respect to the same measures. The three complainants challenged two measures adopted by Argentina, *i.e.*: (i) the Advance Sworn Import Declaration (in Spanish, '*Declaración Jurada Anticipada de Importación*', hereinafter, DJAI); and (ii) the trade-related requirements (hereinafter, TRRs). These measures were challenged under Article III:4, Article X:1 and Article XI:1 of the General Agreement on Tariffs and Trade (hereinafter, GATT) and Article I and III of the WTO Agreement on Import Licensing Procedures.

In relevant part, the Panel found the local content requirements embedded within the TRRs to be inconsistent with Article III:4 of the GATT; and other TRRs and the DJAI procedure to be contrary to Article XI:1 of the GATT, on the basis of the existence of discriminatory and trade-restrictive effects. The Panel exercised judicial economy and refrained from making additional findings under the other provisions identified by the complainants.

The TRRs require economic operators to undertake certain specific commitments as part of a policy seeking to eliminate trade balance deficits and substitute imports for domestically-produced goods. In this dispute, all TRRs and relevant operations are unwritten measures which are not explicitly stipulated in any Argentinean regulatory instrument. Rather, these measures were foreseen in individual agreements in the form of specific commitments between Argentina's Government and economic operators. These commitments included, *inter alia*, export increase requirements, import reduction requirements, local content requirements and contributions to the Foreign Direct Investment stock.

As for the DJAI procedure, it requires the importers to file a sworn import declaration prior to importing any goods for consumption in Argentina and that comprehensive information relating to the importers and the goods to be imported be submitted. The process of review of this information, which involves four relevant governmental agencies, must in principle be finished within 180 days, although it may be extended to 360 days. Importation of the goods at hand would only be allowed once the relevant authorities have completed the DJAI monitoring process.

In its report, the Panel first examined whether the TRRs were consistent with Article XI:1 of the GATT, which prescribes the obligation for WTO Members to eliminate quantitative restrictions, such as quotas and licenses on the importation of goods. Inasmuch as Argentina's TRRs amount to non-legislative measures in the form of neither quotas nor licenses, the Panel first discussed whether TRRs constitute '*other measures*' within the meaning of Article XI:1 of the GATT. The Panel relied on the findings of the GATT panel in *Japan – Semi-Conductors* and the panel in *India – Autos,* and concluded that a broad scope shall be accorded to the term '*other measures*' and, therefore, that the TRRs at hand fall within the scope of Article XI of the GATT. Based on the evidence submitted by the parties, the Panel found that the functioning of the TRRs implied that the right of economic operators to import was contingent upon their level of exports. In particular, the Panel found that TRRs restricted market access of imported goods to Argentina and imposed significant burdens on importers which were unrelated to their normal importing activities. In this sense, the Panel found the TRRs to be inconsistent with Article XI:1 of the GATT. Additionally, the Panel found the local content requirements embedded in the TRRs to be inconsistent with Article III:4 of the GATT, on the basis that they modified the conditions of competition between domestic and imported products.

The complainants also challenged the DJAI procedure, which Argentina asserted to merely concern customs formalities, without having any substantive effects. Accordingly, Argentina submitted that the DJAI procedure fell within the scope of Article VIII rather than Article XI:1 of the GATT. Argentina also referred to the DJAI as a "*customs risk assessment tool"* to implement its commitments under the World Customs Organization's (hereinafter, WCO) *SAFE Framework of Standards to Secure and Facilitate Global Trade* (hereinafter, SAFE Framework). However, the WCO, which provided assistance on this specific matter upon the request of the Panel, indicated that the SAFE Framework is different from the DJAI. In particular, the WCO clarified that the SAFE Framework differs from the DJAI in that it requires the submission of a lower amount of information and that its objectives are connected to fight against terrorism. The Panel further noticed that the completion of DJAI procedure, which involves the discretion of the relevant government agencies, is a pre-requisite for the importation of goods. In this light, the Panel did not accept Argentina's submissions and concluded that the DJAI is not a simple customs formality.

In addition, in response to a claim by Argentina that measures inconsistent with Article XI of the GATT need to be expressed in terms of quantities or in a manner that is quantifiable, the Panel clarified that the scope of Article XI of the GATT extends to all measures having a limiting effect on the quantity of imports. Having clarified the scope of Article XI, the Panel examined the evidence presented by the complainants showing that the DJAI procedure delayed the importation of goods in Argentina. The Panel then found that the DJAI creates uncertainties and increases the transaction costs of importers, which constituted a violation of Article XI:1 of the GATT.

The Government of Argentina has already indicated its intention to appeal the Panel's report. In order to do so, it must file an appeal within 60 days from the circulation of the report. Therefore, stakeholders affected by Argentina's measures are advised to closely monitor any forthcoming developments which will determine the legality of the challenged measures.

The EU publishes new rules to manage investor-to-state disputes

On 28 August 2014, Regulation No. 912/2014 (*i.e.*, *Regulation (EU) No. 912/2014 of the European Parliament and of the Council of 23 July 2014 establishing a framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party*) was published in the Official Journal of the European Union. The regulation lays down a set of criteria to determine whether the EU or an individual EU Member State will act as the respondent in investor-to-state dispute settlement (hereinafter, ISDS) claims brought by foreign investors.

The Treaty of Lisbon introduced a new allocation of EU competences that affected, *inter alia*, foreign direct investment. Under Article 207 of the Treaty on the Functioning of the European Union, foreign investment falls within the scope of the EU's Common Commercial Policy and within the exclusive competence of the EU. The allocation of competence regarding foreign investment to the EU created an issue with respect to the management of the approximately 1,200 existing bilateral investment treaties (hereinafter, BITs), signed between individual EU Member States and third countries before the entry into force of the Treaty of Lisbon as they were rendered technically illegal (see Trade Perspectives, Issue No. 13 of 29 June 2012). As a result, the EU adopted *Regulation (EU) No. 1219/2012 of the European Parliament and of the Council of 12 December 2012 establishing transitional arrangements for bilateral investment agreements between Member States and third countries* (see Trade Perspectives, Issue No. 20 of 31 October 2013). The newly adopted regulation (*i.e.*, Regulation No. 912/2014) completes the framework by further clarifying the relationship between the EU and individual EU Member States in the area of foreign investment policy. In particular, Regulation No. 912/2014 addresses the financial responsibility regarding ISDS claims made against the EU or an EU Member State, as well as the management of ISDS disputes.

The rules codified by Regulation No. 912/2014 are fairly intuitive. The new regulation applies when a foreign investor files an ISDS claim under any international investment agreement covering provisions on foreign direct investment to which the EU is party, or the EU and its Member States are parties, and which provides for ISDS. According to Articles 3(1)(a) and (c) of the regulation, the EU accepts financial responsibility arising from treatment imposed by its institutions, bodies, offices or agencies and where the treatment afforded by an EU Member State was required under EU law, respectively. Conversely, Article 3(1)(b) states that the concerned EU Member State will bear the financial responsibility arising from treatment imposed by that Member State. In addition to assigning financial responsibility between the EU and individual EU Member States, Regulation No. 912/2014 provides rules for managing ISDS disputes arising under international investment agreements. According to Article 4 of the regulation, the EU must act as the respondent where the dispute concerns treatment imposed by the institutions, bodies, offices or agencies of the EU, and that once the EU Commission receives a request for consultations or a notice for the intention to initiate arbitration proceedings from a claimant, it must immediately notify the EU Parliament and the Council. A more extensive section of Regulation No. 912/2014 provides for situations where a dispute arises from treatment fully or partially imposed by an EU Member State. Accordingly, Article 6(2) of Regulation No. 912/2014 requires that the EU Commission and the EU Member State concerned enter into consultations on the management of disputes pursuant to other articles in the regulation. In part, these consultations may lead to the invocation of Article 9(1)(b) by an EU Member State, whereby it can choose not to act as the respondent in a dispute, requesting instead to the EU Commission to take on the dispute. One example where this provision could be invoked is where the EU Commission has greater technical expertise in a given area than the EU Member State concerned. Articles 9(2) and (3) of Regulation No. 912/2014 also allow the EU Commission to decide to take on a case of its own initiative in certain situations including, *inter alia*, where "*similar treatment is being challenged in a related claim against the Union in the WTO, where a panel has been established and the claim concerns the same specific legal issue, and where it is necessary to ensure a consistent* *argumentation in the WTO case*". Interestingly, the regulation does not appear to force the EU Member States to bear the financial responsibility of the dispute when it elects not to act as the respondent. Instead, Article 12 states that the EU Member State concerned "*may, at any time, accept any potential financial responsibility arising from the arbitration*". However, the EU Member State concerned is still responsible for any settlement of the dispute, as agreed by it and the EU Commission, where the dispute arises from treatment fully or partially imposed by that EU Member State.

The adoption of Regulation No. 912/2014 comes amidst continuing debate as to whether the EU should include ISDS provisions in international investment agreements. Many commentators speaking out against ISDS argue that ISDS restricts the ability of the EU to adopt measures that address certain public policy issues and that, especially in the context of international investment agreements with other developed countries, ISDS is unnecessary because domestic legal systems are sufficiently equipped to address issues that may arise relating to foreign investment (see Trade Perspectives, Issue No. 3 of 7 February 2014). Nonetheless, the adoption of Regulation No. 912/2014 was necessary in order to complete the EU's investment framework. The EU is currently negotiating international agreements containing investment protection provisions with Canada, China, India, Japan, Morocco, Myanmar, Singapore, Thailand, the US and Vietnam. ISDS provisions are intended to ensure that governments comply with investment obligations they have agreed to, as well as provide an avenue of recourse to investors when their own government is unable or unwilling to bring a dispute due to a lack of resources or political considerations. With the adoption of Regulation No. 912/2014, the EU is now fully equipped, in legal terms, to deal with any disputes that may arise under international agreements relating to foreign investment.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council*

Trade Remedies

- *Commission Implementing Regulation (EU) No. 946/2014 of 4 September 2014 amending Council 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 'new exporter' review pursuant to Article 11(4) of Council Regulation (EC) No. 1225/2009*

Food and Agricultural Law

- *Commission Implementing Decision of 28 August 2014 amending the Annex to Implementing Decision 2014/178/EU as regards the areas under restriction for African swine fever in certain Member States*

Other

- *Regulation (EU) No. 912/2014 of the European Parliament and of the Council of 23 July 2014 establishing a framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party*

- *Regulation (EU) No. 911/2014 of the European Parliament and of the Council of 23 July 2014 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to marine pollution caused by ships and oil and gas installations*

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