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Latest steps taken by the EU in the field of GMO authorisation

At its meeting of 3 March 2014, the EU Council held a public exchange of views that resulted with an agreement among EU Member States to re-open discussions on a legislative proposal relating to the possibility that EU Member States impose restrictions to the cultivation of genetically modified organisms (hereinafter, GMOs, *i.e.*, organisms whose genetic characteristics have undergone artificial modifications) in their territory, even where these GMOs have been authorised at the EU-level.

The draft legislation at hand (*i.e.*, *Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory*, hereinafter, the EU Commission's GMO cultivation ban proposal) was adopted by the EU Commission on 3 July 2010. It aims at providing the legal basis to allow EU Member States to restrict or prohibit the cultivation of GMOs in all or parts of their territory on grounds other than health and environment considerations that have already been addressed during the EU authorisation process (see Trade Perspectives, Issue No. 17 of 24 September 2010). Following discussions at the EU Parliament's Committee-level, the Plenary of the EU Parliament adopted its position at first reading on 5 July 2011. However, the proposal did not gather the necessary political support within the EU Council, which voted against a compromise text on 9 March 2012. The rules in the EU Commission's GMO cultivation ban proposal were expected to allow breaking the deadlock over the authorisation and cultivation of GMOs, where only a few GMOs have been authorised over the last years in EU Member States willing to authorise new GMOs.

The decision to re-activate the legislative procedure concerning this dossier was accompanied by recent developments related to a long-standing application for authorisation of cultivation of a specific GMO (*i.e.*, "*Zea maize L., line 1507*", hereinafter, "*maize 1507*"), which appears to be now close to resolution. In particular, the relevant application was filed by *Pioneer Hi-Bred International, Inc.* and *Mycogen Seeds* before the competent authorities in Spain in 2001. The application, lodged under *Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC* (hereinafter, Directive 2001/18/EC), sought authorisation to place on the market seeds of

"*maize 1507*", which is resistant to the European corn borer (*i.e*., *Ostrinia nubilalis*) and certain other *lepidopteran* pests, for cultivation.

In accordance with Article 14 of Directive 2001/18/EC, Spanish authorities prepared an assessment report, which concluded that there was no scientific evidence to indicate that the placing on the market of "*maize 1507*" for the requested uses would pose risks to human and animal health or the environment. The report was submitted to the EU Commission and EU Member States in 2003, following which the EU Commission requested the European Food Safety Authority (hereinafter, EFSA) to deliver its scientific opinion on the matter. In a number of opinions, issued during the following years, EFSA concluded that, subject to appropriate management measures, the cultivation of "*maize 1507*" was unlikely to raise any safety concerns for the environment. However, in 2007 *Pioneer* initiated proceedings before the EU's General Court against the EU Commission for failure to act, alleging that the EU Commission had not presented a draft decision for authorisation of "*maize 1507*" to the regulatory committee. The General Court agreed with *Pioneer* and, in February 2009, the EU Commission transmitted the necessary draft to the Standing Committee on the Food Chain and Animal Health (*i.e*., the SCFCAH). The SCFCAH, however, was unable to gather the necessary majority to deliver an opinion. In April 2010, *Pioneer* brought a second action for failure to act against the EU Commission, arguing that the draft decision had not been transmitted to the EU Council. Again, in September 2013, the General Court agreed with the applicant and, in November 2013, the EU Commission submitted a proposal to the EU Council envisaging that consent be granted for the placing on the market of seeds of "*maize 1507*" for cultivation. Within the context of relevant discussions in the EU Council, on 11 February 2014, EU Member States were unable to reach the necessary qualified majority and consequently no decision (neither for, nor against, the proposal from the EU Commission) was adopted.

The fact that the issues of the authorisation for cultivation of "*maize 1507*", as well as that of the EU Commission's GMO cultivation ban proposal, have been ongoing for an unusually long period of time, arguably highlights deficiencies in the EU's current system related to the approval of GMOs for cultivation. It appears that the presence of these deficiencies not only responds to strong fundamental disagreements within the EU membership, but also, *inter alia*, to concerns related to the compatibility of the proposed rules with the EU's international obligations. In fact, the EU was already found in violation of its WTO obligations in the framework of the *EC – Biotech products* dispute, where a WTO panel found, in relevant part, that the EU incurred in a *de facto moratorium* leading to "*undue delays*" on the approval of GM products. The panel further found that the safeguard measures maintained by certain EU Member States on the basis on Directive 2001/18/EC were inconsistent with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter, SPS Agreement), inasmuch as they were not based on risks assessments within the meaning of Article 5.1 of the SPS Agreement, which they breached, breaching as well by implication Article 2.2 of the SPS Agreement.

It appears that the system envisaged in the EU Commission's GMO cultivation ban proposal (*i.e*., that of allowing EU Member States to either respect GMO authorisations granted at the EU-level on scientific grounds or "*opting-out*") could result in barriers to trade being established at EU Member State-level, to the extent that specific GMOs would *de facto* not be allowed in certain jurisdictions (despite having been authorised at EU level). This could lead, once more, to a *de facto moratorium*, therefore a potential inconsistency *vis-à-vis* Article XI of the GATT (which provides for the elimination of quantitative restrictions). In light of the findings of the panel in *EC – Biotech products*, the SPS Agreement would appear not to necessarily provide an appropriate legal basis for the GMO cultivation bans. According to the EU Commission's GMO cultivation ban proposal, bans at the EU Member State-level could only be adopted on grounds other than those related to health and the environment already considered in the context of the EU assessment, while the SPS Agreement

consistently requires that measures be adopted against the benchmark of scientific evidence. Within the context of a potential WTO challenge involving EU Member States' GMO cultivation bans (as envisaged in the EU Commission's proposal), Article XX (*i.e.*, the '*General Exceptions*' clause) of the General Agreement on Tariffs and Trade (hereinafter, GATT) could arguably provide for a valid justification, in so far as the measures at stake comply with the requirements of the *chapeau* (*i.e.*, that they not be applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade). In a 2011 staff working document, the EU Commission identified an indicative list of grounds that EU Member States may invoke to restrict or prohibit GMO cultivation. In light of this list, of particular relevance might be: Article XX(a), which provides for an exception for measures necessary to protect public morals; Article XX(b), which refers to measures necessary to protect human, animal or plant life or health; and Article XX(g), concerning "*exhaustible natural resources*" (see Trade Perspectives, Issue No. 6 of 23 March 2012).

In accordance with the applicable provisions of the '*Comitology Regulation*' (*i.e.*, *Regulation (EU) No. 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*), following the EU Council's failure to adopt any decision, the EU Commission must now decide on the adoption of the requested authorisation concerning "*maize 1507*". However, any movement from the EU Commission in such direction looks poised to raise significant controversy, especially after the Plenary of the EU Parliament adopted a (non-binding) resolution on 16 January 2014 urging the EU Council to reject the relevant proposal from the EU Commission. In addition, a group of MEPs reportedly announced their intention to launch a motion of censure, should the EU Commission proceed with the "*maize 1507*" authorisation. It will be interesting to see how the EU Commission proceeds in relation to these two open fronts concerning GMOs and whether the future of litigation rests within EU courts or at the WTO.

Recent developments in the EU's attempts to amend its Emissions Trading System as applied to aviation

On 19 March 2014, the EU Parliament Committee on the Environment, Public Health and Food Safety rejected a compromise text to amend the EU's Emissions Trading System (hereinafter, ETS) as applied to aviation. The Hellenic Presidency of the EU Council and the EU Parliament had provisionally agreed to the deal, which was then approved by the Permanent Representatives Committee (*i.e.*, the "*Coreper*", which is composed of the Ambassadors of the 28 EU Member States and prepares decisions of the EU Council). The draft regulation will still be voted on by the EU Parliament in the plenary session on 3 April 2014, but the result and its consequences are uncertain.

The EU's ETS is generally governed by Directive 2003/87/EC (*Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community*) (see Trade Perspectives, Issue No. 12 of 18 June 2010). It consists in a '*cap and trade*' system, in that it '*caps*' the overall level of emissions allowed in the EU but, at the same time, gives operators the opportunity to trade emission allowances. This manufactured scarcity in the market is intended to encourage certain industries to adopt restructuring plans and invest in environmentally-friendly technologies. To address greenhouse gas emissions within aviation, the EU adopted Directive 2009/29/EC (*Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community*), which entered into force on 1 January 2012 (see Trade Perspectives, Issue No. 17 of 21 September 2012). As applied to aviation, the EU's ETS created an aggregate cap on

greenhouse gas emissions produced by flights in the EU, including those incoming and outgoing from third countries, allocated emission allowances to those airlines, and allowed for the associated permits to be traded among those airlines. The measure also exempted flights originating from countries with measures that limited aviation emissions from departing flights. The EU received criticisms and pressure by numerous third countries, which, in part, pointed to the potential WTO-inconsistency of the system when applied to incoming and outgoing flights from third countries.

After the United Nations International Civil Aviation Organisation (hereinafter, ICAO) Assembly in November 2012, the EU felt confident that a multilateral deal addressing the same environmental concerns through the use of a similar market-based mechanism would be reached. In anticipation of this agreement, the EU adopted a measure (*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*) that suspended the deadline for carbon credit payments to airlines flying into or out of the EU until April 2014 (*i.e.*, one year). On 3 October 2013, the ICAO members agreed by consensus to create a roadmap so as to have a market-based mechanism in place by 2020 to curb aviation emissions. Thus, the EU began developing legislation to amend its ETS and extend the exemption for all non-intra-EU flights. The compromise text agreed before the vote in the ENVI Committee removed the application of the EU's ETS to incoming or outgoing international flights in the EU and applied until 2016. However, the legislative process has taken more than expected and now, if the EU Parliament and Council were to fail to adopt the deal in April, the original extension of the ETS to aviation would return into force and once again expose the EU to potential challenges or retaliation from third countries.

Of note is that the deal agreed upon contradicts the EU's previous statements on the matter. In the fall of 2013, the EU Commission's Directorate General for Climate Action announced that, if a timetable for a multilateral deal were to be agreed upon at the ICAO Assembly, the EU would remove the extraterritorial component of the ETS regarding aviation until 2020 (the year when it hopes that a deal would take effect). Thus, after such a deal was reached by consensus on 3 October 2013, many thought that the EU would adopt a regulation derogating to the aviation ETS until 2020. Instead, the EU Parliament and Council deal only extends the current deferment until 2016. At that point, the text envisions that a review take place after the ICAO Assembly in 2016, in order to assess the outcome and allow for a response from the EU. This version of the agreement would allow the EU to maintain some leverage over the ICAO members so as to encourage the continued development of a multilateral market-based mechanism to control aviation emissions by 2020.

As originally conceived, the extension of the EU's ETS to aviation likely violated a number of WTO obligations and commitments found in the GATT (for further reading, see Trade Perspectives, Issue No. 17 of 20 September 2013). In particular, Article I of the GATT contains the '*most-favoured nation*' obligation, which prohibits discrimination among '*like*' imported products. The EU's ETS, as originally extended to aviation and applied to flights in and out of the EU, would likely violate Article I: (i) as a *de facto* discrimination against '*like*' foreign products relative to the geographical proximity of the exporting country; (ii) according to whether the products were imported *via* direct flights into the EU; and (iii) whether or not the flight originated from a country qualifying for the departing flights aviation emission exemption. On a similar note, Article XI:I of the GATT generally prohibits border measures which *de jure* or *de facto* hinder competitive opportunities or have a limiting effect on trade. Thus, where the charges for the allowances could not qualify as '*other duties and charges*' under Article II:1(b) of the GATT, they would arguably qualify as '*other measures*' under Article XI of the GATT. The *de facto* limitations on air freight created by those costs would arguably still violate the GATT insomuch as price competitive products are more hindered the farther they have to travel to arrive in the EU. Additionally, Article III:4 of the GATT

prohibits WTO Members from applying discriminatory treatment to imported '*like*' products through regulations affecting, *inter alia*, their internal sale, offering for sale, and transportation. An argument could be made that the added cost resulting from, *inter alia*, the purchase of the allowances and any cost deriving from compliance with the administrative requirements imposed on aircraft operators could place products imported into the EU by air at a comparative disadvantage *vis-à-vis* '*like*' domestic products.

The compromise endorsed by the Coreper, if adopted, would eliminate such apparent inconsistencies and alleviate the political pressure maintained by third countries against the EU, especially inasmuch as, under this solution, third country airlines would apparently not be required to surrender allowances for the portion of the flight taking place within the EU. This would not be the case under the '*airspace*' approach, which is favoured by those opposing such compromise, who argue instead that the EU would still comply with its international commitments if it amended its measure so as to apply the carbon emissions from portions of international flights while they are within EU airspace.

Potentially affected businesses, including airlines or companies that export goods to the EU, should closely monitor the upcoming vote in the EU Parliament on 3 April 2014 (and the subsequent vote in the EU Council if the draft regulation is adopted by the EU Parliament). Interested parties should also consider strategies in which they may be able to make their interests known to relevant government officials. There is some indication that the EU Commission will not enforce the regulation as originally conceived if the EU Parliament and Council fail to amend the regulation in April, but businesses should be vigilant nonetheless.

The EU Parliament rejects the EU Commission's proposed definition of '*engineered nanomaterials*' added to foodstuffs

On 12 March 2014, the EU Parliament rejected the EU Commission's proposed definition of '*engineered nanomaterials'* added to foodstuffs. The EU Parliament voted (by 402 votes to 258, with 14 abstentions) a resolution on the EU Commission's delegated regulation of 12 December 2013 amending *Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers* (hereinafter, the FIR) as regards the definition of '*engineered nanomaterials*' (hereinafter, the EU Commission's delegated regulation). The resolution is based on Rule 87a(3) of the EU Parliament's Rules of Procedure. The EU Parliament's Committee for Environment, Public Health and Food Safety (ENVI) had already rejected the proposed definition in January 2014 (by 31 votes to 23, with two abstentions) on the grounds that the definition of '*engineered nanomaterials*' would have exempted food additives that were already on the market from labelling requirements. The EU Parliament considers that the EU Commission's delegated regulation is not compatible with the aim and content of the basic act (*i.e.*, the FIR) and that it exceeds the delegated powers conferred on the EU Commission under the FIR.

The term nanotechnology refers to the control of matter at an atomic or molecular scale of between one and 100 nanometres (nm) (*i.e.*, one millionth of a millimetre). Nanomaterials are currently not specifically regulated under EU law, while food manufacturers appear to have increasingly invested in nanotechnology research. The range of potential uses for nanotech in foods is expanding, including improving the bioavailability of nutrients, flavour enhancement, removal of pathogens and undesirable chemicals, and detecting foodborne pathogens or spoilage in packaging. Article 18(3) of the FIR provides that all food ingredients present in the form of engineered nanomaterials must be clearly indicated in the list of food ingredients and that the names of such ingredients must be followed by the word '*nano*' in brackets to ensure consumer information. Accordingly, the FIR provides for a provisional definition of '*engineered nanomaterials*'. Article 18(5) of the FIR empowers the EU Commission to adjust and adapt the definition of '*engineered nanomaterials*' to technical and

scientific progress or to definitions agreed at international level, by means of delegated acts, for the purposes of achieving the objectives of the FIR.

The EU Commission's delegated regulation provides in Article 1 that the current definition of engineered nanomaterials in point (t) of Article 2(2) of the FIR is replaced by the following: '*(t) 'engineered nanomaterial' means any intentionally manufactured material, containing particles, in an unbound state or as an aggregate or as an agglomerate and where, for 50% or more of the particles in the number size distribution, one or more external dimensions is in the size range 1 nm to 100 nm'*. By way of derogation from that provision, the EU Commission's delegated regulation establishes that food additives covered by the above definition shall not be considered as '*engineered nanomaterials*', if they have been included in the EU lists referred to in Article 4 of Regulation (EC) No. 1333/2008 by *Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing an EU list of food additives* and *Commission Regulation (EU) No. 1130/2011 of 11 November 2011 amending Annex III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives by establishing an EU list of food additives approved for use in food additives, food enzymes, food flavourings and nutrients*. However, the EU Commission's delegated regulation sets out that fullerenes, graphene flakes and single wall carbon nanotubes with one or more external dimensions below 1 nm shall be considered as '*engineered nanomaterials*'. In essence, the EU Commission's delegated regulation excludes all food improvement agents (*i.e.*, additives, enzymes and flavourings) included in the respective EU lists from the new definition of '*engineered nanomaterial*' and suggests instead that the need for specific nano-related labelling requirements relating to those additives should be addressed in the context of re-evaluation programmes of food improvement agents. The EU Commission justifies this blanket exemption for all existing food additives from labelling them as '*nano*' by stating that indicating such food additives in the list of ingredients followed by the word '*nano*' in brackets may confuse consumers as it may suggest that those additives are new while, in reality, they have been used in foods in that form for decades.

In the study "*Public Perceptions about Nanotechnology*", the German Federal Institute for Risk Assessment (BfR in its German acronym) states that nanomaterials are reportedly used as auxiliaries and additives in foods. For instance, silicic acid and other silicon-containing compounds are said to be used as trickling or thickening agents to prevent sodium chloride crystals and powder-form foods from sticking together and to make ketchup pour more easily. According to the BfR study, silicic acid is also used as a flocculent in wine and fruit juice production. Again, according to the BfR, the food industry is currently developing functional foods in which vitamins, omega 3 fatty acids, phytosterols and aromas are enclosed in nanocapsules and then released in the body. In the re-evaluation programme of food additives, the European Food Safety Authority (hereinafter, EFSA) concluded on 5 July 2011, in relation to the food additive calcium carbonate (*i.e.*, E 170), that "*the available data are sufficient to conclude that the current levels of adventitious nanoscale material within macroscale calcium carbonate would not be an additional toxicological concern*".

The EU Parliament argues in its resolution that, currently, it is precisely food additives that may be present as nanomaterials in food. The EU Parliament is concerned that the blanket exemption in the EU Commission's delegated regulation annuls the labelling provisions for all food additives that are engineered nanomaterials and deprives the law of the main '*effet utile*'. According to the EU Parliament, the EU Commission's delegated regulation violates the basic aim of the FIR to pursue a high level of protection of consumers' health and interests by providing a basis for final consumers to make informed choices. Furthermore, the EU Commission's justification is erroneous and irrelevant, as the FIR does not foresee a distinction between existing and new nanomaterials, but explicitly requires labelling of all ingredients present in the form of '*engineered nanomaterials*'. The EU Parliament also

considers that the EU Commission's 50% nano-particles threshold for an ingredient to qualify as '*nano*' is much too high as this definition disregards the EFSA's advice of a 10% threshold in light of ongoing uncertainty regarding the safety of nanomaterials.

In the area of food law, the EU Parliament increasingly uses its right to scrutinise delegated acts, implementing acts and measures adopted by the EU Commission, as witnessed with the EU Parliament's resolution of 6 February 2014 on the *EU Commission's Implementing Regulation (EU) No. 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No. 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry*, in which the EU Parliament considered that the EU Commission's implementing regulation exceeds the implementing powers conferred on the Commission under the FIR.

On 12 March 2014, the EU Parliament rejected the EU Commission's proposed definition of '*engineered nanomaterials*' added to foodstuffs. In its resolution on the EU Commission's delegated regulation of 12 March 2014, the EU Parliament called on the EU Commission to submit a new delegated act, which takes into account the position of EU Parliament in relation to the definition of '*engineered nanomaterials*', and instructed the EU Parliament's President to forward the resolution to the EU Commission and to notify it that the delegated regulation cannot enter into force. Perhaps it is worth distinguishing between '*adventitious*' and '*engineered*' nanomaterials. All interested parties in the food industry, in particular manufacturers of food improvement agents, are recommended to monitor the legislative initiative on a definition of '*engineered nanomaterials*' and ensure that their business interests are safeguarded.

The revised WTO Agreement on Government Procurement will come into force on 6 April 2014

On 11 March 2014, the WTO announced that the Protocol Amending the Agreement on Government Procurement (hereinafter, the Protocol) had been ratified by two-thirds of the parties in the WTO Committee on Government Procurement (*i.e.*, the required amount for the revised agreement to come into force). As a result, the revised Government Procurement Agreement (hereinafter, Revised GPA) will come into force on 6 April 2014, which is just over 2 years from the date the Protocol was adopted. Following the recent Bali Package, which was approved in December 2013, the Revised GPA continues positive trend in the conclusion of international agreements within the WTO, after over 10 years of limited progress within the organisation.

The GPA is a plurilateral agreement that commits its parties to increased levels of transparency, and liberalisation in public procurement. The agreement's scope includes the procurement of goods, services and capital infrastructure by public authorities. There are 15 parties to the GPA (including the EU with its 28 Member States), while 10 more are currently acceding to it. Thus, the obligations and commitments created under the GPA apply currently to only 43 out of 160 WTO Members (*i.e.*, 27%). The 10 parties that accepted the Protocol include Canada, Chinese Taipei, the EU, Hong Kong, Iceland, Israel, Liechtenstein, Norway, Singapore and the US. Accordingly, the remaining 5 members of the committee (*i.e.*, Armenia, Japan, Korea, the Netherlands with respect to Aruba, and Switzerland did not accept the Protocol). The original GPA entered into force in 1996, and attempts to revise it have been ongoing for almost 15 years.

The Revised GPA modernises the original agreement's text in a few notable ways. First, it addresses the increased use of electronic procurement tools in recent years. In this regard, the agreement: (i) creates rules to address '*electronic auctions*' in Article XIV; (ii) expressly

extends its scope in Article II:1 to cover procurement by electronic means; and (iii) in Article IV:3, it provides general principles for WTO Members to follow when they are using electronic means, including the use of generally available software and maintaining mechanisms such as recording the time of receipt of tenders. Second, the Revised GPA significantly improves market access in procurement. In part, the gains in market access are due to its increased scope of application (*i.e.*, government entities including ministries and agencies) and increased coverage in services procurement. Article II addresses the scope and coverage of the agreement, including Paragraph 4, which obliges Parties to the agreement to provide 7 annexes specifying information such as, *inter alia*, which government entities, goods and services are covered by the agreement. Lastly, Article V includes provisions to facilitate accession by developing and least-developed countries.

In the broad context of WTO relations, the Revised GPA represents another small but important success within the framework provided by the multilateral trading system, after the recently concluded Agreement on Trade Facilitation (see Trade Perspectives, Issue No. 23 of 13 December 2013). After many years of setbacks, the hope is that these instances of agreement may provide positive momentum for the WTO to reach soon other important negotiating milestones, particularly within the Doha Round. In the narrower context of the Revised GPA itself, the most interesting consequences to monitor, once it enters into force, are the gains in market access that countries expect to achieve and whether the new agreement will successfully '*recruit*' more WTO Members. Reports indicate that Parties' businesses will gain market access estimated at USD 80-100 billion annually. Interested parties should take note of the opportunities that the Revised GPA may provide and encourage their governments to consider accession.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Decision of 17 March 2014 amending Decision 2011/130/EU establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (notified under document C(2014) 1640)*

Trade Remedies

- *Council Implementing Decision of 18 March 2014 rejecting the proposal for an Implementing Regulation reimposing a definitive anti-dumping duty and collecting definitely the provisional duty imposed on imports of certain footwear with uppers of leather originating in the People's Republic of China and produced by Brosmann Footwear (HK) Ltd, Seasonable Footwear (Zhongshan) Ltd, Lung Pao Footwear (Guangzhou) Ltd, Risen Footwear (HK) Co. Ltd and Zhejiang Aokang Shoes Co. Ltd*

Food and Agricultural Law

- *Commission Regulation (EU) No. 274/2014 of 14 March 2014 correcting the Lithuanian language version of Regulation (EU) No. 432/2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health*

- *Commission Regulation (EU) No. 246/2014 of 13 March 2014 amending Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances*

- *Commission Implementing Decision of 12 March 2014 concerning certain protective measures relating to African swine fever in Poland (notified under document C(2014) 1657)*

- *Commission Regulation (EU) No. 218/2014 of 7 March 2014 amending Annexes to Regulations (EC) No 853/2004 and (EC) No. 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No. 2074/2005*

- *Commission Regulation (EU) No. 219/2014 of 7 March 2014 amending Annex I to Regulation (EC) No. 854/2004 of the European Parliament and of the Council as regards the specific requirements for post-mortem inspection of domestic swine*

- *Regulation (EU) No. 253/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No. 510/2011 to define the modalities for reaching the 2020 target to reduce CO_2 emissions from new light commercial vehicles*

- *Regulation (EU) No. 249/2014 of the European Parliament and of the Council of 26 February 2014 repealing Council Regulation (EC) No. 827/2004 prohibiting imports of Atlantic bigeye tuna (Thunnus obesus) originating in Bolivia, Cambodia, Equatorial Guinea, Georgia and Sierra Leone and repealing Regulation (EC) No. 1036/2001*

- *Regulation (EU) No. 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No. 1601/91*

Other

- *Council Decision No. 136/2014/EU of 20 February 2014 laying down rules and procedures to enable the participation of Greenland in the Kimberley Process certification scheme*

- *Council Decision of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius*

- *Commission Regulation (EU) No. 260/2014 of 24 January 2014 amending, for the purpose of its adaptation to technical progress, Regulation (EC) No. 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)*

Ignacio Carreño, Eugenia Laurenza, Anna Martelloni, Blanca Salas, Bruno G. Simões and Paolo R. Vergano contributed to this issue.