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European Court of Justice rejects the EU Council's appeal in an anti-dumping case concerning the EU's failure to grant a Chinese company Market Economy Treatment

On 19 July 2012, the European Court of Justice (hereinafter, ECJ) upheld a General Court ruling that Chinese chemical manufacturer *Zhejiang Xian Chemical Industrial Group* (hereinafter, Xinanchem) was improperly refused a request for market economy treatment (hereinafter, MET), for a determination of anti-dumping duties concerning imports of glyphosate into the EU. In 1998, the EU Council imposed a definitive anti-dumping duty on imports of glyphosate, an herbicide chemical originating in China. In September 2004, the EU Council extended its anti-dumping measures and refused Xinanchem's request for MET determining that the Chinese State exercised significant control over the general meeting of the company's shareholders. The EU Council further determined that the Chinese State, by entrusting the *China Chamber of Commerce Metals, Minerals & Chemicals Importers and Exporters* (hereinafter, Chamber of Commerce) with the right of contract stamping and verifying export prices for customs clearance, allowed it to veto exports not respecting a set minimum price for glyphosate exports. As a result, Xinanchem was given a general anti-dumping duty of 29.9% based upon data obtained from producers in a third country market economy, namely Brazil. It subsequently filed an action in the EU's General Court contesting the EU's automatic denial of MET.

In accordance with the EU's Basic Anti-dumping Regulation, the '*normal value*' (*i.e.*, the difference between a good's value and its declared value) of goods coming from non-market economies (*i.e.*, countries having a complete or substantially complete monopoly on their trade and all domestic prices are fixed by the state) is determined on the basis of the price or constructed value of the good in a comparable third country market-economy. The recourse to third country prices typically leads to higher anti-dumping duties. The EU's Basic Anti-dumping Regulation allows producers from certain non-market economy countries (*i.e.*, Albania, Armenia, China, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia and Vietnam) to request MET if they are able to show that certain market economy conditions prevail. Obtaining MET results in the normal value being primarily based on the company's domestic prices instead of third country prices. To obtain MET, a producer must submit evidence demonstrating, *inter alia*, that: 1) the firm's decisions regarding prices, costs and inputs are made in response to market signals reflecting supply and demand, and without significant State interference; 2) the firm has one clear set of basic accounting records, which are independently audited in line with international accounting standards; 3) the production costs and financial situation of the firm is not subject to significant distortion carried-over from the former non-market economy system, in particular with regard to depreciation of assets and other write-offs; 4) the firm is subject to bankruptcy and property laws, which guarantee legal certainty and stability for operation of firms; and 5) exchange rate of conversions are carried-out at the market rate.

The General Court found that, while the Chinese State was a minority shareholder in Xinanchem, the exercised control could not be equated, as a matter of principle, to significant State interference in Xinachem's decisions regarding prices, costs and inputs (*i.e.*, on raw materials, technology costs, sales and investments). As a result, the General Court held that the EU Council and EU Commission could not automatically refuse MET without examining the evidence provided by Xinanchem, including evidence presented that the Chamber of Commerce's export contract stamping mechanism was not imposed by the Chinese State and that the company was free to decide its own export prices.

The EU Council appealed the General Court's judgment before the ECJ. While dismissing the appeal in its entirety, the ECJ determined that the EU's Basic Anti-dumping Regulation does not preclude all types of State interference in a producer's activities. It only precludes '*significant interference*' in a producer's activities regarding prices, costs and inputs. State interference that is, neither by nature nor in the effect, capable of rendering a company's decisions incompatible with market economy conditions is not considered significant. Consequently, the mere fact that the Chinese State was a minority shareholder in Xinanchem does not excuse the EU Council and EU Commission's failure to assess whether the evidence submitted by Xinanchem was sufficient to demonstrate that the producer made its own decisions regarding prices, costs and inputs in response to market signals and without significant State interference. The ECJ made it clear, however, that a company established in a non-market economy country, which is *de facto* controlled by State shareholders, raises serious doubts as to whether its management is sufficiently independent of the State regarding its ability to make autonomous decision on prices, costs and inputs according to market signals. The EU Council and EU Commission, however, should have taken account of that fact in examining the evidence submitted by Xinanchem, instead of automatically denying MET because of the Chinese State being a minority shareholder.

This ECJ judgment is of particular interest for producers operating in non-market economy countries, as well as those that conduct business in industries with competition coming from such countries. It provides significant legal insight into the necessity for the EU Commission and EU Council to fully examine all evidence submitted by producers desiring to obtain MET.

Panel Report issued in the WTO dispute on *China – Certain Measures Affecting Electronic Payment Systems*

On 16 July 2012, the WTO Panel in '*China – Certain Measures Affecting Electronic Payment Systems*' issued its report, responding to US complaints that the measures maintained by China affected electronic payment services (hereinafter, EPS) for payment card transactions (*i.e.*, debit and credit cards) and the suppliers of those services for business conducted in China. Specifically, the US alleged that China entrusts only one Chinese entity, China UnionPay (hereinafter, CUP), to be the '*sole supplier*' of EPS for payment card transactions denominated and paid in renminbi (hereinafter, RMB). The US requested the Panel to assess the measures imposing requirements on financial institutions in China affecting EPS, both individually and in conjunction with each other, to determine whether they violate Articles XVI and XVII of the General Agreement on Trade in Services (hereinafter, GATS). In its request for establishment of the Panel, the US stated, *inter alia*, that Chinese legal requirements improperly mandate: 1) that service suppliers of other WTO Members can only supply services for payment card transactions paid in foreign currency (*i.e.*, all currencies other than RMB); 2) that payment cards used only for RMB purchases in China, including dual currency cards, bear the CUP logo (hereinafter, '*issuer requirements*'); 3) that all payment card processing devices (*i.e.*, ATMs, merchant card processing equipment, and point-of-sale terminals) in China accept CUP cards (hereinafter, '*terminal equipment*

requirements'); 4) that all acquiring institutions in China must post the CUP logo and be capable of accepting all bank cards bearing the CUP logo (hereinafter, '*acquirer requirements*'); 5) broad prohibitions on the use of non-CUP cards for cross-region or inter-bank transactions (hereinafter, '*cross-region/inter-bank prohibitions*'); and 6) requirements mandating that only CUP, and no other EPS provider, can handle the clearing of certain RMB bank card transactions involving either an RMB bank card issued in China and used in Hong Kong or Macao, or an RMB bank card issued in Hong Kong or Macao that is used in China for an RMB transaction (hereinafter, '*Hong Kong/Macao requirements*').

Market access and national treatment obligations under the GATS apply to services sectors for which specific commitments have been undertaken and have been duly inscribed in the Schedule of Commitments, and subject to the conditions specified therein. The Panel held that the services at issue were classifiable under subsection 7.B(d) of China's Schedule and, therefore, fell within the scope of China's obligations under the GATS.

The Panel first determined that no '*sole supplier'* requirement was found with respect to the supply of EPS for all domestic RMB bank card transactions taking place in China, as the US failed to establish that the issuer (*i.e.*, the banks issuing the payment cards), terminal equipment, and acquirer requirements were inconsistent with Articles XVI:1 and 2(a) of the GATS, and could not show that CUP had an overall monopoly on RMB transactions in China. Its analysis then focused on whether China's '*Hong Kong/Macao requirements*' were inconsistent with Article XVI:2(a) of the GATS. The Panel determined that only CUP was able to handle the clearing of RMB bank card transactions involving either an RMB bank card issued in China and used in Hong Kong or Macao, or an RMB bank card issued in Hong Kong or Macao that is used in China for an RMB transaction (*i.e.*, for shopping, meals, lodging and cash withdrawals). The Panel found this to be contrary to China's Mode 3 market access commitments in '*Banking and Other Financial Services*' which set forth the ability of foreign EPS suppliers to establish operations in China and supply services from within China to relevant customers. China argued that there was no basis for the claims relating to Hong Kong and Macao under Article XVI:2, due to their WTO status as separate customs territories. In response, the Panel examined the language of Article XVI:2 of the GATS on its face and the *Mexico – Telecoms* WTO report, which confirms that a service is supplied through Mode 3 if a service supplier of a Member supplies its service through commercial presence in the territory of another Member. According to that report, nothing within Mode 3 requires a foreign services supplier to supply its services only to recipients in the territory where it has established a commercial presence. On the basis of this finding, taking into account the absence of any territorial qualification regarding location of recipients of service, the Panel determined that China's Mode 3 commitments covered EPS services both within China and from China to any territory (*i.e.*, to Hong Kong or Macao). As a result of China's requirement that only CUP be allowed to handle processing of relevant transactions taking place in Hong Kong or Macao, or China, foreign EPS suppliers establishing a commercial presence in China were prevented from providing services with respect to any transaction inside or outside of China. On the basis of the *US – Gambling* case law, the Panel then found that China's '*Hong Kong/Macao requirements*', limiting the number of EPS suppliers to one, constitute a limitation of '*numerical and quantitative nature*'. Consequently, the Panel held that CUP is a monopoly falling within the scope of Article XVI:2(a) of the GATS for its '*Hong Kong/Macao requirements*'.

The Panel also determined that China's '*issuer requirements*', '*terminal equipment requirements*', and '*acquirer requirements*' violated national treatment provisions in Article XVII of the GATS for both Mode 1 cross-border supply of EPS and Mode 3 commercial presence. The Panel applied the *China – Publications and Audiovisual Products*' three-pronged test in making its determination that China's requirements were inconsistent with Article XVII of the GATS by establishing that: 1) China made national treatment commitments in the relevant sector and mode of supply set out in its Schedule; 2) China's

measures affected the supply of services in the relevant sector and mode of supply; and 3) China's measures accord treatment less favourable to foreign services suppliers. In examining the '*less favourable treatment*' determination, the Panel found that the logo element of China's '*issuer requirements'* essentially required foreign EPS suppliers desiring to have Chinese commercial banks issue a bank card on its EPS network to also accept the CUP logo on the front of that same card, thereby reminding all users of the availability of the CUP network, a competing EPS supplier. Additionally, commercial banks, acquirers and merchants could refuse access to foreign EPS suppliers, while CUP was guaranteed access to all merchants in China, therefore showing '*less favourable treatment*' under the '*terminal equipment requirements'*. Finally, all acquirers (*i.e.*, banks having relationships with merchants that '*acquire'* payment card transactions) in China must join CUP and comply with CUP's uniform business standards and technical specifications of inter-bank interoperability, while foreign EPS suppliers must attempt to convince acquirers to join their networks and accept their bank cards under China's '*acquirer requirements'*. Therefore, the Panel determined that each requirement modified the '*conditions of competition*' in favour of CUP resulting in '*less favourable treatment*' of other '*like'* EPS suppliers.

This is the first WTO ruling made with regard to a dispute over financial services, a key services sector for many WTO Members. While the WTO Panel held that China imposed four different requirements in violation of the GATS, the US failed to establish that China maintained CUP as a full monopoly supplier on all RMB-based transactions. Each year, well over USD 1 trillion of electronic payment card transactions are processed in China. This WTO ruling could provide access for companies to enter China's large and growing financial services sector. This Panel report is of particular interest for services oriented businesses operating in multiple countries or those looking to expand into additional countries. It provides significant legal insight into the importance of examining services liberalisation commitments made by WTO Members to ascertain what sectors and modes of supply are open, as well as providing additional GATS '*jurisprudence'* and interpretative guidance, which has so far been limited. China and the US may appeal this decision to the WTO Appellate Body within 60 days of the date of its circulation.

Codex adopts MRLs for ractopamine in the tissues of pigs and cattle, amid strong opposition by the EU and China

In its 35th session on 5 July 2012, the Codex Alimentarius Commission (hereinafter, CAC) agreed to establish maximum residue limits (hereinafter, MRLs) for the veterinary drug ractopamine allowed in the tissues of pigs and cattle. In a tight vote (69 votes for, 67 against, and seven abstentions), Codex members agreed on the new limits, which will allow no more than 10 micrograms of ractopamine per kg of pig or cattle muscle, 40 micrograms per kg in the livestock's liver and 90 micrograms per kg in kidneys. The Codex decision followed scientific assessments carried-out by the Joint Expert Committee on Food Additives (hereinafter, JECFA), a group of independent experts convened by the UN Food and Agriculture Organization (FAO) and the World Health Organization (WHO), that provides scientific support to Codex. JECFA previously concluded in May 2010 that the now approved MRLs of ractopamine are compatible with the acceptable daily intake and have no negative impact on human health.

Ractopamine is a ß-agonist drug added to feed, which is distributed via the blood to the muscle tissues where it binds to specific ß-receptors in the muscle cell membranes. It increases protein synthesis, which results in an increase in muscle fibre size. In simple terms, ractopamine increases the rate of weight gain, boosts growth, improves feed efficiency and increases carcass leanness in pigs and cattle. The use of the substance as a

feed additive is authorised, *inter alia*, in Argentina, Brazil, Canada, Japan, Mexico and the US. The EU, China and other countries have banned it.

Opinion on the use of ractopamine in the CAC is divided. During the 33rd session of the CAC in 2010, there was an extensive debate around the approval of MRLs for ractopamine, with no conclusion being reached. At its 34th Session, the CAC decided to hold at Step 8 the global food safety standards for ractopamine. This time, at the 35th session of the CAC, the MRLs were approved by a very short margin. The votes of the 27 EU countries, which are all members of the CAC in their own standing, were not sufficient for a majority against ractopamine MRLs

Ractopamine MRLs have also been discussed in several WTO SPS Committee meetings since October 2008, when it was first raised as a specific trade concern by the US regarding Chinese Taipei's ban on meat from animals fed with the additive. Countries in favour of setting MRLs were Argentina, Brazil, Canada, Chile, Costa Rica, Mexico, New Zealand, Peru, the Philippines and the US, which argued that scientific evidence showed that some ractopamine residues were safe. They cited JECFA scientific studies and also argued that 26 countries have allowed ractopamine to be used for many years, with no harmful effects. The EU and China (supported by Chinese Taipei, Switzerland and Norway), which according to the EU, together account for 70% of production and consumption of pigmeat, argued that the JECFA findings were not enough to justify standards that allow some residues. China said its studies indicate that risks exist for other types of pigmeat consumed in China (like pig organs).

In 2009, the EU Commission asked the European Food Safety Authority (EFSA) to provide an opinion on the JECFA evaluation for ractopamine. The EFSA Panel concluded, after having consulted and co-operated with other organisations such as the European Medicines Agency (EMA) and the EU Reference Laboratory responsible for β-agonists (BVL in Berlin), that the data and methodology used by JEFCA was weak and uncertain and could not be taken as a basis to derive an acceptable daily intake. Consequently, no proposal for MRLs could be made.

The EU and China have repeatedly sought to block ractopamine MRLs because they prohibit their own producers from using it and do not want to accept imported meat from pigs or cattle raised with ractopamine. In the EU, *Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of ß-agonists*, last amended by *Directive 2008/97/EC*, generally prohibits the use of β-agonists, like ractopamine, in food-producing animals, except for therapeutic use under direct veterinary supervision in calving cows, horses and pets (MRLs have been set, *inter alia,* for clenbuterol in *Regulation (EC) No. 2377/90* for bovine animals and equidae). This prohibition covers domestic production, as well as imports from countries where meat from animals treated with β-agonists is used for growth promotion purposes. Most recently, Belgium notified on 8 May 2012 to the EU's Rapid Alert System on Food and Feed (RASFF) that the '*unauthorised substance ractopamine*' was detected in chilled beef livers from Canada.

Following the vote at the CAC, the EU reaffirmed its position in a statement saying that its '*current legislation will remain in place,* arguing that *the adoption of MRLs for ractopamine in pigs and cattle is not justified as there remain outstanding safety concerns'.* The EU listed close to 45 European countries that also indicated the intention to maintain their positions and not to approve the use of ractopamine. They were supported by a number of some of the world's most populous nations, including: China, Egypt, India, Iran, Kenya, the Russian Federation, Turkey and Zimbabwe.

One of the EU's main arguments was that the decision-making process leading to the approval of MRLs for ractopamine was '*regrettable*', as it was taken on the basis of a single vote difference. The EU Commission said that '*as an international organisation seeking to harmonise standards across the globe, Codex should respect consensus-based decision-making, one of the fundamental principles of the organisation. For standards to be universally applicable, they also need to be universally accepted*'. From a strict legal view, this argument does not convince as Rule VIII Voting and Procedures of the CAC provides that '*(...) each Member of the Commission shall have one vote and that [...] decisions of the Commission shall be taken by a majority of the votes cast*'. Major meat exporting countries such as Brazil and the US, which do use ractopamine, have welcomed the vote in the CAC as they have been pushing for a Codex standard for many years in order to make it easier to challenge countries in the WTO that have zero tolerance policies for ractopamine residues in meat products.

Chinese Taipei on 25 July 2012 lifted a ban on imports of US beef containing ractopamine, amending a law that has barred imports of beef containing residues of it. The main question is whether all WTO Members will now adhere to the new Codex MRL for ractopamine. The matter may escalate as a trade confrontation before the Dispute Settlement Body of the WTO. In a potential WTO dispute, Article 3.1 of the SPS Agreement may be invoked, which states that '*[t]o harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3*'. With respect to the phrase '*international standards (…) where they exist*', the Panel in *EC — Hormones* noted that '*Article 3.1 unambiguously prescribes that* '(...) *Members shall base their sanitary (…) measures on international standards (…) where they exist (…). Paragraph 3 of Annex A of the SPS Agreement also clearly states that the international standards mentioned in Article 3.1 are for food safety, the standards (…) established by the Codex Alimentarius Commission relating to (…) veterinary drug (…) residues (…)*'. The Panel also held that '*as a panel making a finding on whether or not a Member has an obligation to base its sanitary measure on international standards in accordance with Article 3.1, we only need to determine whether such international standards exist. For these purposes, we need not consider (i) whether the standards reflect levels of protection or sanitary measures or the type of sanitary measure they recommend, or (ii) whether these standards have been adopted by consensus or by a wide or narrow majority, or (iii) whether the period during which they have been discussed or the date of their adoption was before or after the entry into force of the SPS Agreement*'.

Applying this WTO '*jurisprudence*', it appears that, even if the Codex MRLs on ractopamine have been adopted by a narrow majority, the EU, China and others would need to base their sanitary measures on the Codex Standard on ractopamine. In such a situation, Article 3.3 of the SPS Agreement may be applied as a justification for deviating from the international standard as it states that '*Members may introduce or maintain sanitary or phytosanitary measures which result in a higher level of sanitary or phytosanitary protection than would be achieved by measures based on the relevant international standards, guidelines or recommendations, if there is a scientific justification, or as a consequence of the level of sanitary or phytosanitary protection a Member determines to be appropriate in accordance with the relevant provisions of paragraphs 1 through 8 of Article 5*' (*i.e.*, based on risk assessment). Furthermore, a footnote to Article 3.3 states that '*[f]or the purposes of paragraph 3 of Article 3, there is a scientific justification if, on the basis of an examination and evaluation of available scientific information in conformity with the relevant provisions of this Agreement, a Member determines that the relevant international standards, guidelines or recommendations are not sufficient to achieve its appropriate level of sanitary or phytosanitary protection*'.

In *EC — Hormones,* the Appellate Body held that the right of a Member to establish its own level of sanitary protection under Article 3.3 of the SPS Agreement is an autonomous right and not an '*exception*' from a '*general obligation*' under Article 3.1. The Appellate Body explicitly stated that '*under Article 3.3 of the SPS Agreement, a Member may decide to set for itself a level of protection different from that implicit in the international standard, and to implement or embody that level of protection in a measure not 'based on' the international standard. The Member's appropriate level of protection may be higher than that implied in the international standard. The right of a Member to determine its own appropriate level of sanitary protection is an important right*'.

The argument by a country to set for itself a level of protection different from that implicit in the international standard, and to implement or embody that level of protection in a measure not '*based on*' the international standard, could be used in a potential dispute as a defence if there is scientific justification and/or the measure is based on a risk assessment in the terms of Article 5 of the SPS Agreement. Consequently, the establishment of Codex MRLs for ractopamine may not have conclusively resolved this specific trade concern and the discussions may move from FAO Codex to the WTO.

The WTO issues report on the impact on trade of non-tariff measures

On 16 July 2012, the WTO published its '*World Trade Report 2012*' (hereinafter, the Report), which focuses on the issue of non-tariff measures (hereinafter, NTMs), in light of the current global trade circumstances. NTMs encompass all those measures, aside from tariffs, that are adopted by governments and that may have an impact on trade. The WTO Agreements (especially the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures, both in respect of trade in goods), provide for rules that regulate the adoption of such measures in order to minimise the trade-distortive effects that an excess of NTMs in the global market would create. The Report focuses on three categories of NTMs: 1) technical barriers to trade (hereinafter, TBTs); 2) sanitary and phytosanitary measures (hereinafter, SPS measures); and 3) domestic regulation in services.

TBTs and SPS measures are taken by countries in response to non-economic policy objectives, such as (*inter alia*) the protection of human, animal or plant life or health, consumers, or the preservation of the environment, which are recognised to be '*legitimate*' by WTO Agreements. The Report found that these NTMs appear to have flourished in the past few years. The problem is that, with a view to achieve these non-economic goals, NTMs may also negatively impact international trade, indirectly affording a level of protection for domestic producers to the detriment of foreign ones. The Report also points at the '*dual purpose*' that some NTMs may have, referring to instances in which, while allegedly pursuing legitimate objectives, the NTMs in question are also intended to protect domestic interests. Technical regulations, conformity assessment procedures and SPS measures can serve legitimate public policy objectives, but they may also be used for protectionist purposes. Differentiating between the '*dual purpose*' of NTMs is certainly among the challenges that these measures pose.

NTMs have been recognised as constituting the main source of concern for exporters, not only due to the substantial obstacles that they impose on trade, but also because of the impediments they pose at the procedural level. These concerns must also be seen in light of the increasing adoption of NTMs, especially in the area of health, environment and food safety, which are raising important questions on the delicate balance between WTO Members' rights to pursue legitimate objectives and the rights and obligations established by the WTO. There are two distinct aspects on NTMs that must be looked at: 1) how to address the impact on trade without precluding governments from pursuing their own legitimate

policy objectives; and 2) avoiding that '*hidden*' protectionist agendas drive the adoption of certain NTMs.

The key WTO principles of proportionality, least-trade-restrictiveness, transparency and avoidance of discriminatory practices should guide any WTO Member when adopting NTMs. In addition, the WTO SPS and TBT Agreements require that SPS measures and TBTs be based on scientific principles and an assessment of the risks. Compliance with these principles helps to minimise trade-distortive effects, which are connected to the policy objectives pursued by the measures, and to detect protectionist intents. The WTO dispute settlement system is always available to Members affected by NTMs. The recent activity of the WTO dispute settlement has increasingly focussed on NTMs based on environmental, consumer protection and health objectives.

Recently Adopted EU Legislation

Market Access

- *Council Decision of 24 July 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Government of the Russian Federation relating to the preservation of commitments on trade in services contained in the current EU-Russia Partnership and Cooperation Agreement*

- *Council Decision of 24 July 2012 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Russian Federation relating to the introduction or increase of export duties on raw materials*

- *Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals*

- *Council Decision of 24 July 2012 on the conclusion of the Agreement between the European Union and the Government of the Russian Federation on trade in parts and components of motor vehicles between the European Union and the Russian Federation*

Trade Remedies

- *Commission Regulation (EU) No. 653/2012 of 17 July 2012 initiating a 'new exporter' review of Council Regulation (EC) No. 192/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate originating, inter alia, in Taiwan, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration*

- *Council Implementing Regulation (EU) No. 672/2012 of 16 July 2012 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No. 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Malaysia, whether declared as originating in Malaysia or not*

Customs Law

- *Council Decision of 26 June 2012 on the position to be taken, on behalf of the European Union, in the EU-EFTA Joint Committee concerning the adoption of a Decision amending the Convention of 20 May 1987 on a common transit procedure*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 660/2012 of 19 July 2012 on certain market support measures in the sector of poultrymeat in Italy*

- *Commission Implementing Decision of 18 July 2012 amending Implementing Decision 2011/630/EU as regards animal health requirements relating to bluetongue and Simbu viruses (notified under document C(2012) 4882)*

- *Commission Implementing Regulation (EU) No. 644/2012 of 16 July 2012 amending Regulation (EU) No. 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements, as regards Russia*

- *Commission Implementing Regulation (EU) No. 652/2012 of 13 July 2012 correcting Regulation (EC) No. 543/2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing standards for poultrymeat*

- *Commission Implementing Regulation (EU) No. 637/2012 of 13 July 2012 amending Implementing Regulation (EU) No. 540/2011 as regards the conditions of approval of the active substances iron sulphate, repellents by smell of animal or plant origin/tall oil crude and repellents by smell of animal or plant origin/tall oil pitch*

- *Council conclusions of 22 June 2012 on the impact of antimicrobial resistance in the human health sector and in the veterinary sector — a 'One Health' perspective*

Other

- *Council Decision of 9 October 2009 on the signing and provisional application of a Protocol amending the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part, to take account of the accession to the European Union of the Republic of Bulgaria and Romania.*

- *Commission Implementing Decision of 24 July 2012 on recognition of the 'REDcert' scheme for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council*

- *Commission Regulation (EU) No. 674/2012 of 23 July 2012 amending Regulation (EC) No. 1418/2007 concerning the export for recovery of certain waste to certain non-OECD countries*

- *Council Decision of 16 July 2012 establishing the position to be taken by the European Union within the General Council of the World Trade Organisation on the Philippines' request for a WTO waiver to extend the special treatment for rice*

- *Council Decision of 14 May 2012 on the conclusion of the Voluntary Partnership Agreement between the European Union and the Republic of Liberia on forest law enforcement, governance and trade in timber products to the European Union*

- *Voluntary Partnership Agreement between the European Union and the Republic of Liberia on forest law enforcement, governance and trade in timber products to the European Union*

- *Council Decision of 14 May 2012 on the conclusion of a Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)*

- *Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)*

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Please note that Trade Perspectives© will take an editorial break during the WTO's August recess and will resume its fortnightly publication schedule on 7 September 2012. We thank you for your continued interest in Trade Perspectives© and look forward to starting again with renewed energy and enthusiasm our dialogues on international trade as of this Fall.

The Trade Perspectives© Team

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