FRATINIVERGANO
EUROPEAN LAWYERS
TRADE PERSPECTIVES©

Issue No. 2 of 27 January 2012

The WTO Dispute Settlement Body establishes a second panel to examine measures applied by Canada in its renewable energy sector

At its meeting on 20 January 2012, the WTO Dispute Settlement Body (hereinafter, DSB) established a WTO panel, following the EU's request of 9 January 2012 to examine the WTO-consistency of the '*feed-in tariff programme*' applied by the Canadian province of Ontario to renewable sources of energy (for more background on Ontario's '*feed-in tariff programme*', see Trade Perspectives, Issues No. 9 of 7 May 2010, No. 12 of 17 June 2011, and No. 15 of 29 July 2011). The two parties held consultations on 7 September 2011 (see Trade Perspectives, Issue No. 16 of 9 September 2011), which did not result in a mutually satisfactory solution. As a result, the dispute has now been referred to the adjudicative phase of panel proceedings. These proceedings mirror an identical WTO dispute regarding Ontario's '*feed-in tariff programme*' launched by Japan, and which led the DSB to establish a separate panel at its meeting on 20 July 2011 (see Trade Perspectives, Issue No. 15 of 29 July 2011).

In its request for the establishment of a WTO panel, the EU has alleged (along the same lines as what was done by Japan) that Ontario's '*feed-in tariff programme*', with its domestic content requirement, violates a number of provisions of various WTO Agreements, notably the national treatment obligations under Article III:4 of the General Agreement on Tariffs and Trade (hereinafter, the GATT), and Article 2.1 of the Agreement on Trade-Related Investment Measures (hereinafter, the TRIMs Agreement), in conjunction with paragraph 1(a) of the TRIMs Agreement's Illustrative List, and Articles 3.1(b) and 3.2 of the WTO Agreement on Subsidies and Countervailing Measures (hereinafter, the ASCM), to the extent that Ontario's measures are deemed to be subsidies within the meaning of Article 1.1 of the ASCM.

This case has significant implications for WTO law, as it is the first WTO dispute over '*feed-in tariff programmes*' to reach the adjudicatory phase. Several controversial legal issues will likely be addressed. For instance, the Panel will have to determine whether Ontario's '*feed-in tariff programme'*, with its domestic content requirement, constitutes a WTO-illegal subsidy. Pursuant to Article 1.1 of the ASCM, a subsidy is deemed to exist if there is a '*financial contribution by a government or any public body*' whereby '*a benefit is conferred*'. Ontario's '*feed-in tariff programme*' appears to have been implemented without any direct cost to the Ontario Government. However, WTO panels have previously ruled that a '*financial contribution*' need not be a financial charge on a government. Specifically, in *Canada – Aircraft*, a panel ruled that a transfer of value need not result in a '*cost to government*'. Rather, a financial contribution made by a directed entity, whether public or private, is sufficient to fulfil the requirements under Article 1.1(a)(1) of the ASCM. In the present case, it would first be necessary for the Panel to determine whether the relevant entity is public or private in order to apply one of the four sub-provisions under Article 1.1(a)(1) of the ASCM. The Panel's analysis of the design of Ontario's '*feed-in tariff programme'* will thus be crucial.

This characterisation is particularly important given that the Ontario Government, in its legal instruments implementing the '*feed-in tariff programme*', qualifies these measures as '*government procurement*', and the Ontario Power Authority (hereinafter, the OPA), which implements the '*feed-in tariff programme*', is an entity that is not covered by the WTO's Government Procurement Agreement. Article 1.1(a)(1)(iii) of the ASCM, pertaining to government purchases of goods, could nevertheless be invoked and an actionable subsidy may be found if a benefit results from the purchase being made '*for more than adequate remuneration*' (Article 14(d) of the ASCM). However, the public/private nature of the OPA must first be determined and this could be a complex task given the convoluted legal nature of the OPA.

Another controversial subject, which may arise during the panel proceedings, is the applicability of the GATT Article XX(b) and XX(g) exceptions as a defence for Ontario's implementation of its '*feed-in tariff programme*' and associated domestic content requirements. These GATT provisions refer, respectively, to measures '*necessary to protect human, animal or plant life or health*', and measures '*relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption*'. One issue is whether these Article XX exceptions may be invoked as a defence against the EU's non-GATT claims under the ASCM and the TRIMs Agreement. In *China – Audiovisuals*, the Appellate Body ruled that a specific provision of China's Protocol of Accession, which referred to '*China's right to regulate trade in a manner consistent with the WTO Agreement*', resulted in Article XX being available as a defence against certain violations of China's Protocol of Accession, despite the lack of an explicit reference in the Protocol to Article XX of the GATT. However, in the more recent *China – Raw Materials* case (see Trade Perspectives, Issue No. 14 of 15 July 2011), the Panel determined that Article XX of the GATT could not be invoked as a defence for a breach of China's Protocol of Accession, as the provision in question did not refer back to the WTO Agreements. Yet in both cases no general statement was made regarding the applicability of Article XX of the GATT to WTO Agreements, such as the ASCM, that contain no reference to Article XX of the GATT. There is an ongoing legal debate regarding this issue. However, the original existence of a list of non-actionable subsidies, including '*assistance to promote adaptation of existing facilities to new environmental requirements imposed by law*', in the now-defunct Article 8 of the ASCM, suggests that the intention of the negotiating parties was to create an '*à la carte*' list of non-actionable subsidies, rather than relying on the general exceptions contained in Article XX of the GATT.

In addition to the two ongoing WTO disputes, Ontario's '*feed-in tariff programme*' faces challenges in several other legal arenas. A Texas-based renewable energy corporation has launched a 775 million Canadian Dollars claim under the North American Free Trade Agreement (hereinafter, NAFTA), alleging that the Ontario Government has violated several provisions of NAFTA's Chapter 11 investment protection chapter (for more details, see Trade Perspectives, Issue No. 15 of 29 July 2011). In September 2011, the Government of Alberta challenged Ontario's scheme under Canada's Internal Agreement on Trade, alleging that Ontario's '*feed-in tariff programme*' is discriminatory towards Albertan investors due to its domestic content requirements. This dispute is currently in the consultations phase. A former Alberta trade negotiator has proposed that the Alberta Government should withhold its support for the Canada-European Comprehensive Economic and Trade Agreement (hereinafter, the CETA) pending a satisfactory resolution of the '*dirty fuel*' debate within the EU (see Trade Perspectives, Issue No. 7 of 8 April 2011). The Ontario Government could similarly refrain from supporting the CETA unless the EU drops its WTO case over Ontario's '*feed-in tariff programme*'. Indeed, in June 2011, the EU Parliament endorsed a resolution requesting that the EU Commission, '*as a sign of good will, […] drop its challenges against the Ontario Green Energy Act's local content requirements*'. The CETA negotiations could be concluded as early as mid-2012, making the next steps in the ongoing WTO case against Ontario's '*feed-in tariff programme*' of critical importance for commercial parties interested in

these FTA negotiations or in the larger systemic issue of the WTO-compatibility of renewable energy '*feed-in tariff*' schemes.

Argentina to introduce new import control procedures

Argentina is reportedly introducing a regulation requiring that importers file sworn statements with the Argentine tax agency with respect to the customs duties payment and have their import requests approved before being able to import. This regulation, which will come into effect on 1 February 2012, forms part of a whole set of import control measures introduced by Argentina during the last few months, which reportedly include also the broadening of the list of products subject to non-automatic licensing and a requirement that imports be matched with exports of equal value in a number of sectors.

Some of the commentators have already raised doubts about the compliance of the new regulation with WTO rules. Article XI of the GATT prevents WTO Members from applying import restrictions, made effective, *inter alia*, through quantitative restrictions and import licensing. The GATT Panel in *EEC – Minimum Import Prices* found that any import licensing procedures, that are not automatic and that amount to significant and burdensome restrictions on imports, are prohibited under Article XI of the GATT.

The distinction between automatic and non-automatic import licensing procedures is clarified by the WTO Agreement on Import Licensing Procedures (hereinafter, the ILPs Agreement). According to the ILPs Agreement, import licensing procedures are '*administrative procedures used for the operation of import licensing regimes requiring the submission of an application or other documentation to the relevant administrative body as a prior condition for importation*'. Automatic import licensing are defined as '*import licensing procedures where approval of the application is granted in all cases*', which do not have trade-restrictive effects, and which comply with a number of procedural requirements, including transparency and non-discrimination requirements, and a requirement that applications be approved within a maximum of 10 working days. Non-automatic import licensing are import licensing procedures not complying within these requirements.

Inasmuch as the new regulation results in a restriction of imports subject to the import permission requirement, Argentina may be in violation of its obligations under Article XI of the GATT. Argentina may argue that the new requirement constitutes an automatic import licensing procedure, not falling within the disciplines of Article XI of the GATT. However, this argument may be difficult to support should the system, as it seems, (*inter alia*) allow applications to be denied. To be in line with WTO rules, the new regulation should also comply with the procedural requirements of the ILPs Agreement: *inter alia,* be neutral in the application and administered in a fair and equitable manner, and be in conformity with the provisions of the GATT. The WTO compatibility of the new import licensing mechanism by Argentina will greatly depend on the manner in which the scheme is implemented.

The new import control regime may have critical implications for foreign traders maintaining cross-border deals with Argentina. The total value of merchandised goods imported to Argentina amounted to over 56 billion USD in 2011. The recent trade policy measures by Argentina demonstrate the effort of the Government to boost national exports and to enhance its trade surplus, which has decreased in recent years. Many industries, both in Argentina and abroad, have already expressed their concerns on the new rules and requested consultations with the Government. The major importers to Argentina are companies from Brazil, the EU, China, the US and Mexico. The measure appears to have particular impact on the automotive sector in Argentina, which relies heavily on imported details for its manufacturing activities. The monitoring of the development of the measure and its application in the coming months is necessary not only to manage the commercial

impact that this regime will have on traded goods, but also in order to determine the availability of WTO remedies in respect of the newly imposed import control mechanisms.

The US appeals the panel report in *US – Tuna (Mexico) II* case

On 20 January 2012, the US notified the WTO Dispute Settlement Body of its decision to appeal the panel report in *US — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products* dispute. The Panel report of 15 September 2011 is a new page in the long-standing controversy between Mexico and the US on the regulation of imports and marketing of tuna caught in the Eastern Tropical Pacific Ocean and products made thereof (See Trade Perspectives, Issue No. 17 of 23 September 2011). At the centre of the case appealed is the US policy of prohibiting the use of '*dolphin-safe*' labels on tuna caught with purse seine nets. The Panel ruled in favour of Mexico's claims and found the US '*Dolphin Protection Consumer Information Act*' (16 U.S.C § 1385), the '*Dolphin-safe labelling standards*' (50 CFR § 216.91) and the '*Dolphin-safe requirements for tuna harvested in the Eastern Tropical Pacific Ocean by large purse seine vessels*' (50 CFR § 216.92) to be contrary to Article 2.2 of the WTO Agreement on Technical Barriers to Trade (hereinafter, the TBT Agreement).

One of the most contentious issues before the Panel was the interpretation of the voluntary labelling scheme, implemented by the US, as a technical regulation within the meaning of Article 1.1 of the TBT Agreement. Annex 1 of the TBT defines technical regulation as a '*document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory*'. Before the Panel, the US had argued that tuna products from Mexico could be lawfully offered for sale without the '*dolphin-safe*' label and thus there was no mandatory compliance with the labelling requirements. The majority of the Panel did not support the US point of view. According to the Panel, the '*mandatory*' nature of a measure in the case at hand was embodied '*in a negative form*', as no tuna product could be labelled '*dolphin-safe or otherwise refer to dolphins*' except where meeting the conditions of the measure at issue. In the view of the Panel, the measure left absolutely no option to resort to any other standard to inform the consumers about the '*dolphin-safety*' of tuna and thus amounted to a mandatory technical regulation. In its appellant's submission, the US deems this conclusion erroneous as the Panel's interpretation of the term '*mandatory*' in the definition of technical regulation is allegedly indistinguishable from the term '*requirement*' contained in the definition of '*standards*'. In the view of the US, compliance with the labelling requirement becomes mandatory only if there is also a requirement to use the label to place the product for sale on the market covered by the technical regulation. In the arguments put forward in its appellant's submission, the US relies heavily on the dissenting opinion of one of the panellists, who refused to consider the labelling requirements at hand as mandatory. Moreover, in the view of the US, the Panel incorrectly applied the Appellate Body's '*positive*' and '*negative*' distinction of the mandatory nature of a regulation. The US claims that the Appellate Body first referred to positive and negative conditions in *EC – Asbestos* as part of the analysis of whether a document sets out '*product characteristics*'. Based on that, the US claims that the positive/negative distinction is solely a tool to help explain that there is more than one way to set out product characteristics, and that this criterion could not be used for distinguishing a technical regulation from a standard. The coming decision of the Appellate Body on whether the measure at hand amounts to a technical regulation will have a decisive significance for the case: if the measure is not found to be a technical regulation, the principles of Article 2 of the TBT Agreement on non-discrimination and '*least trade-restrictiveness*' would not apply to the US measures at stake.

The second major part of the appeal by the US deals with the established violations of Article 2.2 of the TBT Agreement. The Panel found that the measure at issue failed to secure

the legitimate objective of accurate consumer information on the dolphin-safety of tuna products caught outside the Eastern Tropical Pacific Ocean. Moreover, according to the Panel, there were less trade restrictive alternatives reasonably available: Mexico stated that the Agreement on the International Dolphin Conservation Program (hereinafter, the AIDCP) allows the US to achieve the same level of protection to secure its legitimate objectives as the current labelling scheme. In its appeal, the US claims that risks to dolphins through tuna fishing within and outside of the Eastern Tropical Pacific Ocean are not comparable. Statistics provided by the US demonstrate that dolphin populations outside the region '*have not been depleted on account of their exploitation to catch tuna and do not remain depleted on account of any such exploitation*', thus a higher level of protection for the Eastern Tropical Pacific area is necessary. Furthermore, the US states that the AIDCP could by no means constitute an alternative means of protection to that granted by the disputed measure because the former: (i) does not discourage setting on dolphins; (ii) provides a lower level of protection than the measure at issue; and (iii) would be misleading for the consumer in case of a simultaneous application with the current labelling requirements. Finally, the US disputes the very determination of the AIDCP as a relevant international standard: the AIDCP was not open to signature by all WTO Members, the AIDCP is not recognised as engaging in standardisation and the parties to the AIDCP do not meet the definition of an organisation as requested by Article 2.4 of the TBT Agreement. Based on all above, the US requested the Appellate Body to reverse the Panel's finding that the US measure is a technical regulation, reverse the Panel's finding with respect to Mexico's claims under Article 2.2 of the TBT Agreement and reverse the Panel's finding that the AIDCP dolphin-safe definition and certification is a relevant international standard within the meaning of Article 2.4.

The US is Mexico's major trading partner in fish products, capturing 91% of Mexico's world exports of prepared and preserved fish, with the overall value of around 10 million USD in 2010. The decision of the Appellate Body is likely to have systemic consequences for the interpretation of the TBT Agreement, beyond the solution of Mexico's exporters' concerns. If the Appellate Body is to support the broad reading of the definition of '*technical regulation*' as embracing some of the voluntary schemes under certain circumstances, foreign traders will be provided with additional tools of protection against rigid criteria in foreign voluntary labelling schemes, which will in many circumstances fall within the scope of the requirements of Article 2 of the TBT Agreement. Finally, the decision of the Appellate Body should be particularly monitored by national and international standardisation bodies, as it may give helpful guidance on the WTO implications of standardisation methods and techniques in different standardisation venues.

Overview of the standard of review for possible justifications to introduce national food labelling rules in the EU

Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers entered into force on 12 December 2011 as a further step towards the harmonisation of food labelling laws in the EU (for a review of the background to the food information regulation, see Trade Perspectives Issues No. 6 of 26 March 2010, No. 12 of 18 June 2010, No. 23 of 20 December 2010, No. 4 of 25 February 2011, and No. 14 of 15 July 2011). However, the harmonisation is not complete, as there are still margins within which EU Member States may decide to adopt additional national rules on food labelling. As a general rule, Article 38 of *Regulation (EU) No. 1169/2011* provides that, as regards the matters specifically harmonised by it, EU Member States should not be able to adopt national provisions unless authorised by EU law. However, *Regulation (EU) No. 1169/2011* should not prevent EU Member States from adopting national measures concerning matters not specifically harmonised when such

national measures do not prohibit, impede or restrict the free movement of goods that are in conformity with *Regulation (EU) No. 1169/2011*.

Article 39 of *Regulation (EU) No. 1169/2011* foresees, in relation to '*national measures on additional mandatory particulars*' that, *'[i]n addition to the mandatory particulars referred to in Article 9(1)* (*i.e.*, the name of the food; the list of ingredients; any allergenic ingredient; the quantity of certain ingredients or categories of ingredients; the net quantity of the food; the date of minimum durability or the 'use by' date; any special storage conditions and/or conditions of use; the name or business name and address of the food business operator; the country of origin or place of provenance in certain circumstances; certain instructions for use; the actual alcoholic strength by volume if applicable; and a nutrition declaration) *and in Article 10* (which establishes some additional mandatory particulars for specific types or categories of foods), *EU Member States may, in accordance with the procedure laid down in Article 45 thereof, adopt measures requiring additional mandatory particulars for specific types or categories of foods, justified on at least one of the following grounds: 1) the protection of public health; 2) the protection of consumers; 3) the prevention of fraud; and 4) the protection of industrial and commercial property rights, indications of provenance, registered designations of origin and the prevention of unfair competition*'. Paragraph 2 of Article 39 of *Regulation (EU) No. 1169/2012* provides for a specific rule on country of origin labelling, whereby: '*Member States may introduce measures concerning the mandatory indication of the country of origin or place of provenance of foods only where there is a proven link between certain qualities of the food and its origin or provenance. When notifying such measures to the Commission, Member States shall provide evidence that the majority of consumers attach significant value to the provision of that information*'.

Under Article 45 of *Regulation (EU) No. 1169/2012*, a notification procedure requires that an EU Member State, which deems it necessary to adopt new food information legislation, must notify in advance the Commission and other Member States of the measures envisaged and give the reasons justifying them. The Commission will then consult the Standing Committee on the Food Chain and Animal Health if it considers such consultation to be useful or if a Member State so requests. The Member State that deems it necessary to pass new food information legislation may adopt the envisaged measures only 3 months after the notification, provided that it has not received a negative opinion from the Commission. If the Commission's opinion is negative, and before the expiry of the 3-month standstill period, the Commission must initiate the examination procedure under Article 5 of *Regulation (EU) No. 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers,* in order to determine whether the envisaged measures may be implemented subject, if necessary, to the appropriate modifications. *Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services* (*i.e.*, the TRIS notification procedure for national technical regulations) does not apply to the measures falling within the notification procedure under Article 39 of *Regulation (EU) No. 1169/2012*.

The new Article 45 notification procedure is somewhat similar to the procedure for notification of non-harmonised national provisions governing the labelling and presentation of certain foodstuffs under Article 18(2) (which provides the grounds) and 19 of Directive 2000/13/EC, the predecessor of *Regulation (EU) No. 1169/2012*. There are two differences: the '*protection of consumers*' has been added as a possible justification of national measures and, from a procedural point of view, the measures must not be notified under Directive 98/34/EC. To give an example of the current practice, during the next meeting of the Standing Committee on the Food Chain and Animal Health (Section General Food Law) on 1 February 2012, there will be an exchange of views on four notifications under Article 19 of Directive 2000/13/EC: a Latvian draft Regulation for the labelling of meat and meat products produced and marketed in Latvia; a Greek draft Act on the production and market

placement of vinegar; a Czech draft Regulation related to milled cereal products, pasta, bakery products and confectionery products and pastries; and Slovene draft Rules on the quality of meat products. All these notified draft measures provide, amongst others, for specific labelling rules.

The food industry fears that there will be many notifications of national food labelling rules under the new procedure (*e.g.,* on regional labelling schemes or country of origin labelling) and that this will lead to problems when products are marketed in several EU Member States where different rules are in place. The question is which criteria do the EU Commission, the Standing Committee on the Food Chain and Animal Health, and ultimately the European Court of Justice take into account to analyse whether an EU Member State's measure is justified on grounds of the protection of public health: the protection of consumers?; the prevention of fraud?; and/or the protection of industrial and commercial property rights? As to interpretative guidance, there is no EU case law on the interpretation of the grounds for national labelling rules under the current Article 19 of Directive 2000/13 notification procedure. Case *C-383/08 Commission v. Italy*, dealt with an Order introduced by the Italian Government, which laid down the obligation to indicate the origin of poultrymeat from other EU Member States in order to ensure the traceability of meat following the confirmation of outbreaks of bird flu in third countries. In its application, the EU Commission argued that the order was not justified by the public health considerations within the meaning of Article 18(2) of Directive 2000/13/EC, which were relied on by the Italian Government to justify the additional labelling requirement since the EU, in order to combat bird flu, had adopted a wide range of veterinary measures intended to ensure that only healthy poultrymeat could enter the EU and be marketed there. However, there was no judgement issued in this case, as the Italian order was withdrawn.

To avoid a further fragmentation of food labelling laws, the standard of review for the introduction of additional mandatory labelling particulars for specific types or categories of foods, justified on grounds of, respectively: the protection of public health; the protection of consumers; the prevention of fraud; and the protection of industrial and commercial property rights, should be set at a high level. Also, there should be stringent requirements in order to prove a link between certain qualities of the food and its origin or provenance, which would permit EU Member States to introduce measures concerning the mandatory indication of the country of origin or place of provenance. The commercial implications and costs of this national fragmentation are clear and would be severe to both free movement of goods on the internal market and to international trade.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Regulation (EU) No. 41/2012 of 18 January 2012 suspending submission of applications for import licences for sugar products under certain tariff quotas*

- *Commission Implementing Regulation (EU) No. 40/2012 of 18 January 2012 on the issue of licences for the import of garlic in the subperiod from 1 March 2012 to 31 May 2012*

- *Commission Implementing Regulation (EU) No. 39/2012 of 18 January 2012 on the issue of import licences for applications submitted in the first seven days of January 2012 under the tariff quota for high-quality beef administered by Regulation (EC) No. 620/2009*

- *Commission Implementing Regulation (EU) No. 38/2012 of 18 January 2012 fixing the allocation coefficient to be applied to applications for import licences lodged from 6 to 13 January 2012 under subquota III in the context of the tariff quota opened by Regulation (EC) No. 1067/2008 for common wheat of a quality other than high quality*

- *Commission Regulation (EU) No. 28/2012 of 11 January 2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No. 1162/2009*

- *Commission Implementing Regulation (EU) No. 26/2012 of 12 January 2012 fixing the allocation coefficient to be applied to applications for import licences lodged from 1 to 6 January 2012 under subquota IV in the context of the tariff quota opened by Regulation (EC) No. 1067/2008 for common wheat of a quality other than high quality*

Trade Remedies

- *Council Implementing Regulation (EU) No. 60/2012 of 16 January 2012 terminating the partial interim review pursuant to Article 11(3) of Regulation (EC) No. 1225/2009 of the anti-dumping measures applicable to imports of ferro-silicon originating, inter alia, in Russia*

- *Notice of the expiry of certain anti-dumping measures*

- *Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of ethanolamines originating in the United States of America*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 66/2012 of 25 January 2012 amending Regulation (EC) No. 318/2007 laying down the animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof*

- *Commission Implementing Regulation (EU) No. 59/2012 of 23 January 2012 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No. 971/2011 for the 2011/12 marketing year*

- *Commission Implementing Regulation (EU) No. 50/2012 of 19 January 2012 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No. 1484/95*

- *Common catalogue of varieties of vegetable species — first supplement to the 30th complete edition*

- *Commission Implementing Regulation (EU) No. 29/2012 of 13 January 2012 on marketing standards for olive oil*

- *Commission Implementing Regulation (EU) No. 31/2012 of 13 January 2012 fixing the import duties in the cereals sector applicable from 16 January 2012*

Other

- *Commission Delegated Regulation (EU) No. 32/2012 of 14 November 2011 supplementing Regulation (EU) No. 1236/2010 of the European Parliament and of the Council laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries*

Ignacio Carreño, Eugenia Laurenza, Anna Martelloni, Nicholas Richards – Bentley, Vladimir V. Talanov and Paolo R. Vergano contributed to this issue.