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The EU may initiate a WTO dispute settlement over Chinese export credits

In response to a question from a British Member of the EU Parliament, the EU Commission has announced its readiness to challenge China's export credit policies at the WTO, provided that affected companies in the EU supply, through the submission of a complaint, the necessary evidence of instances in which such policies have caused commercial damage to EU businesses. Data gathered by the EU Commission last year appears to show that very favourable conditions attached to Chinese export credit insurance programmes and loans have allowed Chinese firms to win lucrative infrastructure projects in third countries (including in Africa, Southeast Asia and Eastern Europe) in fields such as energy, telecoms and transport. An EU Commission report, circulated to EU Member States on 1 February 2011, and containing preliminary findings of an investigation into the trading practices of two Chinese telecommunications infrastructure companies, apparently suggested that these two companies received loans constituting WTO-inconsistent export credit financing, providing Chinese telecommunications infrastructure firms with a major competitive advantage over European rivals (see Trade Perspectives, Issue No. 5 of 10 March 2011).

Export credits are financing arrangements allowing a foreign buyer of exported goods and/or services to defer payments over a period of time. Export credits are often backed by official Government support, which may be provided through direct credits or financing, interest-rate support, and export credit insurance and guarantees. Government supported export credits, however, often provide a means through which Governments channel export subsidies to companies.

Terms and conditions for officially supported export credits are contained in the OECD Arrangement on Guidelines for Officially Supported Export Credits (hereinafter, OECD Arrangement). This arrangement is, according to its own definition, a '*gentlemen's agreement*', in which a number of WTO Members – such as the EU, but not China – participate. The OECD Arrangement aims at avoiding subsidisation practices granted in connection with the provision of officially supported export credits. Therefore, whereas export credit agencies in the EU are subject to the terms and conditions of the arrangement, China is not subject to such rules. As a result, EU export credit agencies cannot match the very generous credit terms granted by Chinese agencies. This is said to have caused great prejudice to some EU companies.

Export credits and export credit insurance are also relevant within the WTO framework of international trade regulation. In fact, the provision of export financing or export credit insurance by Governments or Government-controlled export credit agencies, where granted under non-commercial terms, may result in export subsidisation, which is expressly prohibited under the WTO Agreement on Subsidies and Countervailing Measures (hereinafter, ASCM). The ASCM incorporates certain aspects of the OECD Arrangement.

In particular, export credit guarantees or insurance programmes qualify as export subsidies under the ASCM, when they are granted at rates which are inadequate to cover long-term operating costs and losses. According to the WTO Appellate Body report in *US – Upland Cotton: Recourse to Article 21.5 of the Dispute Settlement Understanding by Brazil*, to the extent that data is available, an analysis of subsidisation through export credit insurance will involve a quantitative evaluation of the financial performance of a programme, focussed on the difference, if any, between the revenues derived from the premiums charged under the programme and its long-term operating costs. Where data is lacking, details of a programme's structure, design and operation may serve as a supplement or substitute for financial data.

Export credits result in export subsidisation where: (i) they are provided by Governments at rates below those which they actually have to pay for the funds so employed; or (ii) where Governments pay all or part of the costs incurred by exporters or financial institutions in obtaining credits, in so far as they are used to secure a material advantage as to export credits terms. The notion of '*material advantage*' has been interpreted as suggesting the use of commercially available rates as a benchmark, such as those referred to in the OECD Arrangement, which can be used as a reference, although China is not a participant in the Arrangement.

The EU Commission is reportedly ready to initiate a WTO dispute against China over the latter's export credit policies, provided that affected companies in the EU supply the necessary evidence of instances in which such policies have led to a distortion of competition, through the submission of a complaint. The EU Commission appears to be suggesting that companies should lodge a complaint through the Trade Barriers Regulation (*i.e.*, an EU trade policy tool aimed at helping EU businesses overcome trade barriers resulting from measures adopted by third-country Governments). As the Trade Barriers Regulation procedure involves information-gathering and the conduct of investigations by the EU Commission, this procedure may help EU institutions and relevant stakeholders overcome the lack of transparency surrounding support policies in China.

If sufficient evidence to initiate a WTO compliant is compiled, the dispute would be conducted under the expedited procedures envisaged by Article 4 of the ASCM for prohibited subsidies. These special procedures are aimed at reaching a swift solution of the matter where prohibited subsidies are at stake, given the high prejudice that such measures entail, and provide for, *inter alia*, shortened procedural time-limits for consultations, panel, and Appellate Body proceedings. In addition, under these procedures, export credit policies would have to be withdrawn by China '*without delay*' if found to constitute prohibited subsidies. EU commercial parties, which may have been affected by Chinese export credit policies, should actively investigate how EU trade policy tools and WTO law can be used to defend their commercial interests.

Antigua and Barbuda may resort to WTO action in response to the US shutdown of three online gambling sites

On 15 April 2011, US federal authorities shut down the websites of three online poker websites (*i.e.*, PokerStars, Full Tilt, and Absolute Poker), bringing charges of bank fraud and illegal gambling against 11 individuals. US authorities seized Internet domain names used by these gambling companies and filed restraining orders against 76 bank accounts allegedly associated with these companies. US authorities are seeking at least 3 billion USD in civil money-laundering penalties and property forfeiture. Antigua and Barbuda (hereinafter, Antigua), which has a large industry of licensing online gambling operators, has responded by stating that it may again take formal action at the WTO. The US indictment states that these companies violated the *Unlawful Internet Gambling Enforcement Act* (hereinafter, *US Gambling Act*), enacted in October 2006. This law makes it illegal for gambling corporations to knowingly accept payments connected with participation in unlawful Internet gambling.

US legislation restricting the provision of gambling was at the heart of a WTO dispute initially launched by Antigua in 2003. In that dispute, Antigua claimed that US restrictions on on-line gambling and betting services violated, *inter alia*, US market access commitments under Article XVI of the General Agreement on Trade in Services (hereinafter, GATS). The WTO upheld Antigua's claims and found that the US had indeed violated its market access commitments under Article XVI of the GATS. In particular, although the Appellate Body upheld the US defence under the public morals exception in Article XIV(a) of the GATS, it found that, in invoking this exception, the US had failed to meet the requirements of the *chapeau* of GATS Article XIV, namely, that the US had engaged in '*arbitrary and unjustifiable discrimination*' by permitting domestic gambling operators to engage in the remote supply of certain betting services under the *Interstate Horseracing Act*.

A WTO compliance panel found that the US failed to comply with the recommendations and rulings of the Appellate Body in *US – Gambling*. Antigua was then awarded by a WTO arbitrator the right to request the suspension, *vis-à-vis* the US, of WTO concessions worth 21 million USD annually under the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights. Antigua has not yet exercised its right of retaliation. To do so, Antigua must request authorisation from the WTO.

However, shortly after the WTO compliance panel report was adopted by the WTO Dispute Settlement Body, the US took steps to withdraw its WTO obligations on gambling and betting services. Pursuant to the procedure outlined in Article XXI of the GATS, the US engaged in consultations with the WTO Members 'affected' by the US decision to modify its GATS Schedule of Concessions. Eight WTO Members, including the EU, identified themselves as being affected and requested compensation by the US. Only Antigua could not agree on a compensation arrangement with the US during the consultative phase. Therefore, pursuant to Article XXI:3(a) of the GATS, Antigua requested the establishment of an arbitration panel in January 2008, in order to determine its compensation for the US withdrawal of commitments. This arbitration panel was reportedly suspended to allow the US and Antigua to reach an agreement. However, the issue of compensation still appears to be unresolved.

The potential implications of this deadlock are significant. Article XXI provides that if no 'affected Member' requested arbitration, the modifying Member is free to implement the proposed modification. However, where arbitration has been requested, it prevents the modifying Member from modifying its commitments until a compensatory adjustment has been made in conformity with the arbitration. In addition, the existence of ongoing negotiations between the US and Antigua has the effect of preventing the completion of the GATS Article XXI procedure. Pending the conclusion of an agreement on compensation between the US and Antigua, or of the arbitration procedure to determine the level of compensation, Antigua could arguably apply countermeasures in the amount accorded by the WTO in the context of the *US – Gambling* dispute.

In addition, the procedure under GATS Article XXI appears to imply that, unless an agreement has been reached with all 'affected Members', and pending an arbitration procedure or negotiations, the US will not be able to formally modify or withdraw its commitments. Therefore, the lack of an agreement on compensation between the US and Antigua would appear to prevent the applicability of the compensation agreements that the US has already concluded with the other affected Members, such as, *inter alia*, the EU. This consideration has a huge impact on business operators from the 'affected Members'. Pursuant to the US intention to modify its concessions following the *US – Gambling* dispute, providers of online gambling have terminated their operations in the US. For example, EU companies reportedly left the US online gambling market in 2006. At the same time, the EU and the US reached an agreement regarding compensation for the modification of the US GATS commitments pursuant to Article XXI of the GATS procedure, with new commitments for services suppliers in a number of different sectors. However, to the extent that the GATS Article XXI procedure is not completed, such new commitments are not enforceable under the WTO.

Following the recent US action on online gambling services, and pending the conclusion of an agreement with the US on compensation for the US withdrawal of commitments on gambling, Antigua may attempt to resort to the WTO to request formal authorisation to apply countermeasures against the US. The aftermath of the *US – Gambling* dispute, however, also appears to have revealed possible shortcomings of the GATS procedure for the modification of commitments, to the extent that: 1) the US continues to prevent non-domestic access to its online gambling market; 2) with the GATS Article XXI procedure incomplete, the US continues to be formally bound by its WTO online gambling commitments; 3) until the GATS Article XXI procedure have been completed, affected Members which have already concluded consultations with the US, such as the EU, face uncertainty in relation to the legal enforceability of the compensation arrangements agreed upon.

Proposed review of EU agricultural quality policy opens new business opportunities

On 14 April 2011, the Agriculture and Fisheries Council discussed an EU Commission proposal for a regulation on agricultural product quality schemes, the first part of the so-called '*quality package*'. This is the beginning of a review of EU quality policy for agricultural products. The review aims at streamlining current rules and procedures, ensuring that consumers receive high-quality agricultural products, and boosting the diversity of agricultural activities, especially traditional production.

Since 1992, EU legislation has provided for the protection of designations of origin (hereinafter, PDOs) and geographical indications (hereinafter, PGIs) through the registration of valuable names of agricultural products and foodstuffs produced in a given geographical area by producers with recognised know-how. *Regulation (EC) No. 510/2006 of the Council on the protection of geographical indications and designations of origin for agricultural products and foodstuffs* repealed and replaced *Regulation (EEC) No. 2081/92*. Schemes for PGIs were also established in the wine and spirits sectors, and for aromatised wines. *Council Regulation (EC) No. 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed* (hereinafter, TSGs) sets out rules for the TSG scheme, which was also set up in 1992, including a register of names of food specialties having a traditional character, stemming either from their traditional composition or the traditional production methods used.

The proposed single regulation for agricultural product quality schemes includes three complementary schemes (*i.e.*, PDOs and PGIs, TSGs, and optional quality terms) in a single regulatory structure, overseen by a single quality policy committee. In relation to PDOs and PGIs, the main elements of the proposal designed to strengthen and simplify the scheme are to recognise the roles and responsibilities of groups (*i.e.*, '*any association, irrespective of its legal form or composition, of producers or processors working with the same product*') applying for registration of names with regard to monitoring, promotion and communication; to reinforce and clarify the level of protection of registered names and the common EU symbols; to shorten the procedure to register names; to define PDOs and PGIs more in line with international usage; to establish minimum common rules on official controls to ensure that products follow certain specifications; and to ensure correct labelling. Most interestingly, the scope of PDOs and PGIs has been extended.

The PDO and PGI extension applies to chocolate and derived products. While *Regulation (EC) No. 510/2006* covers agricultural products intended for human consumption (listed in Annex I of the EU Treaty), agricultural products listed in Annex I of the Regulation (*i.e.*, hay, essential oils, cork, cochineal, flowers and ornamental plants, wool, wicker, scutched flax and cotton) and certain foodstuffs (*i.e.*, beers, beverages made from plant extracts, bread, pastry, cakes, confectionery and other baker's wares, natural gums and resins, mustard paste, pasta and salt), the proposed new rules for PDOs and PGIs would be extended to cover chocolate and derived products. Maintaining the scope of PGIs and PDOs, and even expanding it, reflects a general EU desire to negotiate an extension of international GI protection, already provided to wines and spirits by Article 23 of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights, to products beyond wine and spirits. The EU, for instance, has apparently proposed negotiating the protection of specific names of certain agricultural products as part of the WTO Doha Development Agenda agricultural negotiations.

The expansion of the scope of PDOs and PGIs could lead to increasing overlaps between EU PGIs and non-EU registered trademarks. The EU has already demonstrated a degree of creativity in overcoming these potential conflicts. For instance, the EU – Taiwan IPR Working Group has helped to reform Taiwan's legal system such that an EU PGI may receive legal protection in Taiwan through a 'certification mark of product location' and a 'collective trademark' authorised by Taiwan's *Trademark Act*. Similar solutions may be possible with other EU trading partners.

As mentioned above, the proposed new PDO and PGI extension would apply only to chocolate and derived products. Chocolate and other food preparations containing cocoa can already be registered as a TSG under Regulation No. 510/2006, but not as a PGI or PDO, so a registration of a name linked to the origin would be new to the chocolate sector. Only 40 TSGs have been registered in the EU so far, including jamón serrano and mozzarella; however, no TSGs have been registered in the chocolate sector.

Regarding TSGs, the proposal maintains the scheme for reservation of names of TSGs across the EU, but discontinues the option of registering names without reservation, as it is argued that the function of giving publicity (but not protection) to traditional products is best accomplished at the national (or regional) level. The EU registration process for TSGs would be streamlined by shortening delays, and the procedures would be aligned with those of PDOs and PGIs. To reinforce the credibility of the scheme, the criterion of '*tradition*' would be extended from 25 to 50 years. The scope would be clarified as covering prepared meals, beer, chocolate and derived products, bread, pastry, cakes, confectionery, biscuits and other bakers' wares, beverages made from plant extracts, and pasta.

It has also been proposed to include optional quality terms (which are currently regulated in sectoral legislation) into the single quality schemes regulation, as they are optional tools to assist farmers and manufacturers in identifying value-adding characteristics and attributes of the products (like the PDO, PGI and TSG schemes). For the '*poultry meat*' product category, the proposed optional quality terms to be covered include '*fed with*', '*extensive indoor/barn-reared*', '*free range*', '*traditional free range*', '*free range – total freedom*', '*age at slaughter*', and '*length of fattening period*'. For the product category '*olive oil*', the optional quality terms would include '*first cold pressing*', '*cold extraction*', '*acidity*', '*pungent*', '*fruity: ripe or green*', '*bitter*', '*intense*', '*medium*', '*light*', '*well balanced*', and '*mild oil*'. For the '*milk and milk products*' category, the proposal would cover the term '*traditional butter*'. The proposal also establishes criteria for the adoption of additional optional quality terms.

The EU Commission states that an analysis of price data showed that producers' returns for PDOs and PGIs are higher than for non-designated products, and that the PDO label commands a higher price than the PGI label. The overall value of agricultural products and foodstuffs sold under PDOs and PGIs is 14.2 billion EUR (1997) at wholesale prices, and an estimated 21 billion EUR at consumer prices. Concerning trade in the internal market, 18.4% of PDO and PGI products are marketed outside the EU Member States in which they are produced.

In discussions within the Agriculture and Fisheries Council, a further '*local farming and direct sales*' scheme was welcomed because of the development of this particular sector and consumer demand, although some Member States feared that such a scheme could constitute an administrative burden and could interfere with national measures already in place. Discussions within the Agriculture and Fisheries Council also suggested that '*products of mountain farming*' should be defined, and that criteria for such production should be established.

Thus far there has not been a strong reaction by industry. However, it should be noted that the proposed review of the EU's agricultural quality policy will open new business opportunities for applicants for PDOs, PGIs and TSGs, particularly considering that it has been proposed that the scope for PDOs and PGIs be enlarged to cover chocolate and derived products. In addition, the use of optional quality terms, a '*local farming and direct sales*' scheme, and measures relating to '*products of mountain farming*' may help to provide added value to products and facilitate their recognition by consumers. Interested stakeholders should monitor the developments and take action to ensure that their interests are duly taken into account. The whole '*quality package*' is expected to be adopted in 2012.

The EU may restrict access to its GSP scheme of tariff preferences

Later this month, the EU Commission will table its proposal for reform of the generalised tariff preferences (hereinafter, GSP). The current GSP program, governed by *Council Regulation (EC) No. 732/2008*, was initially set to expire at the end of 2011 but was recently extended to the end of 2013. In preparation for GSP reform post-2013, the EU Commission launched a formal public consultation in March 2010. The reform of the EU's scheme of generalised tariff preferences (hereinafter, GSP) is likely to lead to restricted access to EU tariff concessions available to developing countries. The reform could effectively lead to a 50% reduction in the number of countries or territories benefiting from GSP treatment.

First created in 1971, the GSP is a series of unilateral trade concessions which reduce or eliminate tariffs on a range of exports from 176 developing countries, 35 of which are non-independent countries and territories of EU Member States. The purpose of the GSP scheme is to increase export revenue in developing countries in order to reduce poverty and promote sustainable development and good governance. A waiver from the GATT Article I most-favoured nation treatment provision was initially granted in 1971 in order to permit developed countries to establish unilateral trade preferences for developing countries. These preferences were later explicitly permitted by GATT signatories in the Decision of 28 November 1979, usually known as the '*Enabling Clause*'. Paragraph 2(a) of the Enabling Clause permits derogations from Article I of the GATT in order to allow preferential tariff treatment for products originating in developing countries. The Enabling Clause was incorporated into WTO law as part of the GATT 1994.

The EU's GSP system is divided into three categories. First, countries or territories benefiting from the standard GSP benefits enjoy a reduction or removal of tariffs on approximately 66% of import categories covering 6,200 tariff lines. A country may have its GSP preferences withdrawn when it reaches a certain level of economic development, or if a particular product group reaches 15% of total EU imports (12.5% for textiles). For instance, China has '*graduated*' out of GSP with respect to many products, to the point that GSP concessions now cover less than 1% of Chinese exports to the EU. Second, 15 countries enjoy additional duty-free access on a wider selection of goods under the '*GSP+*' program. This is a special incentive program, which provides additional tariff reductions in exchange for the ratification and implementation of 27 international conventions in the areas of sustainable development and good governance. Finally, under the '*Everything but Arms*' initiative (hereinafter, EBA initiative), the world's 49 least-developed countries are permitted to export any product, except arms and ammunitions, to the EU free of quotas or duties. The EBA initiative is provided under *Council Regulation (EC) No. 2501/2001*.

As part of the GSP reform, the EU Commission would apparently remove GSP concessions from any country ranked by the World Bank as '*upper middle-income*'. However, the EU would reportedly expand the '*GSP+*' category so that certain countries squeezed out from the standard GSP would become eligible under its '*GSP +*' scheme. The EU would also remove GSP concessions from countries that have signed FTAs with the EU. Countries whose GSP concessions could be revoked include major developing country exporters, such as certain MERCOSUR countries; major oil and gas-exporting countries; more economically-successful African countries, such as South Africa; and certain EU dependencies. The EU would encourage many of the wealthier countries amongst this group to sign FTAs that provide reciprocal preferential access to the EU. Several recent studies suggest that, as the EU signs more FTAs with trading partners, the corresponding use of GSP would decline. If all current FTA negotiations were to be successfully concluded by 2014, then approximately 45-50% of total EU imports would be covered by bilateral FTAs. This would be 10 times higher than the percentage figure in 2008.

In formulating its GSP reform proposals, the EU Commission will have to strictly adhere to the WTO's decision in the *EC – Tariff Preferences* dispute, and ensure that '*similarly-situated*' GSP beneficiaries be treated identically. In *EC – Tariff Preferences*, the Appellate Body found that special EU tariff preferences for, *inter alia*, countries combating narcotics, were inconsistent with Article I:1 of the GATT and were not justified under paragraph 2(a) of the Enabling Clause, and concluded that, in granting differential tariff treatment, preference-granting countries are required to ensure that similarly-situated GSP beneficiaries are treated identically. According to the Appellate Body, similarly-situated GSP beneficiaries are beneficiaries that have the same '*development, financial and trade needs*' to which the treatment in question is intended to respond.

Several major exporters to the EU, such as Brazil and Argentina, continue to depend on the GSP to guarantee market access for as much as half of their exports. By withdrawing GSP privileges from such large exporters, the EU may be attempting to '*level the playing field*' and create incentives for the EU's trading partners to conclude bilateral FTAs with the EU. If adopted, the proposed reforms would most likely take effect when a new GSP scheme enters into force on 1 January 2014.

The EU Commission will table its formal proposal later in May 2011, after which it will be submitted to the EU Parliament and EU Council, for adoption according to the ordinary legislative procedure (*i.e.*, co-decision). Interested parties should track carefully the next steps taken by the EU Institutions and be prepared to interact with both the EU Institutions and other stakeholders in order to shape the GSP legislation according to their commercial interests.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Decision of 3 May 2011 amending Decision 2004/211/EC as regards the entry for South Africa in the list of third countries and parts thereof from which the introduction into the European Union of live equidae and semen, ova and embryos of the equine species are authorised (notified under document C(2011) 2959)*

- *Commission Implementing Regulation (EU) No 412/2011 of 27 April 2011 on the issue of licences for importing rice under the tariff quotas opened for the April 2011 subperiod by Regulation (EC) No 327/98*

- *Commission Implementing Regulation (EU) No 396/2011 of 20 April 2011 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95*

- *Council Decision of 11 April 2011 on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

- *Council Decision of 11 April 2011 on the signing, on behalf of the European Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union*

- *Commission notice concerning the quantity not applied for to be added to the quantity fixed for the subperiod 1 July to 30 September 2011 under certain quotas opened by the European Union for poultrymeat, eggs and egg albumin*

- *Council Decision of 31 January 2011 on the signing, on behalf the European Union, of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, amending the Agreement in order to extend the provisions of the Agreement to bilateral trade in textiles, taking account of the expiry of the bilateral textiles Agreement*

- *Corrigendum to Council Regulation (EC) No 1062/2009 of 26 October 2009 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012 and repealing Regulation (EC) No 824/2007*

Trade Remedies

- *Council Implementing Regulation (EU) No 405/2011 of 19 April 2011 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel bars and rods originating in India*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No 426/2011 of 2 May 2011 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control*

- *Commission Implementing Regulation (EU) No 430/2011 of 2 May 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year*

- *Commission Regulation (EU) No 420/2011 of 29 April 2011 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs*

- *Commission Implementing Regulation (EU) No 422/2011 of 29 April 2011 fixing the import duties in the cereals sector applicable from 1 May 2011*

- *Commission Implementing Regulation (EU) No 424/2011 of 29 April 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year*

- *Commission Implementing Regulation (EU) No 413/2011 of 28 April 2011 amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers and cherries, other than sour cherries*

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