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Russia's WTO accession and EU anti-dumping measures on Russian seamless pipes: Will it soon be WTO dispute settlement?

On 26 June 2012, following an expiry review conducted pursuant to Article 11(2) of *Regulation (EC) No. 1225/2009 of 30 November 2009, on protection against dumped imports from countries not members of the European Community* (hereinafter, the EU's Basic Anti-dumping Regulation), the EU Council imposed a definitive anti-dumping duty on imports of certain seamless pipes and tubes, iron or steel (hereinafter, seamless pipes) originating in Russia and Ukraine (*Council Implementing Regulation (EU) No. 585/2012 of 26 June 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 1225/2009, and terminating the expiry review proceeding concerning imports of certain seamless pipes and tubes, of iron or steel, originating in Croatia,* hereinafter, Regulation 585/2012). The expiry review had been initiated on the basis of a request lodged on 29 March 2011 by the Defence Committee of the Seamless Steel Tubes Industry of the European Union, on behalf of its producers, and on the grounds that the expiry of such measures would likely result in the continuation or recurrence of dumping and injury to the industry. At the same time, the EU Commission had initiated partial *interim* reviews on requests from TMK, a Russian group, and Interpipe, a Ukrainian group, to look at dumping margins. According to reports, TMK claimed that an increase in its production costs rendered the anti-dumping duties invalid.

During the review investigation period, the EU Commission elected to send a questionnaire to the exporting producers in Russia and Ukraine who had provided the information requested in the notice of initiation. The exporting producer in Russia, however, failed to reply to the questionnaire and the EU Commission thereby considered that no Russian exporting producer had cooperated with the investigation. In the absence of any Russian exporting producers voluntarily replying to the questionnaire, the EU Commission has the power under Article 18(1) of the EU's Basic Anti-dumping Regulation to make its findings whether termination of the anti-dumping duties would likely result in continuation of dumping and injury to EU producers of seamless pipes '*on the basis of the facts available*'.

The EU Commission is obliged to ensure that its determination to continue the anti-dumping measures against TMK and all other seamless pipe producers in Russia was properly justified by sufficient facts when it applies Article 18 of the EU's Basic Anti-dumping Regulation. In such situations, where none of the exporting producers cooperate, the EU Commission has normally based its anti-dumping findings on allegations set forth in the complaint. When the determination to continue anti-dumping duties on Russian export producers is based on '*the facts available*', the EU Commission is expressly obliged to check by reference the facts used from other independent sources (*i.e.*, published price lists, official import statistics and customs returns, information obtained from other interested parties during the investigation) pursuant to Article 18(5) of the EU's Basic Anti-dumping

Regulation. EU Courts have established that it is common to use data from Eurostat, as the Commission had done in this case, in addition to accounting data from third countries and third parties in order to check the facts used for the determination, provided that the methods employed were reasonable. Consequently, any proposed action by TMK to remove the anti-dumping duties should, *inter alia*, expressly investigate whether the EU Commission sufficiently verified the information made on '*the facts available*' when determining that dumping would continue or recur if the current anti-dumping measures were repealed. This is of particular relevance where normal value (*i.e.*, prices paid or payable, in the ordinary course of trade, in independent customers in the exporting country) was determined without considering whether an adjustment was necessary for increased production costs (*i.e.*, alleged higher gas costs for production) borne by Russian exporting producers in accordance with Article 2(5) of the EU's Basic Anti-dumping Regulation. Failure to do so may reinforce TMK's claims that no grounds exist for extending the anti-dumping duties against Russian companies. Further, TMK should ensure that any favourable information submitted by it or any other Russian export producers was not disregarded by the EU Commission when its final determination was made as is required pursuant to Article 18(3) of the EU's Basic Anti-dumping Regulation.

TMK has two options for challenging the extension of the anti-dumping duties on seamless pipes, set to apply through 2017. First, TMK could, in its own capacity, file an action against Regulation No. 585/2012 at the European General Court. If necessary, any determination made by the General Court could be appealed to the European Court of Justice. Second, as a consequence of Russia's accession to the WTO, TMK could act upon the Russian Government to request that the matter be addressed in the WTO through its dispute settlement mechanism. The Russian Government needs to agree to bring such complaint, as the WTO dispute settlement mechanism is only available to countries and not to private parties. Any such action by Russia could constitute its first claim before the WTO dispute settlement body. Newly acceded countries normally go through a so-called '*honeymoon*' period with the WTO Membership, whereby no WTO case is triggered by them or against them for a year or two following accession. However, this is an unwritten practice and Russia could well decide to take early action to safeguard an important domestic industry.

While imports of seamless pipes to the EU currently account for approximately 2% of total imports, a favourable determination could help producers, such as TMK, to further expand exports to the EU. The EU Commission has estimated that Russia has a current spare capacity of seamless pipes exceeding 1 million tonnes *per annum*, which could be directly marketed to the EU consumers. Any favourable judgement for TMK either before EU Courts or (indirectly) at the WTO would be of particular interest to all seamless pipe producers in Russia and Ukraine, that desire to increase exports to the EU, as well as for EU producers, which fear that a significant loss of business could occur if these allegedly cheaper seamless pipes are imported into EU without the current protection of anti-dumping duties. Taking these potential effects into account, all developments regarding any potential action by TMK or Russia relating to these anti-dumping duties should be carefully monitored by all companies that produce or purchase seamless pipes.

Argentina requests WTO consultations with the EU and Spain over Spain's biodiesel measure

On 17 August 2012, Argentina filed a request for WTO consultations with the EU and Spain concerning Spain's '*Orden IET/822/2012, de 20 de abril, por la que se regula la asignación de cantidades de producción de biodiesel para el cómputo del cumplimiento de los objetivos obligatorios de biocarburantes'* (hereinafter, the Measure), which was published on 21 April 2012 and entered into force on 22 April 2012. Argentina was quickly joined by Australia and

Indonesia, which requested to be joined in the consultations on, respectively, 31 August and 1 September 2012.

The Measure implements *Directive 2009/28/CE of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC* (hereinafter, the '*Renewable Energy Directive*') and lays down a system for the allocation of biodiesel production volumes for the computing of compliance with the targets put forward by the '*Renewable Energy Directive*' (see Trade Perspectives Issue No. 12 of 15 June 2012). The '*Renewable Energy Directive*' establishes a common framework for the promotion of energy from renewable sources in the EU. Among other requirements, it provides mandatory national overall targets and measures for the use of energy from renewable sources in order to reduce emissions and to achieve the EU's climate change and energy policy objectives. Although biofuels not meeting the sustainability requirements can still be imported and marketed within the EU, they cannot be counted for compliance with the national renewable energy targets laid down by the '*Renewable Energy Directive'* and are, moreover, not entitled to financial support (see Trade Perspectives Issues No. 10 of 21 May 2010 and No. 23 of 16 December 2011). In light of the regime set forth by the '*Renewable Energy Directive*', the Spanish Measure lays down the necessary conditions to be met by plants in order to participate in the allocation procedure of those biodiesel production volumes. It would appear from the wording of the Measure that only holders of plants located in Spanish or EU soil are entitled to request the allocation of a biodiesel production volume.

Argentina's concerns regarding the Measure were first raised at a meeting of the WTO Committee on Technical Barriers to Trade (hereinafter, TBT), where it reportedly stated that the Measure violated the non-discrimination obligation under Article 2.1 of the TBT Agreement. Argentina held that the biodiesel it produces is a '*like'* product to the Spanish or European biodiesel, and hence the *de facto* discrimination to its importation imposed by the Measure is inconsistent with the most-favoured nation and national treatment principles. In addition, Argentina allegedly claimed violation of Article 12.3 of the TBT Agreement, on the grounds that the Measure failed to take into account the special developmental, financial and trade needs of developing country Members, by creating an unnecessary obstacle to their exports. Furthermore, Argentina stated that the Measure, which could not be considered environmental in nature, was aimed at penalising the Argentine biodiesel industry. In response, the EU argued that the Measure did not constitute a technical regulation, and hence did not fall within the scope of the TBT Agreement; as a consequence, the EU argued that this trade concern could not be addressed within the TBT Committee.

Argentina also raised its distress before the WTO Goods Council on 22 June 2012. It criticised the Spanish Measure on the grounds that it constituted an unjustified discrimination against imports of biodiesel into the EU, thus violating the national treatment obligation set forth in Article III:4 of the General Agreement on Tariffs and Trade (hereinafter, GATT), and that it particularly affected developing countries, since it undermined their efforts to liberalise their industries.

Argentina is among the world's leading exporter of biodiesels, which are primarily imported by Spain. In its request for consultations, Argentina claims that the Measure discriminates between biodiesel of European origin and that of foreign origin. To Argentina, the requirements for the implementation of the '*Renewable Energy Directive*', namely the system for the allocation of biodiesel production volumes for the computing of compliance with the targets thereby put forward, constitute a *de facto* ban on imports of biodiesel of non-European origin. *Inter alia*, Argentina claims that the Measure violates Articles III:4 and XI:1 of the GATT, as well as Articles 2.1 and 2.2 of the Agreement on Trade-Related Investment Measures (hereinafter, TRIMs). According to Article III:4 of the GATT, WTO Members are not to adopt measures that afford imported products less favourable treatment than that

afforded to '*like*' domestic products. The determination of '*likeness'* between Argentinean and European biodiesel is therefore crucial to establish a possible violation of Article III:4 of the GATT. In line with the ruling of the Appellate Body in *EC – Asbestos*, four criteria would have to be examined when determining such possible '*likeness*', namely: (1) the physical properties of the two biofuels, (2) whether they can serve the same end uses, (3) whether consumers perceive them as capable of satisfying a given need, and (4) their classification under the Harmonised System. From a preliminary examination of the aforementioned criteria, it would appear that Argentinean and European biodiesel are '*like*' products, and therefore that the former cannot, in principle, be treated less favourably than the latter. In addition, Argentina also claims that the Spanish Measure violates the prohibition of quantitative restrictions contained in Article XI:1 of the GATT, since it allegedly lays down a system for the computation of biodiesel production volumes that *de facto* impedes biodiesel of non-European origin to be imported into Spain. In relation to Argentina's claims under the TRIMs Agreement, it is noted that this agreement requires Members to ensure that their investment measures related to trade in goods do not contradict the provisions under Articles III and XI of the GATT. In particular, the Spanish Measure could fall within the scope of measures that are '*mandatory*' and that '*require the purchase of products of domestic origin...whether specified in terms...of volume of products*', as specified in the Illustrative List in the Annex of the TRIMs Agreement. Should that be the case, the Measure would not only be inconsistent with Article 2 of the TRIMs Agreement, but also with Article III:4 of the GATT.

This dispute constitutes another step in the tortuous relationship between Argentina and Spain, after the former expropriated 51% of Repsol's stakes in the Spanish oil company Yacimientos Petrolíferos Fiscales earlier this year (see Trade Perspectives Issue No. 8 of 20 April 2012). By referring the dispute over the Spanish Measure to the WTO Dispute Settlement Body, Argentina aims at the resolution of a specific trade dispute. The consequence may also be that of forcing the WTO to rule on a wider issue, in particular the relationship between environment protection and multilateral trade. In this particular case, in fact, the WTO Dispute Settlement Body may be empowered with the task of discerning whether the Spanish Measure at issue pursues an environmental objective in a manner that is in accordance with WTO law or whether, on the contrary, it disguises a protectionist (retaliatory) goal. In that perspective, it is perhaps a pity that Argentina's request for consultations has left out the arguments on the alleged violation of certain obligations under the TBT Agreement by the Spanish Measure. This request may still be made in the request for the establishment of a panel, if the case is not settled during consultations and Argentina decides to commence panel proceedings. Whatever the scope of litigation, this case may provide another opportunity for the WTO to offer additional interpretative guidance in relation to the interaction between countries' environmental policies and WTO rules.

EFSA approves a health claim related to cocoa *flavanols* and blood circulation, which still needs to be endorsed by the EU Commission

The European Food Safety Authority (hereinafter, EFSA) adopted on 27 June 2012 (and published on 17 July 2012) a positive opinion on an application from the cocoa and chocolate products manufacturer Barry Callebaut Belgium nv (hereinafter, Callibaut) for a health claim related to cocoa *flavanols* and blood circulation, submitted pursuant to Article 13(5) of *Regulation (EC) No. 1924/2006 on nutrition and health claims*. According to EFSA's scientific opinion, the following wording of the claim reflects the scientific evidence: '*[c]ocoa flavanols help maintain endothelium-dependent vasodilation, which contributes to normal blood flow'*. EFSA's opinion further states that, in order to obtain the claimed effect, 200 mg of cocoa *flavanols* should be consumed daily. This amount could be provided by 2.5 g of high-*flavanol* cocoa powder or 10 g of high-*flavanol* dark chocolate, both of which can be consumed in the context of a balanced diet. However, the claim must still be endorsed by the EU Commission and the EU Member States.

Regulation (EC) No. 1924/2006 establishes rules governing the EU authorisation of health claims made on foods. As a general rule, health claims are prohibited unless they comply with the general and specific requirements of Regulation (EC) No. 1924/2006, are authorised in accordance with this Regulation, and are included in the lists of authorised claims provided for in Articles 13 and 14 thereof. *'Article 13(5) claims'* are health claims, other than those referring to the reduction of disease risk and to children's development, which are based on newly developed scientific evidence and/or which include a request for the protection of proprietary data. Dark chocolate and certain compounds in chocolate have been shown in numerous studies to be beneficial for health. However, Callibaut's claim made under Article 13(5) of Regulation (EC) No. 1924/2006 is the first cocoa *flavanol* claim submission to obtain a positive EFSA opinion. In a scientific opinion adopted on 10 September 2010, regarding the substantiation of health claims related to cocoa *flavanols* and maintenance of normal blood pressure, EFSA concluded that, on the basis of the data presented, the evidence provided was insufficient to establish a cause and effect relationship between the consumption of cocoa *flavanols* and maintenance of normal blood pressure.

Callibaut's application for the cocoa *flavanol* claim was received on 14 December 2011. EFSA's Panel on Dietetic Products, Nutrition and Allergies (hereinafter, NDA) was asked to deliver an opinion on the scientific substantiation of a health claim related to cocoa *flavanols*, which are *flavonoids* and belong to a larger group of *polyphenols*. The claimed effect was to *'help maintain endothelium-dependent vasodilation which contributes to healthy blood flow'* and the target population proposed by the applicant was the general healthy adult population. In its opinion, the NDA Panel considered that maintenance of normal *endothelium*-dependent *vasodilation* is a beneficial physiological effect. The capacity of blood vessels to respond to an increase in blood flow by dilating is designated as flow-mediated *dilation* (FMD). In weighing the evidence, the NDA Panel concluded that a cause and effect relationship has been established between the consumption of cocoa *flavanols* and maintenance of normal *endothelium*-dependent *vasodilation*.

Three important questions are presented when it comes to health claims and chocolate products. The first question is the following: if endorsed by the EU Commission, who may use the claim related to cocoa *flavanols* in order to open up new market potential for chocolate products? According to the EFSA opinion, efficacy of the claimed effect appears to rely on very high amounts of cocoa *flavanols*. In traditional chocolate manufacturing with high-heat processing, *flavanols* can be destroyed. Consequently, for the human clinical studies examining the impact of cocoa flavanols on the human body (on which EFSA's opinion is based on), Callibaut used cocoa powder and chocolate products made through a process that it developed, which is said to preserve up to 80% of raw cocoa *flavanols*. Callibaut's application included a request for the protection of its proprietary data in accordance with Article 21 of Regulation (EC) No. 1924/2006 for one unpublished study report. Article 21 provides that the scientific data and other information in the application required under Article 15(3) may not be used for the benefit of a subsequent applicant for a period of five years from the date of authorisation, unless the subsequent applicant has agreed with the prior applicant that such data and information may be used, where: a) the scientific data and other information has been designated as proprietary by the prior applicant at the time the prior application was made; b) the prior applicant had exclusive right of reference to the proprietary data at the time the prior application was made; and c) the health claim could not have been authorised without the submission of the proprietary data by the prior applicant. In its opinion, the NDA panel stated that it *'could not have reached its conclusions without the human intervention study claimed as proprietary by the applicant.'* Therefore, it appears that Callibaut and its customers (to which Callibaut supplies cocoa and chocolate) would have the exclusive right to the claim (if endorsed by the EU Commission) for five years, unless Callibaut enters into data sharing agreements with competitors.

The second question concerns the potential establishment of nutritional profiles. Article 4(1) of Regulation (EC) No. 1924/2006 foresaw the setting of nutrient profiles by 19 January 2009, which has yet to happen. In simple terms, nutrient profiles shall determine whether foods are in general eligible or not to bear claims on the basis of their nutrient composition. Nutrient profiles shall be based primarily on the levels of nutrients for which excessive intakes in the overall diet are not recommended. The application of nutrient profiles as a *criterion* aims to avoid instances where nutrition or health claims mask the overall nutritional status of a food product, which could mislead consumers attempting to make healthy choices in the context of a balanced diet. Taking into consideration that under *Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption*, chocolate must contain a certain content of fat in order to be considered a chocolate, by setting nutrient profiles, a number of products might *per se* not be allowed to bear certain claims on chocolate as this could lead to higher intakes of sugar and fat. Draft nutritional profiles appear to have been announced at the earliest for 2013.

The third question concerns the likelihood of approval by the EU Commission on the cocoa *flavanol* health claim. Article 18(4) of Regulation (EC) No. 1924/2006 provides that, where EFSA, following scientific assessment, issues an opinion in favour of the inclusion of the claim in the list provided for in Article 13(3), the EU Commission shall make a decision on the application, taking into account the EFSA's opinion, any relevant provisions of EU law and other legitimate factors relevant to the matter under consideration. This decision shall be taken within two months of receiving EFSA's opinion and after consulting with EU Member States. Therefore, it is still a possibility that a claim accepted by EFSA will be amended or rejected as EFSA's opinions are not legally binding. After the EU Commission issues its draft Regulation on the authorisation or non-authorisation of the health claim, there will be an exchange of views with the representatives of the 27 EU Member States in the Standing Committee on the Food Chain and Animal Health (Section General Food Law). Reportedly, it has been voiced that *'it cannot be excluded that the cocoa flavanol claim will suffer the same fate like the caffeine claims related to cognition or physical performance.'* In the case of the caffeine claims, (positive) scientific opinions by EFSA have been put '*on hold*' following discussions between the EU Commission and the EU Member States, whereby it appears that the authorities in some EU Member States are concerned that health claims related to caffeine may cause an increase in consumption, especially of highly-caffeinated soft drinks. The positive list of general function claims adopted in *Commission Regulation (EU) No. 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health* does, therefore, not include the EFSA-approved caffeine claims. The Regulation states that *'[a]uthorisation may also legitimately be withheld if health claims do not comply with other general and specific requirements of Regulation (EC) No. 1924/2006, even in the case of a favourable scientific assessment by the EFSA.'*

By mid-September (*i.e.*, two months after receiving EFSA's opinion), the EU Commission must take a decision on the cocoa *flavanol* claim. This decision, approving or disapproving the claim, must still be endorsed in the EU Commission's Standing Committee on the Food Chain and Animal Health where the EU Member States are present. Therefore, there are still a number of hurdles to take before the claim relating cocoa *flavanols* to blood circulation is finally endorsed. Important commercial interests are at stake and the spotlight is on.

EU Member States may be re-thinking the '*Fat Tax*' trend with Italy not proceeding with its tax on soft drinks and Denmark expected to repeal last year's tax on saturated fats

On 5 September 2012, the Italian Government decided against incorporating a sugary drinks tax into its most recent *omnibus* Budget Bill. The tax had originally been mooted by the

Health Minister Mr. Renato Balduzzi as a way of increasing revenue streams for the Italian Exchequer while, at the same time, acting as a '*nudge to mothers and fathers towards a more suitable diet*'. Although it is as of yet unclear why the Government ultimately decided not to proceed with the tax - the health minister had originally indicated his intention was to first gauge public reaction - this development may prove indicative of the slowdown in the European trend towards the introduction of such taxes.

The Italian '*tassa sulle bibite gassate*' proposal, if implemented, would have been imposed at a '*per unit*' level of EUR 3 cents per bottle and had been expected to provide the Italian Exchequer with an estimated EUR 250 million in additional tax revenues per year. Such a soda tax would have reflected the French soda tax equivalent (see Trade Perspectives Issue No. 1 of 13 January 2012) and the Danish saturated fat tax (see Trade Perspectives Issue No. 18 of 7 October 2011), which were recently introduced. Hungary (through its '*Chipsadó'* tax) and Romania also already impose similar levies on food and drink containing a high content of saturated fat, salt and sugar.

Despite these introductions, however, there are indications that this trend may not continue. In addition to the Italian decision not to proceed with the measure, proposals to repeal the existing Danish tax on products containing high quantities of saturated fat have recently been written into the country's draft budget. The '*Fedtafgiftsloven'* tax, which is currently imposed at a rate of DKK 16 (around EUR 2.15) per kilogram, on both domestic and imported food products in Denmark, has come up against strong opposition from the groceries industry. The tax is expected to be dropped as part of a budgetary deal between political parties after a notable increase in trade involving Danish consumers at the German border was reported. The Danish Food Workers Union had complained that this increase in cross-border traffic was having a detrimental effect on sales, not merely of the taxed goods in question, but also on other grocery products, which the Danish Agriculture and Food Council had claimed would cost around 1,300 jobs in the next three years. This proposal comes amid reports that the country will also not proceed with its plans to tax products containing a high sugar-content.

Within EU Member States, similar taxes are still being proposed. For example, the Irish Minister for Health will face a decision on whether to introduce a tax on sugary foods when his Department's Steering Group reports on its feasibility in October. Meanwhile, in the UK, a duty set at a level of 20% on sugary drinks and *'unhealthy foods'* is being proposed by the *British Medical Council Journal*, in line with comments made by Prime Minister David Cameron last October that introducing such a similar tax to that imposed in Denmark would not be ruled out. In the same country, the *National Obesity Forum* has opted for another approach in suggesting that the introduction of mandatory maximum levels of saturated fat, sugar and salt which can be contained in goods, could be the way forward in ensuring improvements to public health.

Countries that still wish to introduce this kind of soda or fat taxes should be aware, however, that depending on its design, such provisions could amount to a (*de facto*, if not *de jure*) discrimination against imported products. In particular, Article III:2 of the GATT prevents WTO Members from subjecting the products of another Member State to internal taxes, which are set above or '*in excess'* of the level which they apply to domestic products. If the effective burden of the tax were to lie predominantly on imported goods, while the majority of domestically-produced '*like'* products are exempted from the tax (*i.e.*, the measure is *de facto* discriminatory and designed to place imported products at a disadvantage *vis-à-vis* '*like*' domestic products), the GATT would be violated and WTO recourse available.

It will become apparent in the following months if the policy change in Italy and that, which is expected in Denmark, will represent a change in the general trend towards *'Fat Taxes'* among the EU Member States. In the meantime, however, both producers and legislators

should be aware of the complications which could result from introducing similarly constructed laws.

Recently Adopted EU Legislation

Market Access

- *Commission Implementing Decision of 20 August 2012 amending Decision 2002/994/EC concerning certain protective measures with regard to the products of animal origin imported from China (notified under document C(2012) 5753)*

- *Commission Implementing Regulation (EU) No. 757/2012 of 20 August 2012 suspending the introduction into the Union of specimens of certain species of wild fauna and flora*

- *Commission Implementing Regulation (EU) No. 751/2012 of 16 August 2012 correcting Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries*

- *Commission Implementing Decision of 14 August 2012 amending Decision 2007/777/EC as regards the entries for Israel in the lists of third countries from which certain meat products may be introduced into the Union (notified under document C(2012) 5703)*

- *Council Decision of 24 July 2012 on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement*

- *Decision of the EEA Joint Committee No. 41/2012 of 30 March 2012 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement*

Trade Remedies

- *Council Implementing Regulation (EU) No. 796/2012 of 30 August 2012 imposing a definitive anti-dumping duty on imports of lever arch mechanisms originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No. 1225/2009*

- *Council Implementing Regulation (EU) No. 795/2012 of 28 August 2012 amending Implementing Regulation (EU) No. 585/2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No. 1225/2009*

- *Regulation (EU) No. 765/2012 of the European Parliament and of the Council of 13 June 2012 amending Council Regulation (EC) No. 1225/2009 on protection against dumped imports from countries not members of the European Community*

Customs Law

- *Commission Implementing Regulation (EU) No. 756/2012 of 20 August 2012 amending Regulation (EEC) No. 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No. 2913/92 establishing the Community Customs Code*

- *Commission Implementing Regulation (EU) No. 750/2012 of 14 August 2012 concerning the classification of certain goods in the Combined Nomenclature*

Food and Agricultural Law

- *Commission Implementing Regulation (EU) No. 793/2012 of 5 September 2012 adopting the list of flavouring substances provided for by Regulation (EC) No. 2232/96 of the European Parliament and of the Council, introducing it in Annex I to Regulation (EC) No. 1334/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No. 1565/2000 and Commission Decision 1999/217/EC*

- *Commission Implementing Decision of 24 August 2012 amending Decision 2007/453/EC as regards the BSE status of Austria, Belgium, Brazil, Colombia, Croatia and Nicaragua (notified under document C(2012) 5860)*

- *Commission Implementing Regulation (EU) No. 760/2012 of 21 August 2012 amending Regulation (EC) No. 595/2004 as regards the intensity of controls carried out by Member States in the framework of the milk quota system*

- *Commission Regulation (EU) No. 744/2012 of 16 August 2012 amending Annexes I and II to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, fluorine, lead, mercury, endosulfan, dioxins, Ambrosia spp., diclazuril and lasalocid A sodium and action thresholds for dioxins*

- *Commission Implementing Decision of 3 August 2012 authorising the placing on the market of a novel chewing gum base as a novel food ingredient under Regulation (EC) No. 258/97 of the European Parliament and of the Council and repealing Commission Implementing Decision 2011/882/EU (notified under document C(2012) 5406)*

- *Decision of the EEA Joint Committee No. 39/2012 of 30 March 2012 amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement*

Other

- *Commission Decision of 24 August 2012 on amending Annex I to Regulation (EC) No. 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks*

- *Commission Regulation (EU) No. 791/2012 of 23 August 2012 amending, as regards certain provisions relating to the trade in species of wild fauna and flora, Regulation (EC) No. 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No. 338/97*

- *Notice concerning the termination of the Agreement between the European Community and the Russian Federation on trade in certain steel products and the repeal of Council Regulation (EC) No. 1342/2007 on administering certain restrictions on imports of certain steel products from the Russian Federation*

- *Commission Decision of 16 August 2012 establishing the ecological criteria for the award of the EU Ecolabel for printed paper (notified under document C(2012) 5364)*

- *Commission Implementing Decision of 13 August 2012 on the approval by the Commission of sampling plans for the weighing of fisheries products in accordance with Article 60(1) and 60(3) of Council Regulation (EC) No. 1224/2009 and of control plans for the weighing of fisheries products in accordance with Article 61(1) of Regulation (EC) No. 1224/2009 (notified under document C(2012) 5568)*

- *Commission Regulation (EU) No. 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations*

- *Commission Decision of 3 August 2011 on the aid SA. 26980 (C 34/09 (ex N 588/08)) which Portugal is planning to grant to Petrogal (notified under document C(2011) 5546)*

- *Commission Decision of 23 July 2012 amending Decisions 2002/731/EC, 2002/732/EC, 2002/733/EC, 2002/735/EC and 2006/66/EC and repealing Decision 2002/730/EC concerning technical specifications for interoperability (notified under document C(2012) 4982)*

- *Council Decision 2012/486/CFSP of 23 July 2012 concerning the signing and conclusion of the Agreement between the Organisation for Joint Armament Cooperation and the European Union on the protection of classified information.*

- *Council Decision of 23 March 2012 authorising the opening of negotiations for an international agreement on the creation of the EU-LAC Foundation as an international organisation*

- *Decision of the Representatives of the Governments of the Member States, meeting within the Council of 23 March 2012 authorising the opening of negotiations for an international agreement on the creation of the EU-LAC Foundation as an international organisation*

- *Council Decision of 8 March 2012 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco concerning reciprocal liberalisation measures on agricultural products, processed agricultural products, fish and fishery products, the replacement of Protocols 1, 2 and 3 and their Annexes and amendments to*

the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part

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