



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR TRADE

Directorate F – Enforcement, Market access, SMEs, Legal affairs and Technology
Unit F1 – Single entry point on Enforcement, Market access and SMEs

COMPLAINT

relating to alleged violations of commitments stemming from free trade agreements (FTA) concluded by the European Union or Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences (GSP) and repealing Council Regulation (EC) No 732/2008¹

¹ Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008, OJ L 303, 31.10.2012, p. 1–82.

The Single Entry Point (SEP) will only receive complaints concerning market access, TSD or GSP issues and will not deal with trade defence issues (anti-dumping, anti-subsidy or safeguards). If you wish to submit a Trade Defence Instruments complaint, you should contact the appropriate service in DG TRADE. You can find more information at the following address: <https://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>.

Should the complaint concern an alleged breach by a Member State of EU law (including international agreements) please refer to the following website for further information: https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law/how-make-complaint-eu-level_en#administrative-steps-to-submit-a-complaint-to-the-european-commission

Should the complaint concern the EU-UK Trade and Cooperation Agreement please refer to the following [document](#). You can find more details on the application of the Single Entry Point (SEP) in the operational guidelines: <https://trade.ec.europa.eu/doclib/html/159074.htm>

1. IDENTITY OF THE COMPLAINANT

1.1. First name

1.2. Last name

1.3. Email

1.4. Telephone (including the country calling code)

1.5. Correspondence address

1.6. Indicate whether the complainant is

1.6.1. A natural person who is a citizen or permanent resident in a Member State of the European Union (EU); or,

1.6.2. An entity (e.g. an enterprise, trade association or organization of workers or employers, non-governmental organisations) formed in accordance with the law of a Member State of the EU having its registered office, central administration or principal place of business within the EU.

1.6.3. A Member State of the EU

1.7. Company/Organisation name

1.8. If the complainant is a company, provide a description of the corporate structure, business activities and economic sector in which it operates.

1.9. Please indicate whether the complainant is acting exclusively on its behalf or whether is acting also on behalf of other persons/entities.

1.9.1. Exclusively on its own behalf

1.9.2. Also on behalf of other persons/entities

1.10. In the affirmative, please provide the information required under 1.6 and 1.8 also for these persons/entities.

2. TSD/GSP VIOLATION

2.1. Title / Complaint short description

2.2. Country violating TSD commitment or GSP regulation provision

2.3. Legal basis

2.3.1. Indicate the legal ground for the complaint, i.e. the provision(s) which is (are) alleged to have been breached (TSD commitments in an FTA or the grounds under the GSP regulation justifying withdrawal of preferences)

2.4. Factual description of the TSD/GSP violation:

2.4.1. Indicate the measure alleged to breach TSD commitments or justifying the withdrawal of preferences under the GSP regulation. This should specify whether the measure amounts to a regulatory/legislative instrument (e.g. law, regulation, guideline), or a specific practices or conduct of the country (e.g. acts of repression of human rights, decisions by national courts).

2.4.2. If the measure under point 2.4.1 amounts to a legislative instrument, please:

- 2.4.2.1. *Provide the text of the measure and if possible, an EN translation; and please indicate whether the measure is in force, and if so, when it entered into force (or if not, when it is expected to be approved).*
- 2.4.3. If the measure is not a legislative instrument but a practice, please:
 - 2.4.3.1. *Provide any available evidence of such practice, including written documents issued by the third country proving the existence of such practice, evidence from recognised international bodies, witness statements, records (including translation in English where required);*
 - 2.4.3.2. *Indicate the sources of the information/evidence, if possible with an English translation;*
- 2.4.4. In case the complaint alleges violation(s) of TSD commitments, please explain why and how such TSD commitment(s) are violated (e.g. by failure to enforce domestic legislation complying with the TSD commitment); and,
- 2.4.5. In case the complaint alleges that GSP preferences should be withdrawn with respect to a third country, please explain why and how the grounds for initiating a withdrawal procedure are met (e.g. serious and systematic violation of the principles of human rights conventions).

3. IMPACT AND SERIOUSNESS/GRAVITY OF THE BREACH

3.1. Factual description of the measure's effects (provide supporting evidence and sources used)

- 3.1.1. Please provide sufficient elements for the Commission to assess the seriousness of the TSD breach by the trading partner and the consequence for or damage caused to the environment or workers in the trading partner, as well as economic consequences for EU operators trading with or investing in the trading partner (including impact on Small and Medium Enterprises (SMEs) where applicable);
- 3.1.2. In case your complaint concerns violations of the commitments on non-regression or rebalancing included in the EU-UK TCA (Articles 387 and 391 [Non-regression from levels of protection], Article 411 [Rebalancing] included in Title XI: Level playing field for open and fair competition and sustainable development) then please provide the following information: (i) Description of the EU market and of the partner country market for the specific products/services. List the European-level sectorial associations, and the EU Member States where the product is manufactured (attachment possible);

(ii) Assessment of the economic damage caused to the sector, including the quantification of the main indicators such as production, competitiveness, capacity, sales, market shares, prices, and additional costs; (iii) Quantification of the material impact (value of trade on HS codes concerned by the measure) in absolute and relative terms (i.e.: % of the trade or investment affected by the measure/obstacle compared to total exports of the sector to that country; % of the exports to this country to total exports of the sector).

3.1.3. Please provide any other considerations that you consider relevant, for instance, how the measure affects wider EU interests.

4. ACTIONS

4.1. Please indicate if the complainant or another actor (to the complainant's knowledge) took any action before the appropriate national authorities or courts of the country being complained against to seek relief against the alleged breach of TSD commitment or GSP regulation provision. In the affirmative:

4.1.1. Indicate the type of action taken and the authority or court sought;

4.1.2. Indicate the outcome of the action;

4.1.3. If the complainant considers that the outcome is not appropriate to cure the breach, explain why; and,

4.1.4. If the complainant considers the outcome is appropriate to cure the breach, please explain how the country being complained against has failed to implement it.

4.2. Please indicate if the appropriate international organisation(s) (for example, International Labour Organization) has undertaken any action in relation to the alleged breach of TSD commitment or GSP regulation provision. In the affirmative:

4.2.1. Indicate the international organisation which has or is examining the measure;

4.2.2. Indicate the type of analysis performed and the conclusion reached and provide a copy thereof;

4.2.3. If the complainant considers that the outcome is not appropriate to cure the breach, explain why; and,

4.2.4. If the complainant considers the outcome is appropriate to cure the breach, please explain how the country being complained against has failed to implement it.

- 4.3. Please indicate if you are aware that actors from a third country are also concerned by the regulation/practice and if they have sought help from their government. Please provide information on the state of play.**
- 4.4. Please indicate if the complainant or another actor approached the Commission's services or any other EU institution concerning the same issue. In the affirmative, please indicate the service/institution contacted and attach copy of correspondence.**
- 4.5. Please indicate what the complainant expects/asks the EU to do to resolve the issue.**

5. CONFIDENTIALITY

The Commission will treat information received on a confidential basis where there are reasonable grounds justifying such confidential treatment.

Please indicate whether you agree with the publication of your complaint, or whether you wish that (parts of) the information provided remain confidential.

* All information collected through the use of the online-forms on this web page is treated as "Commission Use" in accordance with the security notice [C\(2019\) 1903](#) of 5.3.2019 implementing Article 9(2) of Decision (EU, Euratom) 2015/4431 (Decision 2015/443). A reference is also made to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.