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## **Operating guidelines for the Single Entry Point and complaints mechanism for the enforcement of EU trade agreements and arrangements**

These Operating guidelines explain how the European Commission's International Trade department's Single Entry Point for complaints about trade barriers or non-compliance with sustainability commitments in third countries operates and provides guidance on how to launch such complaints.

### **1. What is the Single Entry Point?**

The Single Entry Point is the centralised contact point for all EU-based stakeholders who want to lodge a complaint on market access issues or about non-compliance with commitments<sup>1</sup> taken by other countries under the Trade and Sustainable Development ('TSD') provisions of EU trade agreements or under the EU's Generalised System of Preferences ('GSP')<sup>2</sup>. The Single Entry Point is the coordinator of the complaint system who ensures a streamlined internal process to tackle market access issues and non-compliance with TSD/GSP commitments. In contacts with the complainants, the Single Entry Point follows the Code of Good Administrative Behaviour<sup>3</sup>.

These guidelines aim to help interested stakeholders understand the operation of the Single Entry Point complaint system. In the annex to these guidelines, there are two practical guides to complete the complaint forms that are available on the Commission's [Access2Markets](#) portal.

The Single Entry Point does not deal with trade defence complaints (anti-dumping, anti-subsidy or safeguards). For such matters, please refer to the trade defence complaints office<sup>4</sup>.

### **2. Who can submit a complaint**

Under the complaint system, the following may submit a complaint to the Single Entry Point:

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<sup>1</sup> The Single Entry Point can be used to register complaints related to areas covered by EU trade agreements. Accordingly, it is not meant for areas covered by other EU agreements such as e.g. aviation, fish, social security coordination, etc.

<sup>2</sup> 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.

<sup>3</sup> [https://ec.europa.eu/info/sites/default/files/20131125-code-good-administrative-behaviour-en\\_1.pdf](https://ec.europa.eu/info/sites/default/files/20131125-code-good-administrative-behaviour-en_1.pdf)

<sup>4</sup> For more information, please visit : <https://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>

- i. For market access complaints:
  - a. EU Member States
  - b. Entities having their registered office, central administration or principal place of business within the Union
  - c. Industry associations of EU companies
  - d. Associations of EU employers
  - e. Trade unions or trade union associations formed in accordance to the laws of any EU Member State
- ii. For TSD or GSP complaints:
  - a. EU Member States
  - b. Entities having their registered office, central administration or principal place of business within the Union
  - c. Industry associations of EU companies
  - d. Associations of EU employers
  - e. Trade unions or trade union associations formed in accordance with the laws of any EU Member State
  - f. EU Domestic Advisory Groups (DAGs) formed in accordance with EU trade agreements (for TSD complaints)
  - g. NGOs formed in accordance with the laws of any EU Member State
  - h. Citizens or permanent residents of an EU Member State

A complaint may be lodged either by a single complainant from any of the listed categories or by multiple complainants (within one or various categories) acting together as a group. Complainants should clearly state whether they are acting exclusively on their own behalf or if they are also representing other interests, such as similar entities or organisations located in the partner country. If representing others, the complainant must disclose fully the identities of these entities. These details will remain confidential as indicated under section 6.

### **3. Scope of the information required in the complaint forms**

In order to help the Single Entry Point in assessing the strength and importance of a potential case, and in deciding the subsequent course of action, the complaint forms, for both Market Access and TSD/GSP cover a wide range of information. These Operating guidelines explain the relevance of this information and what is needed.

Submitting all the information required in the complaint form is not a pre-condition for the Single Entry Point to accept a complaint. However, the more complete the complaint, the easier it will be for the Single Entry Point to make an assessment and better engage with trade partners.

For certain information that may not be publicly or easily available, the complainant is not expected to provide exact data. Instead, it is sufficient to respond to the questions to the best of one's knowledge, offering best estimates and explaining the rationale behind these estimates.

The Single Entry Point stands ready to assist potential complainants, especially SMEs and smaller stakeholders prior to their submission. This includes discussions about the information that is needed for the assessment. The following section details how to contact the Single Entry Point at this pre-notification stage.

## **4. Pre-notification**

The Single Entry Point understands that preparing a well-substantiated complaint can be demanding, especially for SMEs and smaller stakeholders. To alleviate this task, the Single Entry Point encourages stakeholders to engage in pre-notification contacts with it in order to prepare the formal submission of a complaint. Alternatively, the Single Entry Point can direct stakeholders towards other instruments, if more suitable to address their concerns.. Engaging in optional pre-notification contacts can be very valuable to both the complainant and the Single Entry Point. Most particularly, the pre-notification process can help determining, among other things, the specific information needed, making it easier for the complainant to better target their efforts.

The complainant may contact the Single Entry Point prior to submitting a complaint at the following email address: [TRADE-SINGLE-ENTRY-POINT@ec.europa.eu](mailto:TRADE-SINGLE-ENTRY-POINT@ec.europa.eu). Upon receiving a request for a pre-notification contact, the Single Entry Point will identify and inform the complainant of the contact point who will take the matter forward.

Pre-notification contacts provide the Single Entry Point and the stakeholders with the possibility, prior to the notification of a complaint, to discuss issues such as the legal basis of the complaint, the systemic or economic impact of the potential barrier or infringement, and the extent of information to be submitted. Pre-notification contacts will also help the Single Entry Point to prepare the handling of the complaint by identifying key issues at an early stage.

## **5. The complaint forms**

The Single Entry Point has two online complaint forms: one for market access barriers and one for non-compliance with TSD/GSP commitments. Both complaint forms must be filled in directly online<sup>5</sup>. The complaint forms form the basis for the Single Entry Point to assess whether there is a trade barrier, a violation of TSD/GSP commitments or, in the case of the EU-UK Trade and Cooperation Agreement, to assess the information relevant to the application of rebalancing measures under that agreement<sup>6</sup>.

Annexed to these Operating guidelines are two practical guides to fill in the complaint forms, following the structure of the complaint forms available online.

## **6. Confidentiality**

The Single Entry Point will treat all information received as confidential and will not

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<sup>5</sup> [Access2Markets Contact page \(europa.eu\)](#)

<sup>6</sup> The complaint forms should also be used for the registration of complaints related to commitments on level playing field, included in the EU-UK Trade and Cooperation Agreement. The form related to trade and sustainable development should be used to cover complaints related to Labour and social standards; Environment and climate; and, Other instruments for trade and sustainable development. These areas are covered by Title XI: Level playing field for open and fair competition and sustainable development of Heading One: Trade in the EU-UK Trade and Cooperation Agreement. The form related to market access should be used with respect to other areas covered by this Title, including information relevant to the application of rebalancing measure, Competition policy, Subsidy control; State owned enterprises and enterprises granted special rights or privileges and designated monopolies; and Taxation. Complaints on labour and social standards, environment and climate or subsidy control referred to above, may also include information relevant to the application of Article 411 [Rebalancing].

make public the fact of having received a complaint, its content and the identity of the complainant, unless the complainant has put the information in the public domain itself. In order to coordinate the EU's and Member States' enforcement actions, some anonymised information will be shared with the authorities of the EU Member States.

If the complaint relates to a market access barrier, and if the Single Entry Point concludes that the issue raised in the complaint may indeed be considered as a barrier to trade, it will publish information about this barrier on the Commission's [Access2Markets platform](#). The information will include the most relevant facts concerning the issue raised (for instance, reported date, sector, country, description and HS codes impacted) but it will not mention how the barrier was identified nor include any elements concerning the economic impact of the barrier. This information will be updated regularly.

If the complaint relates to TSD or GSP, and if the Single Entry Point concludes that the issue raised may amount to a violation of a TSD obligation under a trade agreement or a violation of the GSP Regulation that could lead to withdrawal of GSP preferences (Articles 15 or 19 of the GSP Regulation), it will publish information about this violation on the Commission's TSD website in a fiche. The information will include the most relevant facts concerning the issue raised but will not mention how the violation was identified. This information will be updated regularly.

In cases that require an increased level of confidentiality (such as in case of risk of retaliation), the Single Entry Point invites complainants to provide information about any such circumstances or risks that they foresee.

## **7. Follow-up on complaints**

Upon receipt of a complaint, the Single Entry Point assembles a specialised “case team”. This team comprises members from the Single Entry Point and experts with geographical and sectoral experience. The case team's role is to conduct a preliminary assessment of the complaint. This assessment focuses on two key areas: the completeness of the submitted information and the strength of the evidence provided.

At this stage the complainant will receive an acknowledgement of receipt of the complaint together with an individual complaint number. The complainant will be informed about the establishment of a case team and will be provided with a contact point for their case .

### *Assessing the complaint*

In the course of conducting a preliminary analysis of the complaint, the case team may, depending on the specifics of the case, reach out to the complainant with requests for additional information. The case team may also suggest a discussion with the complainant to gain a clearer understanding of the issues raised. .

Once the case team has gathered a sufficient amount of information, it will complete its preliminary assessment of the issue raised. This involves determining whether the issue constitutes a trade barrier or raises TSD/GSP compliance issues, and identifying the most appropriate ways for addressing them. The complainant will be informed about the result of this preliminary assessment and will be introduced to their new contact point for the subsequent follow-up action.

### *Action to resolve the issues, keeping the complainant informed and managing priorities*

While the complainant will be kept informed about the progress on their complaint and its

assessment, it is important to bear in mind that it is often difficult to provide guidance in advance about the speed with which matters can be taken forward or resolved.

Depending on the case, the Commission's response may vary from diplomatic means to international monitoring/supervision or formal dispute settlement (at the WTO, or bilaterally) or to unilateral measures. For these reasons, it is not possible to give information of the exact procedural steps of such actions in these guidelines, as they may vary from one case to another, depending on the course of action chosen. Where procedural information is available in individual cases (for instance in formal dispute settlement cases), the Single Entry Point will share that with the relevant stakeholders.

While the Commission will seek to address and remove all trade barriers and issues on TSD/GSP compliance, it will also need to set priorities at any given moment in order to obtain swift results and ensure the most efficient use of resources. Those priorities will be based on three criteria: (1) the likelihood of resolving the issue, (2) the legal basis, and (3) the economic/systemic impact for market access barriers or the seriousness of the violation for TSD/GSP obligations. These priorities are dynamic and kept under regular review. This flexibility will allow the Commission to focus resources on the most relevant cases that have more chance of being positively resolved at any given moment and to quickly and efficiently respond to the changes in circumstances.

*Complaints are not the only source of the Commission's implementation work.*

The Commission monitors continuously the implementation of the commitments by third countries, both to prevent trade barriers from arising, and to ensure compliance with TSD/GSP commitments. In doing this, the Commission relies on its network of EU delegations and on contacts with EU institutions and Member States. Any barriers or concerns identified in this manner will also be fed into the system created under the Single Entry Point to ensure that these are duly taken into consideration.

## **Annex 1: Practical guide to filling out the [market access complaint form](#)**

### ***1 - Identity of the complainant and contact details***

This section collects information about the person submitting the complaint and the details of how the Single Entry Point can contact him/her.

In addition to some personal details (such as name, email address, telephone number and correspondence address), the complainant should clearly indicate, if applicable, the concrete organisation or national authority he/she is representing (e.g. the company name or the specific Ministry or Embassy of a Member State of the EU).

The complainant is also invited to indicate if he/she is or represents: a Member State of the EU; an exporter/importer/investor in the EU; an EU or national trade association in the EU; or other.

Finally, the complainant must also indicate the Member State(s) of the EU in which he/she/the organisation operates (e.g. the EU countries in which the company has activity or the EU countries of the companies part of an EU trade association).

### ***2 - Information about the trade barrier***

This section allows the complainant to describe the barrier he/she has encountered or expects to encounter when it enters into force. This information will help the Single Entry Point (and Member States authorities) to see if this is a known problem and to understand better the nature of the issues raised.

The complainant is invited to indicate the country that is imposing the barrier, to explain the problem it is facing and how it is affecting his/her business operations.

To the extent possible, the complainant is asked to provide information regarding the measure causing the problem: the legal reference, the text of the measure and the date of entry into force. In case the barrier stems from an administrative practice, this information can also be indicated.

If the complaint concerns laws or regulations not yet in force, but in the process of being discussed or adopted, the complainant is also invited to share this information so the Single Entry Point can seek to prevent future trade barriers.

Finally, this section of the complaint form asks the complainant to categorise the alleged trade barrier and the sector it impacts on the basis of a pre-determined list, as well as the products or services affected by the barrier, including the customs codes for goods or the EBOPS for services. The description should be as precise as possible and not simply refer to broad product or service categories (unless the alleged barrier affects an entire category). The complainant should refer to the more detailed HS code(s) in identifying the affected products – at least four digits when possible.

The complainant will find drop down menus in the *category* and *sector* fields for easier selection. In case of uncertainty regarding the most appropriate choice, we encourage the complainant to seek advice from the Single Entry Point (for guidance on this matter, see the “Pre-notification” section in the Operating guidelines).

### ***3 - Economic/Systemic Impact***

The information provided in this section will help the Single Entry Point to assess the

economic and legal impact of the barrier on the complainant's business or activity, as well as to get a sense of whether it impacts other businesses in the same sector or customers that rely on their input or services. It will also help us to see if there is a particular impact on small and medium-sized enterprises (SMEs). The Single Entry Point recognizes that the complainant may not have full information to respond to all these questions.

In particular, the complainant is asked to explain the impact of the barrier from the economic point of view, such as the impact on the exports, losses, production, sales or additional costs to comply with the barrier.

The complainant is also invited to share some useful information for the analysis of the barrier, notably whether other interested stakeholders are affected, such as other EU companies in the same or different sectors or SMEs. The question about domestic producers or providers in the country of the trade barrier seeks to understand whether EU companies are discriminated vis-a-vis local companies. The complainant should respond with "yes", "no" or "not aware" to these inquiries.

Finally, the complainant has the possibility of providing his/her views on whether the measure in question breaches any legal obligations of the third country, such as WTO or Free Trade Agreement rules, including principles like transparency, non-discrimination, and proportionality.

#### ***4 - Actions***

The complaint form asks the complainant to submit information on whether it is aware if any Member State(s) of the EU/company (including the complainant itself)/industry association/other body has sought redress from the measure through the national authorities (including domestic courts) of the country imposing the measure.

Similarly, the complaint form asks if the complainant is aware of any action coming from any authority/company/industry association/other body from a country outside the EU, including local companies in the country that has imposed the barrier

This information is important for the Single Entry Point as it will give further elements to decide on how to more effectively address the third country.

While prior or planned action is not mandatory to launch a complaint with the Single Entry Point, any information on such action and the potential outcomes are important. This information will in fact allow the Single Entry Point to understand how to better address the third country and show that it is aware of the evolution of this issue.

## **Annex 2: Practical Guide to filling out the [TSD/GSP complaint form](#)**

### *1 - Identity of the complainant*

The complainant shall clearly indicate whether she/he is a natural person, an EU Member State or an EU entity (e.g. enterprises, trade associations or worker/employer associations) and provide relevant contact details.

If the complainant is an EU company, a trade union or an industry association or non-governmental association (regardless whether it is a national or EU association), an EU DAG or any other kind of EU entity (refer to categories b to g in section 2.ii of the Single Entry Point Operating guidelines), then it should select the ‘*an entity*’ option. If the complainant is a Member State of the EU (category a), then it must select the ‘*a Member State of the EU*’ option. If the complainant is a natural person acting on her/his own behalf, or on behalf of another EU citizen/s, she/he shall select the ‘*A natural person who is a citizen or permanent resident in a Member State of the European Union (EU)*’ option.

the Single Entry Point is aware that EU-based NGOs often cooperate with NGOs/natural persons in third countries. If this is the case, the Single Entry Point asks the complainant(s) to disclose any such cooperation and provide an appropriate level of information concerning them. This will be treated as part of the confidential information described in section 6 of the Single Entry Point Operating guidelines.

### *2 – Factual description of the TSD/GSP violation*

This section of the complaint form asks information concerning the alleged violation of TSD or GSP commitments and the legal basis. This will inform the preliminary analysis of the Single Entry Point by allowing better identification of the issue and possible violations of international agreements.

The Single Entry Point will treat complaints against infringing legislation and against administrative practices on equal footing. Nevertheless, when filling in this section, it is important to keep in mind that violations stemming from practices rather than from legislation may result more difficult to address, as they may be more difficult to prove.

In this regard, the Single Entry Point notes that TSD/GSP violations may normally originate from:

- failure to comply with obligations under international conventions or to transpose/ratify international conventions,
- adoption of domestic legislation that violates the principles enshrined in international conventions, or
- failure to properly implement the domestic measures in place. The complainant should set out the facts that substantiate the complaint especially in light of this.

The first question of this section of the complaint form asks the complainant to identify the legal basis of the complaint. This means that the complainant should indicate the provision/s in FTAs (for TSD complaints) or in the GSP Regulation (for GSP complaints) allegedly violated by the third country.

The following questions of this section ask the complainant to identify the legal provision/s or practice/s of the third country violating the provision/s identified in the first question. The complainant should also explain how these legislation or practices violate



them.

In this respect, the TSD/GSP complaint form maintains the distinction between a violation deriving from a law and from a practice, recognising that the latter may be just as serious as the former.

The TSD/GSP complaint form also asks the complainant to provide a description of that law or practice and how it constitutes a violation. In replying to this question, the complainant should either provide the text of the legislation or, if the alleged violation stems from an administrative practice, explain how this takes place, and provide elements showing that the practice is systematically carried out by the third country, and not only a sporadic event.

The Single Entry Point would like to draw the complainant's attention to the fact that the violation of TSD or GSP obligations must be systematic in the third country. This means that the violation should not consist in an isolated case of non-compliance, but should consist of a widespread practice in the third country that is not properly addressed by the competent authorities. In that respect, a practice may be identified as the systemic misapplication of legislation as well as the systemic failure to apply a law or regulation that would be compliant with the TSD or GSP obligation of the third country.

The complainant may also indicate in this section what are, in its perception, the apparent root causes of the alleged violation. This information may be relevant for effectively tackling the alleged violation.

The last questions of this section differ if the complainant is alleging a violation of a TSD obligation in an FTA or a violation of the GSP Regulation. The complainant should provide replies only to the appropriate question.

### *3 - Impact and seriousness/gravity of the breach*

For TSD/GSP issues, the complainant should provide substantiated information on the impact and seriousness/gravity of the alleged violation, for example damage caused to the environment or to workers in the trading partner, as well as, if available, the estimated economic impact for EU operators trading with or investing in the trading partner. In this section, the Single Entry Point seeks to understand the extent of the alleged violation and whether this is systemic in the third country.

The complaint form asks the complainant to provide as much information as possible to assess the seriousness of the breach. The type of information to be provided greatly depends on the alleged breach. However, the information should be detailed enough to allow a proper assessment of the facts supporting the complaint.

In this respect, the Single Entry Point encourages stakeholders to engage in pre-notification contacts to discuss issues such as the scope of the information to be submitted and to identify key issues at an early stage (see the Operating guidelines).

As regards complaints related to the commitments on non-regression and rebalancing included in the EU-UK Trade and Cooperation Agreement (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) additional economic information should be provided similarly as in the case of the form on market access.

### *4 – Actions*

The complaint form asks the complainant to submit information on whether she/he is aware if any company/industry association/other body has sought redress from the measure through the national authorities (including domestic courts) of the country imposing the measure.

In the affirmative, the complaint forms asks the complainant to explain the following:

- i. The type of action taken;
- ii. The authority with which the action was taken, and;
- iii. If the action is concluded, its outcome.

The complaint form for TSD/GSP further asks the complainant to explain why it considers the outcome of the action is insufficient to address the violation; or why it considers that the implementation (or failure to implement) of an outcome that could have addressed it failed to do so.

In cases where the action sought was not successful, or the third country did not implement the outcome, the reply is quite straight forward. In case the third country has implemented a favourable award, but in such a way that it does not effectively remove the violation, the complainant should provide a detailed explanation of the third country's actions.

While prior or planned action is not mandatory to launch a complaint with the Single Entry Point, any information on such action and the potential outcomes are important. This information will in fact allow the Single Entry Point to understand if some actions have already been carried out and will give further elements to decide on how to more effectively address the third country.

Beyond domestic procedures, the Single Entry Point also seeks to understand whether the facts allegedly constituting a violation of TSD or GSP provisions have been already analysed by competent international monitoring or supervisory bodies and if any action has been taken. It is important to note that previous actions by these bodies do not constitute a requisite for filing a complaint, however the Single Entry Point notes that this would significantly help the fact-finding exercise.

The complaint form therefore asks the complainant to provide detailed information on how the relevant monitoring or supervisory bodies of international conventions (e.g. International Labour Organization, United Nations, Multilateral Environmental Agreements) deal with and act upon the alleged violations.

#### *5 – Indicative timelines for handling of TSD complaints*

In taking forward TSD complaints, the Single Entry Point will work around the following timelines:

- i. acknowledge the receipt of the complaint within 10 working days from receipt by the Single Entry Point;
- ii. ensure a first follow up with the complainant within 20 working days from the receipt of complaint; and,
- iii. make a first assessment of the case to establish whether there appears to be a violation of the TSD commitments within 120 working days from the receipt of the complaint. That assessment will also identify the appropriate

next steps.

Where further information is needed from the complainant, the Single Entry Point may suspend the 120 working day deadline, or where it requests further information from an international intergovernmental organisation with expertise relevant for the investigation. In these cases, the period restarts once the complainant or the organisation has provided full information.

The timeline may also be suspended when the Single Entry Point needs more time to conclude a complex analysis, or the facts of the case have changed (e.g. new information has come to light that affects the assessment of the case). In these situations, the Single Entry Point will keep the complainant updated with regard to changes in the timeline of their case.