



Brussels, 22 June 2022

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

The present notice explains how DG Trade's Single Entry Point ('SEP') 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. Please note that the SEP 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>3</sup>.

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

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

Under the complaint system, the following may submit a complaint to the SEP:

- 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;

---

<sup>1</sup> The SEP 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> For more information, please visit : <https://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>

- e. Trade unions or trade union associations formed in accordance to the laws of any EU Member State.

Complaints concerning market access issues will be taken forward only if the complainants can demonstrate that the barrier directly concerns them or those whom they represent. This means, for example, that companies can only complain about barriers affecting the products or services they produce or provide. Likewise, complaints from industry associations should concern products or services provided by their members.

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 by one complainant amongst the above categories or by various complainants (within one or various categories) acting jointly as collective complainants. Potential complainants must provide information about whether they are acting exclusively on their own behalf or if they are representing other interests as well, including interests of similar entities or organisations located in the partner country. In the latter case, they shall fully disclose the identity of that other person/company/association/entity, which shall remain confidential as indicated under section 6.

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

In order to help the SEP assess the strength and importance of a given case and to decide whether and how to take the matter forward, the complaint forms, for both Market Access and TSD/GSP, cover a wide range of information. These operational guidelines explain why the information may be important and what is needed.

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

For some information, which may not be publicly or easily available, the SEP does not expect the complainant to provide exact data, but simply to reply to the questions to the best of its knowledge and to provide its best estimates and explain how it reached them.

The SEP is ready to help stakeholders considering submitting a complaint, especially SMEs and smaller stakeholders prior to their submission, for example, to discuss the scope of the information available. The section below explains how to contact the SEP at this pre-notification stage.

### **4. Pre-notification**

The Commission understands that preparing a well-substantiated complaint can be demanding, especially for SME's and smaller stakeholders. The SEP therefore offers the

possibility for stakeholders to engage in pre-notification contacts on a voluntary basis in order to prepare the formal submission of a complaint. Pre-notification contacts, while not mandatory, can be very valuable to both the complainant and the Commission in determining, amongst other things, precisely what information is required, making it easier for the complainant to better target their efforts.

You can contact the SEP 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 pre-notification contact, the SEP will identify and inform you of the contact point who will take things forward.

Pre-notification contacts provide the SEP and the stakeholders with the possibility, prior to the notification of a complaint, to discuss issues such as information available on the legal basis of the complaint, its systemic or economic impact and the extent of information to be submitted. Pre-notification contacts will also help in preparing for the handling of the complaint by identifying key issues at an early stage.

## **5. The complaint forms**

The SEP 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>4</sup>. The complaint forms help the Commission 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>5</sup>.

Annexed to these Operating Guidelines are two practical guides to completing the complaint forms, following the structure of the complaint forms available online.

## **6. Confidentiality**

The Commission will treat all information received as confidential and will not 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<sup>6</sup>.

If the complaint relates to a market access barrier, and if the SEP 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

---

<sup>4</sup> [Access2Markets Contact page \(europa.eu\)](#)

<sup>5</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].

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.

If the complaint relates to TSD or GSP, and if the SEP 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 website. The information will include the most relevant facts concerning the issue raised but will not mention how the violation was identified.

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

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

When receiving a pre-notification contact or a complaint, the SEP puts together a "case team", drawing on colleagues in the SEP together with relevant colleagues with geographical or sectoral experience, who will handle the issue and make a preliminary assessment of the complaint, both concerning the completeness of the information and strength of the evidence provided.

At this stage you will receive an acknowledgement of receipt of the pre-notification contact/complaint and you will be informed that a case team has been set up and who the contact point for you is.

### *Assessing the complaint*

After a preliminary analysis, depending on the case at hand and the degree of completeness of the complaint, the case team may come back with requests for additional information or look for help in filling any gaps in the information provided in order to ensure that sufficient elements are available for an assessment to be made both, of the complaint and the appropriate, most effective follow up.

Once the complaint is considered complete, the SEP will assess the issue raised, determine whether it is indeed a trade barrier or raises TSD/GSP compliance issues, and identify the most appropriate ways to try addressing them.

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

You will be kept informed about progress on the complaint and its assessment, but 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. Once a particular course of action has been identified, its practical follow up may fall to other parts of DG Trade in headquarters or in the EU Delegations, or it may be taken forward by other Commission services, and/or involve contacts with EU Member States and other organisations depending on the facts in hand. However, the SEP and your contact point will continue to keep track of progress.

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. 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: the likelihood of resolving the issue, the legal basis, and 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 services 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 services continuously monitors the implementation of 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 also 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 SEP to ensure that these are duly taken into consideration. In these interactions with complainants, the Commission services will be bound by the Code of Good Administrative Behaviour<sup>7</sup>.

---

<sup>7</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)

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

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

The complainant should clearly indicate whether she/he is representing either an EU Member State or an EU entity (e.g. enterprises, trade associations or worker/employer associations) and provide relevant contact details. This ensures that the SEP can appropriately follow up directly with the complainant.

If the person submitting the complaint form via Access2Markets is doing so on behalf of a company, of a trade union or of an industry association, regardless whether it is a national or EU association, it should select the ‘*an entity*’ option.

Only individuals submitting the complaint form on behalf of the administration of a Member State of the EU must select the ‘*a Member State of the EU*’ option.

### *2 - Information about the complaint*

This section of the complaint form asks the complainant to classify the alleged barrier and the sector it impacts on the basis of a pre-determined list.

In filling in this section, the complainant should provide a short description/subject matter of the issue, and must indicate the ‘category of the measure’, the ‘sector affected’ and identify the EU Member State(s) in which the impacted is felt.

The complainant should select the appropriate entry in the drop down menu that will appear in the relevant boxes. In case the complainant is not sure about the most appropriate option to select, it can contact the SEP to obtain guidance (see pre-notification in the Operational Guidelines).

### *3 - Measure / Obstacle: Factual description of the obstacle to trade by a third country*

This section of the market access complain form asks for detailed information concerning the alleged barrier and its legal basis. This will help the preliminary analysis by the SEP and case team by allowing better identification of the issue and possible violations of international agreements.

The SEP will treat both complaints based on legislation violating provisions of international law and complaints based on practices of a third country violating provisions of international law on equal footing.

The complainant should describe and identify the main factual and legal elements that will allow the Commission services to evaluate the soundness of the complaint as well as its factual and legal basis.

The sub-section below will provide guidance on the specific questions included in section 3 of the market access complaint form.

#### *i. The activity subject to the measure/obstacle*

When filling in this section, the complainant should indicate the goods or services affected by the alleged barrier. 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.

ii. The law, regulation, guideline or practice that constitutes the barrier.

If a trade barrier stems directly from legislation or from a document formally issued by a third-country government, such as regulations or guidelines, the complainant should precisely identify that law/document and also submit a translation thereof. In case of a formalised act, the complainant should also indicate the date of entry into force of that act or measure.

The Commission services will also be ready to act to seek to prevent future trade barriers from being put in place by third countries. Therefore, complaints concerning laws and regulations not yet in force, but in the process of being discussed or adopted can also be raised in complaints. In these cases, the complaint should include the draft legislation and, where possible, the expected entry into force and an indication of how these draft legislative changes are likely to affect them.

Trade barriers may stem directly from a piece of legislation, but also from the application of legislation. In this case, the complainant must provide a description of that practice and give details as to how that practice negatively affects trade and of how that practice is systematically carried out and accepted by the third country and not only a sporadic event.

In this respect, the market access complaint forms maintain the distinction between a violation deriving from a law and from a practice, recognising that the latter is just as serious as the former.

iii. Information concerning the domestic treatment of the same products and/or services.

This question seeks to understand whether, and to what extent, imported products are discriminated vis-a-vis the same products or services available domestically.

The complainant should therefore explain precisely how the same domestic products or services are treated in that country and highlight the differences in treatment vis-a-vis the imported EU products.

iv. Description of the context

This question seeks to clarify (if known to the complainant) the reasons leading the third country administration or authority to introduce or operate the alleged barrier, whether it is a piece of legislation or a practice. The complaint form includes this question as undertakings or business association active in the country sometimes have an “insider” understanding of the developments affecting specific industries that could prove very important for the Commission’s services in deciding how to tackle a given case.

v. v. Preliminary assessment of the international law provision violated (FTA or WTO or principles).

The market access complaint form asks the complainant to identify, as far as they are able to do so, the international law instrument violated by the third country. In doing so, the complainant should indicate not only the agreement violated (for example, a specific trade agreement), but also the specific provisions of that agreement that it considers are violated. The complainant should also explain why it considers that the measure imposed by the third country is in breach of those provisions.

In many cases – especially when a law or regulation is an obvious breach of a provision

(for example, by discriminating against imports) – that explanation will be rather straightforward. In other cases however, measures may not be clearly in breach of a provision of international law, however their application – or their application in conjunction with other national laws or regulation – may result in a breach. In these instances, a full explanation will help to focus the SEP’s own legal analysis, allowing it to come more quickly to an assessment of the complaint, and allow it to benefit from the complainant’s understanding of the practical impact of the alleged barrier and its legal impact.

#### *4 - Economic / Systemic Impact - Factual description of how the measure affects the industry (provide supporting evidence and sources used*

The market access complaint form asks the complainant to provide information concerning the economic/systemic impact of the alleged barrier.

In this regard, the Commission encourages the complainants to provide a number of key data concerning the market for the product or service concerned both in the EU and in the third country. This is often one of the more challenging elements of the information gathering stage, which is why the Commission invites stakeholders wishing to submit a complaint to engage in pre-notification contacts with the SEP in order to identify and discuss the information available to them (see Operating Guidelines).

- i. Description of the EU market and of the third country market for the specific products/services mentioned above.

The market access complaint form asks the complainant to provide information concerning the structure of the market for the product(s) affected by the alleged barrier, including share of domestic producers and the share of imported products in the third country. Additionally, the complainant should provide information concerning any applicable regulations (not constituting a market access barrier).

In replying to this question, and possibly involving the relevant industry association, the complainant should provide the Commission with information concerning, for example:

- Total EU production by all producers in the EU (complainant and others) of the product(s) affected by the measure. In cases where more than one product or service is affected by the alleged barriers, the SEP invites the complainant to submit the data per individual products together with the consolidated data. The reply to this question should indicate the relevant HS code(s). Complainants are invited to submit excel work files of the calculations, when possible;
- An estimate of the number of factories/facilities producing the product or providing the service concerned in the EU or in the affected Member State(s);
- An estimate of the employment generated by the sector in the EU and in the Member State(s)affected;
- Total exports of the product(s)/service(s) affected to non-EU countries (this data can be found on EUROSTAT<sup>8</sup>);
- The share of total export to the third country generated by the sector impacted by the alleged measure. The complainants are invited to provide both the share of

---

<sup>8</sup> For more information, please visit: <https://ec.europa.eu/eurostat/web/international-trade-in-goods>



total EU export and the share of total export of the Member State(s) concerned;  
and,

- An indication of the main competitors on the market in the third country and, if possible, an estimation of their market share.

Please be aware that for all non-publicly available data, the SEP expects the complainants to provide best estimates. The complainants should, however, explain the methodology it followed to reach those estimates and indicate the source of the underlying data or information used.

The list above serves as an example. Providing detailed information in all these areas is not pre-condition to submit a complaint, hence the availability of the pre-notification process mentioned above.

- ii. The economic damage caused to the sector, including the quantification of the main indicators such as production, capacity, sales, and additional costs.

If possible, the complainant should provide information concerning the impact of the alleged barrier on macroeconomic indicators of the industry.

Ideally, the complainant should provide information concerning:

- the projected loss in production caused by the alleged barrier;
- the impact on employment both at EU and MS(s) level, if possible; and,
- any additional costs it expects to incur in because of the alleged barrier being in place.

As for the data discussed in section 3.1.4.(i) above, the complainant should submit their best estimates and the underlying data used to reach them.

- iii. Quantification of the material impact in absolute and relative terms (i.e.: % of the trade affected by the barrier compared to total exports of the sector to that country; % of the exports to this country to total exports of the sector).

The SEP seeks to quantify the impact on trade of the alleged barrier for the EU industry in terms of loss of sales directly generated by the measure. The complainant should also provide an explanation of how it calculated the impact.

In practical terms, with this question the SEP seeks to understand the projected loss in exports to the third country caused by the alleged barrier.

The starting point of the quantification of impact on trade of the alleged barrier should be the analysis of trade flows to the country of the product(s) or service(s) affected by the measure. Stakeholders are therefore invited to provide data on exports to the country of the product/services affected (HS codes 4 digits at least, ideally 6 digits - this data can be found on EUROSTAT).

If the alleged barrier has already been in place for some time, stakeholders are invited to compare the latest available data with the trade flows of the closest possible reference year (i.e. the last year when the barrier was not in place yet and could not have had an impact on trade).

On the other hand, if the alleged barrier has just entered into effect, or has yet to do so, the complainant should provide its best estimate of loss in trade, and explain how it reached them. The Commission also invites the complainant to provide a copy of the sources it used in calculating its best estimate.

The Commission is aware that the amount of trade can fluctuate over time, therefore the complainant should also indicate the percentage of total trade with the third country impacted by the alleged barrier and its evolution compared to the reference year. It may also wish to draw the Commission's attention to particular factors that may have impacted trade in a particular period, for example, the impact of the COVID-19 crisis.

In cases where more than one product or service are affected by the alleged barriers, the Commission invites the complainant to submit the analysis per individual HS code together with the consolidated data. The Commission invites complainants to extract the data from EUROSTAT.

The Commission invites stakeholders considering submitting a complaint to contact the SEP to discuss the information they have available and the scope of the additional information they can provide (see pre-notification in the Operating Guidelines above).

#### *5 - Actions*

The complaint form asks the complainant to submit information on whether it is aware if any 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.

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.

If the complainant is aware of any action having being taken, the market access complaint form further asks for an explanation why it considers the outcome of the action insufficient to remove the barrier; or why it considers that the implementation (or failure to implement) of an outcome that could have removed the barrier failed to do so. In the latter case, the complainant must provide a description of that incorrect implementation and give details as to how that negatively affects trade. In cases where the action sought was not successful or the third country did not implement the outcome that reply is quite straight forward.

In case the action sought was successful but third country has implemented a favourable outcome in such a way that it does not effectively remove the barrier, the complainant should provide a detailed explanation of the third country's actions.

This information is important for the Commission 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 SEP, any information on such action and the potential outcomes are important. This information will in fact allow the Commission 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 SEP 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 Commission is aware that EU-based NGOs often cooperate with NGOs/natural persons in third countries. If this is the case, the Commission 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 SEP 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 Commission by allowing better identification of the issue and possible violations of international agreements.

The SEP 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 SEP 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 Commission 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 Commission 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 SEP 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 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 form 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 SEP, any information on such action and the potential outcomes are important. This information will in fact allow the Commission 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 Commission 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 Commission 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 – Timelines for handling of TSD complaints*

In taking forward TSD complaints, the Single Entry Point will work as a general rule with the following timelines:

- i. acknowledge the receipt of the complaint within 10 working days from receipt by the Single Entry Point;
- ii. first follow up with the complainant within 20 working days from the receipt of complaint; and,
- iii. finalisation of the preliminary assessment of the complaint within 120 working days from the receipt of the complaint. That preliminary 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 SEP will keep the complainant updated with regard to changes in the timeline of their case.