

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2022/161

of 3 February 2022

terminating the examination procedure concerning obstacles to trade within the meaning of Regulation (EU) 2015/1843 applied by the United Mexican States consisting of measures affecting the import of Tequila

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/1843 of the European Parliament and the Council of 6 October 2015 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization ⁽¹⁾, and in particular Articles 5(2) and 12(1) thereof,

Whereas:

1. PROCEDURE

- (1) On 23 July 2020, the European Commission initiated an examination procedure concerning obstacles to trade applied by the United Mexican States consisting of the refusal to grant export certificates in respect of Tequila by publishing a notice of initiation in the *Official Journal of the European Union* ⁽²⁾.
- (2) The investigation was initiated following a complaint lodged by the Brewers of Europe Association on behalf of the Union industry. The complaint contained sufficient evidence of trade restriction and of a resulting injury to justify the initiation of the investigation.
- (3) On 16 April 2021, the Commission services informed the Committee established by Article 7(1) of Regulation (EU) 2015/1843 of the results of the examination procedure. The report concluded that, while there was no immediate interest of the EU to pursue the matter to dispute settlement, the procedure should remain open and further developments in the United Mexican States should be monitored.

2. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (4) On 6 October 2021, the Brewers of Europe Association informed the Commission that it wishes to withdraw the complaint.
- (5) Under Article 5(2) of Regulation (EU) 2015/1843, proceedings may be terminated where the complaint is withdrawn, unless such termination would not be in the Union interest. Under Article 12(1) of Regulation (EU) 2015/1843, proceedings shall be terminated when the interests of the Union do not require any action to be taken.
- (6) The investigation had not brought to light any indications that the termination would not be in the Union's interest. In particular, exports of Tequila to the affected European brewer have resumed and the alleged measure does not have a systemic effect on other EU companies.

⁽¹⁾ OJ L 272, 16.10.2015, p. 1.

⁽²⁾ OJ C 265, 13.8.2020, p. 3.

- (7) The Commission therefore concluded that the examination procedure concerning obstacles to trade applied by the United Mexican States consisting of the refusal to grant export certificates in respect of 'Tequila' spirit should be terminated.
- (8) The Decision is in accordance with the opinion of the Committee established by Article 7(1) of Regulation (EU) 2015/1843,

HAS ADOPTED THIS DECISION:

Article 1

The examination procedure regarding the refusal of the United Mexican States to grant export certificates in respect of 'Tequila' spirit is terminated.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 3 February 2022.

For the Commission
The President
Ursula VON DER LEYEN
