

NOTICE OF INITIATION**Union examination procedure on obstacles to trade within the meaning of Regulation (EU) 2015/1843 applied by the Kingdom of Saudi Arabia consisting of measures affecting the import of ceramic tiles**

(2020/C 210/08)

On 23 April 2020 the European Commission received a complaint by an industry association regarding an obstacle to the export of European Union goods to the Kingdom of Saudi Arabia, which was lodged in accordance with Article 3(1) of Regulation (EU) 2015/1843 ⁽¹⁾.

1. Products concerned

Ceramic tiles, in particular ceramic flag and paving, hearth or wall tiles classified under heading 6907 of the Combined Nomenclature within the sub-headings 6907.21, 6907.22 and 6907.23.

2. Country concerned

The Kingdom of Saudi Arabia

3. Summary of the complaint

The complaint concerns two technical regulations applicable to the production of ceramic tiles adopted by the Kingdom of Saudi Arabia in 2019 and their application. The complaint includes the requirement to obtain the Saudi Quality Mark (SQM), which indicates the conformity of products with the technical requirements, and the procedures for obtaining it.

The complaint raises more particularly a number of issues related mostly to the conformity assessment procedure such as:

- the limited access to reliable information of the Saudi authorities on the handling of conformity assessment procedures and the related documentation requirements;
- the length of the SQM conformity assessment procedures and delays occurring during the procedure as well as a missing indication of the state of progress;
- the delivery of a limited number of conformity certificates to manufacturers of the European Union since the entry into force of the two new technical regulations;
- the requirement of multiple conformity assessments for a single product in order to obtain certificates of conformity if that product is distributed under a different brand, model or trade mark;
- the requirement of multiple audits for each economic operator of a single production chain in the European Union including audits of the initial manufacturer and all of the traders exporting to the Kingdom of Saudi Arabia;
- the mandatory technical regulations that are going beyond existing international standards and are, with regard to the level of regulation, not necessary for obtaining the policy objective;
- the documentation and information requirements for the assessment of the product's conformity with the applicable technical regulations that are disproportionate with regard to their level and nature; and
- the non-recognition of certificates issued by conformity assessment bodies in the European Union indicating that the produced ceramic tiles are in conformity with the Saudi technical requirements.

The complaint raises doubts about the compatibility of the Saudi Arabian measures with Articles VIII, X and XI of GATT 1994 and Articles 5, 8 and 10 of the WTO Agreement on Technical Barriers to Trade

⁽¹⁾ Regulation (EU) 2015/1843 of the European Parliament and of 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 (OJ L 272, 16.10.2015, p. 1).

4. Procedure

The Commission will conduct investigations to examine the complaint. Interested parties may submit information in writing on specific issues raised by the complaint or provide supporting evidence. Information is treated as confidential if their disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information. Furthermore, the Commission will hear any interested parties, who so request in writing, provided they are primarily concerned by the result of the procedure. Such interested parties may request the assistance of the hearing officer.

Five months after the date of publication, in complex cases after seven months, the Commission shall report on the results of the examination procedure to the Committee referred to in Article 7(1) of Regulation (EU) 2015/1843.

Any information and any hearing request shall be sent in writing to:

European Commission
Directorate-General for Trade
TRADE.F.2 – Trade Barrier Complaints
CHAR 6/135
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Email: trade-tbr@ec.europa.eu

5. Hearing Officer

Interested parties may request in accordance with Decision 2019/339 ⁽²⁾ the intervention of the Hearing Officer. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services and reviews requests for access to the file, disputes regarding the confidentiality of documents as well as requests by third parties to be heard.

For further information and contact details interested parties may consult the Hearing Officer's web pages on the website: <https://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>.

6. Time limits

Any request for a hearing should reach the Commission no later than 45 days following the date of publication of this notice. A request for a hearing with the Hearing Officer should be made in writing within 45 days of the date of publication and should specify the reasons for the request.

7. Data Protection

Any personal data collected in this examination procedure will be treated in accordance with Regulation (EU) 2018/1725 ⁽³⁾.

⁽²⁾ Decision 2019/339 of the President of the European Commission of 21 February 2019 on the function and terms of reference of the hearing officer in certain trade proceedings (OJ L 60, 28.2.2019, p. 20).

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).