

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

NOTICE OF INITIATION

Union examination procedure following a complaint on 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'

(2020/C 265/03)

On 8 June 2020 the European Commission received a complaint by an industry association regarding an obstacle to the import into the European Union of 'Tequila' from Mexico, which was lodged in accordance with Article 3(1) of Regulation (EU) 2015/1843 ⁽¹⁾.

1. Products concerned

The product affected by the Mexican measure is the spirits drink 'Tequila'.

2. Country concerned

The United Mexican States.

3. Summary of the complaint

The complaint submits that, on 7 February 2020, the Mexican Consejo Regulador del Tequila (CRT) announced it would no longer grant export certificates to Tequilas del Señor, a company producing and exporting 'Tequila' to France Boissons, an affiliate of Heineken NV. The complainant submits that the grounds for refusal is the claim from CRT that Heineken's Desperados beer - a beer with an added 'Tequila' flavour - violates the Mexican technical standard applicable to the use of the Geographical Indication (GI) 'Tequila'.

CRT is an association representing the interests of Mexico's 'Tequila' producers which has been attributed certain powers by the Mexican Government, including a mandate from the Instituto Mexicano de la Propiedad Industrial to enforce the GI 'Tequila' against fraud and abuse around the world. CRT is also tasked with the granting of export certificates to 'Tequila' producers after ensuring that each shipment of 'Tequila' has been produced according to the related technical specifications. As a conformity assessment body, CRT is under the authority of Mexico's Ministry of Economic Affairs through its regulatory agency, Dirección General de Normas (DGN).

The complaint alleges that the Mexican refusal to issue an export certificate for 'Tequila' destined for the European Union is inconsistent with Article XI of GATT 1994 and the 1997 EU-Mexico Spirits Agreement ⁽²⁾.

⁽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).

⁽²⁾ Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks (OJ L 152, 11.6.1997, p. 16).

4. Procedure

The Commission will conduct an investigation to examine the complaint. Interested parties may submit information in writing on specific issues raised by the complaint or provide supporting evidence.

In accordance with Article 9(4) of Regulation (EU) 2015/1843, interested parties may inspect information in the Commission file, except for internal documents and confidential information, provided that the information is relevant to their interests and that it is used by the Commission in the investigation. Information is treated as confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information. Furthermore, interested parties may ask the Commission to be informed about the principal facts and considerations resulting from the investigation.

The Commission may hear any interested parties.

Within 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.3 – Legal aspects of trade and sustainable development and investment
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 (EU) 2019/339 ⁽³⁾ 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 person other than the complainant and the representatives of Mexico wishing to be considered an interested party shall request this status in writing from the Commission no later than 45 days following the date of publication of this notice and shall specify why that person is to be considered as having an interest in the proceedings. Any request from an interested party for a hearing should reach the Commission within the same time limit and shall specify why that party is primarily concerned by the result of the procedure. A request for an intervention of the Hearing Officer should be made at the earliest possible time, and in any event no later than 15 days following the occurrence of the event on which the request is based. Any such request shall be made in writing and shall state the issues to be brought to the attention of the Hearing Officer, including an explanation on how the applicant's rights of defence are affected.

7. Data Protection

Any personal data collected in this examination procedure will be treated in accordance with Regulation (EU) 2018/1725 ⁽⁴⁾.

⁽³⁾ Decision (EU) 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).

⁽⁴⁾ 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).