

1.4 Trade regulations for the European Union

Free trade and import

This is the general rule of the European Community's Common import regime (Regulations (EC) 3285/94 (for WTO Members) and 519/94 (for non-WTO Members) and also Regulation (EEC) 2603/69).

There are two exceptions:

- Safeguard measures; These measures are applied to imports that increase disproportional and which cause serious harm to the industry of the European community. At the request of a Member State or at the Commission's own initiative, an investigation may be initiated on the basis of which measures may be applied on a case-by-case basis. Industry may not directly request the introduction of such measures. These measures, when applied must respect the WTO Agreement on Safeguards.
- Surveillance; Not a restrictive measure but a system of automatic import licensing, which is mainly applicable for steel products.¹

Anti-dumping duties

The last update of these rules dates from 1996 (Regulation 384/96) and comprises the following conditions:

- In the case of dumping; the export price at which the

¹ See http://ec.europa.eu/trade/issues/respectrules/safeguard/index_en.htm

product is sold for on the Community market is confirmed to be lower than the price in the producer's home market;

- A material injury to Community industry; the imports have caused or threaten to cause damage to a substantial part of the industry within the EC, such as loss of market share, reduced prices for producers and resulting pressure on production, sales, profits, productivity etc.;

The interests of the Community; the costs for the Community of taking measures must not be disproportionate to the benefits.²

Anti-subsidy duties

These duties form a protection against subsidised imports from non-EU countries. The last updates are from 1995 and comprise the following conditions:

- The subsidy must be specific; i.e. it must be an export subsidy, or a subsidy limited to a company, an industry or a group of companies or industries.
- Material injury to Community industry; the import sales have caused or threaten to cause damage to a substantial part of the industry within the EC, such as loss of market share, reduced prices for producers and resulting pressure on production, sales, profits, productivity etc.
- The interests of the Community; the costs for the Community of taking measures must not be disproportionate to the benefits.³

² See http://ec.europa.eu/trade/issues/respectrules/anti_dumping/index_en.htm

³ See http://ec.europa.eu/trade/issues/respectrules/anti_subsidy/index_en.htm

CE certification

Any product that can emit electromagnetic radiation, however little, which is sold in the EU needs to be CE certified. Thus nearly every product is subject to this rule. This is an absolute requirement. The certificate is linked to EMC European Directives for quality and security and cost. *"This Directive applies to all apparatus liable to cause electromagnetic disturbance or the performance of which is liable to be affected by such disturbance. It defines the protection requirements and inspection procedures relating thereto."*⁴

The certification process is not complex but the time it takes to go through the tests and certification needs to be planned in advance as it can delay market introduction. Companies have been known to forget this and as a consequence have missed critical market momentum and consequently lost considerable amounts of potential profit.

There are specialised consultants for this process and it is highly recommended to use their expertise in order to go through the process without unnecessary time loss. Several consultants have offices in Taiwan and can be contracted locally.

⁴ See http://cemarking.net/ce-marking/index.php?option=com_content&task=view&id=14&Itemid=33