

EU Country of Origin Marking

The European Union is in the process of attempting to promulgate regulations establishing uniform country of origin marking requirements. If enacted, these rules will apply to a specific subset of identified products. The current iteration of the regulation can be found at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0383+0+DOC+XML+V0//EN&language=EN>

Current status of this proposed regulation A draft of this regulation had been around since 2005 but it went nowhere for a while as it was blocked by some member states. However, on September 29, 2010, the members of the European Parliament's International Trade Committee approved a proposed EU-wide system of country of origin marking for goods imported from third countries. The regulation then went before the full Parliament for a vote on October 21, 2010, where it was amended then passed. It now needs the approval of the EU member states in the Council of Ministers, but some member nations still oppose the idea of a uniform European "made in" law. If approved by the Council, then the new rules will be applicable in all member states starting one year after publication in the EU Official Journal.

What should the marking state, what languages are acceptable and how should it appear? If finally ultimately enacted, then the words "made in", together with the country, will need to be stated "in a language that is easily understood by consumers in the Member State where the goods are to be marketed". As an alternative, English may be used anywhere in the EU. It cannot appear in characters other than the Latin alphabet for products marketed in countries whose language is written in the Latin alphabet. It shall appear in clearly legible and indelible characters visible during normal handling, markedly distinct from other information, and be presented in a way which is not misleading nor likely to create an erroneous impression of origin.

When and where should the goods be marked? The country of origin must be marked on most goods at the time of importation, except where such marking would damage the goods, or is not possible for technical reasons. If goods are packaged, the origin marking should be placed on the package, as well as the goods. Marking may not be removed or tampered with until goods are sold to the final consumer/end-user. The proposed law will apply only to goods destined for final consumers.

Does the regulation apply to goods from all countries? The regulation does not cover goods originating in the European Union, Turkey, Norway, Iceland or Liechtenstein.

Penalties for violation? Member states will lay down their own penalties on the basis of the minimum common standards proposed by the Commission.

Questions? For those with more questions please email Rick Van Arnam at rvanarnam@barnesrichardson.com