

Imports: indication of the country of origin of certain products

2005/0254(COD) - 21/10/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 525 votes to 49, with 44 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the indication of the country of origin of certain products imported from third countries

The Parliament adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council. Parliament amends the Commission's proposal as follows:

Limitation of the scope to apply to end consumer products: Parliament suggests that the regulation should apply to end consumer products rather than industrial products, as proposed by the Commission. These products are those which are listed in the Annex to the draft Regulation, and imported from third countries, except for products originating in the Territory of the European Union (and not the Community), Turkey, and the EEA (Norway, Iceland and Liechtenstein). An oral amendment was adopted in plenary that also stipulates that end consumer products may be exempted from origin marking when, for technical reasons, it appears impossible to mark them.

Extension of the scope to certain categories of finished or semi-manufactured products: the plenary adopted a new amendment specifying that a new category of products should be included. It relates to textiles and textile article), footwear, gaiters and the like, articles of apparel, clothing accessories and other articles of furskin, artificial fur and articles thereof, crust and finished leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silkworm gut). For these products, a 'product intended for the final consumer' and a 'product intended for final use' shall mean a finished or a semi-manufactured product which requires further processing in the European Union before it is marketed.

Possibility to extend the scope of the Regulation to other products, following Parliament's opinion: as in the initial proposal, the scope can be extended to other products by the Commission, pending the approval of **Parliament** and Council. Parliament calls for the rules on comitology to be updated for the extension of the scope of the Regulation by recourse, in certain cases, to the adoption of **delegated acts** according to the provisions of a new Art 6 a, b and c laying down the applicable comitology rules. Recourse to delegated acts will occur in particular in cases where marking on the packaging may be accepted in lieu of marking on the goods themselves, or the goods cannot or need not be marked for technical reasons.

Parliament also calls for the committee responsible for assisting the Commission in the eventual extension of the Regulation's scope to be extended to representatives of the relevant industries and associations for reasons of transparency.

Limiting the administrative burden: in order to ensure that this Regulation is effective and only imposes light administrative burdens whilst granting the maximum flexibility for European companies, Members consider that it should be in compliance with existing "made-in" schemes worldwide. Indeed, one recital states that the Member States' customs authorities should perform border checks and controls on the implementation of this regulation via a single harmonised procedure so as to reduce the administrative burden.

“Made in”: Members proposes that the marking may also be done in the English language by using the words “made-in” and the English name of the country of origin (to avoid, for example, the use of the Greek or Cyrillic alphabet with whom many are unfamiliar).

Penalties: Parliament calls for the Commission (and not simply Member States) to be able to propose minimum common standards for the penalties applicable to infringements of the provisions of this Regulation so as to prevent differences among them from prompting exporters to use certain points of entry to the European Union in preference to others. Where it appears that goods are not in compliance with the Regulation, Member States may adopt measures to require the owner of the goods or any other person responsible for them to mark these goods in accordance with this Regulation and at their own expense, as in the Commission’s proposal. However, in addition, Parliament wants Member States to notify these provisions to the Commission within nine months after the entry into force of this Regulation, to ensure uniform application.

Report on the effects of this Regulation: Parliament calls on the Commission to carry out a study on the effects of this Regulation no later than three years after its entry into force.

Limitation in time of the Regulation: this Regulation shall expire five years after its entry into force. One year before the end of the expiry period the European Parliament and the Council, on the basis of a proposal submitted by the Commission, shall decide to extend or amend it.

Annex of products requiring to be marked: Parliament made some changes to the list of products in the annex proposed by the Commission. In addition to the products proposed by the Commission, it added certain tools, screws, bolts, etc., cutting instruments, ceramic products, tyres used in agricultural vehicles. Plenary withdrew some products proposed in the committee’s report such as pharmaceuticals, products used in trailers and certain ophthalmological products. It further added certain types of brushes, paint rollers, etc.

It should be noted that a proposal to reject the Commission’s initial proposal was rejected in plenary.