

Customs Flash

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New rules concerning the indication of origin

On December 13, 2014 **Regulation (EC) No. 2011/1169** will become applicable. This Regulation provides for provisions intending to ensure that consumers are (properly) informed with respect to the food they consume. In addition, in February of this year the EC has proposed a new **Regulation (COM (2013) 78)** in order to improve the safety of consumer products circulating in the European Union and to step-up market surveillance concerning all non-food products, including those imported from third countries ('Non-Food Regulation').

Both Regulations include new rules concerning, amongst others, the indication of origin of the respective product on the accompanying label. The origin must be determined based on the non-preferential rules of origin as laid down in Regulation (EEC) No. 2913/92 and its implementing provisions Regulation (EEC) No. 2454/93.

The Non-Food Regulation is currently being discussed within the European Parliament and Council, but faces strong resistance from the business community and certain Member States. According to the EC's roadmap, the Non-Food Regulation is expected to come into effect in 2015.

What does it mean for you?

The indication of origin will supplement the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture or provenance.

Such information can enhance the information flow to consumers and facilitate the task of market surveillance by the authorities in tracing the product back to the actual place of manufacture. Companies may have to adjust their administrative- and logistics systems in order to comply with the new requirements.

What to do?

Depending on their role in the supply chain, manufacturers, importers and/or distributors (e.g. wholesalers and retailers) may be asked to provide or verify the appropriate information on the product allowing its identification and traceability, including information on the product's origin. Therefore, companies should determine their specific role and responsibilities in the supply chain and where necessary draw up or amend their current procedures for determining the origin of the products quickly and efficiently. Also companies may have to adjust the setup of their administration.

Taking into consideration that not all legislation has been approved yet and that some is currently under discussion, economic operators are still able to voice their comments and remarks through, amongst others, the channel of their respective sectorial/industry organizations

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