Committee on Technical Barriers to Trade

LABELLING REQUIREMENTS

Note by the Secretariat

Attached, for the information of Members of the Committee, is the Note prepared on the informal consultations on this subject held in June 1991. The sample of notifications referred to in the last paragraph of the Note is also attached.
Informal meeting of the TBT Committee
28 June 1991

Note by the Secretariat for Files

1. The Chairman recalled that at the Committee meeting on 31 May 1991, the delegation of Mexico had asked for clarification of the coverage of the Agreement with respect to "labelling requirements", in particular the obligations to notify labelling requirements that did not contain "technical specifications" under Article 2.5 of the Agreement.

2. He said that in response to the Committee's request, the Secretariat had found that well in excess of 250 notifications of labelling requirements had been made under the Agreement, of which fourteen concerned labelling requirements on textiles and textile products. The Secretariat had also provided an informal comment on notification obligations regarding labelling requirements, which was as follows:

   Article 2.5 of the Agreement addresses "technical regulations or standards" which "may have a significant effect on trade of other Parties". Article 2.5.2 of the Agreement requires that all such technical regulations be notified. Technical regulations are defined in Annex 1 of the Agreement as mandatory technical specifications, and labelling requirements are recognised explicitly as one possible type of technical specification. It would therefore appear that as long as it is mandatory for a product to bear a label if it is to enter the domestic market, and that the labelling requirement may have a significant effect on trade, then the labelling requirement should be notified. That conclusion would appear to stand regardless of what is printed on the label. In some circumstances it may be that technical specifications have to be printed on the label; but even if the label contains nothing more than consumer information (e.g. on cleaning or washing guidelines), it would seem that it should be notified as long as the label is mandatory and it may have a significant effect on trade.

3. The representative of Mexico said that in his view, the second sentence of Annex 1.1 of the Agreement was illustrative of the first, so that a labelling requirement should be notified only if it contained product specifications.

4. The representative of Finland said that in his view the intention of the drafters of the Agreement had been that the second sentence of Annex 1.1 should be additional to the first, not merely illustrative of it, so that all labelling requirements, as long as they were mandatory, should be notified regardless of what was printed on the label. This was supported by the inclusion of "test methods" in the second sentence of Annex 1.1; a test method could not include technical specifications which laid down "characteristics of a product", yet it was clear that it was covered by the term "technical specifications". Furthermore, the new draft text of the Agreement which had been negotiated in the Uruguay Round.
included the word "also" at the beginning of the second sentence in Annex 1.1, and this pointed again to the conclusion that this sentence was additional to the first. Where labelling requirements were not mandatory, they were covered by the meaning of "standards" given in Annex 1.3, and were notifiable upon request to other interested Parties under Article 2.5.3 of the Agreement.

5. The representatives of the United States and the European Communities agreed with the comments of the representative of Finland.

6. The representative of Mexico said that his delegation continued to have doubts, and that even if the Uruguay Round draft text of the Agreement would clear up the matter he wanted to ensure that all signatories of the current Agreement shared formally the same interpretation of its provisions and accepted the same obligations. He suggested, therefore, that the Committee reach a formal understanding on whether all labelling requirements were covered by Annex 1.1 of the Agreement and on whether all signatories had the right under Article 2.5.3 of the Agreement to request information on labelling standards. He asked in this regard for further information from the Secretariat regarding labelling requirement notifications.

7. The Chairman summed up by proposing that the Secretariat circulate for the information of signatories a representative sample of notifications that had been made in respect of labelling requirements on textiles and textile products, and that the Committee aim to reach a formal understanding on this matter at its scheduled meeting in the autumn.
Notifications of Labelling Requirements on textiles or textile products through June 1991

Note by the Secretariat

80.7 - Ireland - 80.7.2 Regulation to ensure that all upholstered seating furniture either has stated smoulder/ignitability characteristics or is labelled to show that it is a fire hazard. Safety.

80.8 - United Kingdom - 80.8.1 Introduction of regulations concerning the ignitability of upholstered furniture. Requires all but certain defined types of domestic upholstered seating furniture to be labelled with a prescribed warning if it is not capable of satisfying tests for resistance to cigarettes or simulated match flame. Health and Safety.


81.295 - Sweden - Requires origin labelling of textiles. Consumer policy reasons.

82.160 - Norway - Labelling for fire hazard of children's clothing. Safety.

83.37 - Finland - Labelling of origin on consumer goods, i.a. textiles and footwear. Consumer interests.

83.60 - Ireland - Labelling of upholstery for fire purposes. Safety.

83.93 - United States - Labelling of wool products. Consumer protection.

83.240 - Norway - Origin marking of leather, textiles and clothing. Consumer policy reasons.

84.7 - Switzerland - Revisions to labelling of textiles and clothing. Consumer information and protection.

89.209 - Philippines - Labelling of textile fabrics and garments. Consumer protection.

89.231 - Canada - Amendment to the textile labelling and advertising regulations. Consumer protection.

91.7 - Canada - Amendment to the textile labelling and advertising regulations.

91.19 - Canada - Amendment to the textile labelling and advertising regulations. Prevention of deceptive practices.