

UNICE Comments Regarding an EU Mark of Origin Scheme¹

UNICE welcomes the opportunity to comment on the December 2003 Commission Working Document that explores possibilities for establishing an EU mark of origin scheme.

1. UNICE supports maintaining the current system of origin labeling in the EU and does not see the need for an EU mark of origin regulation

UNICE believes that labeling is an important issue associated with the marketing and production strategies of companies and/or industries. Many companies and/or industries have developed origin-labeling schemes that are adapted to their products and that appeal to consumers.

However, UNICE does not perceive any benefits deriving from an EU legislation on origin marking which could justify limiting the freedom of companies to communicate the country of origin of their products to consumers. Moreover, it sees no need to harmonize already existing national legislation/rules in this field. Finally, UNICE opposes mandatory origin marking for imports because this could undermine trade facilitation at the global level. Imposing mandatory origin marking for imported products would send the wrong signal to our trading partners regarding our commitment to trade facilitation and liberalisation. Mandatory origin marking for imports could also raise legal issues as regards EU WTO commitments and create additional and unwarranted administrative burdens and costs for the European manufacturing sector.

Consequently, UNICE does not believe that there is a need for an EU mark of origin regulation or legislation to complement or replace the current system based essentially on voluntary national or regional origin labels.

UNICE would prefer the Commission, together with the Member States, to increase information and communication concerning currently existing labels in the EU such as the CE-Mark (indicating conformity with EU legislation) to enhance consumer awareness.

2. Special Cases and Possible Exceptions to Point 1.

Deceptive origin markings/practices in a very limited number of specific sectors/products

In its consultations on the Commission Working Document, UNICE has noted that a very limited number of European industrial sectors face difficulties due to deceptive practices which mislead consumers concerning the origin of imported products. Community legislation forbids misleading advertising and is probably the most appropriate tool to deal with misleading origin labels. National legislation can also address this issue when it is properly applied.

However, UNICE understands that the sectors concerned and the EU authorities might explore all possible means to deal with this problem including strengthening intellectual property rights law. Should the sectors concerned and the EU authorities determine that an EU mark of origin scheme is absolutely necessary for their specific sector and for their specific products to deal with this problem, such an approach could be examined, provided that certain conditions are clarified.

- i) The initiative should be prompted through a specific written request from a European sectoral federation, accompanied with the justification for such a request, and should not be a Commission-led initiative or result from wide/vague studies conducted on behalf of the Commission.
- ii) An EU/EC mark of origin scheme for the specific product(s) concerned should not impose excessive burdens on producers or importers.

¹ This paper does not represent the point of view of Confindustria.

- iii) An EU/EC mark of origin scheme for the specific sector/product concerned should be fully compatible with the EU's international trade obligations (including relevant provisions in the WTO, the EEA and the Customs Union agreement with Turkey) and should not be used for protectionist purposes.
- iv) An EU/EC mark of origin scheme for the specific sector/product should not have negative effects on any other European industrial sectors. To ensure that such a scheme is evaluated in a wider context, UNICE and all other sectors concerned should be kept informed of future discussions, regulations or proposals in this field.

These comments might be complemented or reviewed as the debate develops.
