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3HR Legal Weekly

Commercial

EU and UK Laws on the Packaging and Labelling of Consumer Goods—Part 1

If your business is engaged in the sale of consumer products to the public in the United Kingdom or any other EU country, it is important to comply with rules on packaging and labelling. Goods sold by your company need to be safe for consumers to use. The information included with the goods such as instructions must be clear besides warning of potential hazards. This Update as Part 1 details the packaging and labelling requirements and will be followed by Part 2 on safety instructions and truthful statements in advertising your company's products.

Packaging and Labelling

The rules that govern packaging, labelling and the presentation of products sold to the public in the EU and United Kingdom are currently under review for proposed changes. Depending on the type of product you are selling, you may need to have certification markings. These "CE markings" are the manufacturer's declaration that the product complies with EU requirements for health, safety and environmental requirements and may be industry-specific. This note will not cover this area but further information is at: http://ec.europa.eu/growth/single-market/ce-marking/index_en.htm and <http://www.export.gov/europeanunion/eustandardsandcertification/index.asp>.

Currently only certain products are required to indicate their country of origin. However, this will change with new proposals to require origin labelling for all products. All products from outside the European Union, under Article 7 of the proposed rule, will need to indicate the specific country of origin whereas EU products will only have to state they are from the European Union. A summary of the current rules on origin marking is found in this briefing from the European Parliament library: [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130513/LDM_BRI\(2013\)130513_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130513/LDM_BRI(2013)130513_REV1_EN.pdf).

Further information on the new proposals can be located at the following link: http://ec.europa.eu/consumers/consumers_safety/product_safety_legislation/product_safety_and_market_surveillance_package/index_en.htm.

The proposed new rule on origin marking is set forth in detail under Article 7 in the following link which is expected to be the Product Safety Regulation: http://ec.europa.eu/consumers/consumers_safety/product_safety_legislation/product_safety_and_market_surveillance_package/docs/psmsp-act_en.pdf.

It is also important to note for non-European businesses that the EU customs legislation will require at the point of entry that the country of origin be indicated on the customs declaration form.

Directive 2001/95/EC on general product safety obliges distributors to keep and make available the documentation necessary for tracking the product in all stages from its manufacture. Products must be labelled with tracking information (*i.e.* manufacturer's identity and a product reference). The labels on the product must identify the product (such as with a batch code), describe methods and conditions for safe use, identify conditions for unsafe use or reuse, and warn of particular hazards to be avoided. However this refers to hidden and not obvious features rather than what a reasonable consumer would know to be dangerous.

Under EU law packaging must include information about the product's intended and safe use (this can alternatively be on the product itself). Part 2 of this Update will review the general safety requirements for consumer goods, the rules on false or misleading statements and reasonable consumer expectations.

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