MATRIZ DE ANÁLISIS DE OBSERVACIONES DE LA CONSULTA INTERNACIONAL

**REGLAMENTO TECNICO CENTROAMERICANO PARA EL USO DE TERMINOS LECHEROS**

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| **País que recibió la observación** | **Ente que envía la observación** | **Enunciado de la Observación** | **Aceptación o Rechazo** | **Justificación del Rechazo** |
| **Panamá** |  | **5. Etiquetado Obligatorio**  b.2) Para los productos importados deberán indicarse el nombre y la dirección del importador o distribuidor del producto objeto de este Reglamento El Comité Técnico acordó la inclusión de la siguiente expresión:  Para los productos importados deberán indicarse el nombre y la dirección del importador o distribuidor **final** del producto objeto de este Reglamento  Base Legal o Técnico  El consumidor trata directamente con el distribuidor final.  Se trata de proteger el sistema de comercialización que tenemos |  |  |
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| **SV, NI y CR,** | **UE** | The European Union (EU) would like to thank the Salvadorian authorities for notifying the above-mentioned technical regulation. The EU welcomes the intention of harmonising footwear labelling rules for Central American countries as a positive development. The EU also welcomes that the proposed common rules are to a wide  extent based on the European footwear labelling rules (Directive 94/11/EC). However, the EU wishes to raise the following issues and questions in relation to this notification:  **1. Scope**  According to the notification form the objective of the draft technical regulation is to inform consumers. This implies that on the basis of the necessary elements of information the consumer can then take an informed purchasing decision.  However, it appears from Article 2 that not only footwear, but also parts of footwear "when sold separately" are covered by the notified proposal. The table in Annex 1 specifies the scope of the draft measure, including what is covered under code 64.06 (Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles;  gaiters, leggings and similar articles, and parts thereof).  While labelling of consumer goods is a good and common practice, labelling of intermediate industrial goods makes less sense. In "business to business" relationships, such as in the trade in parts of footwear covered by code 64.06, economic operators can rely on more comprehensive commercial documentation than on labelling. Thus, labelling of footwear parts covered by code 64.06 would produce unnecessary costs without bringing any additional advantage for consumers. In addition, the draft proposal does not include any specifications on how to label footwear parts covered by code 64.06 in practice. |  |  |
|  |  | **2. Exemptions**  Article 2 of the notified draft defines the types of footwear which are not to be considered as footwear for the purposes of the notified draft, among which, 'protective footwear (fire resistant)' (Article 2 b). However, protective and safety footwear can have more characteristics than just being fireproof, as shown by a series of ISO standards 20344-20347 in this regard. Therefore, the EU wouldinvite the Salvadorian authorities to consider excluding protective footwear in general and not only fireproof footwear. |  |  |
|  |  | **3. Definitions**  Although it is obligatory to label the materials of the footwear components according to Article 5.2 and the pictograms for the different materials presented in figure 2, there are no definitions of leather, coated leather, textiles and other materials included in the list of definitions under Article 3. At the same time, Article 6 on market surveillance and control, indicates the competence of national authorities and the primacy of national (internal) legislation.  The EU would appreciate further information as to whether this implies that when surveillance authorities are to control conformity of the products marketed in their territory, they will have to refer to national legislation for all those provisions that were not set out in the technical regulation such as the definition of the materials.  If so, the EU would like to know how it will be ensured that possible legislative divergences in the Central American countries do not result in barriers to the marketing of certain footwear in these countries as a consequence of different national definitions of materials used in footwear. For example this could be the case when footwear that is lawfully labelled as leather or as coated leather in one country would not fulfil the conditions for this term in another country.  Do the Salvadorian authorities foresee the possibility to complement the notified draft with definitions of the materials to be used in the footwear label or to indicate a clear reference where to find the national definitions?  The EU would appreciate receiving information on how national definitions of leather relate to ISO standards for the identification of leather by microscopy (ISO 17131) and for determination of the thickness of coated leather (ISO 17186). |  |  |
|  |  | **4. General principles of labeling**  Article 4.1 allows the information to be included either on a permanent label (marked, printed, sewn or glued) or on a non-permanent label (stuck, hung or tied). Since according to Article 4.5 the use of one or more labels is allowed, would it be possible to label some of the obligatory information permanently and to include the remaining information on a non-permanent label?  Articles 4.6, 4.7 and 5.3.2 seem to have the same aim as the general conditions of Article 4.2 regarding visibility, legibility and accessibility. Articles 4.6 and 4.7 set out detailed technical characteristics of the labels (e.g. less than 1mm, capital letters). However, they seem to be inconsistent with Article 4.2 which sets out general requirements for labels while allowing the economic operators to choose the best way to comply with these requirements.  The EU would appreciate receiving information as to whether the Salvadorian authorities could consider maintaining only Article 4.2 for the sake of legal clarity and to avoid excessive burdens on economic operators. |  |  |
|  |  | **5. Labelling requirements**  Regarding the labelling requirements in Article 5 of the notified draft, the EU would like to make the following comments.  According to Article 5 of the technical regulation it is obligatory to include the following information on the label: country of origin, name and address of the producer/distributor/importer, the materials of the different components and the shoe size.  A. Article 5.1a) requires the indication of the country of origin, defined in Article 3.13 as the country where the product has been produced. In this respect the EU would like to know:  a) Which criteria are used to determine the country of origin mentioned in Article3.13. For example, would it be acceptable to label "Union Europea" or "UE" as the origin?  b) What would be the country of origin in cases where components of shoes from several countries have been assembled in another country? Do footwear parts covered by code 64.06 also need to be labelled with the country of  production? In particular, what is understood as the country of production in the various countries for footwear and for footwear parts covered by code 64.06; the place where the leather has been produced, the place where the  leather has been cut or the country where both operations have taken place?  c) To what extent is the requirement of Article 4.4 to use the Spanish language binding for origin labelling? Would a labelling "Made in ..." only in the English language be acceptable?  B. With regard to the name and address of the manufacturer, distributor or importer (Article 5.1b), the EU would like to know whether the Salvadorian authorities have considered the possibility of putting this information on the  product packaging or in a document accompanying the product, for example in case it is not possible to put this information on the product itself.  C. With regard to materials (Article 5.2) the EU would like to know why it is necessary to include both the pictogram and written indication of the material as required by Article 5.2.5, while Article 5.2.1 sees them rather as alternatives. The idea behind pictograms (symbols) in labelling is to avoid the necessity to include written information. This is a common practice in many countries of the world. Thus for companies who already use the pictogram to  indicate materials the obligation of including a written indication of the material in Spanish to export footwear to El Salvador is an unnecessary extra burden.  The draft technical regulation requires in Article 4.4 the addition of a second  label in Spanish when the original text is in a different language. Would a  multi-language label be accepted?  D. While Article 4.2 requires the labelling information to be presented in at least one shoe of a pair, Article 5.3.2 requires the labelling of the shoe size in both shoes. Since footwear is naturally sold in pairs the EU would like to receive further information on the reasons for this requirement. |  |  |
|  |  | **6. Surveillance and inspection**  Article 6 of the notified draft states that market surveillance and inspection are to be conducted by the competent authorities of the State Parties in accordance with their domestic laws. In relation to this, the EU would appreciate receiving further information, in particular on the Salvadorian rules on the certification of conformity, the authorized authorities, the procedure for the verification of conformity and whether a systematic screening at custom clearance is in place or whether the products are controlled through ex-post market-surveillance checks on the market.  Overall, the EU would like to know which other national regulations are going to remain in force in order to complement missing aspects of this draft technical regulation.  The European Union would be grateful, if the above comments could be taken into account by the Salvadorian authorities and would welcome receiving a reply on the issues raised. |  |  |
| **FIN DE LAS OBSERVACIONES** | | | | |