

ANNEX XII

REFERRED TO IN ARTICLE 4.9

MARKING AND LABELLING

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MARKING AND LABELLING

1. The Parties affirm that according to paragraph 1 of Annex 1 of the TBT Agreement, a technical regulation may include or deal exclusively with marking or labelling requirements and the Parties agree that such technical regulations shall comply with the TBT Agreement.

2. Where a Party requires mandatory marking or labelling of goods and as long as such technical regulations are not more trade restrictive than necessary to fulfil a legitimate objective in the sense of Article 2.2 of the TBT Agreement:

- (a) that Party shall endeavour to restrict its requirements only to indicate the goods' conformity with mandatory technical requirements or to those which are relevant to consumers or users of the goods;
- (b) that Party may specify the information to be provided on the label and may require compliance with certain regulatory requirements for affixing the label;
- (c) that Party shall issue such a unique identification number to the other Party's economic operators without undue delay and under conditions no less favourable than those applied to domestic operators where it requires the use of such number;
- (d) that Party shall permit the following:
 - (i) information in other languages in addition to the language required by the importing Party;
 - (ii) internationally accepted nomenclatures, pictograms, symbols or graphics; and
 - (iii) additional information to that required by the importing Party.
- (e) that Party shall endeavour to accept non-permanent labels, or marking or labelling information in the accompanying documentation; and
- (f) that Party shall accept that labelling, re-labelling or corrections on the labels take place, where relevant, in premises authorised by the competent authorities of the importing Party prior to the distribution and sale of the goods as an alternative to labelling in the place of origin.