

Title Short:

Traceability requirements

Fiche Nb:

4

Subject:

Affixing the name and address of the manufacturer and/or the importer on the product itself

Last Update:

18-03-2011

Category:

Obligations for economic operators

Legal basis:

Decision, art R2.6 and art R4.3

Legislative references:

- **Regulation No 765/2008/EC** of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation No 339/93/EEC – Published in the [OJEU L 218/30 of 13/08/2008](#)
- **Decision No 768/2008/EC** of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC – Published in the [OJEU L 218/82 of 13/08/2008](#)

ISSUE TO BE ADDRESSED:

Manufacturers (Decision, art R2.6) and importers (art R4.3) “*shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, **where that is not possible**, on its packaging or in a document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted*”.

- 1) Considering the global dimension of the activities of many economic operators, there could be problems in putting the name, registered trade name or registered trade mark and the address on the product. The product may be foreseen for different countries and it would be difficult to identify at the early stage of product design the market on which it will be placed. Moreover, it is increasingly common in communication with final users to make use of the potential of the worldwide web and to indicate web addresses.
- 2) It should be made clear that some products, e.g. small automation products (sensors, small switchgear and control gear, etc.) cannot carry a large amount of information because of their size. The wording “*where that is not possible*” should be clarified.
- 3) The name and address of the importer must also appear on the product. This may lead to additional costs if the product is already packed. Product safety problems may also arise if the importer fails to correctly repackage the product.

SOLUTION ENVISAGED:

1) The indication of a Web (URL) address should be sufficient to satisfy the requirement for “*a single point at which the manufacturer can be contacted*”, provided that the name, registered trade name or registered trade mark and the address are on the documentation accompanying the product (e.g. instructions for use, warranty, etc.).

2) The terms “*... where that is not possible*” should be clarified to refer to the size or nature of the product (see Recital 25). Some products e.g. hearing aids, jewellery, sensors or the like are simply too small to carry such information. In such cases the order of priority is that as a first alternative

the information should be on the packaging, as a second alternative on an accompanying document.

3) As mentioned in Recital 25 of the Decision, apart from the exception as to the size and nature of the product, further exceptions should be allowed in cases where the importer would have to open the packaging to put his name and address on the product.

