

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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Group "Non-Tariff Measures"

Sub-Group "Technical Barriers to Trade"

PACKAGING AND LABELLING

Statement by Representative of India at the meeting
of November 1976

We had suggested to the Sub-Group to incorporate the following additional clause in the draft Code on standards:

"For transport of bulky packages, adherents should follow the same pictorial and other such markings for safety requirements, handling, storage, etc., which should conform to those laid down by the ISO."

This suggestion was made on the ground that pictorial and other markings on packages were essential for protecting sensitive and fragile and hazardous goods from mishandling and consequently from deterioration in quality during transportation. There is no provision in the draft Code for meeting this requirement.

In the May 1976 meeting of the Sub-Group in Geneva though, the United States agreed with the substance of the proposal, they did not see any need for a separate provision as the matter was already covered by the definition of "technical specification" read with Section 2(b) of the draft Code. They also wanted to know why "bulky" packaging alone were sought to be covered. The general principle should be applied to all packaging. Australia also felt that the subject matter was already covered under Section 2(b). They commented as follows:

- (i) If there was no marking agreed in ISO, even then according to the Indian proposal everybody was to follow the same marking. This was difficult of achievement.
- (ii) There might be a marking agreed to in ISO, but in Section 2(b) there was a little escape clause which says "except where relevant parts are inappropriate". Indian proposal did not contain any such escape clause.

The EEC also felt that the matter was already covered by the existing provisions of the Code. They, however, felt that in practice such a provision in any case would not be useful as the experience showed that the workers at the dock etc. carelessly handled all goods irrespective of any markings or instructions on the packaging. However, their main difficulty with the proposal was that this involved the principle of retroactivity which it was difficult to accept. There were thousands of markings being used at present. They are difficult to harmonize.

In this connexion we would like to reiterate that the Section 2(b) is not clear enough to safeguard the marking requirement and so a separate provision in this regard would be necessary. Further the objective of giving emphasis on bulky (transport packages) is that it is in the case of these packages which are normally handled and transported in the normal distribution system and the unit packs came into picture only at the retailer's end. Secondly, the reference made to the experience that the workers do not care for the marking and instructions, seems to be not in order because the overall objective is to induce the sense of responsibility in them also to handle the packages in a proper manner. Again although this could not be taken to the principle of retroactivity, it is felt that sometime or other necessary provision would have to be introduced to avoid similar situations in the future.