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*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on textile fibre names and related labelling and marking of fibre composition of textile products and repealing Council Directive 73/44/EEC, Directive 96/73/EC of the European Parliament and of the Council and Directive 2008/121/EC of the European Parliament and of the Council
(13807/4/2010 – C7-0017/2011 – 2009/0006(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Toine Manders

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on textile fibre names and related labelling and marking of fibre composition of textile products and repealing Council Directive 73/44/EEC, Directive 96/73/EC of the European Parliament and of the Council and Directive 2008/121/EC of the European Parliament and of the Council (13807/4/2010 – C7-0017/2011 – 2009/0006(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (13807/4/2010 – C7-0017/2011),
 - having regard to the opinion of the European Economic and Social Committee of 16 December 2009¹,
 - having regard to its position at first reading² on the Commission proposal to Parliament and the Council (COM(2009)0031),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 66 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A7-0086/2011),
1. Adopts its position at second reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Council position

Recital 6 a (new)

Council position

Amendment

(6a) It is appropriate to lay down rules in respect of certain products which comprise non-textile parts of animal

¹ OJ C 255, 22.9.2010, p. 37.

² Texts adopted of 18.5.2010, P7_TA(2010)0168.

origin. This Regulation should, in particular, set out requirements regarding the indication of non-textile parts of animal origin in the labelling or marking of textile products, in order to enable consumers to make informed choices. The labelling or marking should not be misleading and should be carried out in such a way that the consumer can easily understand to which part of the product the information refers.

Amendment 2

Council position
Recital 12 a (new)

Council position

Amendment

(12a) Consumer protection requires transparent and consistent trade rules, including on indications of origin. The aim of such indications should be to enable consumers to be fully aware of the exact origin of the products they purchase, so as to protect them against fraudulent, inaccurate or misleading claims of origin. Harmonised rules should be put in place for that purpose in respect of textile products. As regards imported products, those rules should take the form of mandatory labelling requirements. Concerning products not subject to mandatory origin labelling at Union level, provision should be made for rules ensuring that possible claims of origin are not false or misleading.

Amendment 3

Council position
Recital 12 b (new)

Council position

Amendment

(12b) Origin labelling requirements

provided for in this Regulation with regard to textile products should take precedence over any generally applicable regime of origin marking for products imported from third countries, set up as part of the Union's common commercial policy.

Amendment 4

Council position

Recital 13

Council position

(13) It is necessary to lay down methods for the sampling and analysis of textile products in order to exclude any possibility of objections to the methods used. The methods used for official tests carried out in the Member States to determine the fibre composition of textile products composed of binary and ternary fibre mixtures should be uniform, as regards both the pre-treatment of the sample and its quantitative analysis. It is appropriate that *the* methods *set out to that end in this Regulation* be turned into harmonised standards.

Therefore, the Commission should manage the transition from the current system, which is based on the methods set out in this Regulation, to a harmonised standard-based system. The use of uniform methods of analysis of textile products composed of binary and ternary fibre mixtures will facilitate the free movement of those products, and thereby improve the functioning of the internal market.

Amendment

(13) It is necessary to lay down methods for the sampling and analysis of textile products in order to exclude any possibility of objections to the methods used. The methods used for official tests carried out in the Member States to determine the fibre composition of textile products composed of binary and ternary fibre mixtures should be uniform, as regards both the pre-treatment of the sample and its quantitative analysis. *In order to simplify this Regulation and adapt the uniform methods set out therein to technical progress*, it is appropriate that *those* methods be turned into harmonised standards. *To that end*, the Commission should manage the transition from the current system, which is based on the methods set out in this Regulation, to a *European* harmonised standard-based system. The use of uniform methods of analysis of textile products composed of binary and ternary fibre mixtures will facilitate the free movement of those products, and thereby improve the functioning of the internal market.

Justification

It is appropriate to indicate the reasons (simplification, adaptation to technical progress) justifying the transition from the current system, which is based on the methods set out in the Regulation, to a harmonised standard-based system.

Amendment 5

Council position Recital 17 a (new)

Council position

Amendment

(17a) It is necessary that a manufacturer, or any person acting on his behalf, who wishes to add a new textile fibre name to the Annexes of this Regulation, includes in the technical file to be submitted with his application all available scientific information concerning possible allergenic reactions or other adverse effects of the new textile fibre on human health, including results of tests conducted to that effect in compliance with relevant Union legislation.

Amendment 6

Council position Recital 18

Council position

Amendment

(18) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union concerning the adoption of technical criteria and procedural rules for the authorisation of higher tolerances, the amendment of Annexes II, IV, V, VI, VII, VIII and IX in order to adapt them to technical progress and the amendment of Annex I in order to include new textile fibre names in the list set out in that Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

(18) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union concerning the adoption of technical criteria and procedural rules for the authorisation of higher tolerances, ***the labelling or marking of non-textile parts of animal origin, the form and use of language-independent symbols or codes for textile fibre names, the indication of origin of textile products***, the amendment of Annexes II, IV, V, VI, VII, VIII and IX in order to adapt them to technical progress and the amendment of Annex I in order to include new textile fibre names in the list set out in that Annex. It is of particular importance that the Commission carry out appropriate consultations during its

preparatory work, including at expert level.

Amendment 7

Council position

Recital 19

Council position

(19) Since the **objective** of this Regulation, **namely the adoption of uniform rules for the use of textile fibre names and related labelling and marking of fibre composition of textile products**, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve **that objective**.

Amendment

(19) Since the **objectives** of this Regulation cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve **those objectives**.

Amendment 8

Council position

Recital 19 a (new)

Council position

Amendment

(19a) In order to eliminate possible obstacles to the proper functioning of the internal market, caused by divergent provisions or practices of Member States, and in order to keep pace with the development of electronic commerce and future challenges in the market for textile products, the harmonisation or standardisation of other aspects of textile labelling should be examined. To that end, the Commission should submit a report to the European Parliament and the Council regarding possible new

labelling requirements to be introduced at Union level with a view to facilitating the free movement of textile products in the internal market and achieving a high level of consumer protection throughout the Union. The report should examine in particular consumer views with regard to the amount of information that should be supplied on the label of textile products, and investigate which means other than labelling may be used to provide additional information to consumers. The report should be based on an extended consultation of all stakeholders, consumer surveys and a thorough cost-benefit analysis and should take into account existing related European and international standards. The report should examine, in particular, the added value to the consumer of possible labelling requirements relating to care treatment, size, hazardous substances, flammability and environmental performance of the textile products, the use of language-independent symbols or codes for identifying the textile fibres, social and electronic labelling as well as the inclusion of an identification number on the label to obtain additional on-demand information, especially via the Internet, about the product and the manufacturer. The report should be accompanied, where appropriate, by legislative proposals.

Amendment 9

Council position
Recital 19 b (new)

Council position

Amendment

(19b) The Commission should carry out a study to assess whether substances used in the manufacture or processing of textile products may represent a hazard to human health. That study should evaluate

in particular whether there is a causal link between allergic reactions and fibres, colourings, biocides, preservatives or nanoparticles used in textile products. The study should be based on scientific evidence and should take into account the results of market surveillance activities. On the basis of the study, the Commission should, where justified, present legislative proposals with a view to prohibiting or restricting the use of potentially hazardous substances used in textile products, in compliance with relevant Union legislation.

Amendment 10

Council position Article 1

Council position

This Regulation lays down rules concerning the use of textile fibre names and related labelling and marking of fibre composition of textile products *as well as* rules concerning the determination of the fibre composition of textile products by quantitative analysis of binary and ternary textile fibre mixtures with a view to improving the functioning of the internal market and to providing accurate information to consumers.

Amendment

This Regulation lays down rules concerning the use of textile fibre names and related labelling and marking of fibre composition of textile products, rules concerning the determination of the fibre composition of textile products by quantitative analysis of binary and ternary textile fibre mixtures *as well as rules concerning the labelling or marking of non-textile parts of animal origin and the indication of the country of origin of textile products*, with a view to improving the functioning of the internal market and to providing accurate information to consumers.

Amendment 11

Council position

Article 2 – paragraph 3

Council position

3. This Regulation shall not apply to textile products which are ***contracted out to persons working in*** their own homes, or ***to independent firms that make up work from materials supplied without the property therein being transferred for consideration.***

Amendment

3. This Regulation shall not apply to textile products which are ***made up by self-employed tailors who work from*** their own homes or ***run*** independent firms.

Amendment 12

Council position

Article 4 – paragraph 1 a (new)

Council position

Amendment

Save as otherwise provided in this Regulation, national and Union rules on protection of industrial and commercial property, on indications of provenance, marks of origin and the prevention of unfair competition shall remain applicable to textile products.

Amendment 13

Council position

Article 9 – paragraphs 1 to 3

Council position

Amendment

1. A textile product ***composed of two or more fibres, one of which accounts for at least 85 % of the total weight, shall be labelled or marked by one of the following:***

(a) the name of the fibre which accounts for at least 85 % of the total weight

1. A textile product ***shall be labelled with the name and percentage by weight of all constituent fibres in descending order.***

immediately preceded or followed by its percentage by weight;

(b) the name of the fibre which accounts for at least 85 % of the total weight immediately preceded or followed by the words "85 % minimum";

(c) the full percentage composition of the product.

2. A textile product composed of two or more fibres, none of which accounting for as much as 85 % of the total weight, shall be labelled or marked with at least the name and percentage by weight of the fibres with the highest and next highest percentage by weight of the product, immediately followed by the names of the other constituent fibres in descending order of the percentage by weight, with or without an indication of their percentage by weight.

3. Without prejudice to paragraph 2, fibres which separately account for less than 10 % of the total weight of a product may be collectively designated by the term "other fibres", immediately preceded or followed by the total percentage by weight.

Where the name of a fibre which accounts for less than 10 % of the total weight of a product is specified, the full percentage composition of that product shall be given.

2. By way of derogation from paragraph 1, and without prejudice to Article 7(2), a fibre which accounts for up to 3 % of the total weight of the textile product, or fibres which collectively account for up to 10 % of the total weight, may be designated by the term 'other fibres', immediately followed by their percentage by weight, provided that they cannot easily be stated at the time of the manufacture.

Justification

Consumers should have the right to be informed about the full percentage composition of a textile product. Textile products are composed of a limited number of fibres which can be easily identified by the manufacturer in their exact percentage by weight. The indication of all constituent fibres, which is already a well established practice, will not increase the size of the label or place a burden to manufacturers, who will be able to use, where necessary, the derogations provided for in Article 9, paragraphs 2 and 5. The tolerances laid down in Article 19 are also applicable.

Amendment 14

Council position

Article 9 – paragraph 5 a (new)

Council position

Amendment

5a. By way of derogation from paragraph 1, a fibre not listed in Annex I may be designated by the term 'other fibres', followed by its total percentage by weight, provided that an application for the addition of such a fibre in the list set out in Annex I has been submitted pursuant to Article 6.

Justification

Fibres not yet included in the harmonised list of textile fibre names set out in Annex I may be placed on the market in order to assess consumer demand, provided that an application has been submitted in accordance with the procedure laid down in Article 6.

Amendment 15

Council position

Article 11 a (new)

Council position

Amendment

Article 11a

Non-textile parts of animal origin

1. The presence of non-textile parts of animal origin shall be indicated in the labelling or marking of textile products whenever they are made available on the market.

2. The labelling or marking shall not be misleading and shall be carried out in such a way that the consumer can easily understand to which part of the product the information refers.

3. Articles 19a, 19c and 19d shall apply mutatis mutandis to the non-textile parts of animal origin referred to in paragraph 1.

4. Member States shall inform the Commission of the analytical methods they use to identify animal-derived materials by ..., and subsequently whenever required in the light of new developments.*

5. The Commission shall adopt, by means of delegated acts in accordance with Article 21 and subject to the conditions laid down in Articles 22 and 23, provisions with regard to the detailed form of and modalities for the labelling or marking of the textile products referred to in paragraph 1 and the analytical methods to be used to identify animal-derived materials.

** OJ: insert the date of application of this Regulation.*

Amendment 16

Council position

Article 13 – paragraph 1 – subparagraph 2

Council position

The labelling and marking of textile products shall be durable, easily legible, visible and accessible and, in the case of a label, securely attached.

Amendment

The labelling and marking of textile products shall be durable **and** easily legible, **throughout the product's normal or reasonably foreseeable period of use**, visible and accessible and, in the case of a label, securely attached.

Amendment 17

Council position

Article 13 – paragraph 1 – subparagraph 2 a (new)

Council position

Amendment

The label and the way in which it is affixed shall minimise discomfort caused to the consumer when wearing the

product.

Amendment 18

Council position

Article 13 – paragraph 3 – subparagraph 2

Council position

Abbreviations shall not be used with the exception of a mechanised processing code, provided that *code is* explained in the same commercial document.

Amendment

Abbreviations shall not be used with the exception of a mechanised processing code, *or where they are defined in internationally recognised standards*, provided that *the abbreviations are* explained in the same commercial document.

Amendment 19

Council position

Article 15 – paragraph 1

Council position

1. When making a textile product available on the market, the textile fibre composition descriptions referred to in Articles 5, 7, 8 and 9 shall be indicated in catalogues and trade literature, on packaging, labels and markings in a manner that is easily legible, visible, clear *and* in uniform *print or font*. This information shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made by electronic means.

Amendment

1. When making a textile product available on the market, the textile fibre composition descriptions referred to in Articles 5, 7, 8 and 9 shall be indicated in catalogues and trade literature, on packaging, labels and markings in a manner that is easily legible, visible *and* clear. *The names of the fibres and their percentage by weight shall be indicated* in uniform *letter/number size, style and font*. This information shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made by electronic means.

Justification

The purpose of this amendment is to ensure that all fibres are indicated on the label of a textile product in a uniform manner irrespective of their percentage by weight and the prestige which they enjoy among consumers.

Amendment 20

Council position

Article 15 – paragraph 3

Council position

3. The labelling or marking shall be provided in ***the*** official language ***or languages*** of the Member State on the territory of which the textile products are made available ***to the consumer, unless the Member State concerned provides otherwise.***

Amendment

4. The labelling or marking shall be provided in ***any*** official language of the ***Union which is easily understood by the end consumer in*** the Member State on the territory of which the textile products are made available.

Amendment 21

Council position

Article 15 – paragraph 3 – subparagraphs 2 a and 2 b (new)

Council position

Amendment

Where appropriate, the textile fibre names indicated on the label or marking may be replaced by, or combined with, intelligible language-independent symbols or codes.

The Commission, after carrying out a thorough consultation with all stakeholders, shall adopt, by means of delegated acts in accordance with Article 21 and subject to the conditions laid down in Articles 22 and 23, provisions concerning the form and use of such symbols or codes.

Amendment 22

Council position

Article 18 – paragraph 4

Council position

Amendment

4. Any laboratory ***responsible*** for the testing of textile mixtures for which there is no uniform method of analysis at Union level shall determine the fibre composition of such mixtures, indicating in the analysis

4. Any laboratory ***approved by a Member State*** for the testing of textile mixtures for which there is no uniform method of analysis at Union level shall determine the fibre composition of such mixtures,

report the result obtained, the method used and its degree of accuracy.

indicating in the analysis report the result obtained, the method used and its degree of accuracy.

Amendment 23

Council position
Chapter 3 a – title (new)

Council position

Amendment

Chapter 3a

Indication of origin for textile products

Amendment 24

Council position
Article 19 a (new)

Council position

Amendment

Article 19a

Indication of origin for textile products imported from third countries

1. For the purpose of this Article, the terms 'origin' or 'originating' shall refer to non-preferential origin in accordance with Articles 35 to 36 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code)¹.

2. The import or placing on the market of textile products imported from third countries, except for those originating in Turkey and the Contracting Parties of the EEA Agreement, shall be subject to origin labelling under the conditions laid down in this Article.

3. The country of origin of textile products shall be indicated on the label of these products. In cases where products are packaged, the indication shall be made separately on the package. The

indication of the country of origin shall not be replaced by a corresponding indication in accompanying commercial documents.

4. The words “made-in” together with the name of the country of origin shall indicate the origin of textile products. The labelling may be made in any official language of the Union, which is easily understood by the end consumer in the Member State in which the products are to be made available on the market.

5. The origin labelling shall appear in clearly legible and indelible characters, shall be visible during normal handling, markedly distinct from other information, and shall be presented in a way which is neither misleading nor likely to create an erroneous impression with regard to the origin of the product.

6. Textile products shall bear the required labelling at the time of import. Such labelling shall not be removed or tampered with until the products have been sold to the end consumer or user.

1 OJ L 145, 4.6.2008, p. 1.

Amendment 25

Council position Article 19 b (new)

Council position

Amendment

Article 19b

Indication of origin for other textile products

1. Where the origin of textile products other than those referred to in Article 19a is indicated on the label, such indication shall be subject to the conditions laid down in this Article.

2. The product shall be deemed to

originate in the country where it underwent at least two of the following stages of manufacture:

- spinning;*
- weaving;*
- finishing;*
- making-up.*

3. The textile product may not be described on the labelling as entirely originating in a country unless it underwent in that country all the stages of manufacture referred to in paragraph 2.

4. The words “made-in” together with the name of the country of origin shall indicate the origin of the product. The labelling may be made in any official language of the Union, which is easily understood by the end consumer in the Member State in which the product is to be made available on the market.

5. The origin labelling shall appear in clearly legible and indelible characters, shall be visible during normal handling, markedly distinct from other information, and shall be presented in a way which is not misleading nor likely to create an erroneous impression with regard to the origin of the product.

Amendment 26

Council position Article 19 c (new)

Council position

Amendment

Article 19c

Delegated acts with regard to the indication of origin of textile products

The Commission may adopt, by means of delegated acts in accordance with Article 21 and subject to the conditions laid down

in Articles 22 and 23, provisions in order to:

- determine the detailed form of and modalities for the origin labelling;*
- determine cases in which the indication of origin on the packaging shall be accepted in lieu of labelling of the products themselves. This may, in particular, be the case where products normally reach the end consumer or user in their usual packaging;*
- establish a list of terms in all the official languages of the Union which clearly express that products originate in the country indicated in the labelling;*
- determine the cases where commonly used abbreviations unmistakably indicate the country of origin and can be used for the purpose of this Regulation;*
- determine the cases in which products cannot or need not be labelled for technical or economic reasons;*
- determine rules in relation to declarations and supporting documents that can be taken to demonstrate compliance with this Regulation;*
- determine other rules that may be required when products are found not to comply with this Regulation.*

Amendment 27

Council position Article 19 d (new)

Council position

Amendment

Article 19d

Common provisions

1. Textile products referred to in Article 19a shall be considered not to comply with this Regulation, if:

- they do not bear origin labelling;*
- the origin labelling does not correspond to the origin of the products;*
- the origin labelling has being changed or removed, or has otherwise been tampered with, except where correction has been required pursuant to paragraph 5 of this Article.*

2. Textile products other than those referred to in Article 19a shall be considered not to comply with this Regulation if:

- the origin labelling does not correspond to the origin of the products;*
- the origin labelling has being changed or removed, or has otherwise been tampered with, except where correction has been required pursuant to paragraph 5 of this Article.*

3. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by ..., and shall notify it without delay of any subsequent amendment affecting them.*

4. Where products are not in compliance with this Regulation, Member States shall furthermore adopt the measures necessary to require the owner of the products or any other person responsible for them to label those products in accordance with this Regulation and at their own expense.

5. Where necessary for the effective application of this Regulation, the competent authorities may exchange data received when controlling compliance with this Regulation, including with

authorities and other persons or organisations which Member States have empowered pursuant to Article 11 of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market¹.

** 9 months after the date of entry into force of this Regulation*

¹*OJ L 149, 11.6.2005, p. 22.*

Amendment 28

Council position Article 24

Council position

By...* , the Commission shall submit a report to the European Parliament and to the Council on the application of this Regulation, with an emphasis on the requests for and adoption of new textile fibre names.

** Five years after the entry into force of this Regulation*

Amendment

By ...* , the Commission shall submit a report to the European Parliament and to the Council on the application of this Regulation, with an emphasis on the requests for and adoption of new textile fibre names ***and submit, where appropriate, a legislative proposal.***

** 3 years after the entry into force of this Regulation*

Amendment 29

Council position Article 24 a (new)

Council position

Amendment

Article 24a

Review

1. By ...* , the Commission shall submit a report to the European Parliament and the Council regarding possible new labelling requirements to be introduced at

Union level with a view to providing consumers with accurate, relevant, intelligible and comparable information on the characteristics of textile products.

2. The report shall be based on an extended consultation of all stakeholders, consumer surveys, a thorough cost-benefit analysis, and shall take into account existing related European and international standards.

3. The report shall be accompanied, where appropriate, by legislative proposals, and shall examine, inter alia, the following issues:

- a harmonised care labelling system,*
- an EU-wide uniform size labelling system for clothing based on body measurements,*
- an EU-wide uniform size labelling system for footwear,*
- indication of any potentially allergenic or hazardous substances used in the manufacture or processing of textile products,*
- ecological labelling relating to the environmental performance and sustainable production of textile products,*
- social labelling to inform consumers about the social conditions under which a textile product was produced,*
- warning labels with regard to the flammability performance of textile products, in particular high-fire-hazard clothing,*
- electronic labelling, including Radio-Frequency Identification (RFID),*
- the inclusion of an identification number on the label which shall be used to obtain additional on-demand information, for instance via the Internet, about the product and the manufacturer,*

- the use of language-independent symbols or codes for identifying the fibres comprised in a textile product, enabling the consumer to easily understand its composition and, in particular, the use of natural or synthetic fibres.

** 18 months after the date of entry into force of this Regulation.*

Amendment 30

Council position Article 24 b (new)

Council position

Amendment

Article 24b

Study on hazardous substances

1. By ..., the Commission shall carry out a study to assess whether substances used in the manufacture or processing of textile products may represent a hazard to human health. That study shall evaluate in particular whether there is a causal link between allergic reactions and fibres, colourings, biocides, preservatives or nanoparticles used in textile products. The study shall be based on scientific evidence and shall take into account the results of market surveillance activities.*

2. On the basis of the study, the Commission shall, where justified, present legislative proposals with a view to prohibiting or restricting the use of potentially hazardous substances used in textile products, in compliance with relevant Union legislation.

** 18 months after the date of entry into force of this Regulation.*

Amendment 31

Council position Article 25

Council position

Textile products ***which are in accordance*** with Directive 2008/121/EC and which are placed on the market before ...* may continue to be made available on the market until ...**.

* 6 months after the date of entry into force of this Regulation

** **2 years** after the date of entry into force of this Regulation

Amendment

Textile products which ***comply*** with Directive 2008/121/EC and which are placed on the market before...* may continue to be made available on the market until ...**

* 6 months after the date of entry into force of this Regulation

** **2 years and 6 months** after the date of entry into force of this Regulation

Justification

This transitional provision will ensure that textile products which are placed on the market in accordance with current legislation may continue to be made available on the market for another two and a half years following the entry into force of the Regulation. With this provision, the new labelling requirements set out in this Regulation should not result in a burdensome re-labelling of textile products that comply with current legislation.

Amendment 32

Council position¹ Annex II – point 5 a (new)

Council position

Amendment

(5a) Available scientific information concerning possible allergenic reactions or other adverse effects of the new textile fibre on human health, including results of tests conducted to that effect in compliance with relevant Union legislation;

Justification

The technical file to be attached to the application for the inclusion of a new textile fibre name into the list set out in Annex I should contain, where appropriate, information about potential health implications of the new fibre.

Amendment 33

Council position
Annex V – point 13

Council position

Amendment

13. Felts

deleted

Amendment 34

Council position
Annex V – point 17

Council position

Amendment

17. Felt hats

deleted

EXPLANATORY STATEMENT

I. Commission's proposal and Parliament's first reading

The Commission adopted on 30 January 2009 the current proposal for a regulation on textile names and related labelling of textile products. The aim of the proposal is to simplify and improve the existing regulatory framework for the labelling of textile products with a view to encouraging the development and uptake of new fibres. The proposal facilitates the process to adapt legislation to technical progress by transforming the three existing Directives¹ into a single Regulation, which would avoid transposition of merely technical updates, and shortens the time between the submission of an application and the adoption of a new fibre name.

Parliament welcomed the Commission's proposal as it simplifies the existing regulatory framework and has the potential to encourage innovation in the textile and clothing sector, whilst allowing fibre users and consumers to benefit more readily from innovative products.

In its position at first reading, adopted on 18 May 2010, the European Parliament approved, with a very large majority, 63 amendments. The vast majority were technical amendments aimed at aligning the text with the Treaty on the Functioning of the European Union and with the new legislative framework for the marketing of goods. Parliament adopted also a number of substantive amendments, including rules on origin marking, indication of animal-derived materials, use of language-independent symbols and a review clause.

II. Council's position at first reading

In its position, the Council accepted, or partly accepted in substance, a large number of technical amendments (40 in total) introduced also by Parliament, but rejected all substantive amendments proposed by Parliament. The Council considered that introducing new requirements would not be compatible with the simplification objective of the original proposal.

III. Amendments proposed by the Rapporteur for the second reading

In his examination of the Council's position, your Rapporteur has decided to restore the vast majority of Parliament's amendments at first reading, while in a limited number of cases he has reworded some amendments for the sake of clarity. Some recitals corresponding to provisions adopted by Parliament at first reading have been also added.

The main amendments reintroduced by the Rapporteur cover the following issues:

¹ Directive 2008/121/EC on textile names (recast) requires the labelling of the fibre composition of textile products using only the harmonised names listed in Annex I to the Directive. Directives 96/73/EC and 73/44/EEC specify the methods of analysis to be used to check whether the composition of textile products is in conformity with the information supplied on the label.

(a) Origin marking

A set of amendments introduces a requirement to indicate the country of origin of textile products imported from third countries, along the lines of a proposal submitted by the Commission in 2005¹ which covers several categories of goods, including textile products. Despite Parliament's vast support for this proposal, no significant progress has been made in the Council. Your Rapporteur hopes that a sector-based legislation, covering only textile products, as proposed by Parliament in this regulation on textile labelling, could prove to be more successful in reaching an agreement between the two co-legislators.

Your Rapporteur wishes to highlight that the current absence of harmonised rules on origin marking puts the EU at a disadvantage vis-à-vis its main trade partners, such as Canada, China, Japan, and the USA, who require origin marking for imported goods. It also deprives European producers of origin-sensitive consumer goods of reaping the benefits associated with producing within the Union, while consumers miss the opportunity to have access to information on the origin of products. Origin marking would facilitate consumer choice and contribute to reducing fraudulent, inaccurate or misleading claims of origin.

Furthermore, the Rapporteur reintroduces Parliament's amendment concerning a voluntary origin marking scheme to be applied to EU manufactured textile products. The product shall be deemed to originate in the country where it underwent at least two of its stages of manufacture: spinning, weaving, finishing, making-up.

(b) Non-textile parts of animal origin

This amendment introduces a requirement to indicate the presence of non-textile parts of animal origin in textile products. The precise modalities of implementation should be defined by the Commission in the form of delegated acts.

It should be highlighted that fur is often used as trimming in relatively inexpensive garments, which are often imported from Asia. It is often very difficult for consumers to distinguish between real and good quality fake fur. Manufacturers also frequently dye and trim real fur, which makes it less obvious to the untrained eye that it is genuine.

Consumers also presume that real fur will automatically be listed on the garment's label as one of its constituent parts. This assumption is far from unreasonable given that the names and percentages of textile fibres are mandatorily indicated. Consequently, consumers run the risk of inadvertently purchasing real fur products when they would in fact prefer not to do so.

There is already EU legislation (Directive 94/11/EC) in place concerning the labelling of materials (leather) used as components in footwear. This legislation was introduced to help consumers make informed choices, protect the industry and enhance the operation of the internal market. The current amendment on animal-derived materials follows the logic of this EU legislation.

¹ Proposal for a regulation of the European Parliament and of the Council on the indication of the country of origin of certain products imported from third countries (COM(2005)0661)

Existing voluntary and self-regulatory measures for labelling fur products have proved insufficient. The International Fur Trade Federation, for example, currently operates an ‘Origin Assured’ labelling system, which is purported to provide consumers with information on the provenance of the fur they are buying. Such voluntary labelling, however, only covers a very small proportion of the ‘higher end’ of the fur fashion market where one can presume that the consumer has already made a conscious decision to purchase fur products, rather than to avoid them.

Finally, fur can also be a potential health hazard for those suffering from allergies to animal fur/hair. Mandatory fur labelling would thus provide consumers with the means of identifying products that may be damaging to their health.

(c) Review clause

In order to eliminate potential obstacles to the proper functioning of the internal market caused by diverging provisions or practices of Member States, and in order to keep pace with the development of electronic commerce and future challenges in the market of textile products, it is necessary to examine the harmonisation and standardisation of other aspects of textile labelling with a view to facilitate the free movement of textile products in the internal market and achieve a uniform and high level of consumer protection throughout the EU.

To that end, the Commission should submit a report to the European Parliament and the Council regarding possible new labelling requirements to be introduced at Union level. The report should examine in particular consumer views with regard to the amount of information that should be supplied on the label of textile products, and investigate which means other than labelling may be used to provide additional information to consumers. The report should be based on an extended consultation of all stakeholders, consumer surveys and a thorough cost/benefit analysis and should be accompanied, where appropriate, by legislative proposals.

The Rapporteur holds the view that a right balance should be struck between a high level of consumer protection and the simplification of the regulatory framework for textile products. In this context, it should be ensured that extending compulsory labelling will not impose a disproportionate burden on enterprises without bringing real added-value for consumers, who may even be confused by an excess of information on the label of textile products. For that purpose, alternative means other than mandatory labelling requirements could be investigated for consumers to make informed choices.

(d) Study on hazardous substances

The Rapporteur considers that there is a lack of sufficient evidence on the possible effects of hazardous substances used in the manufacture and processing of textile products. The Commission shall therefore carry out a study to assess whether such substances may represent a hazard to human health. This study shall evaluate in particular whether there is a causal link between allergic reactions and synthetic fibres, colourings, biocides, preservatives or nanoparticles used in textile products.

(e) Language-independent symbols or codes for fibres

Where appropriate, textile fibre names should be replaced by, or combined with, intelligible language-independent symbols or codes to avoid translation of fibre names in several EU languages. The proposed symbol or code system is to be developed and implemented by the Commission by means of delegated acts.

(f) Requirements for the technical file to be attached to the application for the authorisation of a new textile fibre name (Annex II)

The technical file accompanying the application to add a new textile fibre name to Annex I should contain available scientific information concerning possible allergenic reactions or other adverse effects of the new fibre on human health, including results of tests conducted to that effect in compliance with relevant EU legislation.

(g) Multi-fibre textile products

Consumers should be informed about the full percentage composition of a textile product. Textile products are composed of a limited number of fibres which can be easily identified by the manufacturer in their exact percentage by weight. The indication of all constituent fibres, which is already a well established practice for the textile industry, will not increase the size of the label or place a burden to manufacturers who will be able to use, where necessary, the derogations foreseen to that effect. It should be noted that the tolerances laid down in Article 19 will also apply.

(h) Self-employed tailors

An exemption from mandatory labelling requirements is provided for self-employed tailors.

(i) Laboratories testing textile mixtures

The laboratories testing textile mixtures in order to determine their fibre composition should be approved by the Member State authorities.

(j) Mandatory indication of the fibre composition for felts and felt hats

The labelling of these articles should provide information about their fibre composition.

IV. Conclusion

The Rapporteur proposes to the Committee to continue its work on this important file on the basis of the amendments adopted by Parliament at first reading, and looks forward to a constructive approach by the Council.

RESULT OF FINAL VOTE IN COMMITTEE

Title	Textile names and related labelling of textile products
References	13807/4/2010 – C7-0017/2011 – 2009/0006(COD)
Date of Parliament's first reading – P number	18.5.2010 T7-0168/2010
Commission proposal	COM(2009)0031 - C6-0048/2009
Receipt of Council position at first reading announced in plenary	20.1.2011
Committee responsible Date announced in plenary	IMCO 20.1.2011
Rapporteur(s) Date appointed	Toine Manders 14.9.2009
Discussed in committee	25.1.2011 28.2.2011
Date adopted	22.3.2011
Result of final vote	+: 30 -: 2 0: 4
Members present for the final vote	Pablo Arias Echeverría, Adam Bielan, Cristian Silviu Buşoi, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia De Campos, Jürgen Creutzmann, Christian Engström, Evelyne Gebhardt, Iliana Ivanova, Philippe Juvin, Sandra Kalniete, Eija-Riitta Korhola, Edvard Kožušník, Kurt Lechner, Toine Manders, Gianni Pittella, Mitro Repo, Zuzana Roithová, Heide Rühle, Matteo Salvini, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Kyriacos Triantaphyllides, Bernadette Vergnaud, Barbara Weiler
Substitute(s) present for the final vote	Damien Abad, Cornelis de Jong, Ashley Fox, Constance Le Grip, Pier Antonio Panzeri, Antonyia Parvanova, Sylvana Rapti, Amalia Sartori
Substitute(s) under Rule 187(2) present for the final vote	Michael Gahler