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Council of the European Union
General Secretariat

Brussels, 12 July 2016

DS 1380/16

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WTO

MEETING DOCUMENT

from :	Commission
to :	Trade Policy Committee
Subject :	TTIP: EU's proposal for an annex on textiles in TTIP

Delegations will find attached a note by the Commission services on the above-mentioned subject.

NB: This document contains information classified RESTREINT EU/EU RESTRICTED whose unauthorised disclosure could be disadvantageous to the interests of the European Union or of one or more of its Member States. All addressees are therefore requested to handle this document with the particular care required by the Council's Security Rules for documents classified RESTREINT UE/EU RESTRICTED.

NB: Please note that the document in annex is an individualised copy.

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EUROPEAN COMMISSION
Directorate-General for Trade



Brussels, 11th July 2016

TRADE 58/2016

NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE

SUBJECT: TTIP: EU's proposal for an annex on textiles in TTIP

ORIGIN: Commission, DG Trade, Unit E.1 and F.3

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OBJECTIVE: *For information*

REMARKS:

Member States will find enclosed in clean and in track changes the EU's **first proposal for an annex on textiles in TTIP**. The EU proposal has been finalised following consultation with and

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taking account of comments of Member States (DS 1315/16) and the TTIP Advisory Group. The
text is to be submitted to the United States in advance of the next negotiation round (taking place in
the week of 11 July 2016). This proposal is without prejudice to the right of the EU to modify or
complement it at a later stage.

* * *

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NOTE: The EU reserves the right to make subsequent modifications to this text and to complement it at a later stage, by modifying, supplementing or withdrawing all, or any part, at any time.

The relationship between sectorial annexes and the architecture of TTIP, including the applicability or not of general exceptions and dispute settlement, will be considered at a later stage.

EU PROPOSAL FOR AN ANNEX ON TEXTILES AND CLOTHING/APPEL PRODUCTS

Article 1

General principles and objectives

1. Co-operation activities between the Parties shall aim at improving, and not reducing, undermining or otherwise compromising, the level of protection in public policy areas such as the protection of workers' and consumers' health, public health, and the protection of the environment, as considered appropriate by either Party. The Parties share the intention of achieving a high level of protection in these areas.
2. Nothing in this Annex shall affect the ability of each Party to apply its fundamental principles governing regulatory measures in its jurisdiction, for example in the areas of risk assessment and risk management¹.
3. Nothing in this Annex shall affect the ability of each Party to take appropriate and immediate measures when it determines that a textile or clothing/apparel product is not safe for the consumer or does not comply with its regulatory framework. Such measures may include withdrawing the textile or clothing/apparel product from the market or prohibiting the placement in the market of that product.
4. The objectives of this Annex are, in particular, to:
 - promote convergence of technical requirements, including labelling requirements, applicable to textiles and clothing/apparel products;
 - promote convergence of standards relevant to textiles and clothing/apparel products;
 - promote cooperation on any other matter of common interest to the Parties.

¹ For the EU, such principles include those established in the Treaty on the Functioning of the European Union as well as in Regulations and Directives adopted pursuant to Article 289 of the Treaty on the Functioning of the European Union.

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Article 2
Definitions

For the purposes of this Annex:

"textile/clothing/apparel product" means, accordingly, any raw, semi-worked, worked, semi-manufactured, manufactured, semi-made-up or made-up product or component which is constituted of textile fibres, regardless of the mixing or assembly process employed;

"textile fibre" means either of the following:

- a) a unit of matter characterised by its flexibility, fineness and high ratio of length to maximum transverse dimension, which render it suitable for textile applications;
- b) a flexible strip or tube, of which the apparent width does not exceed 5 mm, including strips cut from wider strips made from fibres or films, produced from the substances used for the manufacture of the fibres and suitable for textiles applications;

"labelling" means affixing the required information to the textile product by way of attaching a label;

"marking" means indicating the required information directly on the textile or clothing/apparel product by way of sewing, embroidering, printing, embossing or any other technology of application.

"responsible authority" means the European Commission, the US Federal Trade Commission and US Consumer Product Safety Commission.

Article 3
Scope

This Annex applies to textiles and clothing/apparel products falling under Chapters 50 to 53 of the Harmonized System (HS) of tariff nomenclature when made available on the market of the Parties.

Article 4

Participation in relevant international organisations and bodies and regulatory convergence

1. Each Party shall encourage active participation of the standardisation bodies located

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2. Each Party shall take International Organisation for Standardisation standards into account when developing its own regulations and conformity assessment procedures and referencing standards applicable to textile and clothing/apparel products unless those standards are not yet available or would be ineffective or inappropriate for the achievement of each Party legitimate objectives.

Article 5

Cooperation on technical requirements applicable to textile and clothing/apparel products

1. The Parties shall cooperate on safety requirements, conformity assessment procedures and test methods, relating for example to children clothing or flammability requirements applicable to textiles and clothing/apparel products in order to eliminate, to the extent possible, duplication of conformity assessment procedures such as testing and certification.
2. The Parties shall cooperate on labelling requirements applicable to textiles and clothing/apparel products in order to eliminate divergences on textiles and clothing/apparel products labels.
3. The responsible authorities of the Parties shall cooperate on the process leading to the designation/labelling of new fibre names in view of defining a common name for the new fibres. For that purpose:
 - a) The responsible authority of a Party shall inform the responsible authority of the other Party when it receives a request for a new fibre name and shall recommend the applicant to submit such request also to the responsible authority of the other Party.
 - b) The responsible authorities of the Parties shall exchange information on the requests received by one or by both Parties and on their respective technical and analytical assessment of such request in view of defining a common name for the new fibre.

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- c) The cooperation and exchange of information between the Parties responsible authorities may take place at every stage of the request for a new fibre assessment including, where appropriate, cooperation on the validation of test methods for market surveillance purposes.
4. If a Party requires that a textile or clothing/apparel product placed on its market contain a label with care labelling symbols or instructions, this Party shall allow, as an alternative to its own care labelling symbols or instructions, the use of the care labelling or instructions established in the ISO standard on care labelling.

NB: ISO 3758: "Textiles—Care labelling code using symbols"

Article 6

Cooperation on standards relevant to textiles and clothing/apparel products

1. The Parties shall encourage cooperation between the standardisation bodies located within their respective territories in view of jointly developing new textile and clothing/apparel standards and adopting, to the extent possible, common standards. This cooperation may include sharing information, at an early stage, regarding new textile and clothing/apparel standards to be developed or referenced in each Party's legislation and facilitating participation of a Party's standardisation bodies in the standardisation activities of the other Party.
2. The Parties shall encourage cooperation between the standardisation bodies located within their respective territories in view of further aligning their existing textile and clothing/apparel standards. This cooperation includes also quality and business standards not referenced in each Party's legislation but required to be complied with in textiles and clothing/apparel business contracts.

Article 7

Regulatory cooperation

[NB: this Article may need to be adjusted as discussions on the Institutional, General and Final Provisions Chapter and on the Regulatory Cooperation Chapter proceed. This Article is to be read in conjunction with the functions and roles of the Joint Committee, the Transatlantic Regulators' Forum and the Working Group on sectors as defined in the Chapter on Institutional, General and Final Provisions]

1. The regulatory cooperation between the responsible authorities of the Parties shall be guided by a joint regulatory cooperation work plan which sets out short and medium term priorities for regulatory cooperation under this Annex.
2. The joint regulatory cooperation work plan shall be endorsed by the responsible authorities of the Parties at political level.

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3. The responsible authorities of the Parties shall transmit the joint regulatory cooperation work plan to the Transatlantic Regulators' Forum [established under the Institutional, General and Final Provisions Chapter] and publish it on their respective websites.

4. The responsible authorities of the Parties shall regularly review the joint regulatory cooperation work plan. In this review, the responsible authorities of the Parties shall take into account, *inter alia*, progress achieved [during the preceding years] and consider new areas that would benefit from regulatory cooperation. For the review of the joint regulatory cooperation work plan, the responsible authorities of each Party shall consult stakeholders including small and medium size enterprises, employers and workers representatives and public interest groups.

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NOTE: The EU reserves the right to make subsequent modifications to this text and to complement it at a later stage, by modifying, supplementing or withdrawing all, or any part, at any time.

The relationship between sectorial annexes and the architecture of TTIP, including the applicability or not of general exceptions and dispute settlement, will be considered at a later stage.

EU PROPOSAL FOR AN ANNEX ON TEXTILES AND CLOTHING/APPAREL PRODUCTS

Article 1

General principles and objectives

1. Co-operation activities between the Parties shall aim at improving, and not reducing, undermining or otherwise compromising, the level of protection in public policy areas such as the protection of workers' and consumers' health, public health, and the protection of the environment, as considered appropriate by either Party. The Parties share the intention of achieving a high level of protection in these areas.

2. Nothing in this Annex shall affect the ability of each Party to apply its fundamental principles governing regulatory measures in its jurisdiction, for example in the areas of risk assessment and risk management².

3. Nothing in this Annex shall affect the ability of each Party to take appropriate and immediate measures when it determines that a textile or clothing/apparel product is not safe for the consumer or does not comply with its regulatory framework. Such measures may include withdrawing the textile or clothing/apparel product from the market or prohibiting the placement in the market of that textile or clothing/apparel product.

4. The objectives of this Annex are, in particular, to:

- promote convergence of technical requirements, including labelling requirements, applicable to textiles and clothing/apparel products;
- promote convergence of standards relevant to textiles and clothing/apparel products;
- promote cooperation on any other matter of common interest to the Parties.

² For the EU, such principles include those established in the Treaty on the Functioning of the European Union as well as in Regulations and Directives adopted pursuant to Article 289 of the Treaty on the Functioning of the European Union.

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Definitions

For the purposes of this Annex:

"textile/clothing/apparel product" means, accordingly, any raw, semi-worked, worked, semi-manufactured, manufactured, semi-made-up or made-up product or component which is ~~exclusively composed~~ constituted of textile fibres, regardless of the mixing or assembly process employed;

"textile fibre" means either of the following:

- c) a unit of matter characterised by its flexibility, fineness and high ratio of length to maximum transverse dimension, which render it suitable for textile applications;
- d) a flexible strip or tube, of which the apparent width does not exceed 5 mm, including strips cut from wider strips made from fibres or films, produced from the substances used for the manufacture of the fibres and suitable for textiles applications;

"labelling" means affixing the required information to the textile product by way of attaching a label;

"marking" means indicating the required information directly on the textile or clothing/apparel product by way of sewing, embroidering, printing, embossing or any other technology of application.

"responsible authority" means the European Commission, the US Federal Trade Commission and US ~~Consumer Product Safety Commission~~.

Article 3 Scope

This Annex applies to textiles and clothing/apparel products falling under Chapters 50 to 63 of the Harmonized System (HS) of tariff nomenclature when made available on the market of the Parties.

Article 4

Participation in relevant international organisations and bodies and regulatory convergence

1. Each Party shall encourage actively participate ~~participation~~ of the standardisation bodies located within their respective territories in the work of the International Organisation for Standardisation (ISO) in order to contribute to the ~~convergence~~ harmonization, at international level, of ~~technical requirements and standards~~ applicable to textile and

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2. Each Party shall take International Organisation for Standardisation ISO standards into account when developing its own regulations and conformity assessment procedures and referencing technical requirements and standards applicable to textile and clothing/apparel products unless those standards are not yet available or would be ineffective or inappropriate for the achievement of each Party legitimate objectives.

Article 5

Cooperation on technical requirements applicable to textile and clothing/apparel products

1. The Parties shall cooperate on safety requirements, conformity assessment procedures and test methods, relating for example to children clothing or flammability requirements applicable to textiles and clothing/apparel products in order to eliminate, to the extent possible, duplication of conformity assessment procedures such as testing and certification.

2. The Parties shall cooperate on labelling requirements applicable to textiles and clothing/apparel products in order to eliminate, to the extent possible, divergences on textiles and clothing/apparel products labels.

3. The responsible authorities of the Parties shall cooperate on the process leading to the designation/labelling of new fibre names in view of defining, to the extent possible, a common name for the new fibres. For that purpose:

d) The responsible authority of a Party shall inform the responsible authority of the other Party when it receives a request for a new fibre name and shall recommend the applicant to submit such request also to the responsible authority of the other Party.

e) The responsible authorities of the Parties shall exchange information on the requests received by one or by both Parties and on their respective technical and analytical assessment of such request in view of defining, to the extent possible, a common name for the new fibre.

f) The cooperation and exchange of information between the Parties responsible authorities may take place at every stage of the request for a new fibre assessment including, where appropriate, cooperation on the validation of test methods for

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4. If a Party requires that a textile or clothing/apparel product placed on its market contain a label with care labelling symbols or instructions, this Party shall allow, as an alternative to its own care labelling symbols or instructions, the use of the care labelling or instructions established in the ISO standard on care labelling.

NB: ISO 3758: "Textiles—Care labelling code using symbols"

Article 6

Cooperation on standards relevant to textiles and clothing/apparel products

1. The Parties shall encourage cooperation between their standardisation bodies located within their respective territories in view of jointly developing new textile and clothing/apparel standards and adopting, to the extent possible, common standards. This cooperation may include sharing information, at an early stage, regarding new textile and clothing/apparel standards to be developed or referenced in each Party's legislation and facilitating participation of a Party's standardisation bodies in the standardisation activities of the other Party.

2. The Parties shall encourage cooperation between their standardisation bodies located within their respective territories in view of further aligning their existing textile and clothing/apparel standards. This cooperation ~~refers to~~ includes to also quality and business standards not referenced in each Party's legislation but required to be complied with in textiles and clothing/apparel business contracts.

Article 7

Regulatory cooperation

[NB: this Article may need to be adjusted as discussions on the Institutional, General and Final Provisions Chapter and on the Regulatory Cooperation Chapter proceed. This Article is to be read in conjunction with the functions and roles of the Joint Committee, the Transatlantic Regulators' Forum and the Working Group on sectors as defined in the Chapter on Institutional, General and Final Provisions]

1. The regulatory cooperation between the responsible authorities of the Parties shall be guided by a joint regulatory cooperation work plan which sets out short and medium term priorities for regulatory cooperation under this Annex.

2. The joint regulatory cooperation work plan shall be endorsed by the responsible authorities of the Parties at political level.

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4. The responsible authorities of the Parties shall regularly review the joint regulatory cooperation work plan. In this review, the responsible authorities of the Parties shall take into account, *inter alia*, progress achieved [during the preceding years] and consider new areas that would benefit from regulatory cooperation. For the review of the joint regulatory cooperation work plan, the responsible authorities of each Party shall consult stakeholders including small and medium size enterprises, employers and workers representatives and public interest groups.

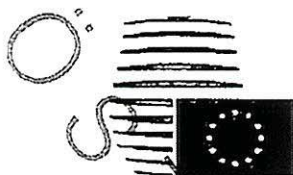
~~Further regulatory cooperation activities~~

[NB: this Article may need to be adjusted as discussions on the Regulatory Cooperation Chapter proceed]

- ~~1. The Working Group for Sectors shall meet upon request of either Party or of the Joint Committee for the purpose of reviewing the implementation of commitments taken under this Annex or examining stakeholder requests.~~
- ~~2. The regulatory cooperation between the responsible authorities of the Parties shall be guided by a joint regulatory cooperation work plan which sets out short and medium term priorities for regulatory cooperation under this Annex.~~
- ~~3. The first joint regulatory cooperation work plan shall be agreed no later than by the time of signature of the Agreement and shall be endorsed by the European Commission and by the US Federal Trade Commissioner and the US **Consumer Product Safety Commissioner**.~~
- ~~4. The responsible authorities of each Party shall publish the joint regulatory cooperation work plan on their respective websites.~~
- ~~5. The responsible authorities of each Party shall implement the joint regulatory cooperation work plan.~~
- ~~6. The responsible authorities of the Parties shall review annually the joint regulatory cooperation work plan. In this review, the Parties shall take into account, *inter alia*, progress achieved during the preceding year and consider new areas that would benefit from regulatory cooperation. For the review of the joint regulatory cooperation work plan, the responsible authorities of each Party shall consult stakeholders including Small and Medium Size enterprises and public interest groups.~~

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Council of the European Union
General Secretariat

Brussels, 20 July 2016
(OR. en)

DS 1397/16

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MEETING DOCUMENT

From: General Secretariat of the Council
To: Delegations
Subject: TTIP: Declassification of meeting documents

Delegations are herewith informed that the following EU RESTRICTED documents have been declassified:

DS 1310/16	EU offer on Financial Services
DS 1353/16	EU proposal on provisions on climate aspects of the TTIP Trade and sustainable Development chapter
DS1379/16	EU's proposal for an annex on medical devices in TTIP
DS1380/16	EU's proposal for an annex on textiles in TTIP
DS1381/16	EU's proposal for an annex on chemicals in TTIP
DS1382/16	EU's proposal for an annex on motor vehicles and motor vehicles' parts in TTIP
DS1383/16	EU's proposal for an annex on cosmetics in TTIP
DS 1344/16 REV 1	EU Proposal for Institutional, General and Final Provisions
DS 1389/16	EU's proposal for an annex on engineering in TTIP

DS 1397/16

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