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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 20.10.2017
amending Annexes I, II, VI, VIII and IX to Regulation (EU) No 1007/2011 of
the European Parliament and of the Council on textile fibre names and
related labelling and marking of the fibre composition of textile products

Delegations will find attached document C(2017) 6967 final.

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COMMISSION DELEGATED REGULATION (EU) .../...

of 20.10.2017

amending Annexes I, II, VI, VIII and IX to Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1007/2011 ('the Regulation') lays down rules on: (i) the use of textile fibre names and related labelling and marking of fibre composition of textile products; (ii) the labelling or marking of textile products containing non-textile parts of animal origin; and (iii) the determination of the fibre composition of textile products by quantitative analysis of binary and ternary textile fibre mixtures. The aim is to improve the functioning of the single market and to provide accurate information to consumers.

Article 21 of the Regulation empowers the Commission to adopt delegated acts under Article 22 of the Regulation on: (i) the adoption of technical criteria and procedural rules for the application of Article 20(5); (ii) amendments to Annexes II, IV, V, VI, VII, VIII and IX in order to take account of technical progress; (iii) and amendments to Annex I in order to include, under Article 6 of the Regulation, new textile fibre names in the list set out in that Annex.

The application to include a new textile fibre name 'polyacrylate' was submitted on 24 January 2014. The Commission examined the application in detail and acknowledged that it complied with the criteria set out in Annex II to the Regulation. The Commission Expert Group on Textile Names and Labelling ('the Expert Group') also found the application technically sound.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission widely consulted experts from the Member States, industry and other interested parties on the draft Delegated Regulation. The Expert Group was consulted throughout the process of drafting the Delegated Regulation. On 30 January 2017, the Commission organised an additional technical meeting with experts appointed by Member States to further discuss the draft Delegated Regulation.

The Commission carried out the public consultation on the technical features of 'polyacrylate' from 28 July 2015 to 21 October 2015. The Commission also published on 6 October 2016 a report on the technical analysis of 'polyacrylate' fibre¹.

On 7 March 2017, the Commission presented the final version of the Delegated Regulation to the Expert Group that took into account the comments submitted by the Member States, industry and interested parties.

Finally, the draft Delegated Regulation was published for public feedback on the Better Regulation Portal from 20 June 2017 to 18 July 2017.

¹ AITEX, Inter-laboratory trial of textile fibres, including testing and related services for the technical analysis of 'polyacrylate' fibre, Final Report, <http://ec.europa.eu/DocsRoom/documents/19021>.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Delegated Regulation amends: (i) Annex I to include the new fibre ‘polyacrylate’ and its definition to the list of harmonised fibre names; (ii) Annex II to update the minimum requirements on a technical file to be included in the application for a new textile fibre name; (iii) Annex VI to revise the list of textile products qualifying for inclusive labelling; (iv) Annex VIII to adapt existing methods for quantitative analysis and add a new method; and (v) Annex IX to include the agreed allowance for ‘polyacrylate’.

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amending Annexes I, II, VI, VIII and IX to Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council², and in particular Article 21 thereof,

Whereas:

- (1) Regulation (EU) No 1007/2011 requires labelling to indicate the fibre composition of textile products, with checks being carried out by analysis on the conformity of those products through indications given on the label.
- (2) In accordance with Article 6 of Regulation (EU) No 1007/2011, a manufacturer submitted to the Commission an application to include ‘polyacrylate’ as a new textile fibre name in the list set out in Annex I to that Regulation. That application included a technical file fulfilling all the minimum requirements specified in Annex II to that Regulation.
- (3) After having assessed the application for the new textile fibre name and having carried out a public consultation on the Europa website, the Commission, in consultation with Member States’ experts and interested parties, concluded that the new textile fibre name ‘polyacrylate’ should be added to the list of textile fibre names set out in Annex I to Regulation (EU) No 1007/2011.
- (4) In order to take into account technical progress, Annex II to Regulation (EU) No 1007/2011 should be amended, in particular as regards the proposed definition of a new textile fibre name and the proposed identification and quantification methods.
- (5) Regulation (EU) No 1007/2011 sets out a list of textile products for which inclusive labelling is sufficient. That list includes sewing, mending and embroidery yarns

² OJ L 272, 18.10.2011, p. 1.

presented for retail sale in small quantities with a net weight of 1 gram or less. However, due to technical progress, that particular textile product is no longer presented for retail sale in quantities with a net weight of 1 gram or less. Therefore, the list of textile products qualifying for inclusive labelling set out in Annex VI to that Regulation should be updated.

- (6) In order to make it possible to use uniform methods for quantitative analysis of textile fibre mixtures, test methods set out in Annex VIII to Regulation (EU) No 1007/2011 should be amended to include 'polyacrylate' fibre. Furthermore, a new test method for quantitative analysis of fibre mixtures of polyester and certain other fibres should be added to Annex VIII to that Regulation.
- (7) Regulation (EU) No 1007/2011 also lays down the agreed allowances used to calculate the mass of fibres contained in a textile product. Hence, the value of agreed allowance for 'polyacrylate' should be added to the list set out in Annex IX to that Regulation.
- (8) Regulation (EU) No 1007/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II, VI, VIII and IX to Regulation (EU) No 1007/2011 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20.10.2017

For the Commission
The President
Jean-Claude JUNCKER