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EUROPEAN COMMISSION

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2009/0006 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on textile names and related labelling of textile products**

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council [30 January 2009](#).
(document COM(2009) 31 final – 2009/0006 COD):

Date of the opinion of the European Economic and Social Committee: [16 December 2009](#).

Date of the opinion of the European Parliament, first reading: [18 May 2010](#).

Date of adoption of the position of the Council: [6 December 2010](#).

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The proposal from the Commission was adopted in the context of the Better Regulation initiative. The aim of the proposal is to simplify and improve the existing regulatory framework for the labelling of textile products with a view to encourage the development and uptake of new fibres as well as innovation in the textile and clothing sector. In order to attain this overall objective, the proposal aims at:

- Facilitating the legislative process to adapt legislation to technical progress by transforming the three existing Directives into a single Regulation, which would avoid transposition of merely technical updates;
- Shortening the time between the submission of an application and the adoption of a new fibre name.

3. COMMENTS ON THE POSITION OF THE COUNCIL

3.1 General comments on Council's position at first reading

The Council welcomed the Commission's proposal to simplify existing legislation on textile names and related labelling of textile products. Council's position at first reading follows the lines of the original proposal; it introduced mainly additions and improvements to clarify the scope, refine the structure, provide clearer definitions and adapt the text to the latest legal and institutional developments.

The Commission welcomes the completion of first reading in the Council. It is important to recall the benefits of a simplified regulatory framework for stakeholders and national administrations; therefore, for a more innovative textile and clothing sector, it is convenient that the new regulation is swiftly adopted.

3.2 Outcome of Parliament's amendments at first reading

3.2.1. European Parliament amendments included in full, in part or in principle in Council's position at first reading

Council's position at first reading encompasses a vast majority of technical amendments introduced also by the European Parliament to align the text with the Treaty on the Functioning of the European Union and with the new legislative framework for marketing of goods¹. Furthermore, it proposes formal modifications to clarify some of the provisions such as operational details or the responsibility of economic operators.

It also includes the technical amendments that provide for further simplification by proposing a transition towards a standard-based system, where the detailed description of quantification methods should be replaced by references to European standards.

Following the entry into force of the Treaty on the Functioning of the European Union, the Council introduced the necessary amendments to replace the initial provisions on comitology with the new set of rules implementing Article 290 of the Treaty. Whereas the amendments proposed by the Parliament limit the period of delegation - creating a "sunset clause", the Commission supports the amendments proposed in Council's position, which foresee the automatic renewal of the powers delegated to the Commission.

The Commission endorses these technical amendments.

3.2.2. European Parliament amendments not included in Council's position at first reading

The Council considers that extending the scope of the regulation is not compatible with the simplification objective of the original proposal. For this reason, Council's position at first reading does not include any amendments to insert new provisions on origin marking or the indication of the presence of animal-derived parts. The Council would rather examine these matters as a follow-up exercise, after the adoption of the regulation. The Commission supports origin marking, as reflects the adoption in 2005 of a proposal² in this field, applicable to several categories of imported goods, including textile products. In order to facilitate an inter-institutional agreement the Commission could be flexible on this matter.

Council's position does not include a review clause; nevertheless, the Council has expressed support for a broad examination of labelling requirements of textile products after the adoption of the regulation. The Commission would support this approach.

With regard to amendments on specific products – custom-made articles and textile toys, the Commission agrees with Council's position, which keeps the existing provisions.

¹ OJ L218, 13.08.2008, p. 21 – 47, p. 82 - 128

² COM(2005) 661 final

The Council acknowledges the importance of a full description of the fibres present in textile product; however, Council's position maintains existing legal obligations in this field.

Council's position clarifies the language regime of the regulation. As regards the introduction of a language-independent symbol system, Council would rather not include new provisions at this stage and examine this possibility in the framework of the future review of labelling of textile products; the Commission would support this approach.

3.3 New provisions introduced by the Council

The Council has reviewed technical definitions as well as the use of the terms labelling and marking throughout the text. Council's position at first reading also clarifies the procedure for authorisation of higher manufacturing tolerances and refines technical details of the annexes to the regulation.

The Commission approves the main lines of these amendments.

4. CONCLUSION

The Council acted by a qualified majority.

The Commission supports the main lines of Council's position at first reading. Nonetheless, origin marking was already proposed by the Commission in 2005 for a range of goods including textile products and could be integrated in the present regulation. Having this objective in mind, as well as considering diverging views of co-legislators on the scope of the regulation, the Commission undertakes to facilitate the inter-institutional negotiation to reach an acceptable compromise for both co-legislators.