



Towards an EU-US trade deal
Making trade work for you

**The Transatlantic Trade and
Investment Partnership (TTIP)
Regulatory Issues**

EU position on textiles and clothing

1. Introduction

The final report of the US-EU High Level Working Group on Jobs and Growth of February 2013 highlights that as regards regulatory aspects TTIP should contain, in addition to cross-cutting disciplines and TBT plus elements, provisions concerning individual sectors.

This paper outlines some possible elements for a TTIP approach on textile and clothing products. It contains preliminary ideas that can be complemented and refined at a later stage, and constitute the basis of possible provisions specific for the textile and clothing sector.

TTIP could reinforce existing cooperation on:

- labelling requirements for textile/clothing and footwear products
- convergence and/or harmonisation of approaches to guarantee product safety and consumer protection
- standards approximation.

This could result on gains for industry and regulators and in greater international harmonisation and would be achieved without compromising the protection of public health.

2. Possible elements for textiles and clothing provisions

2.1. Labelling requirements

Both sides have developed already a constructive dialogue on labelling requirements applicable to textiles and footwear products within the context of the NAMA negotiations in WTO.

According to the approach followed, it could be possible to explore the possibility to agree to:

- minimize the number of compulsory labelling requirements affixed to the products (country of origin, fibre composition, care instructions and name and address of manufacturers and/or importer)
- approximate or align the names used to designate textile fibres on basis of ISO standards (this should include harmonisation of test methods and calculation methods for fibre content)
- harmonize or mutually recognise care instructions symbols based on the ISO standard in this area.
- fulfil any legitimate request for additional labelling information by using non-

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permanent labels (e.g. tags) after consultation of the other party

- accept that if a Party applies obligatory country of origin marking or labelling requirements, a marking designating the whole territory of a Party (i.e. "made in the EU") is accepted by the other Party as equally compliant with such requirements.

2.2. *Harmonisation or approximation of technical regulations and approaches to guarantee product safety and consumer protection*

Both EU and US legislation ensure a high level of consumers' protection by allowing in their markets only safe products. Special attention is given to products intended to be used by children.

However, in many areas regulatory approaches and instruments to guarantee product safety diverge. These divergences can lead to unnecessary costs not only at production level but also at post-production level (e.g. compliance testing). These issues were pointed out by stakeholders on both sides.

Although some of these issues can also be discussed at horizontal level, it could be useful for the two parties to explore ways and solutions on specific regulations having important impact on the textile/clothing sector.

2.2.1 Textiles' flammability

In the EU there is no particular harmonised regulation on flammability. Companies have the general obligation to place in the market only safe products (notably as regards their flammability).

In doing so, companies can use the existing EU standards (EN 1103 procedures for testing burning behaviour of fabrics for apparel and EN 14878 related to flammability of children nightwear). There is however no compulsory testing nor certification of clothing products in the EU.

In the US, the legislation requires textile products to be tested as regards their flammability rate. In the case of non-children products flammability tests can be performed by the manufacturer itself.

However, in the case of children products the tests have to be carried out by an authorized laboratory (third party testing). The laboratories can be located in the US or abroad provided they fulfil the requirements of the Consumer Protection Safety Commission (CPSC) laboratory acceptance program.

The last amendment of the US Flammability Act recognises the burden for the industry of flammability testing and tries to simplify the process.

In practice, clothing (non-children) produced with certain fibres (e.g. nylon, polyester, etc.) that are considered low flammable are exempted from flammability testing.

Possible areas of convergence or common work could be:

- common classification of the flammability degree of fabrics based on data evidence brought by each side.

In particular, the case of silk could be examined. In the US Flammability Act, silk is currently not classified as low flammable fibre while available testing data could warrant a change of that classification. In that case the cost of testing would be reduced for economic operators.

- the acceptance of manufacturers' test results (based on EN standards) for the certification of children products as regards their flammability without the intervention of a third party laboratory. As an alternative, increase the number of EU laboratories recognised by the US Authorities.

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2.2.2 Chemicals - harmonisation of list of substances prohibited for use in textile products

Both parties could work towards establishing a common list of chemicals and other substances that are prohibited or restricted in textile/clothing products as well as establishing common maximum allowed levels. This area should be linked to the agreement between parties in the context of chemicals.

Both parties could also discuss the possibilities for simplification of some compliance procedures without lowering the level of protection.

2.2.3 Harmonization or approximation of technical requirements for certain specialised textile and clothing products

The technical requirements applicable to certain textile products are sometimes slightly different between the two sides of the Atlantic.

In order to facilitate manufacturers' access to both markets, the Parties could aim at establishing a mechanism for detailed comparison of technical requirements applicable to specialised textile and clothing products in view of possible approximation/harmonization of those requirements.

This could be relevant in the case of technical textiles, Personal Protective Equipment, children clothing (e.g. cord strings), mattresses and textile floor coverings.

2.3. *Standards approximation*

One important trade barrier between the two parties is the fact that EU and US use different voluntary standards (e.g. test methods) to demonstrate compliance with their own technical requirements.

In this context, both Parties could aim at establishing a mechanism for standards comparison and possibly approximation/harmonization, with the involvement of the

relevant standardisation organisations (EU-CEN and standard bodies from the US side).

The first step would be to list the most important standards for the textile/clothing industry and in a second step bring closer the standards from both sides with the international ones.

Possible areas of work on standards approximation could be:

- burning behaviour and flammability testing
- child safety
- technical textiles
- protective clothing, and
- textile floor coverings.