

**EXPLANATORY MEMORANDUM TO THE
TEXTILE PRODUCTS (INDICATIONS OF FIBRE CONTENT)
REGULATIONS 2005**

2005 No. 1401

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.
 - 1.1 This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
 - 2.1 These Regulations amend the Textile Products (Indications of Fibre Content) Regulations 1986, by adding a new entry in relation to polylactide to the list in Schedule 2 to those Regulations, and amending Schedule 3 by adding the percentage tolerance for polylactide.
3. **Matters of Special Interest to the Joint Committee on Statutory Instruments**
 - 3.1 This is the fourth set of Regulations amending Directive 96/74/EC and there is a case for consolidation into a single set of updated Regulations. We will therefore consult those affected on whether they would wish to have the Regulations consolidated at a future date.
4. **Legislative background**
 - 4.1 These Regulations implement Commission Directive 2004/34/EC, which amends Annexes I and II to Council Directive 96/74/EC on textile names.
 - 4.2 Directive 96/74/EC requires all textile products on the European market to be labelled with or accompanied by an indication of fibre content by reference to recognised fibres names, which are contained in the Annexes to the Directive. It is implemented in the UK by the Textile Products (Indications of Fibre Content) Regulations 1986.
 - 4.3 From time to time, as new fibres are developed, it is necessary to amend the Directive by adding these new fibres to the lists contained in the Annexes. Directive 2004/34/EC so amends Directive 96/74/EC, adding an entry in relation to polylactide. Accordingly, these Regulations make a corresponding change to the Textile Products (Indications of Fibre Content) Regulations 1986.
 - 4.4 A Transposition Note is attached.

5. Extent

5.1 The instrument applies to all of the UK.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

- 7.1 Without harmonisation of textile names and particulars within the European Community there is a risk that this would create a hindrance to the proper functioning of the internal market. Directive 96/74/EC therefore aims to facilitate the better functioning of the internal market by harmonising the names, composition and labelling of textile products.
- 7.2 The Directive is implemented in the UK by the Textile Products (Indication of Fibre Content) Regulations 1986. Under the Regulations manufacturers, importers, traders and retailers are obliged to provide an accurate indication of the fibre content of textile products. The enforcement authorities (local authority trading standards officers) are obliged to take action where this requirement is not met.
- 7.3 Directive 2004/34/EC introduces a minor amendment to the Regulations, which does not add to these obligations, nor to the processes involved in meeting them.
- 7.4 By adding the new fibre to the list of specified terms permitted to be used in fibre content indications, the amendment benefits those subject to the regulations by accommodating the use in textile products of the fibre. The amendment will therefore be to the advantage of UK firms manufacturing this product in that it will enable them to describe accurately, and in a way which is acceptable to other Member States, when marketing.
- 7.5 In considering and implementing previous amendments of a similar nature, it was concluded that there were no additional costs to those subject to the Regulations or those enforcing them.
- 7.6 An informal consultation with the British Apparel and Textile Confederation, which represents the whole of the UK apparel and textiles industry, has confirmed that this proposal will also have a negligible impact, in terms of costs and burden, on the industry.

8. Impact

- 8.1 A Regulatory Impact Assessment is attached to this Memorandum.
- 8.2 There is no impact on the public sector.

9. Contact

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REGULATORY IMPACT ASSESSMENT

TITLE OF PROPOSAL/PROPOSED REGULATION

The Textile Products (Indications of Fibre Content) (Amendment) Regulations 2005

PURPOSE AND INTENDED EFFECT OF MEASURE

Objective

To facilitate the better functioning of the internal market by harmonising the names, composition and labelling of textile products.

Implementing Directive 2004/34/EC will add a new fibre, 'Polylactide', to the list of fibres in the Annexes to the Textile Products (Indications of Fibre Content) Regulations 1986. This is a minor amendment but will benefit those subject to the regulations by accommodating the use of the fibre in textile products.

Background

Directive 96/74/EC on textile fibre names, which is implemented in the UK by the Textile Products (Indications of Fibre Content) Regulations 1986, requires all textile products on the European market to be labelled with or accompanied by an indication of fibre content by reference to recognised fibres names, which are contained in the Annexes to the Directive (and implementing regulations).

Occasionally, as new fibres are developed, it is necessary to amend the Directive by adding these new fibres to the lists contained in the Annexes. Directive 2004/34/EC, adopted on 23 March 2004, so amends Directive 96/74/EC, adding the additional fibre.

Risk assessment

Without harmonisation of textile names and particulars within the European Community there is a risk that this would create a hindrance to the proper functioning of the internal market.

Failure to implement Directive 2004/34/EC will put the UK in breach of European Community legal obligations.

Options

- 1) Do nothing.
- 2) Implement the Directive. Amendment of the Textile Products (Indication of Fibre Content) Regulations 1986 is necessary in order to comply with Directive

2004/34/EC, which amends Directive 96/74/EC on textile fibre names (implemented in the UK by the Regulations).

The proposed Regulation therefore amends the Textile Products (Indications of Fibre Content) Regulations 1996 by adding the new fibre 'Polylactide' to the lists of fibres in the Annexes to the Regulations.

There are no real alternatives as to how the Directive is implemented, as it simply requires a technical amendment to earlier Regulations.

COSTS AND BENEFITS

Business sectors affected

Textiles and apparel industries.

Benefits

By adding the new fibre to the list of specified terms permitted to be used in fibre content indications, the amendment benefits those subject to the regulations by accommodating the use in textile products of the fibre. The amendment will therefore be to the advantage of UK firms manufacturing this product in that it will enable them to describe accurately, and in a way which is acceptable to other Member States, when marketing.

Total costs

The costs of implementing the Directive are negligible. Under the Regulations, manufacturers, importers, traders and retailers are already obliged to provide an accurate indication of the fibre content of textile products. The enforcement authorities (local authority trading standards officers) are already obliged to take action where this requirement is not met. This amendment to the Regulation does not add to these obligations, nor to the processes involved in meeting them. The additional costs of those subject to the Regulations, or to enforcers, as a result of the implementation of this amendment will therefore be negligible.

Costs for a typical business

Negligible. See total costs.

Equity and fairness

The proposal has no effect on issues of equity and fairness.

Small firms' impact test

An informal consultation with the British Apparel and Textiles Confederation, which represents the whole of the UK apparel and textiles industry, has shown that the costs to all businesses will be negligible.

Competition assessment

We have considered the competition filter test and the proposal has no significant effect on competition.

Enforcement and sanctions

The Textile Products (Indications of Fibre Content) Regulations 1986 are enforced by local authority trading standards departments. An offence under the Regulations is subject to the sanctions set out in the Trade Descriptions Act 1968.

CONSULTATION

Public consultation

In considering and implementing previous amendments of a similar nature, it was concluded that there were no additional costs to those subject to the Regulations or those enforcing them.

An informal discussion with the British Apparel and Textile Confederation, has confirmed that this proposal will have a negligible impact, in terms of costs and burden, on the industry.

Monitoring and review

This is the fourth set of Regulations amending Directive 96/74/EC and there is a case for consolidation into a single set of updated Regulations. We will therefore consider whether there is any interest in consolidating the Regulations at a future date.

Summary and recommendation

These Regulations will implement Directive 2004/34/EC, adding a new textile fibre, 'Polylactide', to the list of fibres in the Annexes to the Textile Products (Indications of Fibre Content) Regulations 1986.

We are required to implement the Directive in order to comply with our legal obligations. There are no real alternatives as to how the Directive is implemented.

The additional costs of those subject to the Regulations, or to enforcers, as a result of the implementation of this amendment will be negligible.

By adding the new fibre to the list of specified terms permitted to be used in fibre content indications, the amendment benefits those subject to the regulations by accommodating the use in textile products of the fibre.

It is therefore recommended that Directive 2004/34/EC is implemented as set out in the Textile Products (Indications of Fibre Content) (Amendment) Regulations 2005.

Ministerial declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the Minister responsible

Gerry Sutcliffe

(Parliamentary Under-Secretary of State for Employment Relations and Consumers Affairs)

23rd May 2005

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**TRANSPOSITION NOTE: COMMISSION DIRECTIVE 2004/34/EC,
AMENDING DIRECTIVE 96/74/EC ON TEXTILE NAMES**

Articles	Objectives	Implementation	Responsibility
1.1	Amends Directive 96/74/EE by adding the textile fibre polylactide and a description of that fibre to Annex I to Directive.	Regulation 2(1)(a) amends Part I of Schedule 2 of the Textile Fibre (Indication of Fibre Content) Regulations 1986 by adding the textile fibre polylactide and a description of that fibre to the list contained in the Schedule.	Secretary of State.
1.2	Amends Directive 96/74/EC by adding the textile fibre polylactide and the percentage tolerance for that fibre to Annex II of the Directive.	Regulation 2(1)(b) amends Schedule 3 of the Textile Fibre (Indication of Fibre Content) Regulations 1986 by adding the textile fibre polylactide and the percentage tolerance for that fibre to the list contained in the Schedule.	Secretary of State.