



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Internal Market for the Free Movement of Goods
Prevention of technical barriers

Brussels,
LK/BL - entr.c.3(2012)1570983

E-MAIL

To: TBT Enquiry Point of the United States of America **E-mail:** ncsci@nist.gov

Copy Ms M P Nicora
EU Delegation in the US

From: Mr Giuseppe Casella **Telephone:** + 32 2 295 63 96
EU-WTO-TBT Enquiry Point **E-mail:** eu-tbt@ec.europa.eu

Number of pages: 1 + 3

Subject: **G/TBT/N/USA/752 - Trade Regulation Rule on Care Labelling of Textile Wearing Apparel and Certain Piece Goods. EU comments**

Message:

Dear Sir or Madam

Please find attached the comments from the European Union on the above-mentioned notification.

Could you please acknowledge receipt of this e-mail? Thank you.

Yours faithfully

Giuseppe Casella
Head of Unit

Contact: Mr L. Kojnok
Telephone: (32-2) 2950908
E-mail : eu-tbt@ec.europa.eu

**EU Comments on Trade Regulation Rule on Care Labelling of Textile Wearing
Apparel and Certain Piece of Goods
(G/TBT/N/USA/752)**

The European Union (EU) would hereby like to submit comments on the draft Trade Regulation Rule on Care Labelling of Textile Wearing Apparel and Certain Piece of Goods.

As a preliminary remark, it must be noted that the draft Trade Regulation Rule was notified on 1 October 2012 and the final date for comments pursuant to the notification message was 16 November 2012. This period of time is too short and does not give an opportunity to properly analyse and timely comment on the notified draft measure.

The EU would like to refer to Article 2.9.4 of the TBT Agreement which provides that Members shall "without discrimination, allow reasonable time for other Members to make comments in writing, discuss these comments upon request, and take these written comments and the results of these discussions into account". The TBT Committee agreed in this respect that the normal time for comments on notifications should be at least 60 days.

1. Use of care symbols

The EU appreciates that §423.8(g) of the notified draft would allow the use of both ASTM and ISO 3758 care label symbols in parallel. However the notified draft would oblige manufacturers and importers who opt for the ISO symbols to disclose on the label that the care labelling symbols are according to the ISO standard.

While the EU appreciates the possibility that the ISO 3758 standard can be used in the USA, the fact that an additional indication should be placed on the label makes this labelling requirement more trade-restrictive than necessary to fulfil a legitimate objective, taking into account the risks non-fulfilment would create, thus contravening Article 2.2 of the TBT Agreement. This requirement would necessitate special labels for the US market as those complying with the ISO 3758 would not be sufficient without a specific indication. In addition, it could lead to information overload on the label, which could confuse consumers and make it more difficult for them to obtain the information they need.

In this respect it is noteworthy that the text notified in the federal register even states on page 58346 (our emphasis):

"Permitting the use of either symbol system should not confuse or deceive consumers because the symbol systems are nearly identical. Although the ASTM system includes more symbols than the ISO system, the two systems use virtually

identical symbols for washing, bleaching, and professional care such as drycleaning and wetcleaning. Manufacturers and importers that prefer to use the ISO system can supplement the ISO symbols with written instructions as appropriate. Both symbol systems lack symbols for certain instructions and acknowledge the need to supplement their symbols with written instructions as appropriate. Although the two systems differ slightly with respect to drying and ironing symbols, the differences do not appear substantial."

The ISO standard is used worldwide which allows for a truly globalised clothing industry and trade. Global brands and chains as well as SMEs which are active in the international scene have clear benefits from internationally standardised care symbols.

In the European Union no mandatory care labelling system applies. However, ISO 3758 and similar private care labelling schemes are widely used in all EU Member States, but nowhere is an additional indication of the use of this ISO standard requested. In some Member States almost 100% of all products are labelled according to ISO 3758. The European industry is generally satisfied with this system of care labelling and perceives it to function well.

Therefore, the EU would like to ask the USA to reconsider its provisions under §423.8(g) to the effect that no additional extra indication for the use of ISO symbols would be mandatory.

Furthermore, the EU would like to point out that while the notified text refers to ISO 3758:2005, the ISO standard on care labelling has been revised so that now ISO 3758:2012 is in place.

2. Information on developments in the EU

In addition, the EU would like to use this opportunity to inform the US authorities that the new EU regulation on textile fibre names and related labelling and marking of the fibre composition of textile products (Regulation (EU) No 1007/2011, notified under EEC/260) contains a review clause. According to Article 24(3) the European Commission shall examine, inter alia, a harmonised care labelling system.

Subsequently, the European Commission commissioned a study with the title "**Impact Assessment of the EU 'to assess the need for the harmonisation of the labelling of textile and clothing products'**". The objective of this study is to "examine consumer and stakeholder views on the amount of information to be supplied on the label of textile products as well as on which other means may be used to provide additional information to consumers".

The study aims at identifying key issues around labelling of textile and clothing products and, based on consumers' surveys, finding out which information on labels

is important for them, including care labelling. Consequently, the study assesses the impact of different policy options in the form of a cost-benefit analysis.

The final report is expected to be available to the public by the end of 2012. We will gladly share the information with the Federal Trade Commission and other stakeholders in the US administration.

The EU thanks the US authorities in advance for taking into account the above comments and looks forward to receiving a reply to these comments.