



EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Single Market for Goods
 Prevention of Technical Barriers

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E-MAIL

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Copy EU US Delegation

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Number of pages: 1 + 2

Subject: **G/TBT/N/USA/656/Add.2 - Rules and Regulations Under the Textile Fiber Products Identification Act**

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

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**EU COMMENTS RELATING TO NOTIFICATION
G/TBT/N/USA/656/ADD.2**

RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

The European Union (EU) would like to thank the authorities of the United States for notifying the proposed latest amendments of Rules and Regulations under the Textile Fiber Products Identification Act ("Textile Act") on 24 May 2013 and would like to use this opportunity to make the following comments.

1. Country of origin disclosure

The proposed amendments to the Textile Act indicate that an imported product's country of origin as determined under the laws and regulations enforced by Customs shall be the country where the product was (principally) processed or manufactured (Section IV. B of the notified document and section 303.33 of the notified draft).

The EU would like ask for clarification:

- on which basis and how the country where the product was (principally) processed or manufactured is determined, particularly when there are several countries involved.
- would the markings "Made in the European Union" or "Made in the E.U." be acceptable for products manufactured or processed in the E.U.?
- what is the difference between the "*processed*" and "*manufactured*" products.

For the information of the authorities of the United States, the European Commission has just finalised a "*Study of the need and options for the harmonisation of the labelling of textile and clothing products*". The study assesses, among other labelling requirements, the question of an indication of the country of origin as well. The study is publicly available on the following website:

http://ec.europa.eu/enterprise/sectors/textiles/files/studies/study-report-labelling-textile_en.pdf.

2. Continuing guaranty filed with the Federal Trade Commission

With respect to the proposal of continuing guaranty filed with the Federal Trade Commission, the EU would like to ask for confirmation that this requirement is the same both for products manufactured domestically and imported products, manufactured outside of the United States.

In addition the EU would like to ask for clarification regarding the nature of the documents referred in sections 303.37 and 303.38 of the notified draft, in particular the EU would like to know if they are self-declarations or certificates of conformity.

The EU would like to underline that products falling within the scope of the proposed amendments to the Textile Act are considered to be low risk, and certificates of conformity are not deemed to be necessary for them under the EU legislation. In this respect the EU recalls Article 5.1.2 of the TBT Agreement which requires that conformity assessment procedures are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade and shall not be more strict or be applied more strictly than is necessary to give the importing Member adequate confidence that products conform to the applicable technical regulations or standards, taking into account the risks non-conformity would create.

Any additional certification requirement, such as mandatory guaranties, imposed on EU exporters to the US market could generate additional costs for EU enterprises intending to export their products to the United States, particularly since the continuing guaranties are to be renewed annually.

3. EU Textile Regulation

The EU would like to inform the authorities of the United States that a new Regulation has been adopted and entered into force in the EU in the field of textile fibre names and related labelling and marking (Regulation (EU) No 1007/2011).

The text of the Regulation is available on the following website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:272:0001:0064:en:pdf>

The EU would like to thank United States in advance for taking these comments into account and looks forward to receiving a reply.
