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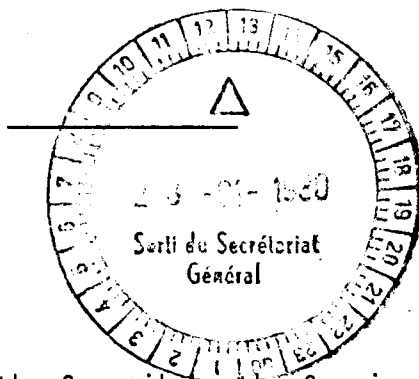
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# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 778 final

Brussels, 24 January 1980

Proposal for a  
COUNCIL DIRECTIVE  
amending Directive 71/307/EEC on the approximation of the laws of  
the Member States relating to textile names



(submitted to the Council by the Commission)

COM(79) 778 final

PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING  
DIRECTIVE 71/307/EEC ON THE APPROXIMATION OF THE  
LAWS OF THE MEMBER STATES RELATING TO TEXTILE

NAMES

EXPLANATORY MEMORANDUM

Council Directive 71/307/EEC, which introduced compulsory uniform labelling of textile products on the basis of their fibre content (both quantitative and qualitative), made it possible to bring about the free movement of these products within the common market, something which had previously been difficult and often hampered by differences in national laws. It also ensured to a great extent the information of the consumers who are today able to ascertain the composition of the articles available for sale.

It has emerged, however, that there are many differences in the application and interpretation of this Directive, which has been transferred almost word for word into national law in most of the Member States.

There is a serious risk that, by introducing new barriers, these differences will restrict the free movement of textile products. What is more, information for consumers is often reduced or jeopardized while in some cases the industry encounters difficulties.

The main reasons for this situation are as follows:

- (a) the very broad nature of the Directive which, although drafted mainly with traditional textile products in mind, in fact applies to all textile articles and is therefore ill suited to the new products gradually taking over large shares of the market, some of which should either be excluded from its scope (e.g. disposable products) or covered by special measures (e.g. non-woven products);

- (b) the incomplete nature of the Community regulations, as is shown by the numerous additions provided for in the Directive and the Council statements relating to it: additional provisions essential for the implementation of the system have been adopted directly by legislators in some of the Member States, thus introducing distortions in the movement of textile products in the Community;
- (c) the ambiguous and general nature of some of the definitions or exceptions which have frequently been applied and interpreted differently by industry and the authorities in the Member States;
- (d) the inadequate nature of some of the provisions which do not make sufficient allowance for the typical features of some branches of the textile industry or marketing practices for certain products, and the lack of provisions applicable to new production techniques, the new products marketed, etc. - these problems have often been overcome in different ways in the Member States;
- (e) mistakes that had crept into the text of the Directive, discrepancies between the various versions and the inaccuracy of the technical terminology used; as a result different practices and laws have also grown up in the common market.

This proposal is designed to eliminate these drawbacks as far as possible by means of amendments to Directive 71/307/EEC. The amendments relate mainly to points which have been brought up as a matter of urgency by the Member States, industry and consumers and to problems revealed by the complaints and numerous requests for consultation received by the Commission.

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<sup>1</sup>Statements entered in the minutes of the Council meeting at which the Directive was adopted (Document R/1495/71 (ECO 151) ev of 16 July 1971).

In addition the revision of Annexes III and IV referred to in Council Statement No 8<sup>1</sup> has been carried out and amendments have been made to some of the provisions so as to clarify or modify their scope, the terminology used or the translations in the various Community languages.

The necessary comments on the articles in the proposal are set out below.

#### Article 2

##### First indent

Amendment of a technical nature introduced to make allowance for the form of the textile fibre which is not always round.

##### Second indent

See second recital: this amendment is designed to extend the concept of textile fibres to fibres manufactured by a technique other than the traditional direct extrusion from the spinneret.

#### Article 3

##### Paragraph 2

The expression "main fibres" which appears in Article 6(2), first paragraph, on the labelling of textile mixtures is interpreted differently in the Member States: consequently identical products may be labelled differently, thus introducing technical barriers to trade and providing incorrect and often inadequate information for the European consumer.

The amendment proposed to eliminate these differences resulting from inconsistencies in the present text stipulates that at least the percentages of the two main fibres in quantitative terms must be given:

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<sup>1</sup>See page 2, footnote 1.

since the textile mixtures on the market rarely contain more than four different fibres, this compromise should, in most of the cases arising, ensure efficient and substantially complete information for consumers on the composition of these products while at the same time eliminating the abovementioned barriers to their movement within the common market.

#### Paragraph 4

With textile mixtures it is not always possible to avoid during the manufacturing process a slight variation in the percentages by weight of the fibres used as stated on the label. Because of this a manufacturing tolerance of 3% is justifiably permitted by the existing text of Article 6(4).

In addition, for these products as well as for products consisting of a single fibre it is impossible in the manufacturing process to rule out the possibility that other fibres present, for example, in the air or in the machinery used for weaving, spinning etc., might accidentally enter the product.

A tolerance for these other fibres is already permitted by Article 4(2) of the Directive, but solely for products consisting of only one fibre. In the absence of a specific provision on these lines, the inspection authorities in some Member States apply this tolerance to mixtures as well on the basis of a broad interpretation of Article 4 going beyond the letter of the law.

To prevent technical barriers being created by this approach, which although legally incorrect is justified in substance, the proposed amendment specifies a tolerance for other fibres of 2% for combed products and 5% for carded products.

On analysis, this tolerance may not be cumulated with the 3% manufacturing tolerance already permitted unless these other fibres prove to be of the same type as one or more of the fibres directly incorporated in the product and shown on the label: in such cases it is not possible to distinguish these other fibres from the fibres of which the product is composed

and the inspection authority can do no more than verify where necessary, by reference to the same manufacturer's other products, whether this constitutes a fraudulent routine addition contrary to the law.

The possibility of fraud appears no more than theoretical since it would be too risky for the manufacturer, who has no way of knowing in advance whether and to what extent other fibres may genuinely enter the product by accident.

Paragraph 5

Article 6(5) of the Directive relates to the labelling of textile articles incorporating a mixture of various textile materials (new fibres, waste from other manufacturing cycles and recovered fibres), the composition of which cannot in practice be known either partially or totally at the time of manufacture: the abovementioned textile materials, with the exception of new fibres, are collected in extremely varied lots the composition of which is also impossible to ascertain.

This provision, which constitutes an exception in the Directive, causes considerable difficulties for the carding industry which has urgently requested that it be amended as there is a risk that it will cause distortions of competition.

These difficulties result partly from the derogatory nature, in some languages, of the expressions which according to the Directive have to appear on the labels of these products and partly from the fact that the manufacturer is not allowed to state on the label the name and percentage of the fibres known at the time of manufacture and incorporated in the textile article.

Article 3(5) of this proposal lays down a uniform solution to these problems which the British legislator has already solved unilaterally.

From the linguistic aspect, it should be noted that the English expression "mixed fibres", which is "résidus textiles" in the French text, becomes in Italian "fibre miste": this is because in



the technical terminology of that Member State the expression "residui tessili" appearing in the current text of the Directive refers only to manufacturing waste that cannot be used for textile applications.

#### Article 4

According to the Directive and the relevant technical terminology, the expression "tolerance" refers to cases (Articles 4(2), 5(3) and 6) in which percentage variations between the fibres making up the product or the addition of other fibres are accidental and cannot be foreseen by the manufacturer.

In the case of decorative fibres referred to in Article 7, however, the permissible percentages of these fibres are deliberately incorporated in the product during manufacture. The incorrect use of the term "tolerance" in this Article causes difficulties in the interpretation and application of other important provisions of the Directive.

This proposal recommends the necessary amendments in that respect; it also extends the concession in Article 7 to fibres incorporated in the product in order to obtain an anti-static effect provided that they do not exceed 2% of the weight of the product.

#### Article 5

The amendments to Article 8.2 c) proposed here are designed to maintain, as far as is allowed by Article 30 et seq. of the Treaty, the right of Member States to require that textile products sold on their territory also be labelled in their national language.

This right is recognized only in so far as it is necessary for consumer information and consequently must not be exercised for textile fibre names which in the various language versions have negligible differences that do not prevent the final consumer from understanding them.

In some Member States, however, the abovementioned right is interpreted broadly, sometimes in support of general regulations designed to protect the national language. This interpretation, which conflicts with the letter of the law, entails pointless costs for industry and thus indirectly for the consumer and creates obstacles to movement which because of the widespread nature of this practice and the large number of cases that arise could not effectively be removed by resorting to the procedure in Article 169 of the Treaty.

The necessary harmonization in this respect is brought about by the combination of Article 5 and Annex V of this proposal which specify those of the names appearing in Annex I that may be expressed in a single Community language.

A similar provision has been proposed, because of the limited size of small items (bobbins, reals, etc.) of sewing, mending and embroidery yarns sold retail; this allows individual items to be labelled in one of the Community languages only. As these items are sold on displays which exhibit inclusive labelling of the fibre composition in all languages, adequate information for the consumer is ensured.

#### Article 6

This proposal is designed to lay down uniform special rules for the labelling of certain textile articles (corsetry, embroidered or etch-printed articles, velvet or plush textiles, etc.) which, although apparently made up of different components, must be excluded from the provision in the second sentence of Article 9(1) stating that labelling is not compulsory for components representing less than 30% of the total weight of the product.

Because the term "component of a textile product" used in Article 9(1) is so vague, these products are at present labelled in a variety of ways as a result of which the consumer is sometimes not correctly informed.

The provisions in this Article are designed, amongst other things, to reaffirm the general principle, often challenged in practice, that the whole product must be labelled and to lay down in precise terms the permissible exceptions, in keeping with the other provisions of the Directive and in particular Article 12, which contain exceptions to this principle for a variety of reasons.

With regard to the products covered by section (f) (floor coverings and carpets), the labelling of which according to current practice is limited to the use-surface, this exception is due to precise technical manufacturing requirements and to the fact that the consumer is less interested in knowing the fibre composition of the non-visible part of these articles that is not directly used.

The expression in (e) "textiles imitating or resembling velvet or plush" refers, for example, to needle-punched or garnetted textiles, sponge fabrics, etc.

#### Article 7

Since the Directive contained no precise provision on the subject, the labelling of textile articles sold by the metre or in cut lengths has given rise to numerous problems in the Community as regards both the movement of these products and consumer information. Some Member States have unilaterally passed specific legislations on the subject.

Since it is technically difficult and costly to label each metre or cut length, this proposal stipulates, in order to avoid barriers to trade in these products, that the fibre composition need be shown only on the length or roll from which they are cut.

For the purposes of consumer information, however, the purchaser must be able to acquaint himself with the composition of these products: in practice the inclusive labelling on the roll or package is not always shown to the purchaser or displayed in such a way that he can actually obtain this information.

Consequently this proposal imposes on Member States an obligation to obtain a specific result, which they can do by the procedures and criteria that they consider most appropriate. This provision is also applicable to the products referred to in Annex IV which, for the same legal reasons as are applicable to the abovementioned textile articles, may be offered for sale under an inclusive label without being labelled individually.

#### Articles 8 and 9

The existing text of Article 12 of the Directive has frequently resulted in numerous major difficulties of interpretation and application for the following reasons:

- it is addressed simultaneously, in a manner and to an extent difficult to ascertain, to the manufacturer (determination of the items or components of the product which he need not take into account for labelling purposes) and to the analyst (determination of the operations to be carried out for analytical verification);
- the highly technical terminology used to denote the various items of textile products is sometimes incorrect, is not uniform in the different languages and does not always correspond to the terms used for the same items in other provisions of the Directive;
- some items that need not be labelled or that are to be removed before analysis have not been taken into consideration;
- the necessary references to other articles of the Directive are not always given and this makes the provision rather obscure.

Under these conditions, it was thought necessary to divide the content of this Article into two parts in this proposal: the first, consisting of Article 8, specifies the items that do not have to be taken into account in labelling and the second, in Article 9, lays down the operations to be carried out for analytical verification.

The necessary additions and amendments to Article 12 are contained in Article 8, on which the following explanations are given:

- "edgings and trimmings not forming an integral part of the product" (paragraph 1(a)) are those which are sewn or applied to the textile article (e.g. fringes on curtains, bedspreads, etc.): the second sentence of Article 9(1) is applicable to these items;
  
- "elastic threads and bands..." (paragraph 1(a)) are, for example, easily isolated elastic threads in the tops of socks, stockings, etc. and elastic bands around the waist of underpants, briefs, etc.;
  
- fillings intended to confer warmth (paragraph 1(d)) include, for example, those used in anoraks, eiderdowns, etc.;
  
- the base or underlying fabrics referred to in paragraph 1(d) include in particular those in articles of clothing (e.g. in jacket and coat collars, etc.); these overlap to some extent with stiffenings and reinforcements.
  
- examples of stiffenings and reinforcements for the purposes of the second indent in paragraph 1(d) are those applied to jacket elbows, to riding breeches, inside ties, etc.

#### Article 10

To ensure effective implementation of the system introduced by the Directive, numerous complementary measures of a strictly technical nature have to be laid down uniformly and as quickly as possible.

In the absence of these measures, those to whom the Directive is addressed will apply, often decisively, fundamental obligations and provisions established in this field. In addition, because of this lack of legislation at Community level, the Member States often have to adopt the necessary measures unilaterally, obviously with harmful effects on the degree of harmonization attained in the textile sector and on the free movement of products.

So as to ensure that the essential administration of the Directive is carried out efficiently, Article 10 of this proposal stipulates that the "Committee" procedure, already laid down in Directive 72/276/EEC for the adaptation to technical progress of methods of textile analysis, be extended to the various separate directives of a technical nature required in the sector and to their adaptation to technical progress.

#### Article 11

This Article proposes technical, terminological and linguistic amendments to Annex I containing the names and technical descriptions of textile fibres.

#### Article 12

Terminological and drafting amendments and adjustments to Annex II of the Directive.

#### Article 13

The Council made direct provision for the revision of Annex III when the Directive was adopted<sup>1</sup>.

This Annex is one of the most difficult points in the regulations on the subject since it makes provision, as regards the scope of the Directive, for exceptions to the general rule laid down in Article 8 that all textile products must be labelled. These exceptions have to be specified precisely and exhaustively so as to rule out any possibility of extended and differing interpretations in national laws and the list must be as complete as possible so as to rule out the possibility that textile products for which labelling is not justified might nevertheless be covered by the labelling obligation.

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<sup>1</sup> See page 2, footnote 1

These conditions do not appear to have been fully satisfied by the existing text: as a result textile products of the same type are not all treated in the same way as regards labelling in the Community.

Consequently this proposal lays down amendments to Annex III relating mainly to the following points:

(a) Disposable articles

There is no real need to know the fibre composition of products which can be used only once and are then thrown away.

What is more, these products (e.g. sanitary towels, handkerchiefs and other disposable articles), of which there are an increasing number on the market and for which no normal restoring operation (washing, ironing, etc.) can be used, are in almost all cases non-woven textiles and for this reason, as well as the technological characteristics of their composition, pose almost insurmountable problems as regards labelling and verification by analysis.

For these reasons, a new item 36 "disposable articles" has been included in Annex III, together with a definition of these articles.

(b) Articles subject to the rules of the European Pharmacopoeia and orthopaedic articles: bandages for medical use

The new item 37 in the Annex exempts the abovementioned products from labelling: it covers a fairly small number of re-usable articles (the corresponding disposable articles are already exempted by item 36 referred to in (a) above) which, because of their characteristics and in particular the use for which they are intended, have to meet precise performances which have little or nothing to do with their fibre composition; for the articles covered by the European Pharmacopoeia, these performances are already compulsorily specified in that publication.

(c) Articles of a kind commonly used in machinery or plant

The existing text of Annex III makes provision in item 16 for the exemption from labelling of "articles of a kind commonly used in machinery or plant".

In all but the English version, this expression ("articles pour usages techniques"), taken from the technical literature where it covers in generic fashion a whole range of products with a variety of technical functions but having elements in common, may because of its ambiguous and over-general nature be interpreted in very different ways and consequently is unacceptable in a legal context such as a Directive where legal certainty calls for the precise limitation of exceptions to the basic principle of labelling.

The expression may be taken to apply, to a varying extent, both to articles that are normally intended for technical use (e.g. those used in industry) and to numerous consumer products having various types of technical functions. The former category need not be labelled as it is of no interest to the consumer, whereas for the second category it is necessary to distinguish the cases in which labelling is or is not useful to the consumer.

The English version of the Directive contains a definition, "articles of a kind commonly used in machinery or plant" which differs completely from the wording discussed above appearing in the other language versions. This genetic difference in the established Community law on the subject clearly confirms the difficulties of interpretation raised by the current wording of item 16.

Under these conditions it was essential to amend this wording by specifying the products to be exempted from labelling in a comprehensive fashion that would have the same significance in all national laws.



For reasons of drafting, the necessary amendments have been set out in five different items (38 to 42):

(a) The textile articles referred to in items 38 and 39 have a purely instrumental function in the manufacture, processing or operation of other products and therefore with rare exceptions do not constitute final consumer products: they are products genuinely intended for technical use, they are used mainly in industry and other similar sectors and are also purchased solely on the basis of particular technical specifications normally laid down in contractual clauses or terms and conditions of supply. The cases covered by these two items correspond, although with greater accuracy, to products covered by the abovementioned definition in the English text of the Directive.

(b) Item 40 covers all textile articles used for personal protection and safety. Most of these products are covered by specific laws which lay down, often in compulsory fashion, their characteristics and performances; generally speaking, in principle composition labelling is of no interest to their users (who are rarely consumers in the accepted sense) and in the rare instances where it is necessary it is laid down by those laws amongst the other conditions to be met.

(c) The articles covered by item 41 (sports halls, exhibition stands) are sophisticated products which could not be purchased without information on their precise specifications and performances, and the fibre composition is certainly not the most important factor; in any case, when it is necessary to know this composition, it is given in the assembly and maintenance instructions that always accompany the product.

(d) Items 40 and 41 above have one characteristic in common which they also share with the new item 42 (sails): they are not consumer articles in the accepted sense of the word and on the rare occasions when a member of the public buys them he does so as an expert or technician so that composition labelling is not required.

Article 14

The Council also made provision for Annex IV to be revised.

Items 15-19 in this Article cover new cases of products which, because of their negligible economic importance, small size or special characteristics, should be exempted from compulsory individual labelling and be subject solely to inclusive labelling.

Article 15

See comments on Article 5.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament;

Having regard to the opinion of the Economic and Social Committee;

Whereas certain provisions of Council Directive 71/307/EEC<sup>1</sup> have given rise in the Member States to differences of interpretation and application prejudicial to the free movement of textile goods and to consumer information within the meaning of that Directive; whereas those provisions must therefore be amended or supplemented, and all discrepancies of terminology resulting from the various language versions of the Directive eliminated;

Whereas the term "textile fibre" must be extended to include strips or tubes with an apparent width of not more than 5 mm, which are cut out from sheets manufactured by extrusion of the polymers listed under Items 17 to 36 and Item 39 of Annex I, and subsequently drawn out lengthwise;

Whereas the tolerance in respect of "other fibres", which has already been laid down for pure products, must also be applied to mixtures;

Whereas, in cases where it is technically difficult to specify the composition of a product at the time of manufacture, any fibres known at that time may be stated on the label provided that they account for a certain percentage of the finished product;

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<sup>1</sup> OJ No L 185, 16.8.1971, p. 16.

Whereas, as far as Articles 30 et seq. of the Treaty allow the Member States to require that the names of fibres shall be expressed in their national language(s), this option should not be exercised for names with slight linguistic differences;

whereas it is therefore necessary to determine the names that may be expressed in only one Community language;

Whereas it is expedient, in order to avoid the differences of application that have arisen in this connection in the Community, to specify the exact methods of labelling certain textile products composed of two or more components, and also the constituents of textile products that need not be taken into account for purposes of labelling and analysis;

Whereas textile products subject only to the requirement of inclusive labelling, and those sold by the metre or in cut lengths, must be offered for sale in such a way that the consumer can fully acquaint himself with the particulars affixed to the overall packaging or the roll, and whereas it is for the Member States to decide on the measures to be adopted for this purpose;

Whereas, when Directive 71/307/EEC was adopted, the Council provided for the amendment of Annexes III and IV to that Directive; whereas those Annexes should therefore be amended, as required by the exceptional nature of the items referred to therein, and to add other products exempt from labelling, in particular "disposable" products or products for which only inclusive labelling is required;

Whereas the provisions necessary for the determination and the adaptation to technical progress of the methods of analysis and sampling, the methods for the recognition and removal of added substances, and the special tolerances for certain textile products are implementing measures of a strictly technical nature; whereas it is therefore necessary to apply to those measures, and to the measures for adapting Annexes I and II to the Directive to technical progress, the committee procedure already laid down in Article 6 of Council Directive 72/276/EEC<sup>1</sup> on the analysis of binary mixtures;

HAS ADOPTED THIS DIRECTIVE:

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<sup>1</sup> OJ No L 173, 31.7.1972, p. 1

Article 1

Council Directive 71/307/EEC shall be amended as follows:

1. Article 2(2) shall read as follows :

"2. For the purposes of this Directive, "textile fibre" means:

- a unit of matter characterized by its flexibility, fineness and high ratio of length to maximum transverse dimension, which render it suitable for textile applications;
- flexible strips or tubes, of which the apparent width does not exceed 5 mm, including strip cut from wider strips or films, produced from the substances used for the manufacture of the fibres listed under Items 17 to 36 and 39 in Annex I and suitable for textile applications; the apparent width is the width of the strip or tube when folded, flattened, compressed or twisted, or the average width where the width is not uniform."

2. Article 6(2), (4) and (5) shall read as follows :

"2. A textile product composed of two or more fibres, none of which accounts for as much as 85% of the total weight, shall be designated by the name and percentage by weight of at least the two main fibres followed by the names of the other constituent fibres in descending order of weight, with or without an indication of their percentage by weight. However,

- (a) fibres which separately account for less than 10% of the total weight of a product may be collectively designated by the term 'other fibres', followed by the total percentage by weight;
- (b) where the name of a fibre which accounts for less than 10% of the total weight of a product is specified, the full percentage composition of that product shall be given."

"4. In the case of textile products intended for the end consumer, in the percentage compositions specified in Article 5(2)(b) and in paragraphs 1, 2, 3 and 5 of the Article,

- (a) up to 2% by weight of other fibres shall be tolerated, provided that this quantity is justified on technical grounds and is not added as a matter of routine; this tolerance shall be increased to 5% in the case of products which have undergone a carding process;
- (b) a manufacturing tolerance of 3% shall be permitted between the stated and real fibre percentages in relation to the total weight of fibres shown on the label; such tolerance shall also be applied to fibres which, in accordance with paragraph 2 are listed in descending order of weight with no indication of their percentage.

On analysis, these tolerances shall be calculated separately; the total weight to be taken into account in calculating the tolerance referred to in point (b) shall be that of the fibres of the finished product less the weight of any other fibres found when applying the tolerance referred to in point (a).

The addition of the tolerances referred to in points (a) and (b) shall be permitted only if the other fibres found by analysis, when applying the tolerance referred to in point (a), prove to be of the same type as one or more of the fibres shown on the label.

In the case of particular products for which the manufacturing process requires tolerances higher than those given in points (a) and (b) above, higher tolerances may be authorized when the conformity of the product is checked pursuant to Article 13(1)

only in exceptional cases and where sufficient justification is provided by the manufacturer. Member States shall notify the Commission forthwith in order that such cases may if necessary be regulated in a uniform manner by separate directives in accordance with the procedure laid down in Article 6 of Council Directive 72/276/EEC."

5. (a) The terms "mixed fibres" or "unspecified textile composition" may be used for any product the composition of which cannot easily be stated at the time of manufacture.
- (b) Where one or more of the fibres of which the products referred to in point (a) are composed are known as to quality and quantity at the time of manufacture, they may be indicated by name and their percentage composition mentioned, provided that they constitute not less than 40% of the finished product in this case the inscription on the label shall state first the percentage of "mixed fibres" or of "unspecified textile composition" and then the percentage of the known fibre or fibres followed by the word "minimum".

The sole purpose of analysing these textile products shall be to determine whether, having regard to the tolerances specified in this Directive, they contain a percentage of known fibres not less than that stated on the label."

3. Article 7 shall read as follows :

"Article 7

Without prejudice to the tolerances laid down in Article 4(2), Article 5(3) and Article 6(4), visible, isolable fibres which are purely decorative and do not exceed 7% of the weight of the finished product need not be mentioned in the fibre compositions provided for in Articles 4 and 6; the same shall apply to fibres (e.g. metallic fibres) which are incorporated in order to obtain an anti-static effect and which do not exceed 2% of the weight of the finished product."

4. Article 8(2)(c) shall be amended as follows:

- The present subparagraph shall be preceded by the phrase "Subject to the provisions of Article 30 et seq. of the Treaty, Member States ..." and supplemented by "... except in the case of the names listed in Annex V, which may be expressed in only one of the various forms given in that Annex".

- A new subparagraph shall be added:

"In the case of bobbins, reels, skeins, balls or any other small quantity of sewing, mending and embroidery yarns, the right provided for in the preceding paragraph may be exercised by the Member States only in the case of inclusive labelling on packaging or displays. Without prejudice to the cases referred to in point 18 of Annex IV, individual items may be labelled in any one of the Community languages."

5. Article 9 shall be supplemented by the following paragraph:

"3. Without prejudice to the provisions of Article 12,

(a) The fibre composition of the following corsetry articles shall be indicated by stating the composition of the whole product or that of the components listed below either inclusively or separately:

For brassieres: the outside and inside fabric of the cups and back;

for corsets: the front, rear and side stiffening panels;

for corselets: the outside and inside fabric of the front and rear stiffening panels and the side panels.

The fibre composition of corsetry articles other than those listed in the previous subparagraph shall be indicated by stating, either inclusively or separately, the composition of the various components of the articles; such labelling shall not be compulsory for components representing less than 10% of the total weight of the product.



The separate labelling of the various parts of the corsetry articles referred to above shall be carried out in such a way that the end consumer can easily understand to which part of the product the particulars on the label refer.

- (b) The fibre composition of etch-printed textiles shall be given for the product as a whole and may be indicated by stating, separately and by name, the composition of the base fabric and that of the etched parts where these two constituents are made up of different fibres.
- (c) The fibre composition of embroidered textiles shall be given for the product as a whole and may be indicated by stating, separately and by name, the composition of the base tissue and that of the embroidery yarn where these two constituents are made up of different fibres; if the embroidered parts amount to less than 10% of the surface of the product, only the composition of the base fabric need be stated.
- (d) The fibre composition of spun yarns, consisting of a core and a cover made up of different fibres, shall be given for the whole of such yarns and may be indicated by stating the composition of the core and the cover separately and by name.
- (e) The fibre composition of velvet and plush textiles or of textiles imitating or resembling velvet or plush shall be given for the whole product and, where the product comprises a ground and a use-surface composed of different fibres, may be stated separately for these two parts, which must be mentioned by name.

For the purposes of this Directive, "plush" means a fabric with a long, flattened pile.

- (f) The composition of floor coverings and carpets of which the substrate and the use-surface are composed of different fibres may be stated for the use-surface alone, which must be mentioned by name."

6. Article 10 shall be amended as follows:

- A new point (c) shall be added to the present paragraph:

"The composition of textile products sold by the metre or in cut lengths need be shown only on the length or roll offered for sale."

- A second paragraph shall be added:

"Member States shall take all necessary steps to ensure that the products referred to in points (b) and (c) of the first paragraph are offered for sale in such a way that the end consumer can fully acquaint himself with the composition of the products."

7. Article 12 shall read as follows:

"Article 12

For the purposes of applying Article 8(1) and the other provisions of this Directive relating to the labelling of textile products, the fibre percentages referred to in Articles 4, 5 and 6 shall be determined without taking account of the items listed in paragraphs 1 and 2 below.

1. (a) For all textile products:

non-textile parts, selvages, labels and badges, edgings and trimmings not forming an integral part of the product, buttons and buckles covered with textile materials, accessories, decorations, non-elastic ribbons, elastic threads and bands added at specific and limited points of the product, and, in the proportions specified in Article 7, visible, isolable fibres which are purely decorative and/or anti-static.

(b) For floor coverings and carpets: all components other than the use-surface.

(c) For upholstery fabrics and curtains: binding and filling warps and wefts which do not form part of the use-surface.

For the purposes of this provision, the use-surface of curtains means the right side of the fabric constituting the textile product.

(d) For textile products other than those referred to in (b): base or underlying fabrics, stiffenings and reinforcements, interlinings and canvas backings, stitching and assembly threads unless they replace the warp and/or weft of the fabric, fillings unless their function is to confer warmth, and, subject to the provisions of Article 9(1), linings.

For the purposes of this provision:

- the base or underlying fabrics of textile products which serve as a backing for the use-surface, in particular in blankets and double fabrics, and the foundation textures of velvet or plush fabrics and kindred products shall not be regarded as backings to be removed;
- "stiffenings and reinforcements" mean the yarns or materials added at specific and limited points of the textile products to strengthen them or to give them stiffness or thickness.

2. Fatty substances, binders, sizings, dressings, additional dyeing and printing products and other textile processing products. In the absence of separate directives on the subject, the Member States shall take all necessary measures to ensure that the items listed in this paragraph are not present in quantities liable to mislead the consumer."

8. Article 13 shall read as follows:

"Article 13

1. Checks on whether the composition of textile products is in conformity with the information supplied in accordance with this Directive shall be carried out by the methods of analysis specified in the Directives referred to in paragraph 2.

For this purpose, the fibre percentages in Articles 4, 5 and 6 shall be determined by applying to the anhydrous mass of each fibre the appropriate conventional factor laid down in Annex II, after having removed the items referred to in Article 12(1) and (2)."

2. Separate directives will specify the sampling and analysing methods to be used in all Member States to determine the fibre composition of products covered by this Directive."

9. The following Article 15a shall be inserted:

"Article 15a

1. The amendments necessary for adapting Annexes I and II to the Directive to technical progress shall be adopted in accordance with the procedure laid down in Article 6 of Directive 72/276/EEC<sup>1</sup>.

The following shall also be determined by that procedure:

- the methods of analysis for textile products not covered by Directives 72/276/EEC and 73/44/EEC<sup>2</sup>;

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<sup>1</sup>Council Directive of 17 July 1972 on the approximation of the laws of the Member States relating to certain methods for the quantitative analysis of binary textile fibre mixtures (OJ No L 173, 31.7.1972, p. 1).

<sup>2</sup>Council Directive of 26 February 1973 on the approximation of the laws of the Member States relating to the quantitative analysis of ternary fibre mixtures (OJ No L 83, 30.3.1973, p. 2).

- the methods of sampling, the special tolerances needed for certain products, the methods for the recognition and removal of added substances.

3. The name of the Committee referred to in Article 5 of Directive 72/276/EEC shall become the "Committee for Directives relating to Textile Names and Labelling".

10. Annex I shall be amended as follows:

(a) The following general definition shall be inserted immediately below the title "TABLE OF TEXTILE FIBRES":

"For entries relating to synthetic and artificial fibres, the generic names given in the second column relate to fibres comprising not less than 85% of the polymer described in the third column."

(b) The following items shall be amended as follows:

1 and 2. A footnote reference 1 shall be inserted after the text relating to these items in the second column headed "Name".

The footnote reference 1, which now appears after the word "guanaco" in the second column of Item 2, shall be deleted.

2. Under "fibre description",  
the word "mohair" shall be replaced as follows:

- in the French text by "chèvre angora";
- in the Italian text by "capra angora";
- in the German text by "Angoraziege";
- in the Danish text the word "angoraged" shall be added after the word "Kashmirged";
- in the Dutch text the word "mohair" shall be deleted.

9. Jute: The fibre description shall read as follows:

"Fibre obtained from the bast of *Corchorus olitorius* and *Corchorus capsularis*. For the purposes of this Directive, bast fibres obtained from the following species shall be treated in the same way as jute: *Hibiscus cannabinus*, *Hibiscus sabdariffa*, *Abutilon abicennae*, *Urena lobata*, *Urena sinuata*, *Crotalaria juncea*."

14. Kenaf and 16a. Sunn:

These names shall be deleted.

20. Modal: The fibre description shall read as follows:

"Regenerated cellulose fibre obtained by processes giving a high tenacity and high wet modulus. These fibres should be able to resist in the wet state a load of 22.0 cN per tex. Under this load their elongation in the wet state should not be greater than 15%."

21. Footnote reference 3 after the word "protein" in the second column headed "Name" shall be amended to 2.

25. Chlorofibre: The fibre description shall read as follows:

"Fibre formed of linear macromolecules having in their chain more than 50% by mass of chlorinated vinyl or chlorinated vinylidene monomeric units."

28. Nylon: The name shall read "Polyamide or nylon".

32. Polycarbamide: The fibre description shall read as follows:

"Fibre formed of linear macromolecules having in the chain the recurring ureylene (NH-CO-NH) functional group."

37. Elastane: In the Dutch text the name shall be amended to read "Elastaan".

(c)Footnote 1 shall read as follows:

"<sup>1</sup>The name "wool" in Item 1 of this Annex may also be used to indicate a mixture of fibres from sheep's or lambs' fleeces and the hairs listed in the third column of Item 2. This provision is applicable to the textile products listed in Articles 4 and 5 and to those referred to in Article 6, provided that the latter are partly composed of the fibres listed in Items 1 and 2 of this Annex."

(d) Footnote 2 shall be deleted.

Footnote 3 in certain language versions shall be amended to 2.

11. Annex II shall be amended as follows:

(a) The title shall read: "AGREED ALLOWANCES USED TO ....."

(b) The following items shall be amended as follows:

28: The words "Polyamide (6-6)", "Polyamide 6" and "Polyamide 11" shall be followed by the words "or nylon" in all cases.

37: In the second column of the Dutch text, the name of the fibre shall be amended to read "Elastaan".

12. Annex III shall be amended as follows:

(a) The following items shall be amended as follows:

3: shall read in German "Etiketten und Abzeichen" and in Italian "Etichette et contrassegni".

12: shall read "textile products for base and underlining fabrics and stiffenings".

16: shall be deleted; accordingly, Items 17 to 35 become items 16 to 34.

21: Item 20 in the new text shall read "hand-embroidered tapestries, finished or unfinished, and materials for their production, including embroidery yarns, sold separately from the canvas and specially prepared for use in such tapestries".

22: Item 21 in the new text shall read in Dutch "Knopfen en gespen met stof bedekt" and in German "mit Textilien überzogene Knöpfe und Schnallen".



(b) The following items shall be added:

35: "Funeral items".

36: "Disposable articles<sup>1</sup>".

37: "Textile articles subject to the rules of the European Pharmacopoeia and covered by a reference to those rules, non-disposable bandages for medical and orthopaedic use and orthopaedic articles in general".

38: "Articles normally intended:

(a) for use in the manufacture and processing of goods, in particular:

- in the various branches of industry;
- in building and civil engineering, with the exception of textile floor-, wall-, and door-covering fabrics;
- in agriculture and allied activities;
- in craft trades;
- in industrial and occupational fishing;
- and in any similar sectors.

(b) for incorporation in machines, installations (e.g. for heating, air conditioning or lighting), domestic and other appliances, vehicles and other means of transport; or for their operation, maintenance or equipment, other than textile motor vehicle accessories sold separately from the vehicle".

39. "Cordage, ropes and string, subject to Item 12 of Annex IV hereto, normally intended for:

- use in the various branches of industry, in building and civil engineering, in transport (especially shipping) and in similar sectors;
- incorporation in machinery, installations, appliances and vehicles or for use in their operation, maintenance and equipment".

40: "Textile articles for protection and safety purposes such as safety belts, parachutes, lifejackets, emergency chutes, fire-fighting devices, bulletproof waistcoats and protective garments, provided that these are not sold as articles of clothing".

41: "Air-supported structures (e.g. sports halls, exhibition stands or storage facilities", provided that particulars of the performances and technical specifications of these articles are supplied".

42: "Sails".

43: "Animal clothing".

44: "Flags and pennants".

(c)A footnote shall be added, and shall read:

"<sup>1</sup>For the purposes of this Directive, textile articles designed to be used once only or for a limited time, and the normal use of which precludes any restoring for subsequent use for the same or a similar purpose, are to be regarded as disposable".

13. Annex IV shall be amended as follows:

(a) The title shall read: "PRODUCTS FOR WHICH ONLY INCLUSIVE LABELLING OR MARKING IS OBLIGATORY (Article 10, first paragraph, point (b))"

(b) Item 12 shall read: "Packing string and agricultural twine; string, cordage and ropes other than those falling within Item 39 of Annex III<sup>1</sup>".

(c) The following items shall be added:

15: "Bun nets and hair nets".

16: "Ties and bow ties for children".

17: "Bibs; washgloves and face flannels".

18: "Sewing, mending and embroidery yarns prepared for sale by retail in small quantities with a gross weight of 1 gram or less".

19: "Webbing for curtains and shutters".

(d) A footnote I shall be added, and shall read:

<sup>1</sup>For the textile products falling within Item 12 and sold in cut lengths, the inclusive labelling shall be that of the reel. The cordage and ropes falling within this item include those used in mountaineering and on small boats".

The following Annex V shall be added to the Directive:

"NAMES SET OUT IN ANNEX I WHICH MAY BE EXPRESSED IN ONE LANGUAGE ONLY"  
(Article 8(2)(c), first paragraph).

No of the fibre as in Annex I	<u>French</u>	<u>Italian</u>	<u>German</u>	<u>English</u>	<u>Danish</u>	<u>Dutch</u>
2	Alpaca	Alpaca	Alpaka	Alpaca	Alpaka	Alpaca
2	Lama	Lama	Lama	Llama	Lama	Lama
2	Caschemire	Kashmir	Kaschmir	Cashmere	Kashmir	Kasjmier
2	Yack	Yack	Yak	Yak	Yak	Jak
2	Guanaco	Guanaco	Guanako	Guanaco	Guanaco	Guanaco
6	Capoc	Kapok	Kapok	Kapok	Kapok	Kapok
9	Jute	Juta	Jute	Jute	Jute	Jute
15	Ramie	Ramié	Ramie	Ramie	Ramie	Ramee
17	Acétate	Acetato	Acetat	Acetate	Acetat	Acetaat
22	Tri-acétate	Tri-acetato	Tri-acetat	Tri-acetate	Tri-acetat	Triacetaat
23	Viscose	Viscosa	Viskose	Viscose	Viskose	Viscose
27	Modacrylique	Modacrylica	Modacryl	Modacrylic	Modacryl	Modacryl
28	(Polyamide)	(Poliamidica)	(Polyamid)	(Polyamide)	(Polyamid)	(Polyamide)
29	(Nylon Polyester)	(Nailon Poliestere)	(Nylon Polyester)	(Nylon Polyester)	(Nylon Polyester)	(Nylon Polyester)
30	Polyéthylène	Polietilena	Polyäthylen	Polyethylen	Polyethylen	Polyethleen
31	Polypropylène	Polipropilena	Polypropylen	Polypropylene	Polypropylen	Polypropeen
33	Polyuréthane	Polyuretana	Polyurethan	Polyurethane	Polyurethan	Polyurethaan
34	Vinylal	Vinilal	Vinylal	Vinylal	Vinylal	Vinylal
35	Trivinyl	Trivini-lica	Trivinyl	Trivinyl	Trivinyl	Trivinyl
37	Elastanne	Elastan	Elasthan	Elastane	Elasthan	Elastaan
39	Métal	Metallo	Metall	Metal	Metal	Metaal
39	Métallique	Metallica	Metallisch	Metallic	Metal-lisk	Metaalchtig
39	Métallisé	Metallizata	Metallisiert	Metallised	Metalliseret	Gemetalliseerd

Article 2

1. Member States shall adopt and publish the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions with effect from 1 January 1981.

2. As soon as this Directive has been notified, Member States shall ensure that the Commission is informed, in sufficient time for it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

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