



THEORETICAL ASPECTS REGARDING THE EUROPEAN LEGISLATIVE ACTS RELATED TO TEXTILES

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Abstract: *The textile industry is one of the most flourishing and developed at the level of the European Union and as a result, being such an important field, it is imperative to have some legislative acts at the European level in order to regulate and harmonise the conduct of the Member States. The main goal of the Regulation No 1007/2011 of the European Parliament and of the Council is to set up common rules on both fabric names and the composition of textile products and, at the same time, to harmonise the indications that appear on the labels, markings and documents which accompany such products throughout the process of their production and distribution. In addition to this Regulation, there are other normative acts at the level of the European Union with a particular impact on the textile industry. We are taking into consideration, alongside with the above-mentioned Regulation, the Directive 2001/95/EC of the European Parliament and of the Council, which refers to the general product safety and other acts in connection with these. The aim of this paper is to briefly present the provisions of these legislative acts, as they are closely connected to the textile industry.*

Key words: *legal framework, textile products, labelling, making, safe product*

1. INTRODUCTION

As the textile and clothing industry is one of the most important in the European Union, a special attention must be given to the legal acts that are related to it. First of all, we are talking about the Regulation (EU) No 1007/2011 of the European Parliament and of the Council on fibre names, related labelling and marking of the fibre composition of textile products, but there are also other legal acts that we will take into consideration.

2. REGULATION NO 1007/2011

This Regulation is a very important one and it has been applied in the European Union since 8 May 2012. Its importance results from the fact that it emphasizes the element of a proper information of the consumers. At the same time, another aim of this Regulation is to guide the proper functioning of the internal market by eliminating obstacles such as different provisions at the level of internal law of the Member States, by creating a unitary legal framework regarding the names, the labelling and marking the fibre composition of textile products.

In article 3 of the Regulation there are presented the definitions of some used terms, like "textile product", which means "any raw, semi-worked, worked, semimanufactured, manufactured,



semi-made-up or made-up product which is exclusively composed of textile fibres, regardless of the mixing or assembly process employed" and "textile fibre", which means either of the following "(i) a unit of matter characterised by its flexibility, fineness and high ratio of length to maximum transverse dimension, which render it suitable for textile applications; (ii) a flexible strip or tube, of which the apparent width does not exceed 5 mm, including strips cut from wider strips or films, produced from the substances used for the manufacture of the fibres listed in Table 2 of Annex I and suitable for textile applications". Also, "labelling" means "affixing the required information to the textile product by way of attaching a label" and "marking" means "indicating the required information directly on the textile product by way of sewing, embroidering, printing, embossing or any other technology of application" [1].

Regarding the subject of labels and marking, article 14 provides that "textile products shall be labelled or marked to give an indication of their fibre composition whenever they are made available on the market. The labelling and marking of textile products shall be durable, easily legible, visible and accessible and, in the case of a label, securely attached". It can be easily observed that all of these provisions are for the benefit of the consumers and have the role of protecting them.

The article 15 of the Regulation contains the obligations that are on the behalf of the manufacturer, "when placing a textile product on the market, the manufacturer shall ensure the supply of the label or marking and the accuracy of the information contained therein. If the manufacturer is not established in the Union, the importer shall ensure the supply of the label or marking and the accuracy of the information contained therein. A distributor shall be considered a manufacturer for the purposes of this Regulation where he places a product on the market under his name or trademark, attaches the label himself or modifies the content of the label" [1].

The textile fibre composition description "shall be indicated in catalogues and trade literature, on packaging, labels and markings in a manner that is easily legible, visible, clear and in print which is uniform as regards its size, style and font. This information shall be clearly visible to the consumer before the purchase, including in cases where the purchase is made by electronic means" [1], as shown in the article 16 of the Regulation.

To summarize, the Regulation (EU) No 1007/2011 on textile fibre names and related labelling and marking of the fibre composition of textile products provides a multitude of legal requirements on the use of textile fibre names and related labelling and marking of fibre composition of textile products that have to be fulfilled when they enter on the European Union market. Therefore, textile labels must [2]: be labelled, marked or accompanied with commercial documents in compliance with the Regulation, according to its article 4; be easily legible and visible, in order to be accessible for the consumer; be durable in time and securely attached to the product; give indications of the fibre composition; use only the textile fibre names provided by the Regulation for the description of fibre compositions; the situation of the presence of non-textile parts of animal origin in the textile products, shall be indicated by using the phrase "Contains non-textile parts of animal origin" on the labelling or marking, at the time that these types of products are made available on the market; use the official language/languages of the Member State in which the textiles are made available on the market.

However, there are some exceptions for listing the fibre composition, for example, in the case of visible, isolable fibres which are purely decorative and, at the same time, do not exceed 7% of the weight of the finished product do not have to be considered in the fibre compositions. Besides this, wash care labels, country of origin, size label, and manufacturer identification are not specifically required by the Regulation (EU) No 1007/2011. As a consequence, it is strongly



recommended to include this information as certain individual Member States may require such information, or they might be covered by other legislations or industry standards.

The Regulation also lays down rules on checking the conformity of the fibre composition of textile products with the supplied information related to the fibre composition of those products in accordance with the European provisions. This activity of verifying is carried out by the countries' market surveillance authorities.

3. DIRECTIVE 2001/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

Another European act that can be considered as having a connection with the textile industry, more precisely with the protection of consumer rights is the Directive 2001/95/EC of the European Parliament and of the Council, which is applicable since 2002 and had its last update in 2010 [3]. This Directive refers to the general product safety. The Directive reveals the importance of consumers' health and safety protection, by assuring that only safe products will be available on the market. In the terms of the Directive, the "product shall mean any product — including in the context of providing a service — which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them, and is supplied or made available, whether for consideration or not, in the course of a commercial activity, and whether new, used or reconditioned" [4].

At the same time, "safe product shall mean any product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons, taking into account the following points in particular: (i) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, for installation and maintenance; (ii) the effect on other products, where it is reasonably foreseeable that it will be used with other products; (iii) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product; (iv) the categories of consumers at risk when using the product, in particular children and the elderly" [4].

It is obvious that the provisions of this Directive refer to a large category of products or goods, including the textile ones. There are identified a number of rules that have to be taken into account when classifying a product as being safe and shows which types of goods should not be sold into the internal market. Producers have the obligation to put on the market only safe products, taking into consideration the European provisions regarding the safety of the product in question, the specific rules of the national law of the State Member in whose territory the product is marketed, but also the consumers' expectations regarding the safety of the product. The Directive also points out the fact that there exists a European network of the authorities of the Member States competent for product safety, which works under the European procedures, especially RAPEX.

In accordance with article 5 of the Directive, "producers shall provide consumers with the relevant information to enable them to assess the risks inherent in a product throughout the normal or reasonably foreseeable period of its use, where such risks are not immediately obvious without adequate warnings, and to take precautions against those risks" [4].

Regarding textile products, we can think, for example, of the cases when different chemicals are used in the process of producing the product. In close connection to this subject, there is the Commission Decision of 5 June 2014 establishing the ecological criteria for the award of the EU



Ecolabel for textile products. As it is shown, "the Ecolabel criteria reflect the best environmental performing products on the market of textiles. Whilst the use of chemical products and release of pollutants is part of the production process, a product that bears the EU Ecolabel guarantees the consumer that the use of such substances has been limited to the extent technically possible without prejudice to the fitness for use" [5]. Also, the REACH Regulation 1907/2006 was adopted to improve the protection of human health and the environment from the risks that can be posed by chemicals, while enhancing the competitiveness of the EU chemicals industry.

Last, but not the least, the Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) has a connection with the treated subject. As we have already shown in a previous paper [6], 10% of the global greenhouse gas emissions is caused only by the fashion industry, even more than the international flights and maritime shipping together. As it is mentioned in the Directive, "in order to prevent, reduce and as far as possible eliminate pollution arising from industrial activities in compliance with the 'polluter pays' principle and the principle of pollution prevention, it is necessary to establish a general framework for the control of the main industrial activities, giving priority to intervention at source, ensuring prudent management of natural resources and taking into account, when necessary, the economic situation and specific local characteristics of the place in which the industrial activity is taking place" [7].

4. CONCLUSIONS

As a conclusion, the European Regulations and Directives presented have a great importance on the well-functioning of the internal market, as they set up rules that apply to all of the Member States and have the role of harmonising the provisions related to the textile industry. It is crucial that the consumers are well informed about the textile products that are available on the market, so that can make the best choices in their interest.

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