II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 25 November 1983

amending Directive 71/307/EEC on the approximation of the laws of the Member States relating to textile names

(83/623/EEC)

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 (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas certain provisions of Directive 71/307/EEC (4) 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 observed in 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 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;

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; whereas it is for the Member States to decide on the measures to be adopted for this purpose;

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(1) OJ No C 63, 13. 3. 1980, p. 3.
(2) OJ No C 197, 4. 8. 1980, p. 66.
(3) OJ No C 230, 8. 9. 1980, p. 22.
(4) OJ No L 185, 16. 8. 1971, p. 16.

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, taking into account the exceptional nature of the items referred to therein and adding 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 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 Directive 72/276/EEC (1),

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 71/307/EEC is hereby amended in accordance with the following provisions:

1. Paragraph 2 of Article 2 is replaced by the following:

'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 strips cut from wider strips or films, produced from the substances used for the manufacture of the fibres listed under items 17 to 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. Paragraphs 2, 4 and 5 of Article 6 are replaced by the following:

'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 paragraphs 1, 2, 3 and 5 of this Article:

(a) a quantity of extraneous fibres of up to 2 % of the total weight of the textile product 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 and shall be without prejudice to the tolerance referred to in Article 5 (3);

(b) a manufacturing tolerance of 3 % shall be permitted between the stated fibre percentages and the percentages obtained from analysis, 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. This tolerance shall also apply to Article 5 (2) (b).

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

The addition of the tolerances referred to in (a) and (b) shall be permitted only if any extraneous fibres found by analysis, when applying the tolerance referred to in (a), prove to be of the same chemical 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 (a) and (b), higher tolerances may be authorized when the conformity of the

(1) OJ No L 173, 31. 7. 1972, p. 1.

product is checked pursuant to Article 13 (1) only in exceptional cases and where adequate justification is provided by the manufacturer. Member States shall immediately inform the Commission thereof.

5. The term "mixed fibres" or the term "unspecified textile composition" may be used for any product the composition of which cannot easily be stated at the time of manufacture.'

3. Article 7 is replaced by the following:

'*Article 7*

Without prejudice to the tolerances laid down in Articles 4 (2), 5 (3), and 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 antistatic effect and which do not exceed 2 % of the weight of the finished product. In the case of the products referred to in Article 6 (3), such percentages shall be calculated not on the weight of the fabric but on the weight of the warp and that of the weft separately.'

4. The following subparagraph is added to Article 8 (2) (c):

'In the case of bobbins, reels, skeins, balls or any other small quantity of sewing, mending and embroidery yarns, the option 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 is supplemented by the following paragraph 3:

'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 brassières: 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 cups, the front and rear stiffening panels.

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

The separate labelling of the various parts of the corsetry articles referrred 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, the composition of the base fabric and that of the etched parts. These components must be mentioned by name;

(c) the fibre composition of embroidered textiles shall be given for the product as a whole and may be indicated by stating, separately, the composition of the base fabric and that of the embroidery yarn; these components must be mentioned by name; if the embroidered parts amount to less than 10 % of the surface area of the product, only the composition of the base fabric need be stated;

(d) the fibre composition of yarns consisting of a core and a cover made up of different fibres, and offered for sale as such to the consumer, shall be given for the product as a whole and may be indicated by stating the composition of the core and the cover separately; these components must be mentioned by name;

(e) the fibre composition of velvet and plush textiles, or of textiles resembling velvet or plush, shall be given for the whole product and, where the product comprises a distinct backing and a use-surface composed of different fibres, may be stated separately for these two parts, which must be mentioned by name;