

EU-USA ADDITIONAL INPUT ON REGULATORY ISSUES

REGULATORY ISSUE	
CPSIA- Consumer Product Safety Improvement Act	
a) Regulatory entity involved in the USA	<i>USA Consumer Product Safety Commission</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	<p>1- This legislation establishes burdensome provisions for Exports of Apparel and Fabrics considered in the <u>Flammable Fabrics Act</u> (ex. Silk)- General Certificate of Conformity and Testing.</p> <p>☞ In the EU there is no legal provision that considers a type of fabric more flammable than other. There are only provisions in some Member States(e.g. Netherlands, UK) regarding flammability that are related to higher risk situations but do not classify a certain fabric as more flammable than other , as it is the case in the US. Moreover there is no technical/scientific justification to consider a fabric of Silk as being more flammable than a Fabric of other fibre.</p> <p>2- The legislation is even more burdensome and costlier in the case of Children’s products (under 12 years old) requiring Third Party Testing (Accredited Laboratories).</p> <p>☞ In the EU there is no specific legislation concerning Children’s products that imposes Third Party Testing. Some Member States might have national legislation that imposes e.g. different thresholds for Children’s Products of certain substances (formaldehyde).</p>
c) Main impact of the measures for EU Exporters	Since the exported products have to undergo mandatory testing and certification, in some cases done by a Third Party (Accredited Laboratory), the costs of exporting to the US are substantially higher than those of selling in the EU market. Additionally and since the US market is very price sensitive the difference in price could be determinant for the ability of our companies, especially SMEs, to export.

d) Possible ways to improve the situation	<p>1- Accept the Suppliers Declaration as enough to determine the product's conformity considering that the EU legislation is quite strict when it comes to Consumer Protection and Safety(e.g. Reach);</p> <p>2- Try to withdraw Silk from the list of flammable fabrics and for this EU producers are willing to provide evidence that Silk fabrics are not more flammable than others.</p>
REGULATORY ISSUE	
Berry Amendment extended	
a) Regulatory entity involved in the USA	<i>Defence Logistics Agency</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	- The Berry Amendment establishes the compulsory use of wholly US made products in uniforms, parachute and other textile based materials used in the military field. This means that even pre-materials (e.g. Yarns) have to be supplied by US manufacturers.
c) Main impact of the measures for EU Exporters	<p>1-This legislation creates a discriminatory treatment of EU producers as compared to US producers and in some cases- limited availability of wholly obtained products- is also detrimental for US users.</p> <p>2- The measure has a negative impact in the whole T&C Supply Chain as it is not limited to the final product but includes also pre-materials that EU producers are quite capable of supplying.</p>
d) Possible ways to improve the situation	<p>1- The ideal solution would be to eliminate the measure but of course that will be extremely difficult.</p> <p>2- Alternatively we should try to obtain (a) the possibility to use imported goods when there is no/very limited production in the US and (b) establish reasonable thresholds for the use of imported goods- in particular pre-materials- in all other cases.</p>
REGULATORY ISSUE	
California Proposition 65	
a) Regulatory entity involved in the USA	<i>Office of Environmental Health Hazard Assessment (OEHHA)</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	1-The legislation requires that the consumer be warned that the product contains certain chemicals at the time of purchase. There are over 850 chemicals that are

	<p>covered by this legislation.</p> <p>2- Prop 65 applies to all products sold in California- Children and Adult products that have to be labelled accordingly.</p> <p>3- This legislation is different from Reach as it does not limit or restrict the use of the chemical substances but the covered chemicals have to be identified in the final product that is being sold.</p>
c) Main impact of the measures for EU Exporters	<p>1- The covered chemicals have to be identified and specified in the label. This is only valid for the State of California.</p> <p>2- There is no similar legislation in the EU</p>
d) Possible ways to improve the situation	- If the legislation cannot be changed make sure at least that the information can be provided on a non-permanent label.
REGULATORY ISSUE	
<i>Labelling</i>	
a) Regulatory entity involved in the USA	<i>Federal Trade Commission</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	<p>1- Information required in the US is much more extensive and burdensome than in the EU-i.e. country of origin (EU Origin not recognized), name of the manufacturer/ importer, indication of process operations, in case they are partially done in the US and partially done in a Third Country.</p> <p>2 – Concerning care instructions, that are mandatory, the US have their own symbols (ASTM Standard D5489-07) that are different from the ones used in the EU (ISO Standard 3758-2012).</p>
c) Main impact of the measures for EU Exporters	- EU Exporters are obliged to make a specific label for the US market.
d) Possible ways to improve the situation	<p>1- Preferably the US legislation should be more in line with the EU when it comes to the type of information that needs to be provided in the label. In particular the obligation to include the name of the manufacturer/importer should be eliminated.</p> <p>2- Regarding care instructions there should be recognition of ISO Standards and EU Exporters should be allowed to use the ISO Standard in the label.</p> <p><i>The US Authorities are currently reviewing the Labelling and Fibre Content Legislation and this is a good opportunity to seek further harmonization</i></p>

REGULATORY ISSUE	
<i>Drawstrings</i>	
a) Regulatory entity involved in the USA	<i>USA Consumer Product Safety Commission</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	<p>1- The US have their own standard- ASTM F 1816</p> <p>2- Problem of different interpretation and implementation of the Standard between the States and the CPSC-Consumer Product Safety Commission.</p>
c) Main impact of the measures for EU Exporters	<p>1- In the EU there is also a Standard for Drawstrings- EN 14682:2007. That by a Commission Decision of 21/03/2011 is considered to be in compliance with the General Product Safety Directive.</p> <p>2-In view of the differences in the interpretation of the US Standard it is difficult for EU Exporters to be sure that their products are complying.</p>
d) Possible ways to improve the situation	- Ensure there is recognition of EU Standards and that EU companies complying with EN 14682:2007 will concomitantly be complying with the US Standard.
REGULATORY ISSUE	
<i>Cotton Fee- 7 CFR Part 1205</i>	
a) Regulatory entity involved in the USA	<i>Department of Agriculture- Agricultural Marketing Service (AMS)</i>
b) Problems/Regulatory differences that affect EU T&C Exporters	- Imposes a fee on most textile and apparel imports that are composed of Cotton. The money is used for the promotion of US Cotton.
c) Main impact of the measures for EU Exporters	<p>1- This measure renders imports of cotton products more expensive as compared to US products as well as imported products composed of other fibres.</p> <p>2- Additionally the amount obtained through this fee is used for marketing and promotion actions in the sole benefit of US Cotton producers and exporters.</p>
d) Possible ways to improve the situation	- This legislation should be dismissed.