

Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (Text with EEA relevance)

CHAPTER 3

MARKET SURVEILLANCE

Article 18

Market surveillance checks

Market surveillance authorities shall carry out checks on the conformity of the fibre composition of textile products with the supplied information related to the fibre composition of those products in accordance with this Regulation.

Article 19

Determination of fibre composition

1 For the purpose of determining the fibre composition of textile products, the checks referred to in Article 18 shall be carried out in accordance with the methods set out in Annex VIII or with the harmonised standards to be introduced in that Annex.

2 In the determination of fibre compositions set out in Articles 7, 8 and 9, the items listed in Annex VII shall not be taken into account.

3 The fibre compositions set out in Articles 7, 8 and 9 shall be determined by applying to the anhydrous mass of each fibre the appropriate agreed allowance laid down in Annex IX, after having removed the items set out in Annex VII.

4 The laboratories responsible for the testing of textile mixtures for which there is no uniform method of analysis at Union level shall determine the fibre composition of such mixtures, indicating in the analysis report the result obtained, the method used and its degree of accuracy.

Article 20

Tolerances

1 For the purposes of establishing the fibre composition of textile products, the tolerances laid down in paragraphs 2, 3 and 4 shall apply.

2 Without prejudice to Article 8(3), the presence of extraneous fibres in the fibre composition to be provided in accordance with Article 9 does not need to be indicated if the percentage of those fibres does not reach the following values:

- a 2 % of the total weight of the textile product, provided this quantity is justified as being technically unavoidable in good manufacturing practice and is not added as a matter of routine; or
- b 5 % of the total weight in the case of textile products which have undergone a carding process, provided this quantity is justified as being technically unavoidable in good manufacturing practice and is not added as a matter of routine.

3 A manufacturing tolerance of 3 % shall be permitted between the stated fibre composition to be provided in accordance with Article 9 and the percentages obtained from analysis carried out in accordance with Article 19, in relation to the total weight of fibres shown on the label or marking. Such tolerance shall also apply to the following:

- a fibres which may be designated by the term ‘other fibres’ in accordance with Article 9;
- b the percentage of wool referred to in point (b) of Article 8(2).

For the purposes of the analysis, the tolerances shall be calculated separately. The total weight to be taken into account in calculating the tolerance referred to in this paragraph 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 paragraph 2 of this Article.

4 The cumulative application of the tolerances referred to in paragraphs 2 and 3 shall be permitted only if any extraneous fibres found by analysis, when applying the tolerance referred to in paragraph 2, prove to be of the same chemical type as one or more of the fibres shown on the label or marking.

5 In the case of particular textile products for which the manufacturing process requires tolerances higher than those laid down in paragraphs 2 and 3, the Commission may authorise higher tolerances.

Prior to placing the textile product on the market, the manufacturer shall submit a request for authorisation by the Commission providing sufficient reasons for and evidence of the exceptional manufacturing circumstances. The authorisation may only be granted in exceptional cases and where adequate justification is provided by the manufacturer.

If appropriate, the Commission shall adopt, by means of delegated acts in accordance with Article 22, technical criteria and procedural rules for the application of this paragraph.