

POSITION PAPER

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FTA
Foreign Trade Association

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Restricting CMRs in textiles while considering complex global supply chains

SUMMARY

BACKGROUND The European Commission has proposed in 2016 a restriction on CMR substances present in textile. While FTA members are committed to bringing only safe product on the market, FTA has been critical of the fast-track approach taken by the European Commission, using article 68(2) REACH¹ which does not give the opportunity to carry a risk-assessment or a socio-economic analysis.

CHALLENGES The use of article 68(2) of REACH to restrict the presence of CMR substances in textile articles is challenging as it does not provide for sufficient time to adapt supply chains. Adopting a hasty restriction could negatively affect international trade in the short term as companies need time to phase out such an important amount of substances. FTA members still lack clarity on the scope and on the wording used in the restriction, and would require further guidance to implement the restriction.

FTA POSITION As the European Commission is going forward with the proposal of restriction of CMR substances in textile articles, it is of utmost importance for FTA members and for realistic implementation in global supply chains that:

- The scope of the restriction is clear and does not give room for interpretation
- The restriction is based on a sound scientific basis
- The process allows sufficient time and legal certainty for global supply chains to adapt

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.

I. INTRODUCTION

The members of the Foreign Trade Association (FTA) are committed to bringing only safe products onto the European market which respect, at minimum, existing regulations both at EU and national level. However, FTA members also operate globally with complex supply chains, it is therefore of utmost importance for them to be able to plan any regulatory requirement that could affect their supply chain, to allow for sufficient time to communicate with suppliers.

II. FTA REQUESTS FOR A SUCCESSFUL RESTRICTION

1. Global supply chains require a clear scope

Textiles are used in a variety of sectors, garment being only one of them, the restriction could therefore affect different types of articles and suppliers might not be clear on whether the restriction applies or not to their product type. Having a clear scope for the restriction is of key importance for suppliers who need to understand whether the restriction applies to their products.

The restriction proposal as originally published had a broad scope, going beyond garments to toys and bed linens for instance. This has been highly inconsistent as it would be open to interpretation, or would even overlap with other regulations in force such as the Toy Safety Directive. While FTA welcome the clarifications made on the scope, further improvement could be made to create legal certainty for economic operators.

It is therefore important that the scope of the proposed restriction is properly defined, this could take the shape of an accompanying Q&A or guidance document with concrete examples or products categories in scope of the restriction. Having a clear scope will also prevent misled interpretations of the restriction that could limit its effects.

FTA would also welcome a clarification of certain terms used in the proposed restriction such as “direct and prolonged contact with the skin”, this would also allow to exclude certain articles with limited skin contacts such as inaccessible parts of clothing and other textile articles. This will also make it easier to implement the restriction in global supply chains.

2. Focus on substances that require attention

FTA members have a track record of substituting hazardous substances in their supply chains, and some of them are already regulated at EU level. FTA members welcome the reduced list of substances, compared to the first proposal. It is of utmost importance to focus on those substances that could harm consumers but also to avoid duplicating existing restrictions or regulating substances that are no longer used in textiles.

Similarly, while we understand the Commission’s wish to keep the scope of the restriction as simple and clear as possible, we believe it does not make sense to set the same limit for articles that have a different level of contact with the skin. There are several examples of industry standards setting different limits for different articles in a clear and efficient way that could be replicated by the European Commission.

For efficient implementation of the restriction in global supply chain, it is also important that test methods mirror those that are already existing in the textile industry, for instance EN 14362 for azodyes.

3. Calling for a science-based approach and realistic transition periods

FTA has opposed the use of article 68(2) to restrict such an important amount of substances in a broad and complex sector such as textiles. It takes on average a year to phase out a newly restricted substance out of the supply chain, FTA would therefore welcome a transition period of at least 12 months to allow market operators to adapt and find alternatives.



FTA would have therefore favoured a standard restriction procedure, using articles 69-73 of REACH, as expressed previously in a joint position together with a large group of business associations in 2016. Using a standard process would have allowed business operators to plan the phase-out of substances and comply with the restriction smoothly.

Any future similar restriction or any update to the list of restricted substance in textiles should be based on a sound scientific basis and be subject to a wide public consultation, while allowing for sufficient time for market operators to adapt. Ideally, future restrictions should be carried out using articles 69-73 REACH, which is a process which market operators are familiar with and provides sufficient time for substitution.

4. CONCLUSION

Global textile manufacturers have been successfully phasing out hazardous substances for years, it however requires planning, time, scientific work and a deep understanding of global supply chains and the challenges they bring. It is therefore important that the proposed restriction gives global supply chain sufficient time to carry this substitution process and is based on a strong scientific basis. It is for those reasons that FTA would also not favour a similar fast-track restriction procedure to be used for other product categories in the future.

For this, global supply chains would need:

- A clear scope, this will make implementation easier
- A focus on substances that require attention, to avoid duplication and unnecessary burdens
- A clearer regulatory process, this will allow market operators to have time to implement the restriction and substitute hazardous substances.

For further information, please contact:

Malik Duhaut

malik.duhaut@fta-intl.org

Phone: + 32 2 850 94 43

www.fta-intl.org

The Foreign Trade Association (FTA) is the leading business association of European and international commerce that promotes the values of free trade. We bring over 1900 retailers, importers, brands and national associations to improve the political and legal framework for trade in a sustainable way.



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