

**2008 No. 15**

**TRADE DESCRIPTIONS**

**The Textile Products (Determination of Composition)  
Regulations 2008**

<i>Made</i> - - - -	<i>8th January 2008</i>
<i>Laid before Parliament</i>	<i>11th January 2008</i>
<i>Coming into force</i> - -	<i>2nd February 2008</i>

The Secretary of State makes these Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(a).

The Secretary of State is a Minister designated(b) for the purposes of that Act in relation to measures relating to consumer protection.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of Community instruments to be construed as references to those provisions as amended from time to time.

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Textile Products (Determination of Composition) Regulations 2008 and shall come into force on 2nd February 2008.

(2) The Textile Products (Determination of Composition) Regulations 2006(c) are revoked.

**Interpretation**

2. In these Regulations—

“Directive 73/44/EEC” means Council Directive 73/44/EEC of 26 February 1973 on the approximation of the laws of the Member States relating to the quantitative analysis of ternary fibre mixtures(d);

“Directive 96/73/EC” means Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures(e);

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(a) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(b) S.I. 1993/2661.

(c) S.I. 2006/3298.

(d) OJ L 83, 30.3.1973, p.1.

(e) OJ L 32, 31.2.1997, p.1 amended at the date of these Regulations by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (OJ L284, 31.10.2003, p.1), Directive 2006/2/EC (OJ L 5, 10.1.2006, p.10) and Directive 2007/4/EC (OJ L28, 3.2.2007, p.14).

“textile product” has the same meaning as in the Textile Products (Indications of Fibre Content) Regulations 1986(a).

3. References in these Regulations to Annex I (Preparation of test samples and test specimens) and Annex II (Methods for quantitative analysis of certain binary fibre mixtures) to Directive 96/73/EC and Annex I (Quantitative analysis of ternary fibre mixtures general) and Annex II (Method of quantitative analysis by manual separation of ternary fibre mixtures) to Directive 73/44/EC are references to those Annexes as amended from time to time.

### **Purpose**

4.—(1) These Regulations apply for the purpose of the Textile Products (Indications of Fibre Content) Regulations 1986 for determining in the course of any official test the composition of any textile product comprising a binary textile fibre mixture or a ternary fibre mixture.

(2) In this regulation “official test” means a test carried out by or on behalf of a person whose duty it is to enforce the Textile Products (Indications of Fibre Content) Regulations 1986.

### **Test samples and specimens**

5.—(1) Test samples and test specimens shall be prepared for analysis in accordance with the provisions of Annex 1 to Directive 96/73/EC.

(2) In this Regulation “test samples” and “test specimens” have the same meaning as in Article 2 of Directive 96/73/EC.

### **Test processes**

6.—(1) The analysis of a binary textile fibre mixture which is specified in Annex II to Directive 96/73/EC shall be carried out and the results calculated and expressed in accordance with that Annex.

(2) The analysis of a binary textile fibre mixture other than one for which a method of analysis is specified in Annex II to Directive 96/73/EC shall be carried out by the use of any valid method of analysis; and the test report shall set out the result obtained and, so far as is known, the degree of accuracy and the method used.

(3) The analysis of a ternary fibre mixture shall be carried out in accordance with Annex I and Annex II to Directive 73/44/EEC and the results calculated and expressed in accordance with Annex I.

8th January 2008

*Gareth Thomas*  
Parliamentary Under Secretary of State for Trade and Consumer Affairs  
Department for Business, Enterprise and Regulatory Reform

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(a) S.I. 1986/26, amended by S.I. 1988/1350, 1994/450, 1998/1169, 2005/1401, 2006/3297 and S.I. 2008/6.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive 73/44/EEC on the approximation of laws of the Member States relating to the quantitative analysis of ternary fibre mixtures and Council Directive 96/73/EC of the European Parliament and of the Council on certain methods for the quantitative analysis of binary textile fibre mixtures as amended by Directives 2006/2/EC and 2007/4/EC.

The Regulations specify that the test methods to be used to analyse textile products comprising a binary textile fibre mixture or a ternary fibre mixture are those set out in Annex I and II to Directive 96/73/EC and Directive 73/44/EC respectively. A binary textile fibre mixture is made of two fibre types and a ternary fibre mixture is made of three types. These tests are used to establish that the labelling or marking of a textile product (as required by the Textile Products (Indications of Fibre Content) Regulations 1986 (“the 1986 Regulations”) (as amended) is correct. The 1986 Regulations require that when a textile product is supplied or offered for supply in certain circumstances it shall be marked or labelled with an indication of its fibre content. Failure to comply with the requirements in the 1986 Regulations is a criminal offence.

Regulation 1 revokes the Textile Products (Determination of Composition) Regulations 2006.

Regulation 3 provides that the references to Annex I and Annex II to Directive 96/73/EC and to Annex I and Annex II to Directive 73/44/EEC are to those Annexes as amended from time to time.

The references to Annexes I and II to Directive 73/44/EEC and to Annexes I and II to Directive 96/73/EC include amendments to those Annexes made at the date of these Regulations including those last made to Annex II by Directive 2007/4/EC to add uniform test methods for the new generic fibre elastolefin which came into force on 23 February 2007.

The Department intends to maintain up to date information on the amendments to the relevant Annexes as they are made and come into force by publishing these on website address [www.berr.gov.uk/consumers/buying-selling/Adprice/Product-labelling](http://www.berr.gov.uk/consumers/buying-selling/Adprice/Product-labelling).

An impact assessment has not been prepared in respect of these Regulations as it is envisaged that there will be no costs to business as a consequence of these Regulations. A transposition note will be available from the Consumer and Competition Policy Directorate, Department for Business, Enterprise & Regulatory Reform, 1 Victoria Street, London SW1H 0ET and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. A copy of the transposition note has also been placed in the libraries of both Houses of Parliament.

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