Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No. XXXX

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

The Textile Products (Amendment) (EU Exit) Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Textile Products (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

PART 2

Amendment of subordinate legislation

Amendment of the Textile Products (Labelling and Fibre Composition) Regulations 2012

2.—(1) The Textile Products (Labelling and Fibre Composition) Regulations 2012(**b**) are amended as follows.

(2) Omit paragraph (2) of regulation 20 (review).

(3) In Schedule 2 (provisions of EU Regulation), in entry number 4 in the table, omit "in accordance with the names set out in Annex III".

(**a**) 2018 c. 16.
(**b**) S.I. 2012/1102 as amended by S.I. 2015/1630.

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EU) No 1007/2011 of the European Parliament and of the Council

3.—(1) Regulation (EU) 1007/2011 of the European Parliament and of the Council 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 is amended as follows.

(2) In Article 2 (scope), in paragraph 1, for "Union market", substitute "United Kingdom market".

(3) In Article 3 (definitions), in paragraph 2, omit "'harmonised standard',".

(4) In Article 6 (applications for new textile fibre names), for "Commission", substitute "Secretary of State".

(5) In Article 8 (fleece wool or virgin wool products)—

(a) in paragraph 1, for "by one of the names set out in Annex III", substitute "'fleece wool' or 'virgin wool'";

(b) in paragraph 2, for "listed in Annex III", substitute "'fleece wool' or 'virgin wool'".

(6) In Article 14 (labels and markings), in paragraph 2, for "Article 1 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts", substitute "Article 2 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC(**a**)".

(7) In Article 15 (obligation to supply the label or marking), in paragraph 1, for "Union", substitute "United Kingdom".

(8) In Article 16 (the use of textile fibre names and fibre composition descriptions), for paragraph 3, substitute—

"3. Subject to paragraph 4, the labelling or marking must be provided in English.

4. Textile products which comply with Article 16(3) Regulation (EU) No 1007/2011(**b**) as it applies in the European Union and which are placed on the market in the United Kingdom before exit day, may continue to be made available on the market in the United Kingdom during the period of two years beginning with exit day."

(9) In Article 19 (determination of fibre composition)—

(a) in paragraph 1, omit "or with the harmonised standards to be introduced in that Annex";

(b) in paragraph 4, for "at Union level", substitute "in the United Kingdom".

(10) In Article 20 (tolerances), in paragraph 5—

(a) for "Commission", in the first two places it occurs, substitute "Secretary of State";

(b) for "If appropriate, the Commission shall adopt, by means of delegated acts", substitute "The Secretary of State may prescribe, by regulations".

(11) In Article 21 (delegated acts)—

(a) for the heading, substitute "Power to make regulations";

(b) in paragraph 1, for the words from the beginning to "concerning", substitute "The Secretary of State may by regulations make provision";

(c) omit paragraph 2.

(**a**) OJ No. L 94, 28.03.2014, p. 65.
(**b**) OJ No. L 272, 18.10.2011, p. 1.

(12) For Article 22 (exercise of the delegation), substitute—

"*Article 22*

Exercise of the power to make regulations

The power to make regulations under Articles 20(5) and 21 is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament."

(13) Omit Articles 23 (reporting), 24 (review) and 25 (study on hazardous substances).

(14) In Annex 2 (minimum requirements regarding a technical file to be included in the application for a new textile fibre name)—

(a) in point (5)—

(i) omit "or the harmonised standards to be introduced in that Annex",

(ii) omit "or harmonised standards";

(b) in point (6), for "relevant Union legislation", substitute "the law of the United Kingdom or any part of the United Kingdom";

(c) in point (8), for "Commission", substitute "Secretary of State".

(15) Omit Annex 3 (names referred to in Article 8(1)).

(16) In Annex 8 (methods for the quantitative analysis of binary and ternary textile fibre mixtures)—

(a) in Chapter 2, in paragraph 1.7.2, omit "Union";

(b) in Chapter 3, in paragraph 1.7.2, omit "Union";

(c) in Chapter 3, in the heading of Section 5, omit "Union".

Date

Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of labelling and composition of textile products. They transfer powers to the Secretary of State to recognise new textile fibre names and testing methods, amend the language that must be used to label textiles and transfer labelling obligations to importers into the United Kingdom. Part 2 amends the Textile Products (Labelling and Fibre Composition) Regulations 2012 (S.I. 2012/1102) and Part 3 amends Regulation (EU) No 1007/2011 of the European Parliament and of the Council.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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