STATUTORY INSTRUMENTS

2006 No. 3298

TRADE DESCRIPTIONS

The Textile Products (Determination of Composition) Regulations 2006

Made - - - -	*13th December 2006*
Laid before Parliament	*13th December 2006*
Coming into force - -	*6th January 2007*

The Secretary of State, in exercise of his powers under section 2(2) of the European Communities Act 1972(**a**), makes the following Regulations.

The Secretary of State is a Minister designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures concerning the composition, labelling, marketing, classification or description of textiles and products incorporating textiles.

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Textile Products (Determination of Composition) Regulations 2006 and shall come into force on 6th January 2007.

(2) The Textile Products (Determination of Composition) Regulations 1976(**c**) and the Textile Products (Determination of Composition) (Amendment) Regulations 1988(**d**) are revoked.

Interpretation

2. In these Regulations—

"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**), as amended by Commission Directive 2006/2/EC of 6 January 2006 amending, for the purpose of its adaptation to technical progress, Annex II to Directive 96/73/EC of the European Parliament and of the Council on certain methods for quantitative analysis of binary textile fibre mixtures(**f**);

"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(**g**); and

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(**a**) 1972 c.68.
(**b**) S.I. 1993/2661.
(**c**) S.I. 1976/202, as amended by S.I. 1988/1349.
(**d**) S.I. 1988/1349.
(**e**) O.J. L32, 3/2/97, p.1, as amended by Regulation EC 1882/2003 (O.J. L284, 31/10/2003, p.1). This Regulation relates to the comitology provisions of Directive 96/73/EC and is not relevant to these Regulations.
(**f**) O.J. L5 10/1/2006, p.10.
(**g**) O.J. L83, 30/3/73, p.1.

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

Purpose

3.—(1) These Regulations apply for the purposes 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 textile 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

4.—(1) Test samples and test specimens shall be prepared for analysis in accordance with the provisions of Annex I 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

5.—(1) The analysis of a binary textile fibre mixture which is specified in Annex II of 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 of 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 of Directive 73/44/EEC and the results calculated and expressed in accordance with Annex I.

Ian McCartney
Minister for Trade, Investment and Foreign Affairs
Department of Trade and Industry

13th December 2006

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These 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 the Annexes to Directive 96/73/EC (as amended) and Directive 73/44/EEC. 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")) 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.

These Regulations implement Council 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 fibres (O.J. No L32 3.2.97, p.1) as amended by Council Directive 2006/2/EC of 6 January 2006 (O.J. No L5 10.01.2006, p.10) and Council Directive 73/44/EEC on the approximation of laws of the Member States relating to the quantitative analysis of ternary fibre mixtures (O.J. No L83 30.03.73, p. 1).

Regulation 1 of these Regulations revokes the Textile Products (Determination of Composition) Regulations 1976 (the "1976 Regulations") which previously implemented Directives 96/73/EC and 73/44/EEC.

A regulatory impact assessment of the effect that these Regulations will have on the costs to business is available (together with a transposition note) from the Consumer and Competition Policy Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies of the regulatory impact assessment and transposition note have also been placed in the libraries of both Houses of Parliament.

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