

BETTER MARKET SURVEILLANCE AND PRODUCT COMPLIANCE

for textile products

Structure and available expertise in market
surveillance of textiles in the EU





Every year, about 28 billions of garments circulate across Europe, 80% of which are imported from outside the EU and its jurisdiction. Inevitably, such huge volumes are a challenge for market surveillance authorities who have to ensure that non-compliant dangerous products are kept away from EU citizens.

The European Union has the world's most comprehensive chemical legislation to protect consumers, the environment and, theoretically, the competitiveness of responsible companies.

The EU chemical legislation is constantly evolving, widening its scope and ambition. New restrictions imply new legal obligations and additional costs for authorities and sectors such as the European textile value chain.

However, this advanced regulatory framework is not supported by an equally advanced or effective EU-wide control system capable of ensuring compliance especially in the case of imported products.

A WELL-FUNCTIONING EU MARKET SURVEILLANCE SYSTEM IS AN ESSENTIAL PREREQUISITE TO PROTECT CITIZENS, THE ENVIRONMENT AND THE COMPETITIVENESS OF RESPONSIBLE BUSINESSES. A STRONG COLLABORATION BETWEEN AUTHORITIES, THE TEXTILE AND CLOTHING INDUSTRY AND TESTING LABORATORIES IS URGENTLY NEEDED TO ADDRESS THIS ISSUE.



EXECUTIVE SUMMARY

The REACH4Textiles project team summarised the findings of WP2 in two separate reports. The first report outlined the relevant market surveillance authorities checking textiles labelling and REACH in textiles, potential gaps and overlaps in their duties, and their cooperative efforts. In the second report we outline the available expertise of these authorities, focusing on REACH, namely the methodologies used to check REACH in textiles, cooperative measures on national and international level, type of articles checked, and the frequency of checks, followed by each country analysis by the REACH4Textiles partners.

OVERVIEW OF THE METHODOLOGY

The information for the reports was gathered via a list of market surveillance authorities made available by the European Commission, DG GROW, desk research i.e., authority websites, and a questionnaire.

For the report, 32 European countries were selected on an individual basis, namely the EU, the EEA, Switzerland and Turkey.

In total, 27 countries replied to the questionnaire in such a way as to allow an adequate analysis to be carried out, and for 5 countries appropriate information is still missing.

The information in these reports is therefore not exhaustive.

Desk research revealed that different authorities often provide different information on their websites. We also found that the answers to the questionnaire varied. Nevertheless, the REACH4Textiles project team has harmonised the information as much as possible and provided an overview of the results.

FINDINGS OF REPORT I

- **THE AUTHORITIES:** 89 national market surveillance authorities were identified as relevant for the surveillance of textile labelling and REACH in textiles in Europe.
- **MARKET SURVEILLANCE STRUCTURE:** 8 countries were found to have integrated labelling and REACH surveillance for textiles, 17 were found to be separate and for 7 countries this is not clear.
- **MARKET SURVEILLANCE STRUCTURE NATIONAL/REGIONAL:** 14 countries were found to have national responsibility, 10 national and regional responsibility and for 8 countries it is not clear.
- **COOPERATION:** In 19 countries there is cooperation between REACH and labelling authorities, 3 countries reported no cooperation and for 10 countries it is not clear.

There are usually different authorities responsible for checking textile labelling and REACH compliance in textiles. There may be occasional cooperation for specific projects, but the responsibilities of the different authorities are clearly delineated and long-term cooperation between them is not common. In some cases, textile labelling and REACH monitoring have been merged into one authority and inspectors check both textile labelling and REACH compliance. In other cases, labelling and REACH surveillance are combined but separated according to whether the effects are relevant to the environment or health, or whether the effects are relevant to consumers or industrial practices. Overall, the approach to market surveillance in EU Member States varies widely across Europe.

FINDINGS OF REPORT 2

- **METHODOLOGIES TO PRIORITISE:** 21 countries have indicated that they have some sort of risk-based approach to prioritising textiles, 2 countries have no specific methodology and for 9 countries it is not clear.
- **BASIS OF RISK-BASED APPROACH:** REACH market surveillance authorities consider a variety of elements when establishing a risk-based approach for textiles, with the top 3 being Safety Gate (indicated by 15 countries), complaints/hints by customers/other countries (indicated by 10 countries), and past experiences (indicated by 9 countries).
- **ARTICLES PRIORITISED:** REACH market surveillance authorities consider a variety of articles when checking REACH compliance in textiles with the top 3 being children's clothing (indicated by 10 countries), clothes with close contact with skin (indicated by 4 countries), and products with prints/certain colors (indicated by 3 countries).
- **SUBSTANCES PRIORITISED:** REACH market surveillance authorities consider a variety of substances checking REACH compliance in textiles with the top 3 being azodyes (indicated by 11 countries), Chromium VI and CMRs (both indicated by 6 countries).
- **CHECKS IN ONLINE MARKET PLACES:** 14 REACH market surveillance authorities have indicated they do checks in online market places, 4 do not, and for 14 countries this is not clear.
- **FREQUENCY OF REACH CHECKS IN TEXTILES:** 6 countries indicated REACH compliance in textiles is prioritised periodically, 3 countries indicated regularly, 5 every year, 2 are not able to prioritise, and for 16 this is not clear.

Prioritisation is key in carrying out the duties of the market surveillance authorities. This often evolves into a risk-based approach that allows to carry out surveillance as effectively as possible. Some countries have not yet had the opportunity to prioritise surveilling REACH compliance in textiles due to the workload caused by many different legislations, the lack of finance or capacity. In cases where textiles have been prioritized to check REACH compliance, textiles are not a priority every year, once again due to the many duties. In cases where textiles are prioritised, not all substances are checked.

In relation to testing, it was further found that in most cases authorities work with independent laboratories, and only in rare cases authorities have in-house laboratories. In a few cases, there are no available laboratories in the Member States which prompts authorities to rely on checking certificates of manufacturers to ascertain compliance.

COUNTRY SPECIFIC CONSIDERATIONS

A REACH or Textiles Working Group may be useful to increase expertise on textile market surveillance among inspectors and to improve cooperation.

Setting up collaborative meetings, a dedicated platform or a notification system between textile labelling, REACH competent authorities and customs may be useful to share information on non-compliance and optimise efforts to find non-compliance.

Workshops to build expertise on REACH market surveillance of textiles may be useful for countries that have not yet had the opportunity to prioritise textiles.

Updating and diversifying the methodologies used to prioritise textiles may be appropriate in cases where few non-compliances have been found in recent years.

CONSIDERATIONS FOR THE OVERALL IMPROVEMENT OF TEXTILE MARKET SURVEILLANCE

- **HARMONISATION:** Greater harmonisation is suggested, mainly in relation to the harmonised risk-based approach for textiles. As the project found that sanctioning measures also vary between Member States, harmonisation is also suggested.
- **EU BODY, SUCH AS THE TEXTILES AND CHEMICALS ADCO, TO HARMONISE THE WORK:** this body could incorporate chemicals and labelling expertise and maximise the benefits of the harmonised risk-based approach mentioned above, i.e. review the results from Member States and update the work each year according to the knowledge of non-compliance.
- **KNOWLEDGE BUILDING:** this is proposed through training, workshops, with the help of the above-mentioned Textiles ADCO.
- **FINANCIAL ASSISTANCE AND CAPACITY BUILDING:** due to the lack of capacity in market surveillance authorities across Europe, assistance and capacity building is proposed to improve market surveillance for textiles and for products in general in the EU.
- **A SINGLE INTEROPERABLE DATABASE ACROSS MEMBER STATES:** this is proposed for reporting purposes, which would reduce the administrative burden of reporting in different computer programmes (national and EU) and allow for more effective coordination across the EU.

REACH

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