German Economic Team

UZBEKISTAN

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The EU specific regulatory requirements for imports of textile and apparel

by Veronika Movchan

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About the German Economic Team

Financed by the Federal Ministry for Economic Affairs and Energy, the German Economic Team (GET) advises the governments of Ukraine, Belarus, Moldova, Kosovo, Armenia, Georgia and Uzbekistan on economic policy matters. Berlin Economics has been commissioned with the implementation of the consultancy..

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Content

1 Introduction

Trade costs associated with regulatory requirements for exports can be tentatively split into costs related to implementing these requirements and, in some cases, to confirming compliance with these requirements.

Some trade costs reduction can be achieved through better information about regulations, training and economies of scale. However, the most comprehensive decline of trade costs can be achieved through harmonisation and mutual recognition.

Harmonisation of regulatory requirements

The countries can harmonise their regulatory requirements with those of the partner countries, thereby creating a de-facto uniform regulatory space. In this case, all domestic producers, including exporters, will have to comply with these regulatory requirements. At the same time, domestic producers supplying to both internal and partner's markets will face identical regulatory requirements and thus spend less to ensure compliance.

Harmonisation of regulatory requirements is reasonable if one of several criteria are met:

- Partner's regulations are perceived as fully in line with domestic policy, allowing to modernise domestic rules, e.g. to improve the protection of human health, environment, consumer rights etc.;
- The country aims to integrate into partner's market, e.g. into the EU internal market;
- The partner market is among the most significant country's export destinations for the products subject to these regulations;
- Many (most) domestic producers are involved in exports to the partner's market;
- Partner's regulations are de-facto international regulations, so harmonisation will help to improve access to other markets.

If these criteria are met vaguely, the decision to harmonise the legislation should be carefully weighed against the harmonisation costs for domestic producers and consumers.

Mutual recognition of conformity assessment results

Partners can mutually reduce the costs of the compliance confirmation through mutual recognition of the conformity assessment results produced by their designated conformity assessment bodies. The backbone for such mutual recognition agreement (MRA) is mutual trust in the partner's institutional framework. Therefore, the MRAs are generally concluded among countries with a similar level of development. For instance, the EU has MRAs with the USA, Japan, Canada, Australia, New Zealand, Switzerland and Israel.[1]

The EU put forward the opportunity for a particular type of MRA, an agreement on conformity assessment and acceptance of industrial products (ACAA). This agreement aligns the partner country's legislative system and quality infrastructure with the EU's. On the one hand, the preparation for the ACAA is much more cumbersome than for the usual MRA. But, on the other hand, this alignment

[1]See: https://ec.europa.eu/growth/single-market/goods/international-aspects/mutual-recognition-agreements_en

provides an additional guarantee for the high reliability of the conformity assessment procedures. It thus opens the door for MRAs with a wider arrange of countries.

So far, the EU has only one concluded ACAA with Israel. It entered into force in 2013.[2] Over the past decade, the EU offered the opportunity to complete the ACAA to many other neighbouring countries, including Ukraine, Georgia, and Moldova, in the framework of the Association Agreements, and Mediterranean countries like Tunisia[3], Morocco, Jordan and Egypt.[4] However, progress in preparations has been slow in many of them.

As for the case of regulatory harmonisation, the aim to conclude the ACAA with the EU should be carefully evaluated as it requires significant restructuring of internal processes.

When harmonisation with the partner's regulation or mutual recognition is unfeasible, better information and training for exporters can help ease regulatory requirements' implementation.

This technical note aims to review key regulatory requirements applied by the EU to imports of textile and apparel (HS 50 – 63), searching for regulations, harmonisation with which might be potentially beneficial for Uzbekistan.

2 Review of regulatory requirements applied towards EU imports of textile and apparel

Imports of textile and apparel are subject to several regulatory requirements (Table 1), but the coverage of these requirements are far from being uniform.

All imports have to comply with labelling for textile requirements to provide accurate and easily understandable information to consumers. The second most widely applied regulation is a restriction on certain chemical substances in textile and leather products. There is a list of substances not allowed in textile and leather articles.

All other regulations are much more sporadic. The protection of endangered species, including import control over products derived from them, is the third set of regulatory requirements, most frequently applied toward textile and apparel.

Imports of wool have to comply with health control requirements of products of animal origin not intended for human consumption. For untreated cotton or other vegetable fibre, health control measures related to plants are applied. In some cases, imports have to adhere to the packaging requirements.

Several technical regulations are applied to some articles of textile and apparel and require the CE or wheel marking as proof of conformity with the applicable essential requirements. These regulations concern personal protective equipment, marine equipment, pyrotechnic articles and electromagnetic compatibility. These technical regulations are included in the lists of potential sectors to be covered by the ACAA agreement for Ukraine, Moldova and Georgia.

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[2] See: https://ec.europa.eu/health/sites/health/files/files/international/2013_qa_israel-eu.pdf

[3] See: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_12_166

[4] See: https://www.accredia.it/app/uploads/2013/06/4069_Workshop_UE___26_06_2013___4__The_context_of_the_ACAA_Agreement___Evelyne_Hania___EC.pdf.

Noteworthy, most textile and apparel do not require the CE marking to be placed on the EU market. A detailed description of critical requirements and links to relevant EU legislation are provided in Annex A.

Table 1: Key regulatory requirements[5] applied to <u>at least some</u> textile and apparel imported to the EU

	Regulatory requirements	**50**	**51**	**52**	**53**	**54**	**55**	**56**	**57**	**58**	**59**	**60**	**61**	**62**	**63**
1.	Labelling for textiles	√	√	√	√	√	√	√	√	√	√	√	√	√	√
2.	Restriction on the use of certain chemical substances in textile and leather products	√	√	√	√	√	√	√	√	√	√	√	√	√	√
3.	Endangered Species Protection (CITES)		√				√	√	√	√			√	√	√
4.	Packaging, including health control of articles in contact with food products							√							√
5.	Technical standards for personal protective equipment							√					√	√	√
6.	Technical standards for marine equipment														√
7.	Health control of products of animal origin not intended for human consumption		√												
8.	Plant health control		√	√											
9.	Technical standards for pyrotechnic articles														√
10.	Technical standards for electromagnetic compatibility														√

Source: EC Access2Markets: <u>https://trade.ec.europa.eu/access-to-markets/en/home</u>

*Note: **50** Silk; **51** Wool, fine or coarse animal hair; horsehair yarn and woven fabric; **52** Cotton; **53** Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; **54** Man-made filaments; strip and the like of man-made textile materials;*

[5] The list does not include several regulations, like license imports for agricultural products, required for imports of e.g. true hemp; and waste control applied to any imports of textile and apparel waste

***55** Man-made staple fibres; **56** Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof; **57** Carpets and other textile floor coverings; **58** Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; **59** Impregnated, coated, covered or laminated textile fabrics; textile articles of a kind suitable for industrial use; **60** Knitted or crocheted fabrics; **61** Articles of apparel and clothing accessories, knitted or crocheted; **62** Articles of apparel and clothing accessories, not knitted or crocheted; **63** Other made-up textile articles; sets; worn clothing and worn textile articles; rags*

3 Potential for regulatory harmonisation with requirements applied towards EU imports of textile and apparel

We briefly analysed the potential for regulatory harmonisation with requirements applied towards EU imports of textile and apparel, taking into account specific features of regulations, their importance for Uzbekistan's exports and potential costs of full-fledge harmonisation for the domestic market. The results are summarised in Table 2.

Table 2: Potential for regulatory harmonisation with requirements applied towards EU imports of textile and apparel

	Regulatory requirements	Assessment of potential for regulatory harmonisation	Suggestions
1.	Labelling for textiles	Imposition of EU labelling requirements on UZB producers servicing domestic market is costly and would not help to comply with EU requirements due to language difference	Not recommended for harmonisation
2.	Restriction on the use of certain chemical substances in textile and leather products	The EU Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation is perceived as one of the most cumbersome and expensive for implementation	It is not recommended to harmonise with the REACH regulation
3.	Endangered Species Protection (CITES)	Uzbekistan is the party of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), on which the EU regulation is based. The internal legislation is under revision.[6]	Alignment of domestic legislation might be helpful
4.	Packaging, including health control of articles in contact with food products	It covers environmental and health risks so that it could be beneficial for implementation domestically. Costs for the domestic market are unclear, likely high. For most Uzbekistan textile and apparel exports, requirements are not mandatory	Not recommended for first-stage harmonisation

[6] See: https://cites.org/eng/parties/country-profiles/uz/compliance-status

	Regulatory requirements	Assessment of potential for regulatory harmonisation	Suggestions
5.	Technical standards for personal protective equipment	Harmonisation with EU standards can simplify exports to the EU and other countries. High global demand due to Covid-19. Imports and domestic production are to be studied further.	Harmonisation of standards might be beneficial, requires further analysis
6.	Technical standards for marine equipment	The domestic market for life jackets, for which this regulation is required, is de-facto absent. If Uzbekistan develops production aiming at the EU market, harmonisation might be an option	Not relevant for textile and apparel
7.	Health control of products of animal origin not intended for human consumption	Currently, Uzbekistan exports wool to Russia, China and India primarily. Exports to the EU are non-existent as Uzbek establishments are non-compliant with the EU requirements. However, the compliance of all domestic producers could be costly. Uzbekistan aims to export higher value-added products of textile and apparel, while wool is the raw material	Support compliance verification of individual exporters instead of harmonisation for all domestic producers
8.	Plant health control	Uzbekistan producers of plant products export them to the EU under current regulations. Interviews with exporters did not reveal any complaints. Uzbekistan aims to export higher value-added products of textile and apparel	Not relevant for textile and apparel
9.	Technical standards for pyrotechnic articles	The domestic market for life jackets, for which this regulation is required, is de-facto absent. If Uzbekistan develops production aiming at the EU market, harmonisation might be an option	Not relevant for textile and apparel
10.	Technical standards for electromagnetic compatibility	Technical regulation is relevant for electric blankets, Uzbek trade in which is close to zero. In 2020, Uzbekistan imports were USD 25 thousand, all from China. At the same time, the regulation covers a wide array of other equipment, for which the impact of harmonisation is undefined at this stage	Not relevant for textile and apparel

Our analysis shows that there is a limited scope for harmonisation with the EU regulations for Uzbekistan without imposing noticeable additional costs on domestic producers, most of them not aiming to export to the EU market.

We suggest further evaluating the harmonisation with the EU regulations on personal protective equipment, focusing on the structure of the domestic market and the potential of exports to the EU and globally.

4 Conclusions

There are many EU regulations concerning textile and apparel imports, but most of them apply to only a few product categories. Labelling of textile and restrictions on certain chemical substances are the most uniform, but these regulations are not recommended for harmonisation.

We suggest further evaluating the harmonisation with the EU regulations on personal protective equipment, focusing on the structure of the domestic market and the potential of exports to the EU and globally.

5 Annex A. Review of regulatory requirements

A.1. Labelling for textiles

Textile products may only be placed on the EU market if labelled, marked or accompanied with commercial documents in compliance with Regulation (EU) No 1007/2011. The primary purpose of the Regulation is to ensure that consumers, when purchasing textile products, are given an accurate indication of their fibre composition.

However, only products for sale to the end consumer need to be labelled; for other products, the labelling or marking can be replaced or supplemented by accompanying commercial documents. Products sold by the metre need to be marked only on the piece or roll offered for sale.

Key requirements:

When placing a textile product on the market, the manufacturer, distributor or importer must ensure the supply of the label or marking indicating the fibre composition of the product. In addition, the information must be accurate, not misleading and easily understandable.

The label or mark shall be durable, easily legible, visible, accessible, and securely attached in the case of a label. Besides, it shall be provided in the official language or languages of the Member State where the product is offered to the consumer unless otherwise is provided by the Member State concerned.

The information provided on the labels should not contain abbreviations, except mechanised processing codes or where the abbreviations are defined in international standards.

The surveillance and inspection on whether the composition of textile products conforms with the information supplied by the labelling can occur at any stage of the marketing chain (e.g. customs clearance, distributors warehouses, wholesalers or retailers outlets).

Specific requirements:

a. Only textile products exclusively composed of the same fibre may be labelled or marked as '100 %', 'pure' or 'all'.
b. Multi-fibre textile products shall be labelled or marked with the name and percentage by weight of all constituent fibres in descending order. Fibres not yet listed in Annex I to the Regulation or fibres accounting for less than 5% of the total weight may be designated as Other fibres, immediately preceded or followed by their total percentage by weight.
c. A textile product containing two or more textile components with different textile fibre contents shall bear a label or marking stating the textile fibre content of each element.
d. Decorative fibres and fibres with antistatic effects not exceeding 7% and 2%, respectively, of the product's weight, are excluded from the indication of fibre content.
e. The presence of non-textile parts of animal origin must be marked as containing *non-textile details of animal origin* on the labelling or marking.
f. For textile products whose fibre composition is challenging to determine, the terms mixed fibres or unspecified textile composition may be used.
g. Annex IV to the Regulation sets out special provisions for the labelling and marking certain textile products (corsetry products, embroidered textiles, etc.).

Market surveillance authorities shall check the conformity of the fibre composition of textile products with the supplied information. The Regulation allows for some tolerances between the stated fibre composition and the percentages obtained after the analysis.

Legislation:

- Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 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 (OJ L-272 18/10/2011) (CELEX 32011R1007-20180215)

A.2. Restriction on the use of certain chemical substances in textile and leather products

The placing on the EU market of textile and leather articles containing certain chemical substances, groups of substances, or mixtures are prohibited or severely restricted to protect human health and the environment. The restrictions also concern some persistent organic pollutants and biocidal products.

These restrictions are established in several regulations, including:

- Regulation (EC) 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH);
- Regulation (EU) 2019/1021 on persistent organic pollutants;
- Regulation (EU) 528/2012 concerning the making available on the market and use of biocidal products.

The European Chemicals Agency (ECHA) manages and coordinates the registration, evaluation, authorisation and restriction processes of chemical substances to ensure consistency in managing chemicals across the EU.

Key requirements:

According to Annex XVII to REACH, the main chemical substances, group of substances or mixtures not allowed in textile and leather articles are:

- Tris (2,3 dibromopropyl) phosphate in textile articles intended to come into contact with the skin.
- Tris (aziridinyl) phosphinoxide in textile articles intended to come into contact with the skin.
- Polybrominated biphenyls (PBB) in textile articles intended to come into contact with the skin.
- Mercury compounds in the impregnation of heavy-duty industrial textiles and yarn intended for their manufacture.
- Dioctyltin (DOT) compounds in textile articles, footwear or part of footwear intended to contact the skin.
- Nickel in articles intended to come into direct and prolonged contact with the skin, such as rivets buttons, tighteners, rivets, zippers and metal marks, when used in garments.
- Azodyes, which may release one or more of the aromatic amines listed in Appendix 8 in textile and leather articles, which may come into direct and prolonged contact with the skin or oral cavity.

- Nonylphenol and nonylphenol ethoxylates in textile and leather processing.
- Chromium VI compounds in leather articles intended to come into contact with the skin.
- Polycyclic aromatic hydrocarbons compounds (PAH) in clothing, footwear, gloves and sportswear if any of their rubber or plastic components come into direct as well as prolonged or short-term repetitive contact with the skin or the oral cavity.
- The substances listed in column 1 of the Table in Appendix 12 in clothing or relating accessories, footwear and other textiles intended to contact human skin in a concentration, measured in homogeneous material, equal to or greater than that specified for that substance in Appendix 12.

Persistent organic pollutants are toxic chemical substances, which resist degradation. Regulation (EU) 2019/1021 on persistent organic pollutants lays down the prohibition on imports of POP substances listed in Annex I, whether on their own, in preparations or as constituents of articles, including textile and leather articles.

Biocidal product is any active substance or mixture to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action. All types of biocidal products are listed and described in Regulation (EU) 528/2012 concerning the making available on the market and use of biocidal products. Biocidal products **are not allowed** in textile and leather articles unless authorised by this Regulation.

Legislation:[7]

- 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, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L-396 30/12/2006) (CELEX 32006R1907).
- Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L-169 25/06/2019) (CELEX 32019R1021)
- Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L-167 27/06/2012) (CELEX 32012R0528)

A.3. Endangered species protection (CITES)

Imports of specific endangered species of animals and plants (or parts or derivatives made thereof) are subject to compliance with the EU wildlife regulatory measures.

[7] In the study, all legal references mentioned refer only to the original basic legislation. The use of the CELEX number provided will allow access to the basic legislation, all amendments and the consolidated version of the legislation whenever available on EUR-Lex (European Union legislation database)

EU wildlife legislation, Council Regulation (EC) No 338/97, is based on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It comprises a double-checking system involving export and import controls at the country of origin and the EU level.

In each EU Member State, the system is managed by:

- a Management Authority, who issues permits and checks imports;
- a Scientific Authority, who acts as a consultative body.

The Regulation lays down different requirements and procedures for each group of species listed in its Annexes A, B, C and D.

Key requirements:

Any transaction with commercial purposes involving specimens of the species listed in Annex A to the Regulation is prohibited.

The European Commission may curb the importation of certain specimens or species, either globally or originating from specific third countries. These suspensions are published periodically, and they affect imports into all EU Member States.

Importing procedures vary depending on the Annex, in which species are listed. For species listed in Annex A and Annex B, export and import permits are required to accompany the shipment. They must be presented to custom services at each border control before introducing the load into the EU. Depending on certain conditions, an import notification and export permit or a certificate of origin should be shown for species listed in Annexe C. For importation of species listed in Annex D, only an import notification to the member state management authority is required upon introduction into the EU.

Documents must be obtained before introducing the EU and must be presented to the customs office at the first introduction point. In addition, export permits should be requested to the management authority of the third country from where the specimen will be exported.

Certain specimens of species have to be uniquely marked for international trade control purposes (e.g. crocodilian skins and caviar), to prevent fraud, to curtail illegal trade, or other purposes.

Legislation:

- Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L-61 03/03/1997) (CELEX 31997R0338)
- Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L-166 19/06/2006) (CELEX 32006R0865)
- Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora (OJ L-248 27/09/2019) (CELEX 32019R1587)
- Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 (OJ L-242 07/09/2012) (CELEX 32012R0792)

- Commission Notice 2019/C 386/04 Guidance document on the export, re-export, import and intra-Union trade of rhinoceros horns (OJ C-386 14/11/2019) (CELEX 52019XC1114)

A.4. Packaging, including health control of articles in contact with food products

Packaging marketed within the EU must comply with the general requirements that aim at protecting the environment and the specific provisions designed to prevent any risk to the health of consumers.

Directive 94/62/EC defines 'packaging' as every product made of any material of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer. Annex I of the Directive contains a list of illustrative examples of 'packaging' and 'non-packaging' products according to criteria set out by Article 3.

Hence, these types of products are affected by:

- General requirements related to packaging and packaging waste
- Specific provisions related to package sizing
- Specific rules on nominal quantities for prepacked products
- Special rules for materials and articles intended to come into contact with foodstuffs
- Special rules for single-use plastics

Key requirements:

All packaging placed on the EU market, including packaging designed for industrial, commercial and domestic purposes, must comply with the essential requirements on the composition and the limits of the heavy metal specified in Directive 94/62/EC, aiming at minimising the impact of packaging waste on the environment.

Besides these mandatory provisions, imports into the EU of packaging made of wood and other plant products may be subject to phytosanitary measures established by Directive 2000/29/EC. Wood packages of any type (cases, boxes, crates, drums, pallets, box pallets and other load boards, pallet collars, etc.) shall go through one of the approved treatments specified in Annex I to FAO International Standard for Phytosanitary Measures No. 15 and shall bear the corresponding mark as defined in Annex II.

Certain prepackaged products shall only be placed on the market provided the nominal quantity and capacity of the container fits into one of the sizes permitted by the EU legislation. The labelling must indicate the volume in the case of liquid products and the weight in the case of other products. The label of the prepacked product must also bear the weight and volume indications used in trade practice or comply with the national regulations of the destination country.

Directive 2007/45/EC establishes the range of nominal quantities for prepacked products.

All materials and articles intended to come into contact with foodstuffs, including packaging materials and containers, must be manufactured so that they do not transfer their constituents to food in quantities that could endanger human health, change the composition of the food in an unacceptable way or deteriorate the taste and odour of foodstuffs.

Legislation:

- Legislation related to General requirements related to packaging and packaging waste: List of applicable legislation
- Legislation related to specific provisions on package sizing: Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products (CELEX3A31976L0211)
- Legislation related to specific rules on nominal quantities for prepacked products: List of applicable legislation
- Legislation related to materials and articles intended to come into contact with foodstuffs: List of applicable legislation
- Legislation related to special rules for single-use plastics: List of applicable legislation

A.5. Technical standards for personal protective equipment

To be placed on the EU market, personal protective equipment (PPE) must comply with the essential requirements laid down by Regulation (EU) 2016/425.

The provisions of the Regulation apply to personal protective equipment (PPE), defined as any equipment designed and manufactured to be worn or held by a person for protection against one or more risks to that person's health or safety.

Key requirements:

PPE must comply with the essential health and safety requirements laid down in Annex II to the Regulation. In addition, they refer to design, manufacture, materials, testing, instructions, information to be supplied by the manufacturer, and other aspects.

The compliance with Regulation (EU) 2016/425 can be confirmed with harmonised standards, i.e. technical specifications that facilitate adherence to the essential requirements. Therefore, products manufactured according to these harmonised standards benefit from a presumption of compliance with the essential requirements.

PPE are classified by categories depending on the risks against which equipment is intended to protect users and can be subject to different conformity assessment procedures, including third-party conformity assessment.

The CE marking has to be affixed to PPE before being placed on the market. It shall be secured in a visible, easily legible and indelible form to each piece of manufactured PPE or the packaging and be accompanied by the identification number of the notified body in case of involvement in the product's control phase.

Legislation:

- Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L-81 31/03/2016) (CELEX 32016R0425)
- Commission Implementing Decision (EU) 2015/2181 of 24 November 2015 on the publication with restriction in the Official Journal of the European Union of the reference to standard EN

795:2012 on 'Personal fall protection equipment — Anchor devices' under Regulation (EU) No 1025/2012 of the European Parliament and of the Council (OJ L-309 26/11/2015) (CELEX 32015D2181)

- Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L-218 13/08/2008) (CELEX 32008R0765).
- Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ-316 14/11/2012) (CELEX 32012R1025)
- Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L-393 30/12/1989) (CELEX 31989L0656)

A.6. Technical standards for marine equipment

It is only required for live-saving appliances intended for seagoing like life jackets. However, to be placed on an EU shipboard and ensure the free movement of such equipment within the EU, marine equipment must comply with the provisions laid down by Directive 2014/90/EU.

The provisions of the Directive apply to the following equipment:

- Life-saving appliances
- Marine pollution prevention
- Fire protection equipment
- Navigation equipment
- Radio-communication equipment
- Collision prevention equipment

Key requirements:

The specific requirements for each product have been established in the Regulation (EU) 2020/1170 on design, construction and performance requirements and testing standards for marine equipment. They are applicable as of 1 September 2020.

An EU declaration of conformity must accompany marine equipment. The conformity assessment procedure is required to certify that products comply with the provisions laid down in the Directive. The intervention of a third party (Notified Body) is mandatory.

Marine equipment must bear the wheel mark as proof of conformity with the applicable standards to be placed in the EU market. Accordingly, the use of the wheel mark shall be subject to the general principles set out in Regulation (EC) 765/2008, where any reference to the CE marking shall be construed as a reference to the wheel mark.

Each Member State is responsible for market surveillance following the EU market surveillance framework and shall take into account the specific features of the marine equipment sector, ensuring that the marine equipment on board the ships complies with the requirements of the Directive.

Legislation:

- Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L-257 28/08/2014) (CELEX 32014L0090)
- Commission Implementing Regulation (EU) 2020/1170 of 16 July 2020 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2019/1397 (OJ L-264 12/08/2020) (CELEX 32020R1170)
- Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93 (OJ L-218 13/08/2008) (CELEX 32008R0765)
- Decision 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L-218 13/08/2008) (CELEX 32008D0768).
- Commission Implementing Regulation (EU) 2018/608 of 19 April 2018 laying down technical criteria for electronic tags for marine equipment (OJ L-101 20/04/2018) (CELEX 32018R0608)

A.7. Health control of products of animal origin not intended for human consumption

Imports into the EU of animal products not intended for human consumption must comply with general conditions of public and animal health designed to guarantee a high level of health and safety throughout the food and feed chains and avoid the spread of infectious diseases that are dangerous to livestock or humans.

According to Regulation (EU) 2017/625, these products can only be imported into the EU if:

- they come from an approved establishment of a third country included in a positive list of eligible countries for the relevant product (if required),
- the proper official certificates accompany them, and
- they have succeeded the mandatory control at the pertinent Member State's Border Control Posts (BCPs).

Compliance with these requirements is closely related to fulfilling certain conditions laid down to protect public and animal health.

However, the European authorities might suspend imports from all or part of the third country concerned or take interim protective measures when products may present any risk for public or animal health as in the case of dangerous diseases outbreaks.

Key requirements:

The general health requirements applicable to these products are related to:

- General requirements for feed hygiene
- Country health approval and approved establishments

- Official certificates
- Official control
- Marketing requirements

Certain animals and goods can only be placed on the EU market from a food and food safety perspective if imported from a country or region included in one of the EU lists published in EU legislation. Such lists are established to ensure compliance with EU food and feed safety requirements.

In addition to country approval, products of animal origin not intended for human consumption may only be imported into the EU if they have been dispatched from and obtained or prepared in approved establishments.

Imports of these products into the EU must be accompanied by an official certificate signed by the representative of the competent authority of the exporting country certifying that the products in question are suitable to be exported to the EU.

National competent authorities shall carry out official controls on all operators at all stages of production, processing, distribution, and use of animals, goods, substances, materials, or objects governed by agri-food chain rules.

The placing on the market and use of feed for food-producing and non-food-producing animals within the EU must comply with specific labelling, packaging and presentation standards laid down by Regulation (EC) 767/2009.

Legislation:

- EU legislation on establishing protective measures
- EU legislation setting up models of health certificates
- EU legislation on health control
- EU general legislation on feed

A.8. Plant health control

Imports into the EU of plants, plant products, and any other material capable of harbouring plant pests may be subject to the following protective measures, as established by Regulations (EU) 2016/2031 (Plant Health Law) and 2019/2072:

- Import bans
- Phytosanitary certificate
- Inspection and plant health checks
- Importers register
- Emergency measures

These phytosanitary measures are intended to prevent the introduction and/or spread of pests and organisms harmful to plants or plant products across the EU boundaries. They also aim to ensure safe trade and mitigate the impacts of climate change on the health of crops and forests in the EU.

Key requirements:

Import bans: Plants, plant products and other objects originating from non-EU countries listed in Annex VI to Regulation (EU) 2019/2072 are prohibited for introduction within the whole EU or in defined protected zones of the EU.

Phytosanitary certificate: Imports of plants and plant products listed in Annex XI and Annex XII to Regulation (EU) 2019/2072 must be accompanied by an official phytosanitary certificate. This document certifies the phytosanitary conditions of plants and plant products. The shipment has been officially inspected, complies with statutory requirements for entry into the EU, and is free of quarantine pests and other harmful pathogens.

The exporting country's national plant protection authorities issue the phytosanitary certificates. Once in the EU, a plant passport may replace the phytosanitary certificate for imported plants, plant products and other objects listed in Annex XIII and Annex XIV.

Inspection and plant health checks: In addition to the certificates mentioned above, the plants and plant products shall, from the time of their entry in the EU, be subject to inspection and supervision by the responsible official bodies.

The inspections must be made at entry into the EU at the proper Member State's border control post. However, identity checks and plant health checks may be carried out at the place of destination if the specific guarantees and documents regarding the transport of plants and plant products determined for each particular case are met.

Importers register Importers, whether or not producers of plants, plant products or other objects, must be included in an official register of a Member State under an official registration number.

Emergency measures: In addition and without prejudice to the aforementioned provisions, plants and plant products and other material capable of harbouring plant pests may be subject to emergency measures.

Legislation:

- New EU legislation on plant health control
- Previous EU legislation on plant health control

A.9. Technical standards for pyrotechnic articles

It is only required for pyrotechnic articles for technical purposes such as gas generators used in seatbelt pretensioners or life jackets. The placing on the EU market of pyrotechnic articles is subject to compliance with the mandatory essential safety requirements established by Directive 2013/29/EU.

Key requirements:

The essential safety requirements to be met are laid down in the Directive 2013/29/EU. The compliance can be confirmed with harmonised standards, i.e. technical specifications that facilitate adherence to the essential requirements. Products manufactured according to these harmonised standards benefit from a presumption of compliance with the essential requirements.

The conformity assessment process is required to certify that products comply with the provisions laid down in the Directive. The intervention of a third party (Notified Body) in the process is mandatory.

When being placed on the EU market, products covered by the Directive must bear the CE marking as proof of conformity with the applicable essential requirements. The mark shall be affixed in a visible, legible and indelible way on the pyrotechnic articles themselves or, if this is not possible, on the packaging and accompanying documents.

Pyrotechnic articles must be appropriately labelled in the country's official language(s) in which they are sold. Furthermore, to facilitate the traceability of pyrotechnic articles, manufacturers and importers must label them with a registration number assigned by a notified body carrying out the conformity assessment. The numbering will be done under a uniform system established by Commission Implementing Directive 2014/58/EU.

Companies who market the product should maintain records of the registration numbers of the pyrotechnic articles they make available on the EU market and, upon request, produce this information to the relevant authorities.

Legislation:

- Directive 2013/29/EU of the European Parliament and of the Council of 12 June 2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L-178 28/06/2013) (CELEX 32013L0029)
- Commission Implementing Directive 2014/58/EU of 16 April 2014 setting up, pursuant to Directive 2007/23/EC of the European Parliament and of the Council, a system for the traceability of pyrotechnic articles (OJ L-115 17/04/2014) (CELEX 32014L0058).
- Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L-218 13/08/2008) (CELEX 32008R0765).
- Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ-316 14/11/2012) (CELEX 32012R1025)

A.10. Technical standards for electromagnetic compatibility

It is only required for electrical or electronic appliances, for instance, electric blankets. The placing on the EU market of electrical and electronic apparatus is subject to compliance with mandatory essential requirements established by the Electromagnetic Compatibility (EMC) Directive 2014/30/EU, which ensures that their performance is protected against electromagnetic disturbances.

Key requirements:

These electronic appliances must meet the mandatory essential requirements set out in Annex I in such a way that:

- They do not cause electromagnetic disturbance exceeding the level above which radio and telecommunications equipment or other equipment cannot operate as intended,
- They have an adequate level of immunity to such disturbance, which allows them to operate without unacceptable degradation of their intended use.

Provisions related to essential requirements, conformity assessment procedures, CE and other information marks will not be compulsory for appliances intended for incorporation into a given fixed installation but are otherwise not made available on the market.

The compliance with the Regulation can be confirmed with harmonised standards, i.e. technical specifications that facilitate adherence to the essential requirements. Consequently, products manufactured according to these harmonised standards benefit from a presumption of compliance with the essential requirements.

The conformity assessment process is required to certify that products comply with the provisions laid down in the Directive. Compliance of apparatus shall be demonstrated by internal production control or EU type-examination by a notified body followed by Conformity to type.

When being placed on the EU market, electrical and electronic apparatus covered by the Directive must bear the CE marking as proof of conformity with the applicable essential requirements. The mark shall be affixed visibly, legibly and indelibly to the apparatus or its data plate or, if this is not possible or not warranted on account of the nature of the device, it shall be affixed to the packaging and the accompanying documents.

Each Member State establishes authorities to be responsible for checking that products placed on the market meet the requirements of the applicable directives and that the affixing and use of the CE marking is correct.

Legislation:

- Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L-96 29/03/2014) (CELEX 32014L0030)
- Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L-218 13/08/2008) (CELEX 32008R0765)
- Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L-316 14/11/2012) (CELEX 32012R1025)