



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2016/0697/I (Italy)

Article regulating the use of the terms 'leather', 'hide', 'fur' and terms derived therefrom

Date received : 29/12/2016

End of Standstill : 30/03/2017 (30/06/2017)

Message

Message 002

Communication from the Commission - TRIS/(2016) 03996

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0697/I

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidējimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201603996.EN)

1. MSG 002 IND 2016 0697 I EN 29-12-2016 I NOTIF

2. I

3A. MINISTERO DELLO SVILUPPO ECONOMICO

Direzione generale per il mercato, la concorrenza, il consumatore, la vigilanza e la normativa tecnica

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3B. MINISTERO DELLO SVILUPPO ECONOMICO

Ufficio legislativo

Roma

4. 2016/0697/I - X00M

5. Article regulating the use of the terms 'leather', 'hide', 'fur' and terms derived therefrom

6. Leather, hide, fur and products manufactured from hide, leather, fur

7. -

8. The draft article, which will seek inclusion in the draft law of the next 'European Law' currently being prepared laying down provisions for the fulfilment of the obligations arising from Italy's membership in the European Union, consists of 27 paragraphs.

The first three paragraphs identify the subject of the provisions, the definitions of the terms 'leather', 'coated leather', 'fur' and 'bonded leather', and refer to Regulation (EC) No 765/2008 for definitions relating to economic operators.



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Paragraph 4 excludes the application of the article, as a whole, to the products defined by Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer, transposed by the Decree of the Ministry of Industry, Trade and Craft Trades of 11 April 1996.

Paragraph 5 stipulates that the definitions in paragraph 2 can be adapted to take any technical changes into consideration, by decree of the Minister for Economic Development.

Paragraph 6 provides for a ban on the placing and making available on the market of materials and products manufactured with such materials, which use the terms 'leather', 'hide', 'full-grain leather', 'coated leather', 'coated hide', 'fur' and 'bonded leather' (even in a language other than English) if they do not correspond to the terms defined in paragraph 2. The same terms are prohibited even if used as adjectives, nouns or suffixes and prefixes for other words, and all terms that have similarities with the definitions referred to in paragraph 2 but with a different composition from the definitions indicated therein are further prohibited.

Paragraph 7 introduces a labelling or marking obligation, only for those who make use of the terms identified and defined in paragraph 2, on the materials or products placed or made available on the market.

Paragraph 8 assigns responsibility for the accuracy of the information contained on the labelling, marking or in the commercial document to the manufacturer or importer.

Paragraph 9 confers to the distributor the task of verifying the presence of the labelling or marking in the event of the occurrence of the conditions laid down by this article.

Paragraph 10 establishes the characteristics of the labelling and marking and the method of application.

Paragraph 11 introduces a derogation from the obligation of the presence of labelling or marking on products, in the case in which the materials and products manufactured with such materials are contracted out to operators forming part of the supply chain, allowing for the use of the accompanying commercial document in place of labelling or marking.

Paragraph 12 stipulates the obligation to include reference to the materials defined in paragraph 2 on the labelling, even when they are part of a manufactured product made up of other materials of a different nature.

However, paragraph 13 excludes the obligation referred to in paragraph 12 for all textile products defined by Regulation (EU) No 1007/2011 containing non-textile parts of animal origin and governed in accordance with Article 12 of the same Regulation.

Paragraph 14 establishes the principle of mutual recognition for materials and products manufactured with such materials, manufactured or marketed in another Member State of the European Union or in Turkey or in an EFTA Member State, which is party to the Agreement on the European Economic Area (EEA).

Paragraphs 15 to 25 lay down, in full, the system of penalties to counteract infringements of the provisions of the article.

Paragraph 26 provides for the possibility of the disposal of stocks of products already labelled and placed on the market before the entry into force of the article, in accordance with the existing provisions.

Finally, paragraph 27 repeals Law No 1112 of 16 December 1966, indicating that the provisions of the article, since regarded as a technical regulation, have been notified to the European Commission in accordance with Directive (EU) 2015/1535 and to the World Trade Organisation in accordance with the Agreement on Technical Barriers to Trade in force from 1 January 1995 for possible adaptations to the text resulting from the outcome of the above notifications.-

9. The draft article aims to facilitate the dissemination of information to the consumer, and it requires that national legislation be adapted, namely Law No 1112 of 16 December 1966 regulating the use of the names 'leather', 'hide' and 'fur' and terms derived therefrom, with the provisions of the European Union in harmonised areas, such as the footwear sector governed by Directive 94/11/EC, and with Community provisions of a general nature relating to the operation of the single market.

The update and reorganisation of the provisions will not only facilitate the fight against the many examples of counterfeiting taking place within the sector, but also the comprehension of the applicable legislation for the relevant operators by clarifying that the national provisions in question do not apply to products defined by Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer.



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10. Reference(s) to basic text(s): Law No 1112 of 16 December 1966: sent as part of Notification 2012/0667/I

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

Yes

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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