

WEBINAR

# Compliant Labelling Requirements

## Regulatory Trends 2022

17 May 2022



CLR Labeling Update 2022

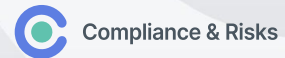
# Speakers



**Charlotte Giudicelli**  
Head of Legal



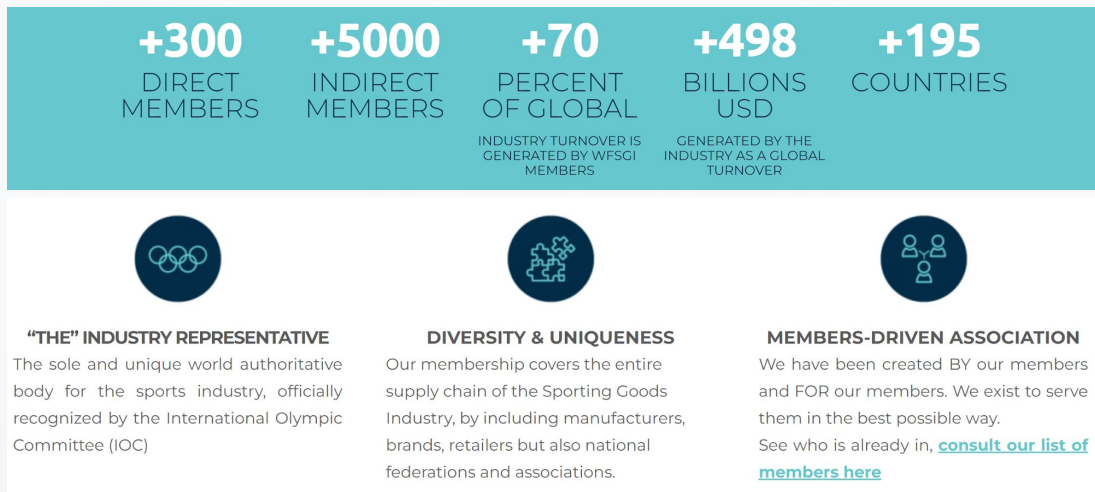
**Stacey Bowers**  
Manager, Global Market Access



# 1. WORLD FEDERATION OF THE SPORTING GOODS INDUSTRY



- Not-for-profit organization formed in **1978**
- **Global voice** of the sporting goods industry
- Officially recognized by the **IOC**



- For more information: <https://wfsgi.org>

## 2. PARTNERSHIP WITH C&R ON LABELLING REQUIREMENTS



- **2015:** SGI voiced their need for a solution to address the jungle of global labelling requirements.
- **2017:** WFSGI partnered with Compliance & Risks to build WFSGI CLR solution
- This online tool provides **worldwide information on labelling requirements** for the sporting goods industry, as well as other sectors facing the same challenges. With this intelligence companies avoid potential costly **re-work, stop ships, product recalls, and ultimately revenue and brand damage.**



Apparel & textiles



Footwear



Consumer electronics (wearables)



Personal protective equipment



Sporting equipment



Bikes (including e-bikes)

### BENEFITS

- Up-to-date labelling requirements at your fingertips
- Significant economies of scale with considerable time cost savings
- Ability to search and report on requirements by country and product
- Free access to Subject Matter Experts
- Early warning signals of future regulatory changes with email alerts



Pentland



# Today's Agenda

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1. Impact of Ukrainian war on product compliance
2. Textile labeling updates from Mexico & Quebec
3. EU Strategy on Sustainable & Circular Textiles
4. Netherlands textiles EPR under consideration
5. Refashion issues guidance on Triman 'sorting info'
6. French EPR requirements for sports & leisure items
7. EU proposals address durability & repairability
8. Packaging EPR in Bulgaria, Italy & South Korea
9. Sunglass labeling in China
10. E-bike proposal in South Korea
11. Battery proposals in the EU & US
12. PFAS warnings in Vermont, New Hampshire & Rhode Island
13. Ask Our Experts - general product labeling, quilted clothing & "genderless" labeling

# 1. Impact of Ukrainian war on product compliance

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- Compliance & Risks is closely monitoring Russia's invasion of Ukraine, with a focus on the impact on product compliance, now and in the future
- Over 600 global companies have exited Russia, including Nike, Under Armour and Adidas
- On 29 February, Ukraine submitted its application for EU membership
  - The European Council is expected to declare the country an official Candidate Country after its meeting on 23-24 June
  - The petition may result in Ukraine's regulations and mandatory standards becoming aligned with those of the EU
  - The process typically takes as long as 10 years

## 2. Mexico amends textile labeling NOM

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- Mexico enacted NOM-004-SE-2021 on labeling of textiles, clothing, accessories and household linens
  - The NOM cancelled NOM-004-SCFI-2006
- The NOM now includes textile products which contain plastics or other materials
- The NOM also now permits textile products to bear required information via a QR Code
  - However, such a digital label is constituted as strictly OPTIONAL and ADDITIONAL, and it does not replace temporary and/ or permanent labeling
- The NOM takes effect 15 January 2023

## 2. Quebec repeals stuffed labeling

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- In January, Quebec repealed its Act Respecting Stuffed and Upholstered and Stuffed Articles
  - The repeal took force immediately
- Stuffed and upholstered articles - such as outerwear and shoes - no longer need to be registered or bear labeling in the province
- Ontario and Manitoba repealed their regulations in 2019 and 2020





# 3. EU Strategy on Sustainable & Circular Textiles

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- The EU is considering a Strategy on Sustainable and Circular Textiles
- Measures include:
  - New design requirements, setting mandatory minimums for the inclusion of recycled fibers in textiles;
  - Clearer information on textiles and a Digital Product Passport based on mandatory information requirements on circularity and other key environmental aspects;
  - Tight controls on greenwashing;
  - Action to address the unintentional release of microplastics from textiles;
  - Harmonized EU rules on EPR for textiles, as part of the revision of the Waste Framework Directive in 2023 and
  - The co-creation of a Transition Pathway for the Textiles Ecosystem to establish the way forward and set out concrete steps on how to achieve the 2030 goals set by the Textiles Strategy

## 4. Netherlands textiles EPR under consideration

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- Netherlands Enterprise Agency (RVO) has proposed EPR (UPV) requirements for textiles
- The proposal would require clothing manufacturers to be responsible for the collection, recycling, reuse and disposal of their products, as well as the cost of the logistics of the system
- Clothing retailers would be responsible for collection and recycling of discarded clothing
- Entry into force is subject to its passing through the upper and lower houses of parliament or a proclamation of the Order in Council

## 5. Refashion issues guidance on Triman 'sorting info'

- France's Refashion issued guidance about how manufacturers must comply with the Triman symbol and “sorting info”
- Sorting info consists of information specifying the sorting methods or deposit of waste resulting from the product
- The Triman symbol must be placed first, followed by sorting info, the self-deposit bank, a link to the ADEME website and the letters “FR”



## 6. French EPR requirements for sports & leisure items

- On 12 February, France approved ECOLOGIC, as the eco-organization overseeing EPR for sporting and leisure articles (ASL), including:
  - Cycles and mobility;
  - Water sports and recreation;
  - Mountain sports;
  - Racket sports;
  - Sports PPE and
  - Sports fitness, bodybuilding
- The producer must either:
  - Join an eco-organisation or
  - Set up their own system



## 6. French EPR requirements for sports & leisure items, *cont.*

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- Producers must:
  - Register on ADEME's national register of producers, SYDEREP;
  - Declare the total quantities of ASL placed on the market and the rates of incorporation of recycled material by equipment;
  - Inform the end users of the equipment and
  - Fund the collection and processing of equipment and support repair and reuse
- As of 1 January 2023, certain distributors will be required to take back used ASLs from their customers
  - Sales area between 200 and 400 m<sup>2</sup> dedicated to ASL: 1 for 1 take-back obligation
  - Surface >400 m<sup>2</sup> dedicated to ASL: 1 for 0 take-back obligation with no obligation to purchase
  - Distance selling CA sup. to €100,000 dedicated to ASLs: Take-back obligation 1 for 1
- ECOLOGIC will offer an approved solution in early 2022

## 7. EU proposals address durability & repairability

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- In March, the European Commission proposed amendments to the Consumer Rights Directive to oblige traders to provide consumers with information on products' durability and repairability
- Durability
  - Consumers must be informed about the guaranteed durability of products. If the producer offers a commercial guarantee of durability of 2+ years, this information must be provided to the consumer
  - For energy-using goods, the seller must also inform consumers when no information on a commercial guarantee of durability was provided
- Repairability
  - The seller must provide relevant information on repairs, such as the repairability score or other relevant information
  - For smart devices, the consumer must be also informed about software updates provided

## 8. Packaging EPR in Bulgaria

- Bulgaria's Ordinance on Packaging and Packaging Waste requires:
  - The Mobius loop symbol, containing the relevant alphanumeric code identifying packaging materials, as per the EU's Decision 97/129/EC; and
  - The "Tidy Man" symbol
- These requirements took effect 1 January 2022



## 8. Packaging EPR in Italy

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- Italy's Legislative Decree No. 116, 2020, established a new national requirement whereby packaging must be labeled to provide consumers with information on separate collection, reuse, recovery and recycling of packaging
- The Italian National Packaging Consortium (CONAI) provided guidance advising:
  - All packaging must be labeled in the form and manner that most suitable and effective;
  - Packaging destined for the consumer must also bear suitable inscriptions aiding its disposal and
  - For plastic packaging made from polymers or combinations not expressly provided for in the EU's Decision 97/129/EC, reference may be made to the UNI 1043-1 standards for the identification of plastics not included in said Decision, and to the UNI 10667-1 standards for the identification and recognition of recycled polymers
- These requirements take effect 1 July 2022



## 8. Packaging EPR in South Korea

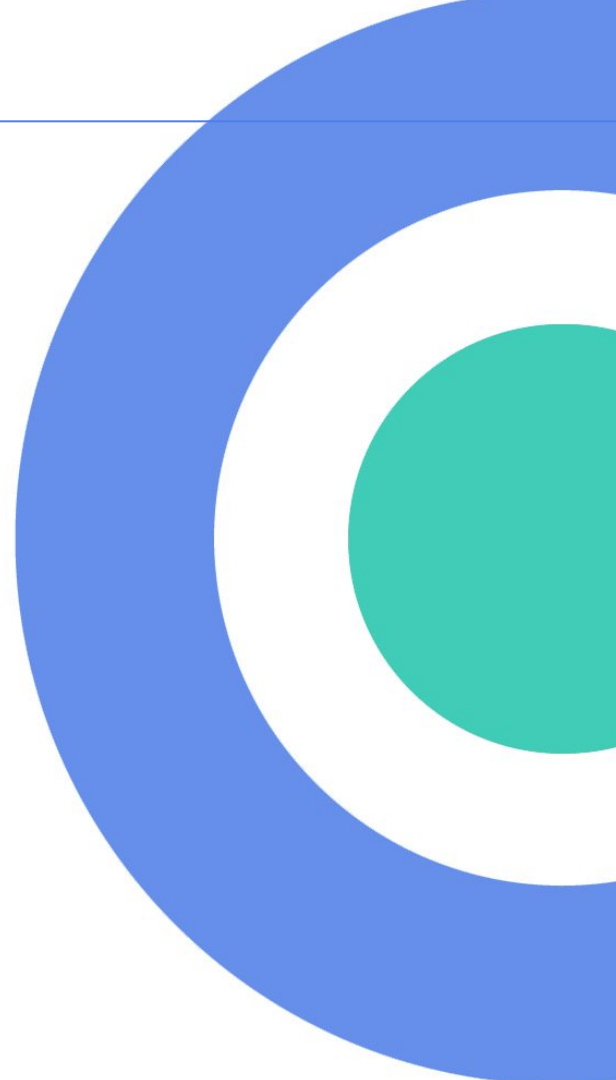
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- South Korea's Act on the Promotion of Saving and Recycling of Resources requires producers to assess the quality and structure of their packaging materials and determine one of the following "evaluation results":
  - "Excellent Recyclability"
  - "Good Recyclability"
  - "Fair Recyclability" or
  - "Poor Recyclability"
- Packaging materials determined to be "Poor Recyclability" are required to be so labeled
- These requirements took effect 24 September 2020

## 9. Sunglass labeling in China

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- The Standardization Administration of China (SAC) published GB 39552.1:2020 on sunglasses
- The standard replaces QB 2457:1999
- The standard applies to all afocal (plano power) sunglasses and clip-ons for general use
- Information and labeling requirements are contained in Article 12
- The standard is based on ISO 12312-1:2013



## 10. E-bike proposal in South Korea

- The Korean Agency for Technology and Standards (KATS) is considering a revision of its safety standards for e-bikes
- E-bikes are subject to the Electrical Appliances and Household Appliances Safety Management Act
- The proposal would increase the definition of e-bikes from a rated motor output of 350 W to 500 W
- Compliant e-bikes must bear the Korea Certification (KC) Mark



# 11. Update on the EU's proposed Batteries Regulation

- In February, the EU Parliament announced that they're in favor of overhauling the Batteries Directive
- MEPs proposed stronger requirements on labeling, including:
  - The introduction of a new category of "batteries for 'light means of transport (LMT)'", such as electric scooters and bikes; and
  - Rules on a carbon footprint label
- By 2024, portable batteries in LMT, as well as appliances, such as smartphones, must be designed so that consumers can remove them themselves



# 11. Proposed warnings for button & coin batteries in the US

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- The US Senate is considering S.3278, Reese's Law
- The Bill would establish new warning labeling requirements to:
  - Clearly identify the hazard of ingestion and
  - Instruct consumers, as practicable:
    - To keep new and used batteries out of the reach of children;
    - To seek immediate medical attention if a battery is ingested and
    - To follow any other consensus advice



## 12. Proposed modifications to Prop 65 'short form' warnings

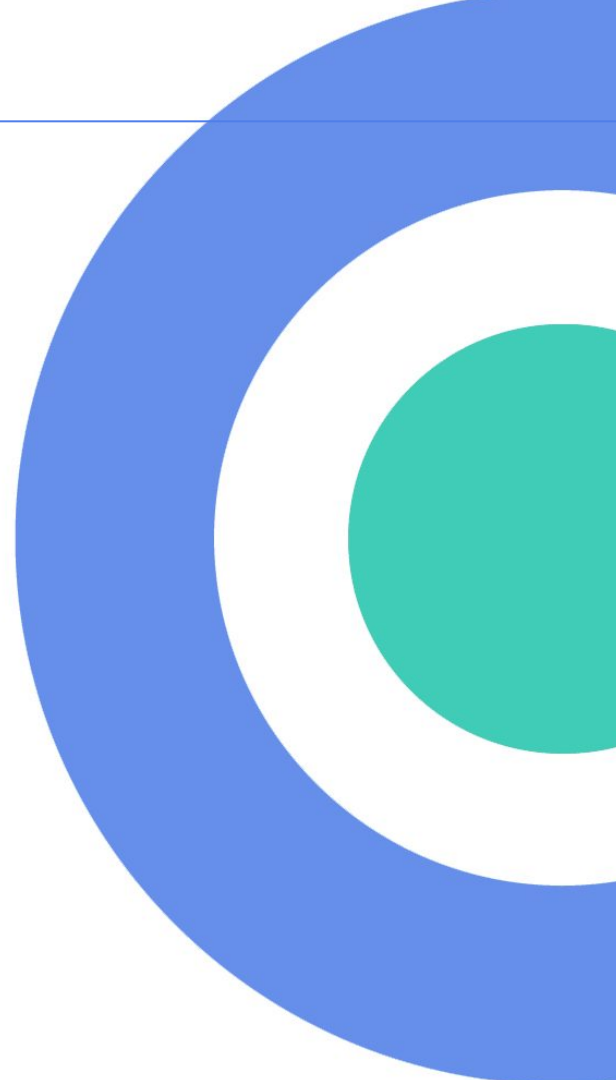
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- California's Office of Environmental Health Hazard Assessment (OEHHA) notified stakeholders of proposed modifications to Proposition 65's so-called "short-form warnings to:
  - Revise the chemical naming in brackets to use "[name of chemical]", in order to clarify that the name of only one chemical is required in each of the parentheses; and
  - Clarify that the option to use the signal words "CA WARNING:" or "CALIFORNIA WARNING:", in addition to "WARNING", also affects the full-length safe harbor warning for consumer products
- The proposals would also remove the previous label size and package shape limitations on the use of short-form warnings, such that the short form can be used on product labels of any size, regardless of package size and shape
- The comment period ended 20 April

## 12. Vermont considers PFAS warnings

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- Vermont's House is considering H.27
- The bill would require that food packaging and clothing containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) sold or distributed in Vermont bear a health and safety warning
- The bill does not define PFAS
- The bill does not provide proposed warning text



## 12. New Hampshire considers PFAS warnings

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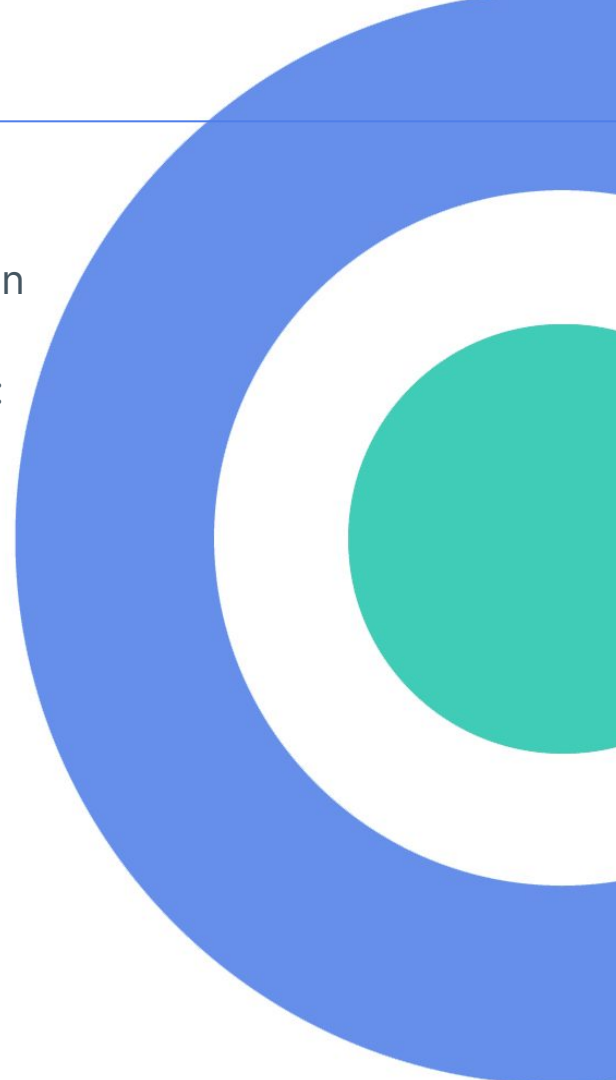
- New Hampshire's House is considering House Bill 1422-FN
- The bill would require a PFAS consumer product to provide a warning that:
  - States that the product or packaging, as applicable, includes PFAS and that exposure to PFAS may have adverse health effects and
  - Meets any other relevant requirements imposed by the department
- "Consumer product" includes clothing
- "PFAS" means any organic chemical containing at least one fully fluorinated carbon atom
- These requirements would take effect 1 January 2024



## 12. Rhode Island considers PFAS warnings

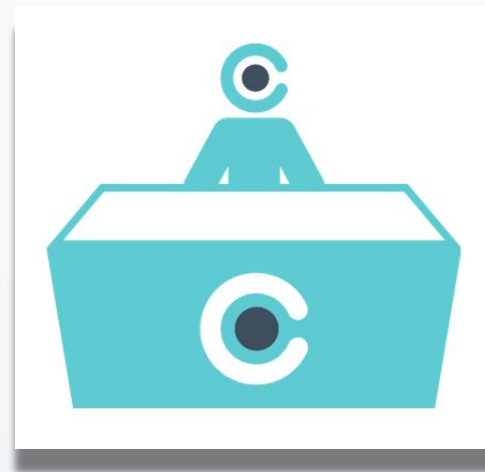
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- Rhode Island's Senate is considering Senate Bill No. 2049
- The bill would require any clothing to which PFAS has been intentionally added in any amount, including to any packaging or packaging component, to include a warning: "This product contains PFAS. PFAS are linked to serious health problems in adults and children."
- "Clothing" means any cloth, leather or material designed and used for covering the body
- "PFAS" means perfluoroalkyl and polyfluoroalkyl substances, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom



# 13. Do Croatia & Portugal require general product labeling?

- Croatia's Consumer Protection Law requires:
  - Country of origin;
  - Instructions;
  - Manufacture date;
  - Net quantity;
  - Product identity and
  - Warnings, as applicable
- Portugal's Law on Consumer Protection requires:
  - Product identity and
  - Warnings, as applicable



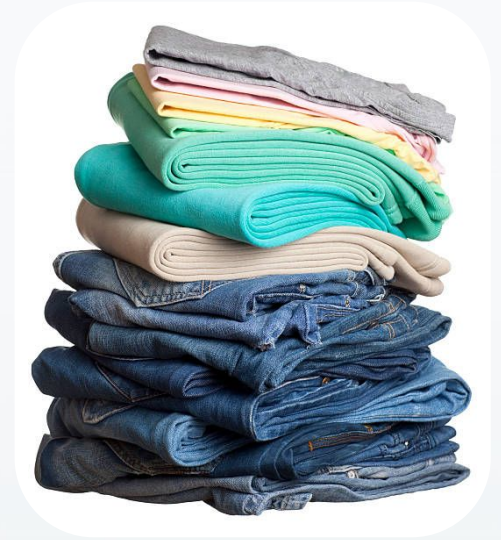
# 13. Do Utah's requirements for quilted clothing apply to cotton?

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- In October 2021, the Program Manager of Utah's Bedding, Upholstered Furniture and Quilted Clothing department advised C&R:
  - Utah's Rule R70-101 requires a sterilization permit number (PER. NO. ) to be listed on the label of quilted clothing filled with down, feathers, wool or hair
  - These requirements do not apply to fill material such as polyester or cotton

# 13. Does Russia permit 'genderless' labeling?

- In March 2022, the International Trade Service advised C&R that Russia requires labeling to mention whether a garment is intended for men or for women
- However, there are no special requirements for unisex garments



Questions?