

Joint letter on the PPE classification of UV protective clothing

The signatories of this joint-letter represent a wide range of European companies manufacturing and selling UV protective clothing – most of them being SMEs, and wish to express their rising concerns regarding the ongoing discussion at PPE Working Group level on the potential PPE classification of UV protective clothing.

Legal certainty is of the utmost importance for businesses. Before the last revision of the PPE Directive guidelines (August 2017), UV protective clothing was never considered as PPE. Two years ago, economic operators were advised that all their UV protective clothing must be re-classified as **PPE category I**. There is now an agreement that this solution is not in line with the requirements of the PPE Regulation and a re-classification of all products to **PPE category II** is currently under consideration.

The signatories acknowledge that the current inconsistencies in the PPE Guidelines must be addressed as soon as possible to ensure that they do not contradict the PPE Regulation and cause confusion among economic operators, notified bodies, market surveillance authorities and EU consumers.

This letter aims to address the signatories' joint concerns as well as technical issues regarding the proposal currently under discussion to classify all UV protective clothing as PPE Category II. Should this solution prevail:

- Economic operators will have to decide whether to go through the inappropriate (from both a scientific and economic standpoint) PPE Category II certification processes or to simply remove the UV protection information from the products. There is thus a risk that finding a garment providing protection against UV radiation will become more complex for consumers as they will not know whether a garment has the relevant UV protective properties or not.
- On the contrary, if all garments indicating a UV protective function – regardless of its level – were to be marked and marketed as PPE Category II, it would potentially mislead consumers into thinking that the garment will provide enough protection in any given circumstances.

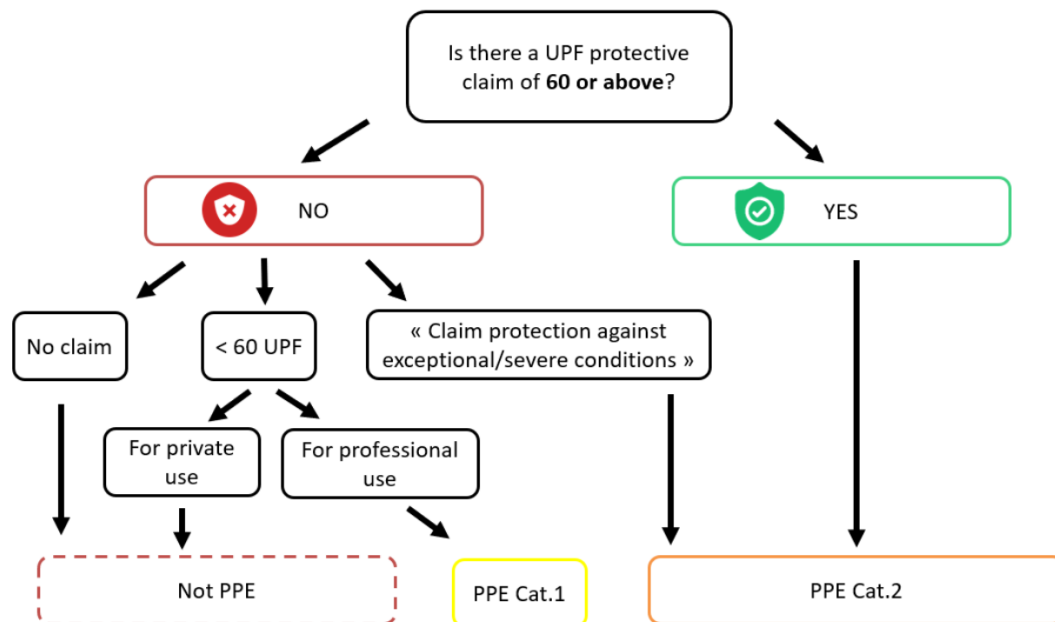
Adapting production lines and supply chains to new legal requirements can be challenging – especially since the interpretation of the PPE Regulation keeps evolving. At the time of the definition of the collection, companies must know the cost implication and the legal requirements. This is essential for clothing brands to properly manage compliance across their complex and distributed supply chains, and

to inform and train their suppliers in sourcing countries. Many companies have started re-labeling their products as PPE Category I. This is a costly and time-consuming process. The possibility of having those products re-classified as PPE Category II in the coming months is thus even more worrying as all those efforts would have been done in vain.

Most risks linked to sun exposure (because of natural UV radiation) are minimal (e.g. sunburn). However, prolonged and repeated exposure to high level of natural UV radiation can have more dramatic consequences, especially for young children and persons with fair skin. This segment of the population, to be efficiently protected, requires extra protection.

Since sunlight is, from our perspective, an atmospheric condition, and one that, in the vast majority of the cases, is not of an extreme nature, the signatories would recommend that UV protective clothing not providing high levels of UV protection be considered as PPE category I for professional use and excluded from the scope of the PPE Regulation if designed for private use as set forth in Article 2.2 of the PPE Regulation. However, garments claiming a high level of protection against natural UV radiation (UPF 60 or more) must be considered as PPE Category II. Please find below a diagram outlining the proposed solution.

The signatories are confident that this solution will not only ensure that the health, safety, economic and legal objectives of the PPE Regulation are appropriately addressed and fully respected, but also that it will avoid unjustified regulatory burden.



EuroCommerce is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 31 countries and 5.4 million companies, both leading global players such as Carrefour, Ikea, Metro and Tesco, and many small businesses. Retail and wholesale provide a link between producers and 500 million European consumers over a billion times a day. It generates 1 in 7 jobs, providing a varied career for 29 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector.

Founded in 1999, **EUROSIMA** aims to unite companies from Nautical, Urban, and Action Sports. The cluster, includes close to 180 members from the Actions Sports industry and develops projects to foster growth for this 13-billion-euro European market

The **European Outdoor Group** was founded in 2003 by 19 of the world's largest outdoor companies, all of which recognised the need for a cohesive, cross border approach to representation of the outdoor sector. In a world of increasing internationalisation, legislation, environment, the media and trade are all now multinational issues. Today, the combined strength of the EOG's members (104 full members and 10 associate members), provides the group with an extremely powerful force to represent the European outdoor industry in a constructive and positive manner, focusing on three main pillars of activity: Doing business the right way; preserving nature for future generations; and inspiring active outdoor lifestyles.

FEDAS, the Federation of European Sporting Goods Retail Associations, was founded on October 29, 1963 in Paris and has been writing for industry history. It represents the cross-border interests of the sports trade of European countries organized in trade associations, provides services for members and third parties and is the contact point for all questions concerning the European sports trade. The Fedas DNA has been home to European trade-industry cooperation in the sports industry since its founding. Its brand name has become its own trademark in the international sporting goods industry.

Founded in 1960, **FESI** is the unique platform representing the interests of the sporting goods industry in Europe. FESI represents approximately 1.800 sporting goods manufacturers and retailers (85% of the European market) through its national federations and its directly affiliated member companies. Around 75% of FESI's membership is made up of Small and Medium Sized Enterprises. In total, the European Sporting Goods Industry employs over 700 000 EU citizens and has an annual turnover of some 81 billion euros.