Revision of the Textile Labelling Regulation (1007/2011) EEB submission to Call for Evidence

The European Environmental Bureau (EEB) welcomes the Commission's initiative to evaluate the possibility of revising the Textile Labelling Regulation (TLR) and explore the setting of a "*single and uniform set of rules on labelling requirements, on all potentially relevant labelling domains for textile products, and related products*". The EEB calls on policymakers to explore the following considerations in the evaluation and impact assessment.

1. Physical and digital labelling domains

The EEB welcomes that the Commission is considering the possibility of introducing a digital label for textile products alongside the physical label and that these changes are being considered with a view to being coherent with the Ecodesign for Sustainable Products Regulation (ESPR).

As two different 'entry points' would not make sense, the same physical carrier (in-seam label or label printed directly on the product) should be the way to access both the mandatory information as required under the TLR and the information that will be required under the ESPR to be included in the Digital Product Passport (DPP). The accompanying digital label could allow for more options around information provision in different languages and other forms of communication to improve inclusivity, such as easy-to-read versions. If the digital label contains information that goes beyond the mandatory requirements under the TLR or the ESPR – i.e. marketing information about the product and the brand, this should be clearly identifiable as such.

A key challenge when it comes to the labelling of textile products is how to ensure information is not lost if the label is cut off, damaged, or fades over time. GINETEX reports that 62% of EU citizens cut off their labels. Physical labels should be of high quality, legible and not irritable to consumers. When setting up the accompanying digital infrastructure to track information about products, it will be important to consider the advantages as well as the limitations of printing a digital 'entry point' (e.g. a QR code) onto the textile product itself – i.e. wear and tear of the garment might render the code unusable over time.

It is important to set up transparent processes when it comes to the management of the data stored and accessed through digital labels. Key considerations will be how the data will be accessed and verified, which actors will manage the infrastructure for hosting the data, and who will bear the costs for operations. The EEB recommends that there should be a strong role for public bodies and civil society groups in these decisions and in management of the data collected.

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2. Updating fibre classification rules

Updating fibre classification rules should be carried out with a view to easing waste management so that sorters are able to access complete information about products' material composition. Fibre identification should also not be misleading for consumers – in this way the TLR must be coherent with the aims of the Substantiating Green Claims initiative. The process of adding new textile fibre generic names to Annex 1 should be a transparent one. Rules around naming recycled fibres could be updated to ensure it is mandatory to indicate when these fibres come from post-industrial textile waste, post-consumer textile waste, or post-consumer waste from other product streams (i.e. plastic bottles).

Fibre classification rules should include more granularity when it comes to the phrase 'non-textile parts of animal origin'. An investigation carried out in 2017 by the Humane Society concluded that the current labelling requirements under the Textiles Regulation are inadequate and confusing for consumers because they do not provide sufficient information on non-textile parts of animal origin. Consumers need to know which specific material of animal origin has been used, as well as additional information relating to the species and production methods.

3. New sustainability and circularity parameters

3.1 Production date marking

Few brands publish how many items of clothing they produce or how much surplus stock they have. The 2023 Fashion Transparency Index (FTI) found that most major brands (88%) do not disclose information on their annual production volumes. The FTI states that this is "obscuring the scale and truth of overproduction" when brands "absolutely know how much they are producing" as no business can survive without this information. A mandatory information requirement could be set through the TLR that would require information to be provided on the product's physical label that shows the month and year of production.

Additional information on the number of garments produced in the batch of that style could be available through the digital label. Provision of this information would create more visibility on the speed of throughput from production, purchase, to disposal, and would play a part in emboldening brands to produce in smaller quantities and shift business practices towards resource sufficiency. This information can facilitate transparency and data collection on production volumes, the frequency of collection renewals and the rate of product discard. Production date marking will allow greater insight into which clothes are used for the shortest time and who produces them. Over time, this information could be gathered by sorters and collectors and be used to set eco-modulation rates in the new harmonised Extended Producer Responsibility (EPR) schemes for textiles which will be set up as part of the revision of the Waste Framework Directive. (i.e. collected textiles can be analysed and brands can be charged a higher fee if high amounts of their products produced within the last few years are discarded). In this respect, the Commission should consider the forthcoming results of the Wasted textiles project led by researchers at Oslomet University.

3.2 Include a microplastic warning and label synthetic clothing as plastic

There is a clear correlation between the exponential growth in the number of textiles produced over the last two decades and the growth in synthetic textile fibres. Changing Markets (2021) report that current levels of production of synthetic fibres for the textile industry account for 1.35% of global oil consumption – for context this is more than the annual oil consumption of Spain. Synthetics are projected to represent three quarters of global fibre production in 2030, with polyester accounting for 85% of this share. Using so much synthetic material means more fossil fuel extraction, non-biodegradability, and the shedding of microplastic fibres which cause harm to the environment and human health. Synthetic fashion also contributes greatly to the huge amounts of textile waste generated in the EU which puts a huge burden on countries in the Global South – 38% of textiles which are collected and sorted are ultimately exported ('Techno-scientific assessment of the management options for used and waste textiles', Joint Research Centre).

The TLR could introduce a provision that the presence of plastic in textile products must be indicated on the physical label, as well as a warning regarding the toxic impact of microplastic shedding. This would allow the TLR to both increase consumer awareness that plastic fibres make up sizable parts of their wardrobes, and to support other policies that should set both incentives (EPR) and requirements (Ecodesign) to limit over-reliance on the synthetic fibres that underpin overproduction in the fashion industry.

3.3 Care and repair of products

Harmonising product care symbols could be an opportunity to include indications that garments should be repaired by consumers to prolong their useable lifespan, and include guidance on where to access information on repair techniques and services.

The EEB supports exploring the possibility of using indicators such as how many washes textile products are expected to last as proxies for lifespan, however, the evaluation should carefully consider what methodology would be used to communicate information on expected number of washes. Communicating this information could be counter-productive if the number is set too low as ideally the number of washes (as a proxy for number of times the garment is worn) should be as high as possible.

It could be made mandatory to include information on the legal guarantee of a product and whether the article is covered by a commercial guarantee beyond the minimum period of the legal guarantee.

3.4 Harmful chemicals and other environmental information

The 2014 review of the TLR concluded that more research was needed on allergenic substances in textile products and that the "need for further measures to control the presence of substances (in particular sensitizers) which are found in finished textile products and may be released from products should be assessed". The Chemicals Strategy for Sustainability commits to substitute and minimise the presence of substances of concern in consumer products, such as textiles.

The revision of the TLR – and the introduction of the DPP under the new ESPR – should support full disclosure of harmful chemicals used in manufacturing processes and those present in textile products. As a minimum, we need disclosure of all substances of very high concern (SVHCs); carcinogens, mutagens and reprotoxic substances (CMRs); allergens and sensitisers; endocrine disrupting chemicals (EDCs); per- and polyfluoroalkyl substances (PFAS) – including fluorotelomer acrylates (FTAs) and fluorotelomer alcohols (FTOHs); heavy metals; neurotoxins; flame retardants (halogenated compounds); alkylphenols; and phthalates.

The Commission should refer to the criteria on information exchange systems for disclosing chemicals in products set out in the Guidance for stakeholders on exchanging chemicals in products information from the Strategic Approach to International Chemicals Management (SAICM) 'Chemicals in products' programme.

The evaluation should explore how a new Digital Label established through a revision of the TLR – in conjunction with the Digital Product Passport – can be the entry point to the provision of a Bill of Materials for all textile products.

The disclosure of harmful substances in textile products can support the setting of ambitious Ecodesign minimum requirements on the substitution of harmful substances by safe and non-toxic alternatives, and progressive eco-modulated fees under new Extended Producer Responsibility schemes for textiles which could incentivise companies to go beyond legal requirements. Given that the textile production stages account for the majority of the climate impact of the sector – i.e. wet processing stages of dyeing and finishing (Sustainability and Circularity in the Textile Value Chain – Global Stocktaking, UNEP, 2020), all policies should support efforts to reduce the climate, environmental, and health impact of harmful chemicals.

Beyond harmful chemicals, the Commission should consider how EU mandatory physical and digital labels for textile products can support the provision of traceable information about the environmental impact of products. UNECE Recommendation No. 46 'Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector' sets out examples of the types of environment-related information which could be collected as part of traceability and transparency systems in the garment and footwear sector, in particular, product-specific information on greenhouse gas (GHG) emissions, energy consumption, soil degradation, deforestation, and biodiversity and ecosystem depletion.

The Commission should clarify which elements are being considered for the potential 'sustainability and circularity' label which is referred to in the Call for Evidence.

4. Product sizing

There needs to be clarification on what the scope of setting 'EU-wide uniform sizes' as set out in the Call for Evidence refers to. We are concerned that harmonised product sizing could conversely lead to more waste generation and harm the important role that drafting clothing for different body types plays in ensuring size inclusivity. The impact assessment should explore the risk of more waste generation if clothing available on the EU market was restricted to harmonised sizes; a reasonable assumption of potential impact could be that consumers discard

clothes if they are 'between sizes' and struggle to access alteration services or lack skills to do so themselves.

However, if harmonised product sizing is understood to mean the provision of information on sizing guides and the exact metric measurements used for a particular garment – accessible at the point of sale through a digital label, this could be a positive measure. It would ensure that consumers who buy online and are unable to try on items before buying are more equipped to choose items which are likely to fit them and that they will get most use of for longer, helping to reduce product returns and disposal. The amount of textiles and clothing sold online more than doubled since 2009 (figures from EURATEX) and as a result levels of unsold and returned products have increased.

5. Mandatory disclosure of the country where manufacturing processes take place ('made in' labelling)

The EEB welcomes the move to disclose information on the various manufacturing stages that happen in different countries and regions. This information should be easily accessible to both consumers, relevant authorities and other stakeholders. However, provision of country locations only gives part of the picture, and the TLR should make it mandatory to disclose specific social information relating to the particular product and/or producer/retailer.

Revision of the TLR is an opportunity to align with – and go beyond – the scope of reporting requirements set out in the Corporate Sustainability Reporting Directive (CSRD) and the Corporate Sustainability Due Diligence Directive (CSDDD). It should be mandatory to provide information on supplier lists, with names of manufacturers and facilities; working conditions, and any audit or compliance reports; and, information on the income of the workers along the supply chain in relation to Living Wage and Living Income benchmarks. Home workers must be included in the scope.

6. Exemptions from the Regulation – protecting upcycling and social enterprises active in the reuse sector

The current Regulation contains an exemption from labelling and marking obligations for "customised products made up by self-employed tailors" (point 13 of Annex V) – this should be upheld in order to protect small businesses and social enterprises active in the reuse sector where 'upcycling' activities are carried out – i.e. the placing on the market of textile products made from many pieces of fabric sourced from second-hand and deadstock suppliers which they cannot always know the fibre composition of.

The Textile Strategy encourages the promotion of circular business models (despite the fact it regrettably does not mention upcycling or remanufacture specifically) and that must include ensuring that the possible revision of the TLR does not adversely impact these activities which are rooted in sufficiency and waste reduction. The Textile Strategy also outlines the importance of social enterprises in the reuse sector when it comes to creating local, green, and inclusive businesses and jobs in the EU. One example is the 'Label Jaune' initiative from Les Petits

Riens/Spullenhulp in Belgium which creates upcycled garments from textiles collected from their donation points.

At the same time, any exemption established must be watertight so that it concerns only small businesses and genuine upcycling and cannot be used by larger companies to bypass information disclosure about fabric composition by claiming it is upcycled. For this reason, we suggest evaluating the impact of the current Regulation on self-employed tailors, creators and social enterprises and exploring what further legal protections they would need, if any. There should be no exemptions from any requirements set by the TLR for parts of the sector based on arguably arbitrary categorisation such as 'sportswear'.

7. Commission Expert Group on Textiles Names and Labelling ('the Textile Expert Group' or 'TEG')

Civil society should have a strong role in this Expert Group and transparency should be ensured regarding the holding of meetings.

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