

April 2024

EU Textile Labelling Regulation revision: ensure policy coherence and leverage opportunities

EBCA's response to the public consultation on the EU Textile Labelling Regulation

Executive summary

The [European Branded Clothing Alliance](#) (EBCA) supports the European Commission's initiative to evaluate and revise the EU Textile Labelling Regulation (TLR). The revision presents an important opportunity to enhance legal certainty, ensure policy coherence and leverage opportunities to harmonise, digitise and support innovation.

To complement our response to the online questionnaire, we would like to take the opportunity to further explain and elaborate on our position. To truly leverage the opportunity of revising the Textile Labelling Regulation, we have 5 key recommendations:

1. **Enhance harmonisation and enforcement to ensure legal certainty, consumer protection and competitiveness.**
2. **Ensure policy coherence with the extensive regulatory framework and avoid duplication.**
3. **Leverage the potential of digital to reduce the size of physical labels and provide more accessible information to consumers.**
4. **Support innovation: adapt fibre classification process & increase tolerance levels.**
5. **Promote international alignment and global standards and test methods.**

1. Enhance harmonisation and enforcement to ensure legal certainty, consumer protection and competitiveness

A strong and well-functioning single market is key to competitiveness and creating legal certainty, consumer protection, and a supportive environment for a cost-effective sustainable textiles market. The TLR has up until today played a key role in preventing fragmentation of requirements, creating clarity and legal certainty.

Unfortunately, we are witnessing a growing number of national interpretations and (language) requirements which not only lead to regulatory fragmentation but also create a significant compliance burden for companies operating in multiple EU markets. **To safeguard the integrity of the single market and support companies in their compliance and operations in the EU, national additions and deviations should be avoided and EU efforts should be leveraged instead. Regulations should be consistently implemented and enforced, regardless of product origin.** This is key to ensure that there are no industry stakeholders unfairly disadvantaged by the enhanced regulatory framework and associated compliance costs.

To support compliance, it is important that **greater clarity is provided regarding products exempt from labelling requirements.** The current list-based approach lacks precision for compliance when a specific product is not included. To enhance efficiency, we recommend transitioning away from the

list approach towards adopting a **harmonised definition for exempt products, for example, by suggesting that if adding or removing a composition label would impair the product's functionality, permanent labelling should not be mandatory.**

While we strongly support EU harmonised requirements, it is important to carefully assess where regulatory intervention is needed and whether it will contribute to the objective and is justified from a cost-benefit perspective.

An example of where we are not in favour of harmonised regulatory intervention is on sizing. Mandating a uniform sizing standard across the industry threatens to limit companies' freedom in selecting their customer target group, compelling them to conform to a pre-defined body measurements that may not align with their creative intent, ultimately stifling the diversity and innovation that characterize the textile industry. While understand that one of the key goals of harmonised sizing is to reduce the number of returns and the associated environmental impact, we are not convinced that harmonised sizing will be the solution.

Harmonised sizing will be challenging and costly to implement and brands have different customer (age/body shapes) targets. The sizing is likely to require multiple and frequent revisions, especially as bodies and fashion evolve. **Instead, we would be supportive of enhanced collaboration between brands, retailers, and consumer associations to enhance understanding of the sizing charts, the underlying datasets and explore opportunities for improving understandability and accessibility of sizing information.**

2. Ensure policy coherence with the extensive regulatory framework and avoid duplication

One of the primary challenges facing the TLR today is the need for coherence with other vertical and horizontal initiatives addressing textile products, particularly evolving legislation, to provide legal certainty and avoid fragmentation and duplication of requirements. The extensive interconnected regulatory framework (as visualised in the Annex) requires policy coherence.

- **Environmental and circular aspects should be addressed via the Ecodesign for Sustainable Products Regulation (ESPR).** The Delegated Act for textiles will include the eco-design requirements (incl. consideration of environmentally preferred materials) as well as the product information to be digitalised under the Digital Product Passport. It is essential to maintain alignment with existing regulations and ensure that no additional circularity and sustainability information is mandated beyond what has been agreed upon in the ESPR Delegated Act. Sorting instructions should be considered and defined under the EPSR Delegated Acts in connection with the Waste Framework Directive.
- **Social aspects should be addressed via the Corporate Sustainability Due Diligence Directive (CSDDD)** and the reporting through the Corporate Sustainability Reporting Directive (CSRD).
- Rules to prevent greenwashing and substantiate voluntary sustainability claims will be soon regulated under the **Empowering Consumers Directive and complemented by the Green Claims Directive.**
- Labelling on presence of allergenic substances should be considered under the ongoing **revision of the REACH and CLP Regulations.** We consider labelling on flammability (as currently required for some types of clothes in the UK and Australia) as an outdated concept.

- **Digital information mandated by the TLR must be unified under one data carrier within the Digital Product Passport (DPP)** that will be further developed in line with the ESPR Delegated Act. Consequently, the timeline for DPP provisions for the textile sector must be aligned with the TLR revision and any overlaps between requirements should be avoided.
- **We do not support the inclusion of deforestation-related leather aspects under the TLR as this is not coherent with the current requirements of the EU Deforestation-Free Regulation (EUDR)**

3. Leverage the potential of digital to reduce the size of physical labels and provide more accessible information to consumers

In the era of digitalization, we advocate for a shift towards purposeful and relevant information on physical labels, retaining only the essential details required by consumers for day-by-day purchasing decisions. Additional information, e.g. on a product's characteristics or different languages, should be provided through a digital label, together with the information from the physical label (this will ensure that online retailers are also able to share this information with consumers at point of sale). Digital labelling technologies contribute to consumer accessibility, offer durability and ease of updates, making them an optimal choice, including for care labels. They also reduce the carbon footprint associated with the labels produced.

For optimal consumer experience, and to reduce costs, this digital information must be unified under one data carrier in line with the Digital Product Passport (DPP) that will be further developed in line with the ESPR Delegated Act. Such an approach avoids consumer confusion (i.e. "which trigger should I scan?") and leverages technology to provide comprehensive product information. Consequently, the timeline for DPP provisions for the textile sector must be aligned with the TLR revision and any overlaps between requirements should be avoided.

In alignment with the DPP concept, we advocate for minimal information on physical labels, retaining only essential data necessary to take a day-by-day purchasing decision and information necessary for third-party regulations acceptance in various markets, with the goal of shifting additional information requirements to digital labelling. By transitioning to digital labels and reducing the size of a physical label, we anticipate a reduction in physical label removals, eliminating the need for rules to prevent their removal.

4. Support innovation: adapt fibre classification process & increase tolerance levels

Need for adapting the fibre classification process:

Novel fibres are currently not recognised by existing generic fibre classifications in Annex I. Consequently, consumers are not receiving rigorous information. On the other hand, the current classification risks hampering innovation as novel fibres cannot be clearly distinguished and labelled.

As part of the textile industry's commitment to reducing its environmental impact, substantial efforts have been invested in developing novel, fibres with a lower environmental impact fibres to replace conventional ones. These new fibres currently either lack classification or are incorrectly categorized, leading to labelling challenges for stakeholders call for a more accessible, efficient, and transparent process for classifying and labelling novel fibres ready for commercial use.

We recommend a permanent and agile revision of the Annex I by easing the addition of new fibres. A more flexible approach is needed for the classification of new fibres, easing and speeding the classification process. Finally, the new fibres classification should ensure alignment

with World Trade Organization (WTO) rules and the World Customs Organization's (WCO) continuous reworking of HS codes.

Concretely, we recommend a review of Articles 5 and 6 to simplify the process for both industry and textile sector stakeholders to propose new fibre denominations for inclusion in Annex I. We further call upon the European Commission to conduct a regulatory assessment to establish a classification process that aligns with industry developments, considers international standards, and fosters regulatory cooperation on this issue.

Need for increasing stated fibre composition tolerance levels:

Current available testing methods in Annex VIII and ISO standards have an uncertainty higher than 3%, so that, tolerance levels should be aligned with the capabilities and precision of the test methods available to ensure legal compliance. In addition, particularly considering the complexities in accurately separating recycled fibres, due to traces of other fibres coming from the disassembly process, recycled materials exhibit more significant variations in their composition compared to virgin materials. Technical advances in textile recycling often exceed this percentage limit due to impurities in the recycled feedstock, making the existing 3% tolerance levels challenging to adhere to, especially when authorities conduct compliance tests.

To facilitate the uptake of recycled fibres and ensure precise consumer information, a suggested acceptance of around 5% tolerance is recommended, both virgin and recycled. Tolerance levels should be aligned with the capabilities and precision of the test methods available to ensure legal compliance.

5. Promote international alignment and global standards and test methods

Given the global nature of the textile sector, it is crucial to consider international alignment and collaboration in the revision of the TLR. **The Commission should ensure coherence with the World Customs Organisation and the current revision of the HS codes as well as with the commitments in the WTO Technical Barriers to Trade Agreement on use of international standards.**

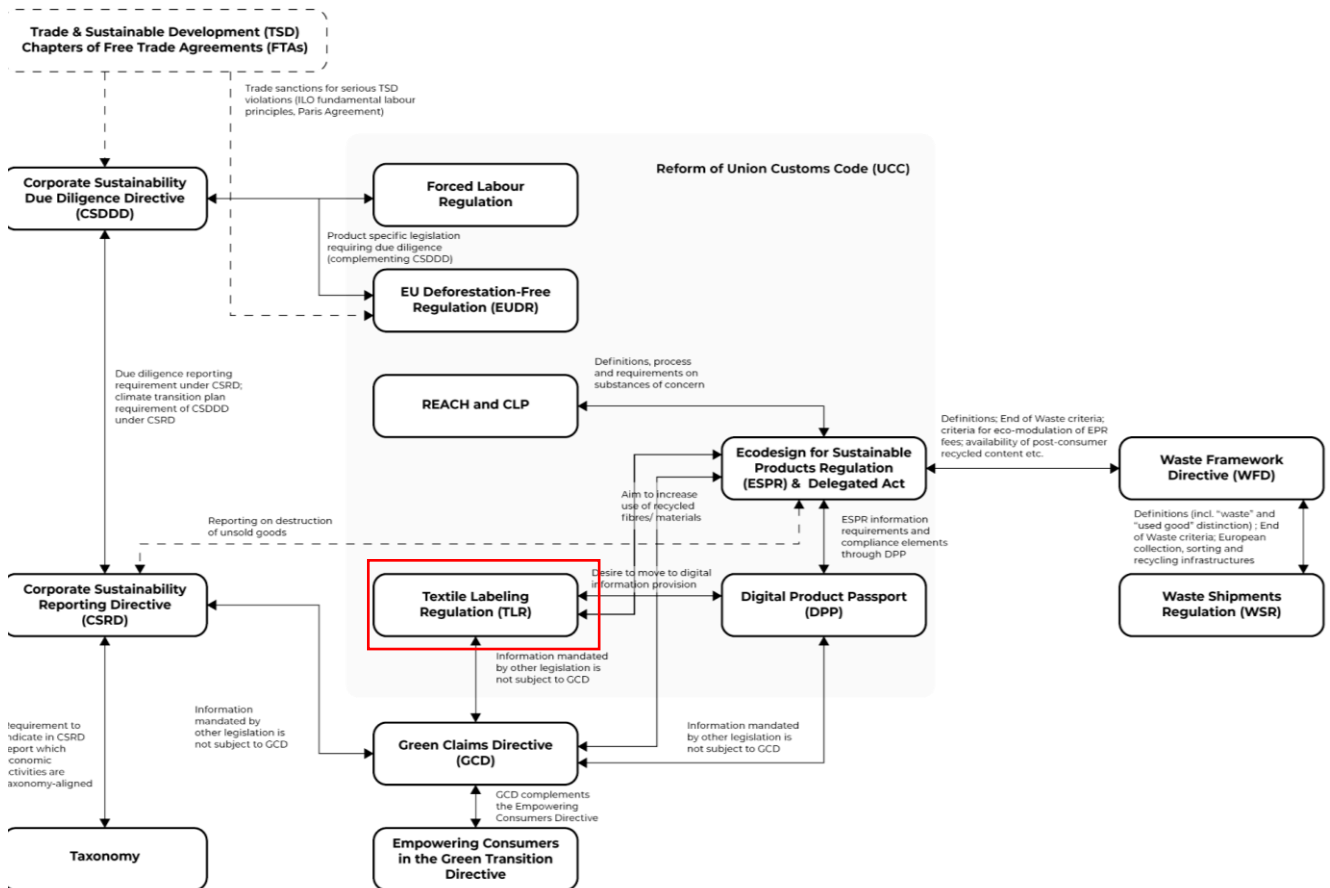
We also advocate for the incorporation of ISO Standards for test methods within the TLR, citing their equivalence in methodology to the existing legislation. We further endorse the idea of streamlining the process for adding new fibre name compositions by leveraging international mechanisms, such as ISO or CEN, to align the regulation with international standards effectively. Given the global nature of the textile industry, our members recommend adopting ISO standards as other accepted test methods in the revised Regulation, reducing the financial and costly burden on companies that commercialize outside the EU, as they have to implement both test methodologies to comply with the EU framework.

Standardisation ensures that all stakeholders share a common understanding and interpretation of testing criteria. In addition, standardisation simplifies the testing process for suppliers across the globe by reducing complexity in verification, streamlining processes, and facilitating economies of scale, and therefore competitiveness.

Introducing language independent codes and symbols would make it possible to have smaller care labels thus increasing the likelihood of not cutting them off and people reading them. However, this will only be beneficial if icons are internationally recognised and standardised.

The TLR revision also presents an opportunity to seek enhanced alignment and mutual recognition of fibre name application processes in the EU and other jurisdictions, e.g. US and Canada. Different application processes currently lead to different generic names for the same fibre (e.g., rayon vs. Viscose and Lycra vs. Spandex vs. Elastance).

Annex – Interconnectedness of EU textile regulatory framework demands policy coherence



About EBCA:

The European Branded Clothing Alliance is a coalition of leading global retail companies brands that represent over 60 brands. The alliance works to ensure a positive trade agenda and a more predictable business environment for a leading industry sector in the EU that contributes to jobs, innovation and research and development. Via their global value chains, members also contribute to jobs and sustainable development in countries in which they source and produce. Please visit our website at <http://www.ebca-europe.org/> for further information.

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