

EURATEX supports the efforts of the European Commission to improve the sustainability of products that circulate in the European internal market through the Ecodesign Requirements for Sustainable Products Regulation proposal. However, there are critical points that require attention and revision for the regulation to be workable in the textiles industry. EURATEX hereupon suggests the following recommendations/amendments:

## 1. The scope must be limited to exclude technical textiles

As the Regulations stands now, the complete range of products in textiles is affected. The textiles industry is very diverse and embraces many types of products. Technical textiles have properties as protection and hygiene that are essential for their functionality, also offer solutions in various products (e.g. reinforcing fibers in wind power plants, filters in electrolyzers or water treatment plants, etc.). The criteria and requirements of the Ecodesign Regulation must not act as an obstacle, therefore, general exemptions for technical textiles should be made, with the focus of the Regulation laying on textiles as consumer goods, especially fashion.

Thereby, EURATEX stresses the need for the following amendment. However, as indicated above, technical textiles are not merely limited to medical devices, and personal protection equipment, but also to industrial textiles, geotextiles, mobility textiles, construction textiles and more. Although there are no legal references to these, they should nevertheless be excluded from scope for the same rational described above.

Amendment proposal Chapter I, Art 1, <u>insert (in bold, italic):</u>	
<u>Current version</u>	<u>Proposed version</u>
This Regulation shall apply to any physical good that is placed on the market or put into service, including components and intermediate products. However, it shall not apply to: [...];	This Regulation shall apply to any physical good that is placed on the market or put into service, including components and intermediate products. However, it shall not apply to: [...] <b><i>(h) products falling in the scope of PPE regulation No 425/2016, (i) products falling in the scope of medical devices Regulation {EU} No. 745/2017.</i></b>

## 2. Current limitations in measuring environmental impact of textiles must be acknowledged

- i) The use of the environmental impact as a criterion or the use of performance classes and a possible comparability of these, presents many shortcomings for textile products. Within the life cycle assessment, there are controversial discussions about when textile products are comparable, that also complicate the further development of the Product Environmental Footprint (PEF) methodology, currently delayed until 2024. Also, many methods are available to measure environmental impact, thus, it must be ensured that no further methods are developed within Ecodesign Regulation, but rather the current PEF is finalised in a manner that is implementable across the textiles industry.
- ii) The current proposal would like to define sustainability very broadly, i.e. it is not only about recyclability, the absence of substances of concern, but also about how e.g. longer use, reusability, longevity, etc. can be taken into account. As for the impact on the use phase of products, individual user behaviour has a major influence on the overall sustainability of a product along its life cycle, but it is a step-in product life cycle that is very difficult to codify. Thus, for the proposal to be realistic, EURATEX calls for requirements to be based solely on harmonised methods and harmonised standards.
- iii) As for microplastics release, the European textile and apparel industry is willing to support future policy and legislative measures, however, emphasis must be placed on the existence of the knowledge gap, need for further research and build up on current achievements, like the Cross Industry Agreement.

## 3. Pragmatic approaches must be established with countries outside of the European Union

- i) The definitions of “authorised representative” and “importer” have the risk to cause difficulties regarding the term “established in the Union” in relation to trade between EU-companies and companies that are established in the EU’s geographical neighbourhood. EU companies have highly integrated supply chains with companies in EU’s neighbourhood, and they would become more costly if the authorised representative must be based in the EU, without

any additional benefit to market authorities (often same language is spoken, and geographic distance is short). Thus, EURATEX calls for exemptions for companies established in the EU's European neighbourhood from the requirement of having an authorized representative based in the EU. Those exemptions could ground on a mutual assistance agreement between the EU and the concerned country. Additionally, it must be pointed out that "established in the Union" is mentioned for definitions "authorised representative", "importer", but not for "economic operator", "distributor", "manufacturer". Consistency is necessary as this may create confusion within the textile's supply/value chain.

- ii) Companies with certifications from outside the EU is relatively negative. The results on the certificates are according to Asian standards, and they cannot be paired with the standards used in the EU. With the responsibility falling on the importer or the entity placing the product on the EU market to procure conformity assessment and required information under Article 7, 9 and delegated acts, this situation requires that, if textile requirements are imposed, these should be the same for both EU and non-EU textiles. If these requirements refer to an EU standard, the alternatives commonly used worldwide and the alternative values corresponding to those standards should be identified for these standards so that this requirement does not unnecessarily create a barrier to entry into the EU market. Thus, non-EU standards should also be considered, with the involvement of the industry in the decision process.

#### **4. SME support must be clearly identified, and bureaucracy minimized**

- i) In the current proposal, it is unclear to what extent Member States are taking different support measures for SME's and whether fair conditions can be established for the entirety of corresponding industries throughout the EU. Within the roles of the economic operators, it is also apparent that many technical documents may be necessary to prove conformity. There is a danger of high costs for testing and product identification. It must be ensured that Member States shall take appropriate and harmonised measures to support SMEs in the implementation of ecodesign requirements, in particular in relation to the product passport and the calculation of the environmental footprint of products.
- ii) Third party labelling is also associated with high administrative costs and financial demands. EURATEX stresses the need to explore label-independent ways in which to prove compliance as to ensure the requirements of the Ecodesign Requirements may be implemented simply and unbureaucratically. This also applies to the inclusion of the EU Ecolabel (Art. 34): It is questionable whether the EU Ecolabel takes into account the same aspects to the same extent for all product groups as outlined in the draft proposal.

#### **5. Harmonisation and further clarity must be introduced**

- i) Responsibilities regarding input of information and creation of the Digital Product Passport should be defined within the proposal and not only in Delegated Acts, to ensure harmonised structure of responsibilities. In the circular economy, a textile product after rework can end up as a construction product or something completely else, and thus, clarifications around ownership/ handling / verification of data at the end of life of product must be outlined. For example, the manufacturers should not be responsible for data that may change during use or after phase of use. Since the manufacturer cannot influence the change of products during use-phase e.g. due to wear and tear, the responsibility of manufacturer should be deemed fulfilled once the information of the product is provided when placed on market, with no further responsibilities assigned.
- ii) The proposal showcases various detailed definitions, but also lacks some. As this may result in contrasting interpretations of the regulation, EURATEX calls to introduce additional definitions, including "service provider" "model", "batch", "item level", "consumables", "actors", and "re-use", the latter according to the definition in the Waste Framework Directive. At the same time, the reference to Regulation (EU) 2019/1020 in Article 30 deviates from the original definition of "economic operator" in Article 2. Definitions of "economic operator" must be uniform and clear specifications must be introduced if any article is not applicable to a specific economic operator category (manufacturer/dealer, etc.), as to avoid confusion.

- iii) Ambiguous wording should be avoided, such as the requirements to provide technical documents with easily understood „language“. This may be interpreted incongruously, as consumer language would greatly differ to that of market authority, thus, clearer wording should be introduced to avoid uncertainty.

## 6. Superfluous requirements must be avoided

- i) EURATEX comprehends the need to deal with destructions of unsold goods, however highlights that the ban of destruction of unsold consumer products is rather related to ways to deal with waste, and thus should be included in the next amendment of the Waste Framework Directive, instead of in the Ecodesign Regulation. The reporting responsibilities between economic operators and potentially third parties executing on the destruction of unsold goods must also be clarified. It is not clear how to report on products which are destructed to prepare them for proper recycling.

Amendment proposal Chapter 6, Art. 20, <del>delete (in bold, italic):</del>	
Current version	Proposed version
1. An economic operator that discards unsold consumer products directly, or on behalf of another economic operator, shall disclose [...]	<del>1. An economic operator that discards unsold consumer products directly, or on behalf of another economic operator, shall disclose [...]</del>
2. The Commission may adopt implementing acts [...]	<del>2. The Commission may adopt implementing acts [...]</del>
3. The Commission shall be empowered to adopt delegated acts [...]	<del>3. The Commission shall be empowered to adopt delegated acts [...]</del>
4. When preparing a delegated act adopted [...]	<del>4. When preparing a delegated act adopted [...]</del>
5. Where unsold consumer products are destroyed [...]	<del>5. Where unsold consumer products are destroyed [...]</del>
6. This Article shall not apply to SMEs. However, [...]	<del>6. This Article shall not apply to SMEs. However, [...]</del>

- ii) The obligations to disclose substances of concern should be consistent with the existing chemicals legislation requirements i.e. REACH, that are already demanding for the use of chemicals, particularly for textiles sector. Thus, the definition of “substance of concern” present in the current proposal that deviates from REACH, by the inclusion of “(c) negatively affects the re-use and recycling of materials in the product which it is present”, is concerning. The inclusion of re-use is new and broad concept which brings forth uncertainties on how a substance of concern may negatively affect the re-use and recycling of materials.

Amendment proposal Chapter I, Art. 2, <del>delete (in bold, italic):</del>	
Current version	Proposed version
(28) ‘substance of concern’ means a substance that [...]	(28) ‘substance of concern’ means a substance that [...]
(c) negatively affects the re-use and recycling of materials in the product in which it is present.	<del>(c) negatively affects the re-use and recycling of materials in the product in which it is present.</del>

- iii) As for CE marking, it should be highlighted that there is already a regulation in the EU for accreditation bodies and notified bodies: that Article 21, paragraph 2. CE marking: In the EU there is already a regulation for accreditation bodies and notified bodies, thus there is no need for new articles on CE marking within the Ecodesign Regulation.

## Conclusion

Ultimately, there is a need for clear obligations for authorities to ensure a functional market surveillance, without which the Regulation runs the risk of unfulfillment. Key responsibility must be outlined for the authorities to grant a level playing field within the internal market. Policy coherence between different EU legislations and standards is also key for the Regulation to be workable. EURATEX urges to ensure policy coherency between the Ecodesign Regulation and other initiatives and legislations (e.g., REACH, CLP, IED, Textile Labelling, Green Claims, Empowering Consumers, Waste Framework Directive, etc).