

Squaring the Circle: Textiles EPR in France & Beyond

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About The Author



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Stacey Bowers, MILS, is the Manager of Compliance & Risks' Global Market Access team.

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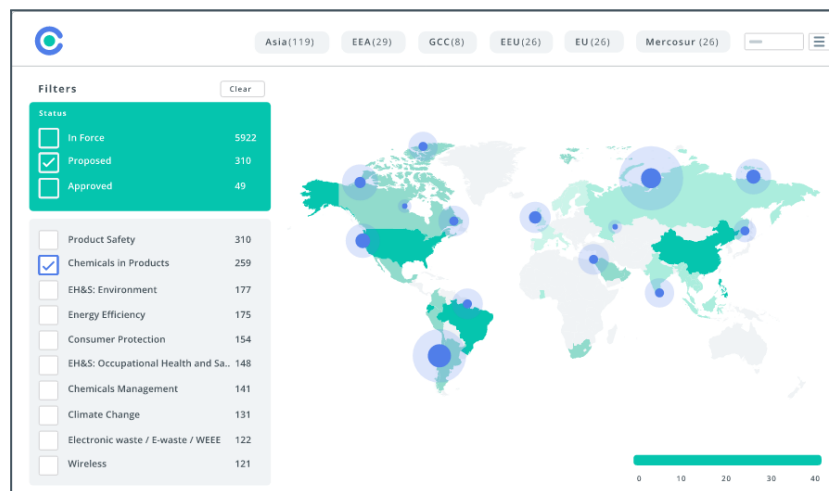
Stacey and her team of 10 librarians and lawyers produce current, comprehensive and customized research to address strategic business needs for retailers and manufacturers, including entering new geographic markets; facilitating education and training throughout the supply chain; and development of global best practices around regulatory compliance.

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1. Introduction

While France has led the way when it comes to extended producer responsibility (EPR) for [textiles](#) and footwear, other geographies, such as the European Union (EU), Bulgaria, Netherlands and Sweden, and the American state of California, have also proposed, enacted and amended similar legislation, which are likely to have wide impacts.

These laws are intended to work towards a [circular economy](#) in which textile waste no longer exists, as consumers become habituated to recycling apparel and footwear that are too small or unable to be repaired, in order to manufacture new apparel and footwear.

Beyond legislation, industry-led initiatives, such as that of the Product Stewardship Institute (PSI), which has established the first standards for collection of used textiles, are important to monitor, as well.

Summaries and status updates for each of these requirements follow.

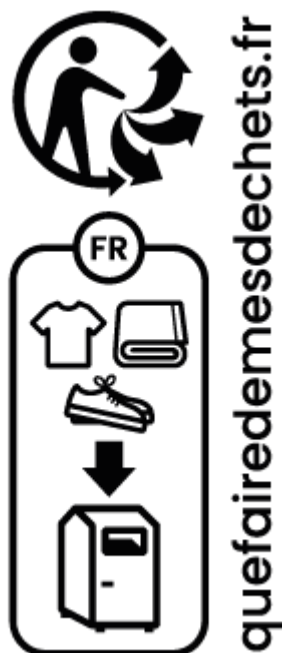
2. France

The AGEC & The Triman Logo

In 2020, France enacted Law no 2020-105 of February 10, 2020 relating to the fight against waste and the circular economy.

The Law, commonly called AGEC, promoted the general reduction of waste and the circular economy and set out the legal framework for France to move from a linear economy to a circular model which aims to eliminate waste, and reuse existing resources as much as possible.

In particular, the Law introduced a new Article L541-9-3 to the French Environmental Code, which stated that from 1 January 2022, the [Triman logo](#) and accompanying "sorting information" is mandatory for all household products subject to EPR requirements in France, including textiles and footwear.



Sorting info consists of information specifying the sorting methods or deposit of waste resulting from the product. This information should appear on the product, its packaging or, failing this, be contained in other documents supplied with the product, e.g., manuals, instructions for use, etc.

Refashion, the French eco-organization in charge of EPR for clothing, household linens and footwear, provided guidance on the Triman symbol and sorting info.

Per Refashion, from 1 January 2022 onwards and by 1 February 2023 at the latest (or 1 August 2023 for products manufactured or imported before 1 February 2023), the

Triman and sorting info must be affixed on all items of apparel, home textiles and footwear.

3. EU

Waste Framework Directive Proposal & The EU Strategy For Sustainable and Circular Textiles

The European Commission is running an online consultation regarding a proposed revision of the European Union's (EU) Waste Framework Directive.

The objectives of the revision are to limit waste generation, increase re-use and increase cost-efficient preparation for re-use and quality recycling, including for waste textiles.

The revision will explore opportunities for simplification to make legislation clearer and reduce burden on citizens and businesses.

Stakeholders can answer the questionnaire until 16 August 2022 [here](#).

Additionally, the EU Strategy for Sustainable and Circular Textiles, published in March 2022, aims to create a coherent framework and a vision for the transition of the textiles sector whereby:

- By 2030 textile products placed on the EU market are long-lived and recyclable, to a great extent made of recycled fibers, free of hazardous substances and produced in respect of social rights and the environment.
- Consumers benefit longer from high quality affordable textiles, fast fashion is out of fashion, and economically profitable re-use and repair services are widely available.
- In a competitive, resilient and innovative textiles sector, producers take responsibility for their products along the value chain, including when they become waste.
- The circular textiles ecosystem is thriving, driven by sufficient capacities for innovative fiber-to-fiber recycling, while the incineration and landfilling of textiles is reduced to the minimum.

As part of the Strategy:

- The EU's Ecolabel Criteria for Textile Products would become mandatory, including new restrictions on the use of microplastics in synthetic fibers;
- New transparency obligations would be enacted, requiring large companies to publicly disclose the number of products they discard and destroy, including textiles, and their further treatment in terms of preparing for reuse, recycling, incineration or landfilling;
- A new Digital Product Passport for textiles would be introduced, based on mandatory information requirements on circularity and other key environmental aspects;
- New requirements for "green" claims would be enacted, addressing durability, repairability and future environmental performance, such as "climate neutral by 2030"; and
- Harmonized EU EPR rules for textiles, with eco-modulation of fees, would be introduced as part of the forthcoming revision of the Waste Framework Directive in 2023.

4. Bulgaria

Draft Regulation On The Management Of Footwear & Textile Waste

On 19 July 2022, the Bulgarian Council of Ministers published a Draft Regulation on the Management of Footwear and Textile Waste.

The Draft applies to textile and footwear waste and aims to increase the amount of recycled household waste and reduce the amount of landfilled household waste by implementing the EU's Directive (EU) 2018/850 and Directive (EU) 2018/851.

Compliance requirements for persons who place textiles and footwear on the market would include:

- Registration with the Bulgarian Authorities;
- Retaining books and reports of the waste activities;
- Submitting information yearly by 31 March on the waste collected, utilized or recycled; and
- Submitting a report by 15 April of the current year of the factual findings of the previous year.

Persons who place textiles and footwear on the market would be responsible for the separate collection, transportation, storage, preparation for re-use, recycling, utilization and disposal of waste textiles and footwear.

These objectives would be implemented annually, in increasing percentages, from 31 December 2023 through 31 December 2025.

5. Netherlands

Proposal On EPR (or UPV)

The Netherlands Enterprise Agency (RVO) is considering a proposal on Extended Producer Responsibility (EPR), known as the Uitgebreide producentenverantwoordelijkheid, or UPV, in Dutch.

The proposal would require manufacturers of clothing to be responsible for the collection, recycling, reuse and waste phase of the apparel they bring to market. Fashion chains would be responsible for collecting and recycling of discarded apparel. Manufacturers would also be responsible for the costs of the logistics of the system, rather than municipalities, as per the current approach in the country.

The proposal would apply to all parties marketing apparel on the Dutch market, including apparel intended for use in the workplace. Small entrepreneurs would be exempted.

The proposal is expected to enter into force 1 January 2023.

In addition, in her Policy Programme for Circular Textile 2020-2025, the State-Secretary of Infrastructure and Water Management, Stientje van Veldhoven, called for recycling and reuse of waste textiles in the country, with the following goals for 2025, 2030 and beyond:

2025	<ul style="list-style-type: none"> - The share of recycled (post-consumer)/sustainable material in textile products is 25%. - 30% of (raw) materials and products sold in the Netherlands are recycled after collection, if immediate reuse is no longer possible.
2030	<p>By 2030, we are half-way through the transition towards the circular economy, which means that:</p> <ul style="list-style-type: none"> - All textile products sold in the Netherlands contain 50% of sustainable material. Of that 50%, at least 30% is recycle and no more than 20% is sustainable material.³ - 50% of (raw) materials and products sold on the Dutch textile market are recycled after collection, if immediate reuse is no longer possible.
2035	The aim is to half the ecological footprint of the textile sector in the fields of emissions, water consumption, chemicals and microplastics.
2050	Fully circular economy.

6. Sweden

Proposed Ordinance On Extended Producer Responsibility For Textiles

Sweden's Proposed Ordinance on EPR for Textiles, raised in 2020, would apply to "textiles," meaning goods that fall under CN codes 4202 1291, 4202 1299, 4202 2290, 4202 3290, 4202 9291, 4202 9298, 6301, 6302, 6303, 6304, 6505, 9404 30 00 00 and 9404 90, plus the CN codes in Chapters 57, 61 and 62.

The Ordinance defines "producer" as a party established in Sweden which professionally manufactures, sells, hires out or imports and releases textiles on the Swedish market and, a party not established in Sweden and which professionally sells textiles directly to Swedish end users through distance contracts.

"Producer" also refers to a waste holder that submits textiles that have not been released on the market directly to a collection system.

Per the proposal, Producers would be required to notify the Swedish Environmental Protection Agency before placing a textile on the Swedish market, including:

1. The producer's name, contact details, organization registration number, or if it does not have one, an equivalent national identifier, and
2. Information on which collection system it has undertaken to manage the textile once it has become waste.

The proposal outlines collection and recycling targets, which increase year over year from 2022 through 2036. Of significance, from 2028 at least 90% by weight of the textile waste collected by a licensed collection system must be prepared for re-use or sent for recycling.

7. California

Fabric Recycling Pilot Project

California's state Senate is considering a bill, SB 1187, which would require the Department of Resources Recycling and Recovery to establish a pilot project of up to three years located in the Counties of Los Angeles and Ventura in partnership with garment manufacturers in order to study and report on the feasibility of recycling fabric, as specified.

The bill would require the pilot project to be submitted by an applicant jurisdiction and designed to create a circular economy for the highest and best use of waste textiles.

The bill would require the pilot project operator to annually report to the Department, among other things, the amount, in pounds, of textiles that were collected and that were diverted from disposal in the prior year of the pilot project, among other information.

The bill would require the pilot project to conclude no later than 1 January 2027.

8. Product Stewardship Institute (PSI)

Standards For Collection Of Used Textiles

The Product Stewardship Institute (PSI) represents government members and collaborates with partners from companies, NGOs, academia and non-U.S. governments to promote effective legislation and voluntary solutions to recycling and waste management issues that support a circular economy. PSI has over 120 corporate, organizational, academic, non-US government and individual partners.

In 2016, PSI formed a Textiles Coalition Workgroup and established the first standards for collection of used textiles in New York State, called Re-Clothe NY.

The standards provide for common messaging, data sharing and the best possible use of recovered scrap textiles by both for-profit and nonprofit collectors and processors.

Coalition members must accept a broad range of textile materials, including apparel, home textiles and footwear:

Accepted Textile Materials List to Include on Website		
The following items can be donated in any condition (torn, worn, stained, missing buttons, broken zippers, etc.) as long as they are clean, dry, and odorless .		
<p>Footwear (in pairs):</p> <ul style="list-style-type: none"> • Shoes • Heels (wedges, pumps) • Flats • Sandals • Flip Flops • Boots (work boots, dress boots, winter boots) • Sneakers • Cleats • Slippers <p>Clothing:</p> <ul style="list-style-type: none"> • Tops (T-shirts, blouses, shirts, tank tops) • Sweaters • Sweatshirts • Dresses • Outerwear (coats, jackets, blazers) • Bottoms (pants, slacks, jeans, sweatpants, skirts, shorts) 	<ul style="list-style-type: none"> • Suits • Socks • Pajamas • Slips • Bras • Underwear <p>Accessories:</p> <ul style="list-style-type: none"> • Hats • Bags (pocketbooks, backpacks, duffle bags, totes) • Belts • Gloves • Ties • Scarves • Bathrobes <p>Linens:</p> <ul style="list-style-type: none"> • Sheets • Blankets • Towels • Curtains/Drapes 	<ul style="list-style-type: none"> • Aprons • Dish cloths • Cloth napkins • Table linens • Comforters • Throw rugs • Placemats <p>Other:</p> <ul style="list-style-type: none"> • Halloween costumes • Sports jerseys • Pet clothing • Textile scraps greater than 1'x1' • Canvas

Sources

1. Clothes the Circle: Case study report: Final Evaluation of 'Omzet met Impact' Programme, Karen Maas and Sachin Joshi, October 2021
2. "DEFRA PUBLISHES RESPONSE TO EPR CONSULTATION," Emma Love, Resource, 28 March 2022
3. Directive (EU) 2018/850 on the landfill of waste
4. Directive (EU) 2018/851 on waste
5. Draft Decree of the Council of Ministers on the adoption of the Ordinance on shoe and textile waste
6. "Environmental impact of waste management – revision of EU waste framework," European Commission
7. EU Strategy for Sustainable and Circular Textiles, European Commission 30 March 2022
8. "Exploring EPR for textiles: taking responsibility for Europe's textile waste," European Commission and the European Economic and Social Committee, 21 Sep 2021
9. "Fashion chains must collect discarded clothing," Netherlands Enterprise Agency, RVO, and Statistics Netherlands, CBS
10. "Fashion chains responsible for discarded clothing in 2023," Central Government, 20 May 2021
11. France: Anti-waste and Promotion of Circular Economy, Law 2020-105
12. GINETEX News, No 24 - 2022 - July
13. "Graphic elements," Refashion
14. "Policy programme for circular textile 2020-2025," Government of the Netherlands, 14 April 2020
15. Producer responsibility for textiles – part of the circular economy, SOU 2020:72, 9 December 2020
16. SB-1187 Fabric recycling: pilot project
17. "Textile EPR: Recycling laws for fashion e-commerce across Europe," ECommerce Germany, Lena Bettin
18. "Textiles," Product Stewardship Institute (PSI)
19. Textiles Coalition Workgroup: Standards for Coalition Participation, July 15, 2016

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