

France Leads the Way: An Overview of Global Extended Producer Responsibility Requirements for Textiles

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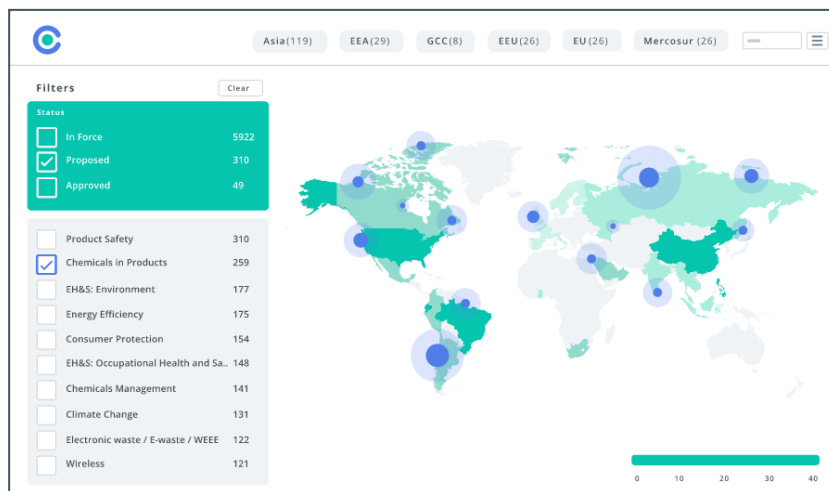
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1. Introduction

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.

On 29 April 2022, and under AGECE, France enacted Decree No. 2022-748 of April 29, 2022, relating to consumer information on the environmental qualities and characteristics of waste-generating products.

The Decree requires labeling to indicate the environmental characteristics of covered products, which are packaging, textiles, footwear, and sports and leisure items. Regarding textiles, products must provide:

- the amount of recycled materials;
- the name of each hazardous substance, mixture, or article, per REACH, that is present in a concentration greater than 0.1% by mass percentage;
- traceability information for consumers concerning woven, dyed, or printed or manufactured textiles;
- consumer information on plastic microfibers in textile products, when the proportion of such is greater than 50%; and
- recyclability of the product, per the Decree's five criteria.

Further, according to the Decree, producers, importers, and marketers must follow a schedule to integrate the requirements. The largest companies -- those reporting an annual turnover of greater than €50 million and placing at least 25,000 units on the market -- have been liable from 1 January 2023. Companies with an annual revenue of greater than €20 million and which place at least 10,000 units on the market have until

1 JANUARY 2023

- Annual turnover > €50 million

1 JANUARY 2024

- Annual turnover > €20 million

1 JANUARY 2025

- Annual turnover > €10 million

1 January 2024 to comply. Finally, those companies with an annual revenue of more than €10 million and at least 10,000 products on the market shall be compliant by 1 January 2025.

3. EU

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

The European Commission ran an online consultation regarding a proposed revision of the European Union's (EU) Waste Framework Directive. The call for evidence was open to all citizens and organisations and ended on 22 April 2022.

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.

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

Decree on EPR for Textiles

On 14 April 2023, the Netherlands approved the Decree on Extended Producer Responsibility (EPR) for Textiles.

The Decree establishes that producers of apparel and household textiles are responsible for the recycling and preparation for reuse of textile products they have placed on the Dutch market. Further, producers are required to finance and implement a system to collect, recycle, reuse, and properly dispose of waste from textiles they bring to market.

The Decree sets, among others, targets for textile reuse and recycling -- from 50% in 2025 to 75% in 2030.

Additionally, the producer shall ensure measures are taken to incorporate the greatest amount possible of post-consumer recycled textile fibers in new textile products.

Annually by 1 August, the producer shall submit a report to the Minister of Infrastructure and Water Management, providing data on compliance, implementation of the intake system, and information obligations.

Reports for 2023 and 2024 will be sufficient provided they show the quantity of textile products that were placed on the market.

The Decree is set to enter into force 1 July 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	<p>The aim is to half the ecological footprint of the textile sector in the fields of emissions, water consumption, chemicals and microplastics.</p>
2050	<p>Fully circular economy.</p>

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.

Proposal For Circular Handling Of Textiles and Textile Waste

On 4 May 2023, Sweden's Government Office published a memorandum containing a proposal to amend the Waste Ordinance, SFS 2020:614, in regard to the circular handling of textiles and textile waste.

The proposal suggests that anyone who generates textile waste (waste from textile apparel, bags, and accessories, home textiles, and interior textiles) should be required to sort and store it separately from other waste.

Per the proposal, municipalities will be responsible for the separate collection of municipal textile waste. In addition, the proposal suggests that municipalities should be responsible for designing their collection systems and providing information on the best ways to reuse textiles.

Further regulations regarding the treatment and recycling of textile waste shall be proposed after the adoption of relevant EU legislation.

If enacted, the proposed amendment is set to enter into force on 1 January 2025.

7. California

Fabric Recycling Pilot Project

California Senate Bill 1187, now Chapter 616 of Statutes of 2022, was approved by California's Governor on 27 September 2022. It requires the Department of Resources Recycling and Recovery to establish a pilot project 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 pilot project is required to be submitted by an applicant jurisdiction and designed to create a circular economy for the highest and best use of waste textiles.

The Statute requires 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 pilot project shall 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

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