

Overview of the Selected EU Textiles Policy Initiatives: Self-Stand Sustainable Game Changers or ‘Palliative’ Half-Measures

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The present paper seeks to provide regulatory insights concerning the fundamental nature of the selected EU textile policy initiatives and ignite further debate regarding their enhancement. The author of the article analyses the selected EU textile policy initiatives, spots their main defect along with additional shortcomings, proposes optimisation measures, and starts a new debate on the future of textile regulation from the consumer side. The author concludes that the analysed EU proposals are detailed and innovative; however, they have numerous shortcomings that, if optimised, might enhance the current regulatory value of the analysed proposals. Besides, the author concludes that the debate should be started to tackle not only the industry side but also regulate the consumer side to actually aim the legislation at sustainable development and not only at environmental harm reduction, which would enhance the future regulatory value of the said proposals.
Keywords: textile regulation, harm reduction, circular economy, environment, EU policy, sustainable fashion, fast fashion.

Tam tikrų ES tekstilės politikos iniciatyvų apžvalga: savarankiški tvarūs pokyčiai ar paliatyviosios pusinės priemonės

Šiame straipsnyje pateikiamomis tam tikrų svarbių ES tekstilės politikos reguliavimo iniciatyvų įžvalgomis norima paskatinti tolesnes diskusijas dėl šių iniciatyvų tobulinimo. Straipsnio autorius analizuoja naująsias ES tekstilės politikos iniciatyvas, nurodo pagrindinius jų trūkumus, siūlo šių ES pasiūlymų optimizavimo priemones ir pradeda diskusiją dėl tekstilės reguliavimo ateities vartotojų požiūriu. Autorius daro išvadą, kad analizuoti ES pasiūlymai yra išsamūs ir novatoriški, tačiau turi ir daug trūkumų, kuriuos optimizavus būtų galima padidinti dabartinę analizuojamų pasiūlymų reguliavimo vertę. Be to, autorius mano, kad reikėtų pradėti diskusijas ne tik dėl pramonės, bet ir dėl vartotojų teisių reguliavimo, kad teisės aktais iš tiesų būtų siekiama darnaus vystymosi, o ne tik mažinti žalą aplinkai, tai, jo teigimu, padidintų minėtų pasiūlymų reguliavimo vertę ateityje.

Pagrindiniai žodžiai: tekstilės pramonės reglamentavimas, žalos mažinimas, žiedinė ekonomika, aplinka, ES politika, tvari mada, greitoji mada.

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Introduction

The garment manufacturing industry has been spotlighted for its negative interaction with the environment. Even a couple of hundreds of years ago, fashion was indeed ‘slow’, which means that garments were being produced individually or by small-scale artisans. After the industrial revolution, the ‘speed of fashion’ started to become ‘faster’, which means the rise of mass production of garments (Fashionnovation, 2022). With the Internet’s predominant role, the ‘speed of fashion’ has skyrocketed. With the rise of the so-called ‘fast’ fashion, the negative environmental impact of the overall garment manufacturing industry has also increased. According to the EU Strategy for Sustainable and Circular Textiles, fast fashion is defined as “the trends of using garments for ever shorter periods before throwing them away,” which contributes to “unsustainable patterns of overproduction and overconsumption,” “enticing consumers to keep on buying clothing of inferior quality and lower price, produced rapidly in response to the latest trends” (Textiles Strategy, 2022). This article uses ‘textile’ and ‘fashion’ as synonyms.

Every step of the fashion supply chain exerts a vastly negative impact (Niinimäki et al., 2020). The supply chain employs a broad range of industries, from agriculture and chemical to energy, logistics, transportation, and retail. The irresponsible consumer use has been causing a considerable footprint reflected on our environment, which jeopardises sustainable development.

This challenge compels the researchers to rethink approaches towards changing how the textile industry is regulated. The scientific community underlines that the “fashion industry is facing increasing global scrutiny of its environmentally polluting supply chain operations” (Niinimäki et al., 2020, p.189), thus making “decision makers [...] [begin] to promote sustainable fashion through public policy” (Mizrachi, Tal, 2022, p.1). The regulatory proposals on the EU level are seen as the most novel, with the leading role of the European Commission that “is advancing a transition pathway to help the textile ecosystem make the switch to a greener, more circular and resilient, and digital economy” as well as “supporting enterprises adopting slow fashion values” (Centobelli et al., 2022).

A preliminary literature review shows that limited progress has been made in analysing the legal side of the interaction of environment and textiles, particularly the analysis and prospects of the potential regulation of textiles under the umbrella of the EU on the subject of its real nature. Some of the aspects of textiles regulation in the EU were addressed, for instance, by Meital Peleg Mizrachi and Alon Tal (Mizrachi, Tal, 2022) as well as Piera Centobelli, Stefano Abbate, Simon Peter Nadeem and Jose Arturo Garza-Reyes (Centobelli et al., 2022).

Research objective and tasks. This research seeks to provide regulatory insights concerning the fundamental nature of the selected EU textile policy initiatives and ignite further debate regarding their enhancement. In the light of the research objective, the article shall deal with the following tasks: analysing the selected EU textile policy initiatives, which would help to spot their main defect(s) and additional shortcomings; proposing the author’s optimisation measures; and starting a new debate on the future of textiles regulation from the consumer side.

Novelty. The selected EU textile policy initiatives must be adequately analysed to spot their shortcomings for the regulatory burden of the textile industry. The research community needs more substantial proposals for further textile regulation optimisation measures. Filling the gaps would constitute a novelty of the current research article. It would also be embraced for igniting a debate on possible consumption limitations.

Methods. The qualitative approach was employed to conduct this research. With the primary role of the descriptive analytical method used for the literature and legal proposals review, historical,

comparative and systematic analyses we re also used. Historical analysis is utilised to analyse the development of sustainability in the EU. Comparative analysis is adopted to contrast the EU legal proposals on textiles. Lastly, systematic analysis is applied to identify and summarise the relevant findings together, which would help to propose new optimisation points for the prospective EU textile regulatory burden and the future aspects of textile consumption.

1. Analysis of the selected EU proposals regarding sustainable textiles and their sustainability value

The environmental effect of the apparel industry is enormous and deteriorating. It ranges from severe water consumption, which is attributed to the producing from 8 to 10 per cent of the global CO₂ emissions, immense chemical pollution (over 15,000 chemicals are being used) and waste generation (over 92 million tonnes of textile waste annually) (Niinimäki et al., 2020). The industry embraces the immense direct negative environmental impact by using greenwashing techniques which can jeopardise the responsible consumption of garments accounting for further environmental impact. As per the explanatory memorandum to the EC (European Commission) proposal for a directive on the substantiation and communication of explicit environmental claims (Proposal for a Green Claims Directive, 2023), issued in March 2023, greenwashing is seen as “the practice of making unclear or not well-substantiated environmental claims” (Proposal for a Green Claims Directive, 2023).

Thus, keeping such a state of affairs in the industry means jeopardising sustainable development immediately and in the future. Sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Our Common Future Report, 1987) which has three main components, namely, environmental, social and economic sustainability. The infringement on even one of the components of sustainable development makes the industry a significant threat to overall sustainability, as the components are interconnected. This would also force legislatures on different levels to combat such negative interactions by legal means.

One of the pioneers in sustainability policy-making for apparel is the EU. The EU has adhered to implementing the principle of sustainable development since 2001, when it introduced sustainable development into its policy agenda with the regularly revised EU Strategy for Sustainable Development (EU Strategy for Sustainable Development, 2001).

Besides, the EU presented the European Green Deal in 2019, which seeks to make the EU climate neutral by 2050 and adopt new legislation on the circular economy, innovation, and biodiversity (European Green Deal, 2019). Also, the European Commission (EC) adopted the Circular Economy Action Plan (CEAP), one of the main blocks of the European Green Deal in 2020. It encourages sustainable consumption and ensures that the resources are used and kept as long as possible (Circular Economy Action Plan, 2020).

In addition, to tackle the problems associated with textiles production and consumption, while applying the circular economy principles to these processes, the EC adopted the EU Strategy for Sustainable and Circular Textiles (Textiles Strategy) in March 2022. The Strategy itself is ambitious, as it aims at shifting to a circular economy which is climate neutral, and where textiles-based products are designed in a way to be more reusable, recyclable and repairable (EC Press Release, 2022). The Textiles Strategy is a roadmap that is a root for concrete EC legislative proposals to be discussed further. Besides, the 8th Environment Action Programme currently underlines the EU’s agenda for the environment policy until 2030, which, among other things, forms the basis for achieving sustainable

development goals (SDGs) in the EU and accelerating the transition to a circular economy (8th Environment Action Programme, 2022).

The following legislative pieces, among others, should significantly impact the apparel industry's regulatory burden. More than ten EU proposals or initiatives could impact the textile sector. However, in this article, the author shall analyse some selected developments addressed explicitly by the Textile Strategy, which are the following (as of May 2023):

- Proposal for a Directive on common rules promoting the repair of goods;
- Proposal for Ecodesign for Sustainable Products Regulation;
- Revision of the REACH regulation;
- Proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims;
- Proposal for the regulation called *Microplastics pollution – measures to reduce its impact on the environment*;
- Revision of Directive on Packaging and Packaging Waste.

Neither the Textile Strategy nor the analysed proposals under its umbrella contain one clear and standard definition of the 'sustainable' textile system. Nor do they contain any levels of tiers of sustainability. The Textile Strategy and the analysed proposals contain more or less apparent aspects of a 'circular' textile system. Still, it is not yet clear how 'sustainable' textiles would sort with the 'circular' ones and what are the differences between them. Again, the circularity of the system is not yet clearly defined either, aside from some harm-reduction elements (recycling, reusing, repair, etc.) that would still be needed in combination with primary resources to produce new garments.

The author argues in this article that the general EU framework, addressed above and analysed in detail below, seeks to implement the circular economy principle to inflict less harm the environment. The author believes that such an approach cannot be considered sustainable, as it prioritises the economic component of sustainable development over the environmental one, due to employing the principle of environmental harm reduction lacking the needed balance. Most of the proposals are aimed at the producers' side, but it still lacks binding measures for consumers. The real sustainability agenda would equally employ the harm reduction measures over environmental and economic components, while addressing the circular economy measures through the extended producer responsibility and consumption limitations altogether.

1.1. Proposal for a Directive on common rules promoting the Repair of Goods

In March 2023, the EC proposed a directive on common rules promoting goods repair. The Proposal seeks to introduce consumer incentives to repair products instead of their replacement, by building the patterns of sustainable consumption together with promoting a circular economy. The proposed Directive "aims to increase the repair and reuse of viable defective goods purchased by consumers within and beyond the legal guarantee" (Proposal for a Directive on common rules promoting the Repair of Goods, 2023). The provisions specified in the proposal "aim at boosting the repair market without creating a burden, particularly *for small and medium-sized enterprises*" (Proposal for a Directive on common rules promoting the Repair of Goods, 2023). The proposal should follow the regular legislative process in the EU, which means that it would need to be formally adopted by the Parliament and the Council. If adopted and further implemented by MSs, the following measures would be applicable, among others:

- Introduction of the European Repair Information Form for repairers to provide standard information on repair services requested by consumers;

- Setting up key parameters influencing consumer decisions when thinking of repair (the repair price, repair conditions, etc.);
- Introduction of the obligation for producers to repair defects outside the liability of the seller;
- Introduction of national platforms to matchmake consumers with repairers;
- Promoting the option of repair over product replacement;
- Introduction of the European quality standard for repair services (Proposal for a Directive on common rules promoting the Repair of Goods, 2023).

The repair of goods is a highly beneficial option for the circular economy system. However, it only deals with the regulation for a producer, while lacking any binding legal measures for consumers, aside from the promotion of repair. It might influence the textile system, which could maintain the current *status quo* until the proper consumption limitations measures are introduced. The overall sustainability credit of this particular proposal is relatively low since it is primarily aimed at circular economy prospects.

1.2. Proposal for Ecodesign for Sustainable Products Regulation

The EC proposed a new Ecodesign for Sustainable Products Regulation in March 2022 seeking to repeal Directive 2009/125/EC (Ecodesign Directive). It was open for feedback until 22 June 2022. Further steps are not currently scheduled (EC Sustainable products initiative, 2020). The legislative proposal will be reviewed by legislators in the European Parliament and the Council, on which an agreement on the proposal is expected in 2023 (Watkins, 2022). Under the new Ecodesign for Sustainable Products Regulation, additional obligations on textiles to make them more durable, reusable, recyclable, and energy-efficient are expected (Proposal for Ecodesign for Sustainable Products Regulation, 2022).

For instance, the following legal measures are foreseen in the case of the adoption, among others:

- The emergence of a digital product passport for textile products, which would require the provision of more information about textiles for consumers;
- The establishment of ecodesign requirements for specific product groups which include the requirements for the composition of materials, their durability, reusability, reparability, resource efficiency as well as their recycled content, etc. (these would be further developed by the EC by delegated acts);
- Introduction of an Ecodesign Forum (with field experts assisting the EC while creating delegated acts);
- Introduction of specific labelling requirements (based on the provisions of delegated acts);
- Possibility to have self-regulation measures establishing ecodesign conditions as an alternative to the provisions of delegated acts passed after the adoption of the Regulation (with the prior submission to the EC), etc. (Proposal for Ecodesign for Sustainable Products Regulation, 2022).

The general idea behind this proposal is also beneficial for the circular economy. However, its genuine sustainability credit remains under-addressed since this proposal, in line with the previous one, introduces specific requirements for the producer, while actually lacking any binding regulatory measures for consumers. As specified by this proposal, better information for consumers is the only driver for consumer behaviour change, whereas better information does not securely mean better actions from the consumer side. The overall sustainability credit of this particular proposal is relatively low since it is primarily aimed at circular economy prospects.

1.3. Revision of the REACH regulation

The EC is revising the REACH regulation to protect human health and the environment by banning or minimising the most harmful chemicals in textile products (EC Chemicals Strategy, 2020). The processes of REACH mean the registration, evaluation, authorisation and restriction of chemicals (REACH regulation, 2006).

In January 2022, the EC launched a public consultation on REACH revision, which ended in April 2022. The EC was to present the proposal for the REACH revision by the end of 2022 (EC Chemicals Strategy, 2020). However, it was not the case, and the proposal is expected to be presented in the last quarter of 2023 (International Chemical Secretariat, 2022). Since the REACH regulation already applies to the industries in the EU, its revision may lead to the enhancement of the regulatory requirements for chemicals to mitigate the chemical pollution caused by the textile industry.

Adopting this regulation could benefit the textile industry, both from the production and the consumption sides, since the proposal could completely ban or restrict some chemicals in textile products, thereby stopping producers from manufacturing garments using specific chemicals and preventing consumers from buying them. The overall sustainability credit of this particular proposal is relatively high since it is not only aimed at circular economy prospects.

1.4. Proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims

The EC revealed a proposal for a directive on the substantiation and communication of explicit environmental claims (Proposal for a Green Claims Directive, 2023) in March 2023. The directive proposal would “require companies to substantiate claims they make about the environmental footprint of their products by using standard methods for quantifying them with the aim to make the claims reliable, comparable and verifiable across the EU to reduce ‘greenwashing’” (Proposal for a Green Claims Directive, 2023). This would reportedly enable consumers to make informed decisions while purchasing based on reliable and verified information given. After the public consultation, the proposal is expected to go to the regular EU legislative procedure (Proposal for a Green Claims Directive, 2023). In the case of the adoption and further implementation into the national legislation, producers are expected to attach the environmental claims for textile products more responsibly. The proposal sets minimum requirements for the substantiation and communication of environmental claims. Besides, the claims would be subject to third-party verification before being used in business-to-consumer commercial communications (Proposal for a Green Claims Directive, 2023).

More specifically, the following measures would be introduced:

- Requirements on the substantiation of environmental claims based on an assessment that meets the selected minimum criteria (given the different types of claims);
- Needs for the communication of such claims;
- Additional requirements targeting the proliferation of labels;
- Introduction of a third-party verifier accredited by the MSs who would ex-ante verify and certify the substantiation and communication of environmental claims and labels;
- Designation by MSs at least one authority with enforcing powers (Green Claims Directive, 2023).

This proposal is again aimed at the circular economy prospect since it seeks to introduce better consumer information requirements. As it was mentioned above, better information does not securely mean better actions from the consumer side. The overall sustainability credit of this particular proposal

is relatively low since it does not introduce binding rules for consumers but only for businesses to substantiate the environmental claims.

1.5. Proposal for the regulation called “Microplastics Pollution – Measures to Reduce its Impact on the Environment”

The EC is working on a proposal for a regulation called *Microplastics Pollution – Measures to Reduce its Impact on the Environment*. This regulation aims to fight against unintentionally released microplastics in the environment with attention specifically on labelling, standardisation and certification, including other regulatory measures for the primary sources of such plastics. Further legislative steps are not yet scheduled. However, the proposal is expected in 2023 (Microplastics Pollution – Measures to Reduce its Impact on the Environment, 2021). Currently, this is only an initiative, albeit with a high potential to become a legislative proposal soon; however, it seems to be of essential importance. Even though the concrete regulatory measures are not yet clear, it can be anticipated that since some microplastics are released into the water via the washing process, among other sources, some regulatory measures could also tackle this issue.

Although the exact regulatory measures are not known at the moment, it can be reasonably expected that the possible impacts may be the following:

- Introduction of the ban on specific synthetic fibres;
- Introduction of the limits of synthetic fibres for the composition of a textile product;
- Introduction of the formal mandatory requirements to inform consumers on the synthetic fibres used in a textile product;
- Introduction of specific standards to limit the release of microplastics while manufacturing textile products;
- Introduction of certain appliances for consumers to limit the release of microplastics while using textile products (for instance, for washing machines), etc.

Adopting this proposal would benefit the industry and be sustainable since introducing specific caps of synthetic fibres in a garment composition or banning some of them would influence not only the producers, but also the consumers. The overall sustainability credit of this particular proposal is relatively high since it is aimed not only at the circular economy prospect, but at the consumers as well.

1.6. Proposal for a Regulation on Packaging and Packaging waste

The EC is revising Directive 94/62/EC on Packaging and Packaging Waste. The current revision aims to reinforce the mandatory requirements for packaging with the objective to combat the problem of over-packaging. According to the initiative, the packaging of consumer products should be reusable and recyclable. The EC proposed the draft Proposal for a Regulation on Packaging and Packaging Waste at the end of November 2022 (Revision of Directive on Packaging and Packaging Waste, 2022). Currently, the legislative process is on going. The possible impacts can be that the new rules would bring more regulations about packaging recyclability, packaging plastic composition requirements, reusability, etc. (Textiles Strategy, 2022).

The proposed Regulation would presumably regulate the following:

- Prevent packaging waste generation by reducing the packaging weight, restricting over-packaging, and promoting reusable packaging;
- Boost packaging recycling;

- Reduce primary natural resource use in packaging and increase the use of recycled materials;
- Introduce targets of minimum requirements of recycled content in packaging;
- Introduce requirements for substances in packaging;
- Introduce labelling requirements for packaging;
- Set up backup systems for packaging (Proposal for a Regulation on Packaging and Packaging Waste, 2022).

In general, the proposal is highly beneficial for the sector's sustainability as the requirements, for instance, for the minimum recycled content in packaging or a reduction of packaging, thereby influencing both the producers and the consumers. However, at the same time, the requirements of packaging recycling are vague and do not oblige consumers to recycle recyclable packaging. Giving consumers information on the take-back system does not mean the consumers will do so. Unless it is done, the proposal could not be called entirely aimed at approaching sustainable development.

Thus, all the proposals and initiatives addressed in this article are considered reasonable steps toward a more responsible and durable future concerning textile products. Besides, in April 2023, the members of the European Parliament (MEPs) from the Environment Committee adopted recommendations regarding EU-wide measures ensuring textiles production on a circular, sustainable and socially just basis, aimed to phase out the 'fast fashion', increase the reuse, recycle and repair, and reduce emissions (European Parliament News, 2023). If adopted in a plenary meeting, this move from the EP could signify that the EU will likely adopt all the textiles proposals in the nearest future. Consequently, if adopted by the legislative triangle in the EU and further implemented (in case any implementation is needed) in the national legislation of the EU MSs, this would signal other jurisdictions to implement the same legal rules. As per Piera Centobelli et al., with the help of the Textiles Strategy, the EC proposes a transition pass for the ecosystem of textiles to turn into a green, circular and digital economy providing more sustainable options for customers, alongside supporting those businesses which embrace slow-fashion values (Centobelli et al., 2022). The initiatives also aim to make "fast fashion out of fashion" (Textiles Strategy, 2022).

Thus, with the adoption of such proposals, the EU would make the industry more responsible. However, it must be mentioned that the analysed EU proposals and initiatives (except for the proposals regarding chemicals and microplastics) cannot be considered 'sustainable indeed', as they are primarily aimed at the circular economy prospect, while lacking any binding legal measures for consumers, and, therefore, they can currently be seen as half-measures rather than self-stand game-changers for sustainable development. Beside this primary defect, there are some additional shortcomings which could be eliminated and advance their current regulatory value (as specified in the second part of the article). Certain consumption limitations should be introduced to advance the future regulatory value and make the industry sustainable (as specified in the third part of the article).

2. Advancement of the Current Regulatory Value of the Analysed EU Proposals

However, being an incentive for other countries and a suitable transition pathway for its ecosystem does not mean that all the actions done by the EU are fully comprehensive, self-standing, and, consequently, sufficient. Certain general shortcomings can be detected in the policy proposals and initiatives specified above (except those regarding chemicals and microplastics). If eliminated, these shortcomings could advance the current regulatory value of the proposals; however, this would still not make them indeed sustainable. The shortcomings are outlined as the following subsections:

2.1. Substantial fragmentation of the proposed policy requirements for textiles

First, this can produce no simultaneous regulation for different policy areas (when some proposals are fully adopted before others), which means that comprehensive regulation would still be missing. And, second, this may complicate regulatory compliance for the industry players. More specifically, the proposed regulatory changes need proper systematisation.

To avoid this, the following actions can be taken:

- Develop one comprehensive proposal regulating sustainability requirements for the textile industry.
- If the first action is not possible, it would be necessary to consider the possibility of planning the EU institutional agenda so that all the related proposals for textile regulation can be negotiated and adopted at more or less the same timeframe.
- In case none of the above is feasible, a priority adoption of the proposal for ecodesign for sustainable products regulation, the proposal for a directive on common rules promoting the repair of goods, and the proposal for a regulation on packaging and packaging waste would be suggested. The first option would enable tracing all garments by using a digital passport which would help consumers make more responsible choices immediately. At the same time, the second solution would help introduce a textile industry system where the repair of goods is prioritised over their renewal. Lastly, the third alternative would decrease the amount of waste while doing distance shopping.

2.2. Non-retroactive effect of the proposed policy requirements for textiles

This could lead to consequences when only new garments must comply with the conditions if adopted by the EU. Therefore, additional/supplemental measures would be needed, as described below. Only a combination of the EU proposals and other measures would be beneficial for the emergence of a truly responsible textile industry, where not only those garments are tackled that are produced after the new EU proposals are fully adopted and implemented (if needed) but also those put in the circulation before the adoption of the policy.

To avoid this, the following could be done:

- Introduction of EU subsidies or other forms of financial assistance for small/medium businesses, such as dry cleaners, shoe cleaners, cobblers etc., which could help to prolong the life cycle of the already bought garments;
- Introduction of EU subsidies or other forms of financial assistance for second-hand shops and their popularisation.

2.3. Lack of addressing the binding education-driven campaigns and specific supplemental measures to incentivise more responsible consumption

To avoid this, the following solutions can be proposed:

- Consideration of financial incentives to retailers to hire stylists who can help to adjust the style of consumers and make the wardrobe more capsular and, thus, more responsible;
- Introduction of EU-driven educational campaigns at schools and universities popularising sustainable fashion, a longer use of clothes, sensible and only real demand-driven shopping (according to the developed criteria), etc.;
- Consideration of EU regulations regarding promotional events for garments (phasing out events which are intended to boost the extent of garment consumption, for instance, *Black Fridays* and *Cyber Mondays*).

It is believed that it is possible to enhance the level of responsibility for the industry after tackling the shortcoming of the analysed proposals. The measures proposed to tackle the shortcomings seek to supplement and contribute to the currently analysed EU policy proposals and offer new or additional measures at the EU level. Since EU policymaking is exceptionally time-consuming, the corresponding national measures can be introduced wherever possible. The national legal reaction is more reactive than the EU-wide legislation processes; thus, developments at the national level can be highly beneficial until the corresponding coherent and uniform actions have been introduced at the EU level. However, it is crucial to underline that the enhanced responsibility for the industry with the addressed EU proposals (in combination with the author's optimisation points, such as a readjustment of the EU legislative agenda or education campaigns) is only a measure for temporary relief, and it only reflects the harm-reduction measures and the self-consciousness of consumers without encouraging the complete sustainable development, which would require some consumption limitations, as specified below.

3. Advancement of the future regulatory value of the analysed proposals (need for a new discourse of consumption limitations)

The author intentionally uses the concept of 'enhanced responsibility' of the industry instead of 'enhanced sustainability' as he believes that the analysed proposals and initiatives are not self-standing game changers aimed at developing a truly sustainable textile industry. Still, they are considered as merely being half-measures, which would imply that the harm-reduction approach, whether intentionally or not, is misinterpreted as a sustainability approach.

The conclusion part of the Textile Strategy states that changes to the current textile system are needed to advance to a "greater sustainability of the textiles ecosystem" (Textile Strategy). The author believes that this is a crucial point which signalsises that the proposals developed under the umbrella of the Textile Strategy are not aimed at an entirely sustainable textile system – as they should be – before it is too late. The author believes that the 'greater sustainability' concept is vague, and that it actually misleads the audience. It, in fact, merely represents the harm-reduction approach aimed at decreasing the negative environmental consequences of the industry.

The current discourse envisaged by the EU sustainable textile proposals does not specify that, in a long-running projection, it will help to achieve sustainability for the industry. The emergence of a more responsible textiles production industry could still be insufficient for sustainability needs; whereas, more concrete specific consumption limitations would make the textile system entirely sustainable.

It is a well-known fact that the garment demand has been growing. For example, according to the global apparel industry statistics, the revenue from the apparel market was calculated to be USD 1.53 trillion in 2022, projecting to grow to USD 1.7 trillion in 2023 (Statista, 2023). In addition, the worldwide revenue of the apparel market is going to reach USD 1.94 trillion in 2027 (Statista, 2023). Regarding Europe, the revenue in the apparel market is expected to amount to USD 484.20 billion in 2023, with the projected growth until 2027 by 2.29 per cent annually (Statista, 2023). This trend can be observed because of the development of online sales, fast fashion trends and the ever-rising population across the planet. Besides, there was a recent announcement that the population on our planet grew to 8 billion at the end of 2022 (Day of Eight Billion, 2022). There is also a projection that the planet's population is to increase to 9.9 billion by 2050 (SDG Knowledge Hub, 2020). The EU population is expected to grow to 453.3 million by 2026 (+1.5% from 2022), and then gradually decline to 447.9 million by 2050 and 419.5 million by 2100 (Eurostat, 2023).

All the industry statistics, together with the projected population growth, mean that it is necessary to do something with the growing demand for clothes in connection with the negative interaction of the textile industry with the environment. However, as it was mentioned above, the population growth (that should also be reflected in the territory of the EU at least for a couple of years) embraced by technological development and the simplification of the methods of product selling online led the author to state that the analysed EU textile proposals would still be insufficient in the long run, since consumption will be rising further because of the demand in a growing world, which means that there is only one solution that would be beneficial, i.e. to encourage humanity to buy fewer clothes. Therefore, the EU-driven consumption limitations are foreseen as a viable solution to the environmental disaster caused by the textile industry in combination with the harm-reduction measures proposed by the EC and analysed in this article. These limitations could be reflected in the specific number of different basic sets of apparel items allowed per person, based on the need-driven approach (time of the year, the weather, activity type, age, employment nature, etc.) and specific binding obligations for consumers regarding the reuse and recycling of textiles. Besides, the limitations of purpose could be introduced; for instance, if a person wants to buy a garment for a specific occasion and not for frequent use, the garment should be *not* bought, but rented instead, etc.

From the legal perspective, it is currently hard to tackle this conclusion because only in authoritarian states can someone prohibit buying as many clothes as a person wants. It is not feasible in a democratic society to introduce such limits, at least at the current moment. However, it still could be a starting point for introducing a new discourse which would enable proposals of EU-wide limitations for consumers prioritising the common social right to a healthy environment for everyone over individual rights. The new discourse with new priorities in the EU could also be transferred to other jurisdictions afterwards. However, it would imply the inclusion of different experts to reconsider the current state of the current economy and the transition from economy to ECONomy, which would introduce certain limitations for the consumption of the most dangerous for the environment tangible items, including textiles. According to Chandran Nair, sustainable development is the development which improves the living standards and meets the basic needs without using or abusing resources at a faster rate than they can be renewed, thus protecting the rights of future generations (Nair, 2020, p.20). It is prominently similar to the definition of sustainable development given in the first part of the article. It does not include solely harm reduction or similar half-measures with temporary effects. They can be seen as measures of the transitional sustainable development. In contrast, full sustainable development would require new and unpopular limiting legal measures for consumers along with the new responsible burden for the industry which the national or supranational authorities must try to implement.

Conclusions

As a result of the research, taking into account the task of the research, the following can be concluded:

1. The EU will likely adopt proposals incorporating the circular textile ecosystem to overcome the high environmental cost and the overall negative impact. The author analysed some selected proposals in this article in which the EU is considering more regulatory compliance measures for the textile industry, among other sectors. It is clear that, with the analysed selected proposals, the EU will regulate textile manufacturing at a highly detailed level soon, and thus enhance the responsibility of the industry. The author concludes that the proposed EU measures are necessary; however, they cannot be considered sustainable indeed, as they are mostly aimed at the circular economy prospect, while lacking binding legal measures for consumers, and therefore they can currently be seen as half-measures rather than self-stand game-changers for sustainable development.

2. Beside the main defect mentioned above, there are some further shortcomings. The author proposes measures to deal with the shortcomings, either by developing one comprehensive proposal regulating the requirements for the textile industry, or by the priority adoption of the primary EU proposals, among others. These are embraced by the additional measures to be developed to supplement the current proposals. The proposed optimisation points would help to eliminate the shortcomings and advance the current regulatory value of the analysed EU proposals.
3. To advance the future regulatory sustainability value of the proposals, the author seeks to start further reshaping the contemporary sustainability discourse in the fashion sector by encouraging people to buy fewer clothes with the help of certain consumption limitations since, one day, it would become necessary to prioritise the common social right to a healthy environment for everyone over the individual rights and achieve the real sustainability in the sector, in addition to the harm-reduction approach which is a current actual core value of the majority of the analysed EU proposals.

Bibliography

Legal acts

International documents

Our Common Future: Report of the World Commission on Environment and Development (1987). *United Nations*, A/42/427 [interactive]. Available at: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf> [Accessed 7 May 2023].

Legal acts of the European Union

Regulation of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). No. 1907/2006 [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R1907-20140410> [Accessed 5 May 2023].

Legislative proposals of the European Union

Proposal for Ecodesign for Sustainable Products Regulation (2022). *The European Commission* [interactive]. Available at: https://environment.ec.europa.eu/publications/proposal-ecodesign-sustainable-products-regulation_en [Accessed 8 May 2023].

Proposal for a Directive on substantiation and communication of explicit environmental claims (Green Claims Directive). *COM(2023) 166 final 2023/0085(COD)* [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A0166%3AFIN> [Accessed 9 May 2023].

Proposal for a Regulation of the European Parliament and of the Council on Packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904 and repealing Directive 94/62/EC (2022). *The European Commission* [interactive]. Available at: https://environment.ec.europa.eu/publications/proposal-packaging-and-packaging-waste_en [Accessed 28 April 2023].

Proposal for a Directive on common rules promoting the repair of goods (Right to repair) [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52023PC0155> [Accessed 10 May 2023].

Special literature

Centobelli, P. *et al.* (2022). Slowing the fast fashion industry: an all-round perspective. *Current Opinion in Green and Sustainable Chemistry* [interactive]. Available at: <https://www.sciencedirect.com/science/article/pii/S2452223622000967#!> [Accessed 25 April 2023].

Mizrachi, M.P. and Tal, A. (2022). Regulation for Promoting Sustainable, Fair and Circular Fashion. *Sustainability* 2022, 14(1), 502 [interactive]. Available at: <https://www.mdpi.com/2071-1050/14/1/502> [Accessed 4 May 2023].

Nair, Ch. (2020). *Derzhava staloho rozvytku: maibutnie uriaduvannia, ekonomiky ta suspilstva*. Kyiv: Nash Format.

Niinimäki, K. *et al.* (2020). The environmental price of fast fashion. *Nature Reviews, Earth and Environment*, 1, 189–200 [interactive]. Available at: https://www.researchgate.net/profile/Patsy-Perry/publication/340635670_The_environmental_price_of_fast_fashion/links/5f2960c4a6fdccce43a8ca65/The-environmental-price-of-fast-fashion.pdf [Accessed 22 April 2023].

Other sources

- Commission of the European Communities CEC (2001b): A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (Commission's proposal to the Gothenburg European Council), *COM (2001)264 final*, Brussels, 15.5.2001 [interactive]. Available at: <https://www.eea.europa.eu/policy-documents/the-eus-strategy-for-sustainable-development> [Accessed 24 April 2023].
- A European Green Deal*. European Commission (2020) [interactive]. Available at: https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en [Accessed 24 April 2023].
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions (2020). *A new Circular Economy Action Plan for a cleaner and more competitive Europe*. COM/2020/98 final [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN> [Accessed 25 April 2023].
- Communication of the European Commission (2022). *EU Strategy for Sustainable and Circular Textiles* [interactive]. Available at: https://environment.ec.europa.eu/publications/textiles-strategy_en [Accessed 27 April 2023].
- 8th Environment Action Programme (2022) [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022D0591> [Accessed 30 April 2023].
- European Commission Press Release (2022). *Green Deal: New proposals to make sustainable products the norm and boost Europe's resource independence* [interactive]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_2013 [Accessed 25 April 2023].
- European Commission Sustainable Products Initiative* (2020) [interactive]. Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12567-Sustainable-products-initiative_en [Accessed 1 May 2023].
- European Commission Chemicals strategy* (2020) [interactive]. Available at: https://environment.ec.europa.eu/strategy/chemicals-strategy_en [Accessed 30 April 2023].
- European Commission's Published Initiatives (2021). *Microplastic pollution – measures to reduce its impact on the environment* [interactive]. Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12823-Microplastics-pollution-measures-to-reduce-its-impact-on-the-environment_en [Accessed 2 May 2023].
- European Parliament News. *Ending fast fashion: tougher rules to fight excessive production and consumption (2023)* [interactive]. Available at: <https://www.europarl.europa.eu/news/en/press-room/20230424IPR82040/ending-fast-fashion-tougher-rules-to-fight-excessive-production-and-consumption> [Accessed 2nd May 2023].
- Eurostat. *Population projections in the EU (2023)* [interactive]. Available at: <https://ec.europa.eu/eurostat/statistics-explained/index.php?oldid=497115> [Accessed 2nd May 2023].
- European Commission's Published Initiatives (2021). *EU strategy for sustainable textiles* [interactive]. Available at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12822-EU-strategy-for-sustainable-textiles_en [Accessed 2 May 2023].
- Fashinnovation. *How the Industrial Revolution Changed Fashion (2022)* [interactive]. Available at: <https://fashinnovation.nyc/industrial-revolution-and-fashion/> [Accessed 28 April 2023].
- International Chemical Secretariat. *This is what delaying the REACH revision actually means (2022)* [interactive]. Available at: <https://chemsec.org/this-is-what-delaying-the-reach-revision-actually-means/> [Accessed 28 April 2023].
- International Institute for Sustainable Development. SDG Knowledge Hub. *World Population to Reach 9.9 Billion by 2050 (2020)* [interactive]. Available at: <https://sdg.iisd.org/news/world-population-to-reach-9-9-billion-by-2050/> [Accessed 3 May 2023].
- Legislative Train Schedule European Parliament. *Revision of Directive 94/62/EC on Packaging and Packaging Waste (REFIT)* [interactive]. Available at: [https://www.europarl.europa.eu/legislative-train/theme-a-european-green-deal/file-revision-of-packaging-and-packaging-waste-directive-\(refit\)](https://www.europarl.europa.eu/legislative-train/theme-a-european-green-deal/file-revision-of-packaging-and-packaging-waste-directive-(refit)) [Accessed 3 May 2023].
- Statista. *Global apparel market – statistics & facts (2023)* [interactive]. Available at: <https://www.statista.com/topics/5091/apparel-market-worldwide/#topicOverview> [Accessed 2 May 2023].
- Statista. *Revenue of the apparel market worldwide from 2014 to 2027 (2023)* [interactive]. Available at: <https://www.statista.com/forecasts/821415/value-of-the-global-apparel-market> [Accessed 2 May 2023].
- Statista. *Consumer Market Insights. Apparel – Europe (2023)* [interactive]. Available at: <https://www.statista.com/outlook/cmo/apparel/europe> [Accessed 2nd May 2023].

United Nations. *Day of Eight Billion (2022)* [interactive]. Available at: <https://www.un.org/en/dayof8billion> [Accessed 3 May 2023].

Watkins, K. (2022). *Sustainable products: the European Commission's ambitious plans to redesign consumer products*. Freshfields Bruckhaus Deringer [interactive]. Available at: <https://sustainability.freshfields.com/post/102h1lt/sustainable-products-the-european-commissions-ambitious-plans-to-redesign-consu> [Accessed 2 May 2023].

Overview of the Selected EU Textiles Policy Initiatives: Self-Stand Sustainable Game Changers or 'Palliative' Half-Measures

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S u m m a r y

In the present paper called *Overview of the Selected EU Textiles Policy Initiatives: Self-Stand Sustainable Game Changers or 'Palliative' Half-Measures*, Dmytro Korchahin, overviews several selected legislative proposals at the EU level which would enhance the regulatory burden for the textile industry. The author determines that the analysed EU proposals are detailed and innovative; however, they have numerous shortcomings that, if optimised, might enhance the current regulatory value of the analysed proposals. Besides, the author concludes that the debate should be started to tackle not only the industry side but also regulate the consumer side to make the legislation indeed aimed at sustainable development and not only at environmental harm reduction, which would enhance the future regulatory value of the said proposals.

Tam tikrų ES tekstilės politikos iniciatyvų apžvalga: savarankiški tvarūs pokyčiai ar paliatyviosios pusinės priemonės

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S a n t r a u k a

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