

# EuroCommerce Position on the French TRIS Notifications 2025/0086/FR & 2025/0087/FR

EuroCommerce would like to express its concerns about the Decree and Order on the Environmental Cost of Textile Products notified by France to TRIS. We believe both notifications may undermine the free movement of goods, the freedom of establishment and potentially be in contradiction with EU law.

At this stage, the decree on the methods for calculating and communicating the environmental cost of textile products and the Order on signage and methodology for calculating the environmental cost of textile clothing products would remain voluntary. However, the French government expressed clear intentions to make the system mandatory in the future as mandated in the French Climate and Resilience Act<sup>1</sup>. Therefore, we urge the Commission to assess both notifications also in the context of what the impact would be if both would become mandatory under French law.

In particular, we believe the draft texts are in contradiction with the Ecodesign for Sustainable Products Regulation and future delegated act on apparel products, the proposal to Substantiate Green Claims Directive, the revised Waste Framework Directive and the ongoing revision of the Textile Labelling Regulation. Under these acts, manufacturers, importers, or marketers who voluntarily choose to calculate or report on the environmental cost of textile products, or who voluntarily report an aggregate score relating to one or more environmental impacts of a textile product, must also adhere to the methodology established within the decree.

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<sup>1</sup> See Article 2 of LOI n° 2021-1104 du 22 août 2021 portant lutte contre le dérèglement climatique et renforcement de la résilience face à ses effets : « Art. L. 541-9-11.-Un affichage destiné à apporter au consommateur une information relative aux impacts environnementaux ou aux impacts environnementaux et au respect de critères sociaux d'un bien, d'un service ou d'une catégorie de biens ou de services mis sur le marché national **est rendu obligatoire**, dans les conditions et sous les réserves prévues à l'article L. 541-9-12 » ; « Art. L. 541-9-12.-Un décret fixe la liste des catégories de biens et de services pour lesquelles, au terme et après évaluation des expérimentations mentionnées au II de l'article 2 de la loi n° 2021-1104 du 22 août 2021 portant lutte contre le dérèglement climatique et renforcement de la résilience face à ses effets, **l'affichage environnemental mentionné à l'article L. 541-9-11 du présent code est rendu obligatoire.**« Il définit, pour chaque catégorie de biens et de services concernés, la méthodologie à utiliser ainsi que les modalités d'affichage retenues et prévoit des conditions adaptées à la nature des biens et services concernés et à la taille de l'entreprise, en particulier pour les très petites, petites et moyennes entreprises, sous réserve de tenir compte des volumes qu'elles traitent. « Pour les autres catégories de biens et de services, l'affichage volontaire se conforme aux prescriptions prévues au même décret » ; II.-Des expérimentations sont menées, pour une durée maximale de cinq ans à compter de la promulgation de la présente loi, pour chaque catégorie de biens et de services mentionnée à l'article L. 541-9-11 du code de l'environnement (...). ».

Importantly, the coexistence of the ecoscore with the Product Environmental Footprint Category Rules (PEFCR) for apparel and footwear undermine the European Commission's plans for simplification and harmonisation. The introduction of ecoscore as a parallel system runs counter to recommendations in the Letta and Draghi reports, which prioritise regulatory coherence across the Single Market. This redundancy would not only create consumer confusion within France but also affect consumers in other EU Member States. Further, the French decree allows third parties to generate ecoscores for products of a retailer based on publicly available data and without prior consent one year into the implementation of the voluntary phase. This would not only add more confusion, but runs the risk of imprecise ecoscores and reputational strains on companies.

**EuroCommerce** emphasises that retailers and wholesalers have been committed to the European Commission's Textiles Strategy, particularly committed to developing more sustainable products throughout their entire life cycle in alignment with the Ecodesign for Sustainable Products Regulation (ESPR) and fostering competitiveness of the textile ecosystem. Furthermore, many EuroCommerce members have actively contributed to the Product Environmental Footprint (PEF) technical secretariat process over the 5 years, working hand in hand with DG environment. We believed that the PEFCR for apparel & footwear would be validated as a B2C tool by the European Commission later this month, however, due to Member State pressure PEFCR is likely to only be validated as a B2B tool. This means that only French consumers (15% of EU consumers) will have a right to the environmental footprint of textile products at the point of sale. We believe the most effective and efficient way to develop and promote more sustainable products is at EU level. This will improve consumer trusts and legal certainty for businesses across the EU. National initiatives should not undermine European solutions and harmonisation.

## 1. Freedom of movement of goods – Article 34 of the Treaty on the Functioning of the European Union

The proposed rules may infringe the freedom of movement of goods, potentially imposing a non-tariff barrier to trade. Although the decree establishes a voluntary labelling system (ecoscore) for textile products, a future mandatory requirement<sup>2</sup> could create inconsistencies. The French law prohibits displaying environmental impact results based on the EU PEFCR methodology for apparel and footwear or any methodology used in another EU country without simultaneously also displaying the ecoscore itself, forcing operators to apply different scores depending on the destination country of the product.

Products that comply with the ecoscore system in France may be perceived as non-compliant or face barriers in other EU Member States, particularly if those Member States do not have similar systems in place or view the French system as untested or unaligned with EU-wide standards. This would thus impede the free movement of goods across the EU. If products labelled under the French system are restricted from entering markets in other countries (e.g., Belgium, Luxembourg), this could de facto fragment the internal market and limit the ability of businesses to sell their products freely across Member States, violating the principle of free movement of goods.

On the other hand, European consumers should be able to access online goods and services regardless of their country of residence in the EU; discriminating against consumers is prohibited. A business operating in France would communicate an ecoscore driven environmental impact to consumers in France, while using other future scores in the other 26 Member States' markets, as the ecoscore would not be recognized in these other markets. Consumers simultaneously accessing websites in France and other Member States will encounter different environmental scores for the same textile product. Furthermore, businesses would not be able to display the French and other future scores at the same time as it would confuse consumers in France. It de facto prohibits businesses based in France from

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<sup>2</sup> As stated in the French Climate and Resilience Act that an environmental impact labelling will become mandatory

using future (European) methodology on their websites, which would be accessible in all EU countries. Not to mention, if PEFCR for apparel & footwear is to only be validated as a B2B tool, this would mean that only French consumers (15% of EU consumers) will have a right to the environmental footprint of textile products at the point of sale. This situation would create additional costs for businesses contradicting the European Commission's goal of reducing regulatory complexity and ensuring fair competition across the Single Market.

## 2. Freedom of establishment – Article 49 of the Treaty on the Functioning of the European Union

We believe that the proposed rules may infringe the freedom of establishment, because the new rules will make it less attractive for new players to establish and for established retailers to operate in France.

For businesses that are already established in the EU and sell across Member States, the introduction of a French-specific environmental labelling system could create unnecessary burdens and uncertainty, especially during the voluntary period and once mandatory application follows. Companies would have to adapt their product labelling or marketing strategies to comply with France's requirements. This could act as a deterrent to cross-border trade and investment, as businesses might not want to take on additional costs and complexity of adapting to local French requirements.

## 3. Legal uncertainty with current or ongoing EU legislative initiatives

We call on the European Commission to ensure that voluntary and mandatory national rules are aligned with existing EU law and do not undermine future harmonisation. In particular the following below.

**Ecodesign for Sustainable Products Regulation (ESPR) and delegated act on textiles.** The scope of the ecoscore system seems to intersect with the goals of the Ecodesign Regulation, which also aims to improve the environmental footprint of products. The French decree is essentially legislating on ecodesign criteria, disregarding the forthcoming ESPR delegated acts on textiles which will address ecodesign criteria at EU level<sup>3</sup>. The decree would create inconsistencies in the regulatory environment and hinder the intended harmonisation across the EU.

Article 3 of the ESPR prohibits Member States from obstructing the placement on the market of products that comply with the information requirements defined by the European Commission, when such obstruction is based on non-compliance with a national requirement related to a product parameter covered by the delegated act.

Article 4 states that the environmental footprint may be included among a product's eco-design requirements. To assess this footprint, Article 2(24) refers to the methodology established by EU Recommendation 2021/2279 (PEF) or other scientific methods developed by international organizations, widely tested in collaboration with various industrial sectors, and adopted or implemented by the Commission in other areas of EU law.

Article 17 prohibits the placement on the market of products that bear or are accompanied by misleading labels.

In this case, the coexistence of the French environmental cost and the European environmental footprint (PEF) for the same product inevitably leads to consumer confusion due to differences in their

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<sup>3</sup> Articles 3 and 17 of Regulation (EU) 2024/1781 establish a framework for the setting of ecodesign requirements.

methodologies. Furthermore, once the delegated act of the ESPR (expected to be adopted soon) mandates the provision of environmental footprint information for textile products (Annex I, m), market operators will have no choice but to display both competing scores, thereby exposing themselves to the risk of sanctions under Article 17 of the Regulation.

This system creates a double barrier to market entry in France, resulting from:

1. The obligation to calculate and display the French environmental cost, and
2. The risk of sanctions under the Decree for displaying a competing score that may cause confusion.

As stated above, the French laws would be legislating on ecodesign requirements for textile products, even though this is now harmonised at EU level, without taking into account the upcoming delegated acts. This obligation imposes an excessive and unnecessary administrative burden and financial cost on businesses, particularly for SMEs. It also contradicts the development of the European single market.

The French laws undermine the effectiveness of EU law and creates illegal barriers to free trade between Member States by requiring French market operators to communicate the environmental cost while effectively preventing them from disclosing an environmental footprint calculated using the European PEFCR methodology.

**Product Environmental Footprint Category Rules (PEFCR) for apparel and footwear.** The Product Environmental Footprint (PEF) initiative, currently being developed under the guidance of DG Environment, aims to create a standardised methodology for measuring environmental performance – it would apply (voluntarily) across the EU. The methodology is due to be validated as a B2C tool by DG Environment later this month.

If PEF is not validated as a B2C tool to communicate a single environmental score to consumers, there will be the situation where non-French EU consumers will be deprived of access to relevant environmental impact data, conflicting with broader EU objectives of transparency and informed consumer choice.

If PEF is validated as a B2C tool to communicate a single environmental score to consumers, the introduction of ecoscore as a parallel system would lead to additional unnecessary costs. It also runs counter to recommendations in the Letta and Draghi reports, which prioritise regulatory coherence across the Single Market. This redundancy would not only create consumer confusion within France but also affect consumers in other EU Member States. E.g. a consumer in Germany may encounter an ecoscore on a retailer's French website and a PEF-based score with a different rating on the same retailer's website in another Member State.

Businesses operating across the Single Market would be forced to adopt country-specific labelling for France, contradicting the European Commission's drive to reduce bureaucracy and promote competitiveness. Most importantly, PEF is built on a foundation of scientific data and widely accepted criteria, whereas ecoscore relies on untested and unvalidated metrics without regulatory precedent. In the current economic and political climate, legislation within EU Member States must adhere to better regulation principles to ensure fairness and market stability.

The ecoscore criteria go above and beyond PEF in important ways, most notably when it comes to addressing the extrinsic durability of apparel products. Extrinsic durability is an undefined concept that lacks data and a scientific basis. Extrinsic durability is not part of the future list of ecodesign criteria

that will apply to apparel products under the ESPR Delegated Act for Textile<sup>4</sup>s. Furthermore, PEFCR includes physical durability, which is a key component of textile durability as understood by consumers. Ecoscore ignores physical durability.

**Proposal for a Directive on substantiation and communication of explicit environmental claims (Green Claims Directive).** The proposed national rules could overlap and conflict with the ongoing legislative proposal for a Green Claims Directive and sustainability-related product information. Art 8 (3) of the Commission proposal prohibits national or regional environmental labelling schemes established by public authorities of the Member States. From the future date of transposition of the Directive, environmental labelling schemes may only be established under Union law. This supports harmonisation of the single market.

Furthermore, businesses would *de facto* be forced to display ecoscore should they wish to communicate on environmental cost of a textile product, not allowing for other claims to be displayed.

Lastly, the ecoscore could be seen by other Member States as an (untested) green claim. As such, apparel products labelled for the French market may be banned from being sold in other Member States.

**Waste Framework Directive (WFD) and Extended Producer Responsibility (EPR) Schemes.** Ecoscore will be attached to EPR ecomodulation, *de facto* forcing businesses to calculate a voluntary score. Furthermore, under the revised WFD the Commission is tasked to adopt implementing acts laying down the fee modulation criteria to avoid distortion of the internal market and ensure consistency. The introduction of the ecoscore risks further complicating compliance with existing and future EU waste management regulations.

**Textile Labelling Regulation.** the ecoscore initiative is being introduced ahead of the ongoing revision of the Textile Labelling Regulation (TLR), with no guarantee that France's national requirements will align with future EU legislation. If France's ecoscore system diverges from future EU-wide textile labelling requirements, businesses may face additional compliance burdens and inconsistent consumer information across Member States. Ensuring coherence between national measures and upcoming EU regulations is crucial to maintaining a harmonized and predictable regulatory framework.

Furthermore, if a third party systematically assigns environmental scores to brands without their input, verification or consent, it could create an unfair competitive disadvantage, violating principles of fair competition under the Treaty on the Functioning of the European Union (Articles 101 & 102). **In light of the above, EuroCommerce kindly requests the European Commission to ensure that French measures on environmental costs of textile products are in line with EU law.** The French ecoscore methodology in its voluntary phase should not take precedence over European frameworks, including the ESPR and the PEFCR. Importantly, it should not prevent businesses from communicating their environmental impact if it is founded in data and based on impact tested methodologies.

We are at your disposal for further information.

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<sup>4</sup> The database used by the French ecoscore is different than the database confirming with PEF as put forward by the European Commission.

**EuroCommerce** is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 28 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector. For more information, please visit our [website](#).