Message 103

Communication from the Commission - TRIS/(2025) 2671

Directive (EU) 2015/1535

Notification: 2025/0336/FR

Forwarding of the observations of a Member State (Poland) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2025 0336 FR EN 30-12-2025 30-09-2025 PL COMMS 5.2 30-12-2025

2. Poland

3A. Ministerstwo Rozwoju i Technologii, Departament Obrotu Towarami Wrażliwymi i Bezpieczeństwa Technicznego, Plac Trzech Krzyży 3/5, 00-507 Warszawa, tel.: (+48) 22 411 93 94, e-mail: notyfikacjaPL@mrit.gov.pl

3B. Ministerstwo Rozwoju i Technologii
Departament Zrównoważonej Gospodarki
Departament Spraw Europejskich

4. 2025/0336/FR - X30M - Textiles and furnishings

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. General remark - looking through the lens of the circular economy, France's initiative seems to be an ambitious attempt to stop the negative phenomenon of "ultra-fast fashion" and the flooding of the European market with cheap, low-quality products from Asia.

Nevertheless, a careful reading of the notified draft law on reducing the environmental impact of the textile industry leads Poland to make the following comment:

The Act introduces additional national requirements that may suggest a violation of one of the Treaty freedoms (Articles 34 and 49 TFEU) and lead to fragmentation of the internal market. There is some concern about the lack of a precise definition of the term “ultra fast fashion”, which in the draft refers to vague criteria (“large number of new product models”, “low level of repair incentives”). Such ambiguities make it difficult for operators to assess the extent of the risk and predict consequences of the regulation, which may result in a legal uncertainty and discourage cross-border activities.
Clarification is required as to whether the solutions comply with existing and planned provisions of the Union law. Specifically, it concerns:
• very high EPR fees provided for in the Act, Articles 8 and 8a of the Waste Framework Directive;
• the establishment of additional national environmental criteria for textile products, even though the Ecodesign Regulation (EU) 2024/1781 provides for a full harmonisation in this respect;
• a complete ban on advertising for brands and products defined as ultra fast fashion and restrictions on the use of certain commercial phrases, which may be contrary to Directive 2005/29/EC on unfair commercial practices;
• the obligation to indicate geographical origin when selling online, which conflicts with Regulation (EU) No 1007/2011 on the labelling of textile products;

We also note that the introduction of a tax on small parcels from outside the EU, in an area under the exclusive

competence of the European Union in terms of customs and indirect taxation - is a solution that has been discussed within the EU and which seems to be sufficient.

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European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu