

## EBCA CONTRIBUTION TO TRIS NOTIFICATION

### 2025/0086/FR DECREE ON THE METHODS FOR CALCULATING AND COMMUNICATING THE ENVIRONMENTAL COSTS OF TEXTILE

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### 2025/0087/ FR ORDER ON SIGNAGE AND METHODOLOGY FOR CALCULATING THE ENVIRONMENTAL COST OF TEXTILE CLOTHING PRODUCTS

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The European Branded Clothing Association (EBCA) represents more than 75 well-known brands gathered across 14 global members, including in most national markets of the European Union. EBCA supports the European sustainability ambition while maintaining the sector's competitiveness and level playing field among all stakeholders. However, we are concerned by the development of ad-hoc national requirements that hamper the free movement of goods in the Union market without benefiting the environment.

**The French Decree (TRIS 2025/0086/FR<sup>1</sup>) and related order (TRIS 2025/0087/FR<sup>2</sup>) on the methods for calculating and communicating the environmental costs of textiles is in breach of EU law.** We believe that some specific provisions within the decree and order will be damaging for the functioning of the EU's Single Market as they will create new trade barriers and are disproportionate with regard to the stated policy objectives. Additionally, they are inconsistent with some provisions of the Ecodesign for Sustainable Product Regulation<sup>3</sup> (ESPR), the work led by the Technical Secretariat of the Product Environmental Footprint Category Rules (PEFCR) and other EU legislation framing environmental claims such as Directive 2024/825<sup>4</sup> (ECGT) and the ongoing discussion on methodology to substantiate voluntary green claims<sup>5</sup>. The discriminatory nature of the French decree and order are, besides, hampering the Commission's mission to preserve the Single Market and ensure competitiveness.

- 1- **The draft decree de-facto breaches Articles 34 to 36 of the TFEU<sup>6</sup>**, which prohibits restrictions on the free movement of goods within the Union market.

The requirement to calculate an "environmental cost" based on a methodology specific to France, along with a ban on displaying a competing score that might cause confusion, and the threat of penalties, constitutes a barrier to trade between Member States.

These constraints can be restrictive for businesses and may also confuse consumers. Regulation (EU) 2018/302 on geo-blocking<sup>7</sup> ensures that European consumers can access goods and services

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<sup>1</sup> Decree on the methods for calculating and communicating the environmental cost of textile products [Notification Detail | TRIS - European Commission](#)

<sup>2</sup> Order on signage and methodology for calculating the environmental cost of textile clothing products [Notification Detail | TRIS - European Commission](#)

<sup>3</sup> Regulation 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125 [Regulation - EU - 2024/1781 - EN - EUR-Lex](#).

<sup>4</sup> Directive 2024/825 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information

<sup>5</sup> Proposal for a Directive on Green Claims, under negotiations.

<sup>6</sup> Treaties of the Functioning of the EU 2016/C 202/01 consolidated version available here [EUR-Lex - 12016ME/TXT - EN - EUR-Lex](#).

<sup>7</sup> Regulation 2018/302 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC Article 4 : A trader shall not apply different general conditions of access to goods or services, for reasons related to a customer's nationality, place of residence or place of establishment.

online regardless of their country within the Union and prohibits discrimination against consumers.

A brand wishing to communicate the environmental impact of a product must display the “environmental cost” in France and the result from the European PEFCR in other Union countries. It cannot display both the French and European scores simultaneously, as their results will differ and cause confusion. Consequently, **this effectively prevents brands established in France from using the European methodology on their websites accessible throughout the Union.**

## 2- The methodology presents serious shortcomings

The decree is based on a weak methodology that risks discriminating products based on ungrounded and unscientific data.

EBCA has conveyed its remarks on the proposed methodology in public hearings and to the French authorities. We highlighted the inconsistencies among upcoming eco-design requirements under the ESPR, the PEFCR, and the proposed methodology. Such shortcomings regard fundamental items such as the weighting of environmental criteria, new additional criteria (discriminating origins and not production process), or removal of major other criteria (durability). We invite policy makers to take note of this analysis to provide some background information.

Legally, the **draft decree and order risk being considered as misleading and greenwashing.** The concept of “environmental cost” (rather than the notion of “environmental footprint or impact”) emphasizes such negative aspects, which could mislead consumers into giving them the impression that all textile products have a disproportionate environmental impact. Furthermore, Annex I of the newly approved ECGT considers greenwashing “*a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim.*” There are factors and indicators in the EcoScore that are not only factually incorrect but also discriminate product based on commercial practices not on environmental impacts. The Annex below illustrates how the change in the amount of products placed or modification of the price on the French market significantly improves or deteriorates the product’s scoring, without any change in the environmental aspects of the latter.

This is mainly due to the fact that the “sustainability coefficient” is based on ungrounded fast - fashion indicators that cannot be documented nor substantiated. This is even more concerning as the proposal for a law aiming to reduce the environmental impact of the textile industry<sup>8</sup> relies on a similar unscientific methodology.

**As there is no peer-reviewed scientific ground justifying the inclusion or exclusion of certain criteria, we may infer that the latter are discriminatory and must therefore have another basis that is not linked to sustainability ambitions.**

## 3 - The decree and order are disproportionate and discriminatory

**We believe the measures are disproportionate and inconsistent with Article 114.3<sup>9</sup> TFEU,** which empowers the Commission to set environmental protection standards based on scientific facts.

By abiding by the French decree and order, companies risk to be investigated by consumer protection agencies in every other member states. The decree and order provide additional costs and administrative burden for companies that are present throughout Europe. As it stands, the

<sup>8</sup> Latest document available here (in French) <https://www.senat.fr/leg/pp124-459.pdf>

<sup>9</sup> The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection, and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

French decree and order imply extensive costs without any environmental benefits. Any accurate calculation requires human, tools, and data resources and the French decree risk damaging the competitiveness of companies that have invested in improving the sustainability of their products at large scale.

It is also worth highlighting that such decree and order are being proposed in the absence of any ecodesign instructions within France. It can be argued that it results in **discriminating certain global players based on the origin of their products and not their production process and adds confusion on the part of consumers regarding environmental performance**. A more appropriate and proportionate action would therefore be to address products' environmental performance and information to consumers in a consistent manner as the European Commission does through the ESPR, Waste Framework Directive, and Textile Labelling Regulation.

3- The Decree should hence be considered as a disguised restriction to trade.

As the French decree does not align with any major EU harmonized product legislation nor internal market rules, it is hence **inconsistent with the obligations within Article 114.6<sup>10</sup> TFEU that prevents arbitrary discrimination or a disguised restriction on trade**. As European stakeholders, including representatives of France sitting in the eco-design forum, are in the process of setting these criteria, we see little advantage for neither environmental nor consumer protection for such calculation. Rather, this risks conveying unsubstantiated information to consumers and misleading their purchasing choices.

Consequently, EBCA respectfully suggests that the European Commission blocks the implementation of such decree for a period of 18 months as European Union harmonisation work is underway by the ecodesign forum.


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<sup>10</sup> The Commission shall, within six months of the notifications as referred to in paragraphs 4 and 5, approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market.

## ANNEX I



The below examples highlight how the modification of non-environmental factors can mislead the environmental perception of a product. By adjusting price and range width, two different items can present similar results without influencing better design, material choice nor process.


Cotton:

<b>Example 1 – Cotton T-shirt – Small brand, no location of tiers (worst case), high price</b>		
Cout Environnemental	998 Pts	
Cout Environnemental pr. 100g	665 Pts	
<b>Main data</b>	<b>Emotional durability, C=1,19</b>	
Weight: 150 g	Range width: 500 refs.	
100% conventional cotton	Price: 30 EUR	
Tier 4 and Tier 3: Default (worst case)	No traceability displayed	
Tier 2 and Tier 1: Default (worst case)	No repair service	
↓		
T-shirt	<div> <div>350-558</div> <div>559-766</div> <div>767-974</div> <div>975-1182</div> <div>1183-1390</div> <div>1391-1600</div> </div>	
*Based on reference products calculated with 150g mass presented in the Ecobalyse tool, from "ethical" to "ultra fast fashion"		

<b>Example 2 – Organic Cotton T-shirt – Large brand, with location of tiers, low price</b>		
Cout Environnemental	1066 Pts	
Cout Environnemental pr. 100g	711 Pts	
<b>Main data</b>	<b>Emotional durability, C=0,72</b>	
Weight: 150 g	Range width: 16000 refs.	
100% organic cotton	Price: 15 EUR	
Tier 4 and Tier 3: China	No traceability displayed	
Tier 2 and Tier 1: Bangladesh	No repair service	
*All other conditions identical to example 1		
↓		
T-shirt	<div> <div>350-558</div> <div>559-766</div> <div>767-974</div> <div>975-1182</div> <div>1183-1390</div> <div>1391-1600</div> </div>	
*Based on reference products calculated with 150g mass presented in the Ecobalyse tool, from "ethical" to "ultra fast fashion"		

Polyester:

Example 3 – Polyester T-shirt – Small brand, no location of tiers (worst case), high price						
Cout Environnemental	711 Pts					
Cout Environnemental pr. 100g	474 Pts					
Main data	Emotional durability, C=1,19					
Weight: 150 g	Range width: 500 refs.					
100% virgin polyester	Price: 30 EUR					
Tier 4 and Tier 3: Default (worst case)	No traceability displayed					
Tier 2 and Tier 1: Default (worst case)	No repair service					
						
T-shirt	350-558	559-766	767-974	975-1182	1183-1390	1391-1600
*Based on reference products calculated with 150g mass presented in the Ecobalyse tool, from "ethical" to "ultra fast fashion"						

Example 4 – Recycled polyester T-shirt – Large brand, with location of tiers, low price						
Cout Environnemental	968 Pts					
Cout Environnemental pr. 100g	645 Pts					
<b>Main data</b>	<b>Emotional durability, C=0,72</b>					
Weight: 150 g	Range width: 16000 refs.					
100% recycled polyester	Price: 15 EUR					
Tier 4 and Tier 3: China	No traceability displayed					
Tier 2 and Tier 1: Bangladesh	No repair service					
*All other conditions identical to example 3						
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T-shirt	350-558	559-766	767-974	975-1182	1183-1390	1391-1600
*Based on reference products calculated with 150g mass presented in the Ecobalyse tool, from "ethical" to "ultra fast fashion"						