

Dear Council of the European Union,

We write to you in our capacity as researchers, concerned consumers, farmers, textile companies throughout the value chain, and NGOs regarding the European Commission's proposal on the Green Claims Directive (GCD), and the recent integration of references to the Product Environmental Footprint (PEF) in the text prepared for the Council for the European Union for June 17th 2024.

We welcome that the Council has articulated some reservations regarding the integration of PEF (i.e. recital 32) into GCD. However, as we will seek to demonstrate, references to the PEFCR for apparel and footwear as a preferred method is, as of June 2024, both premature and misleading.

In its current iteration, the PEFCR focuses overwhelmingly on technical durability, and fails to include other key environmental indicators related to Duration of Service (DoS) or, more simply put, the “lifetime” of products and how we use and wear them. As prolonged wear is the most effective means by which to reduce negative environmental impact, DoS is essential in ensuring true and fair product comparisons and, indeed, trustworthy substantiation of consumer facing claims.

Furthermore, current system boundaries produce additional discrepancies in how natural and synthetic materials are accounted for¹, disadvantaging natural materials and promoting continued plastification, by which the PEF risks misleading industry and consumers alike, while not contributing to the reduction of environmental stress from apparel and footwear.

As such, the omission of key indicators ultimately means that the PEF does not constitute a sufficient or valid tool for “empowering consumers for the green transition” in alignment with the purpose of the GCD, nor does it meet the EU’s own target of making “fast fashion out of fashion”, as stated in the EU Textile Strategy.

For example, the PEF demonstrates:

- **A lack of actual function in the calculations of the “functional unit” of apparel**

The duration and frequency of textile usage are paramount factors influencing environmental impact. The PEF focuses overwhelmingly on technical durability, i.e. a product’s resistance to abrasion, pilling etc. Yet, only 37% of clothing is technically worn out before it is discarded, while 35% stems from a lack of perceived intrinsic value and 28% can be assigned to fit². Intrinsic qualities may also be referred to as “emotional durability”, an issue for which there is, to this point, little empirical data that can be used in LCA-modelling³. To base claims on requirements concerning technical durability in clothing, when most of it is discarded for entirely different reasons, is thus not only futile; it can be directly harmful to both the environment and consumers, as demands for greater durability may favour a continued increase in synthetic materials, as well as prove inefficient in regulating consumed volumes. Furthermore, the PEFCRs unfairly disadvantage products made from natural fibres⁴, although materials such as wool and silk may benefit from prolonged DoS due to a high perceived value^{5,6}.

¹ Wiedemann, S. G., Nguyen, Q. V., & Clarke, S. J. (2022). Using LCA and Circularity Indicators to Measure the Sustainability of Textiles - Examples of Renewable and Non-Renewable Fibres. *Sustainability*, 14(24).

² Laitala, K., & Klepp, I. G. (2022). Review of clothing disposal reasons. *Clothing Research*.

³ Maldini, I., et al. (2019). Assessing the impact of design strategies on clothing lifetimes, usage and volumes: The case of product personalisation. *Journal of Cleaner Production*. 210: p. 1414-1424

⁴ Wiedemann, S. G., Nguyen, Q. V., & Clarke, S. J. (2022). Using LCA and Circularity Indicators to Measure the Sustainability of Textiles - Examples of Renewable and Non-Renewable Fibres. *Sustainability*, 14(24).

⁵ Sigaard, A.S., & Laitala, K. (2023). Natural and Sustainable? Consumers’ Textile Fiber Preferences. *Fibers*, 11, 12.

⁶ Laitala, K., & Klepp, I.G (2020). What Affects Garment Lifespans? International Clothing Practices Based on a Wardrobe Survey in China, Germany, Japan, the UK, and the USA. *Sustainability* 12, 9151

- **A lack of independent research to qualify how intrinsic attributes affect DoS**

What constitutes good clothing cannot be detached from the context in which it is to be worn, nor how the wearer wishes to represent themselves, and while one property such as warmth or softness may be preferable in one garment, it may not be favourable in another. PEFCR Section 3.8 and Annex VI recognize the lack of scientific foundation in non-physical durability attributes and calls for targeted research. Despite this lack of scientific foundation, arbitrary multipliers for physical durability and reparability have been implemented without scientific evidence, disproportionately inflating their impact on estimated clothing lifetime and consequently on the overall PEF-score. However, Consumption Research Norway (SIFO) has developed a new method to further qualify intrinsic attributes that affect DoS⁷, which in time may help improve the PEFCR, if the importance of DoS is sufficiently acknowledged and accounted for.

- **A lack of indicators for fit and sizing**

Fit, sizing and comfort are of essence when it comes to extending the DoS of garments, with consumers listing it as the primary factor⁸ for continued use, and referenced research attributing 28% of discarded garments to issues surrounding fit. Yet, according to a recent Danish study, only 8.8-12.8% of garments actually fit⁹. Hence, the PEFCR and, indeed the consumer guidance that will follow, must not distract from the fact, that improved fit and sizing will improve DoS. Currently, however, fit is absent from the PEFCR.

- **A lack of focus on the length of market presence of products and operational definitions for fast fashion**

We commend the EU's wish to drive "fast fashion out of fashion". However, the lack of a functional or operational definition poses a severe challenge. In this, we would like to direct attention towards the proposal by the French government and Ecobalyse, which, although input-data may still favour synthetics and hence fast fashion¹⁰, have managed to define parameters such as length of market presence and price to assist in the identification of fast fashion. These parameters could be further developed by the EU PEF. Furthermore, Norwegian proposal for Targeted Producer Responsible, as opposed to the current Extended Producer Responsibility, may aid in data collection and monitoring of DoS¹¹.

- **An insufficient basis for comparisons and insufficient access to documentation**

A recurring concern surrounding PEF also relates to the absence of reliable life cycle assessment (LCA) data, that take into account the various geographies and production practices of apparel production, without using commercially tainted, outdated or non-comparable data¹². Unfortunately, transparency is lacking and background documentation not fully available, thus preventing effective public consultation. The quality of and access to documentation is paramount, especially following

⁷ Laitala, K. & Klepp, I. G. (2024). Waste audit interviews - A method for understanding the link between intrinsic quality and apparel lifespans. Consumption Research Norway (SIFO), Oslo Metropolitan University.

⁸ The Danish Independent Consumer Council, Forbrugerrådet Tænk (2023). Vejen til et tøjforbrug med mindre miljø- og klimaaftryk

⁹ Terkildsen, M (2024). To [Fit] In Danish Fashion: Impact Engineer-ing – Towards Inclusive FIT and Sizing On the Foundation of Body Logic

¹⁰ Klepp, I. G. & Tobiasson, T. S. (2024). Feedback to the ECOBALYSE consultation (hearing response)

¹¹ Klepp et al. (2023), Briefing paper, Deployment of Targeted Producer Responsibility (TPR): Questions and Answers, Wasted Textiles, SIFO

¹² Kassatly, V. B. & Townsend, T. (2024). European Union Ecodesign for Sustainable Products Regulation: Summary of inconsistencies and potential deficiencies in the Preliminary Study on New Product Priorities - with specific reference to Textiles and Footwear.

the Norwegian Consumer Authority's complaint against the Technical Secretariat Lead, Cascale and their Higg MSI, a tool not dissimilar to the PEF¹³.

Furthermore, the proliferation of green claims has been proven to uphold or even increase consumption^{14,15}, which also poses a challenge for rightful consumer information that must be addressed.

By omitting or misrepresenting key indicators for environmental performance, the GCD risks misleading consumers by contributing to the very greenwashing it was set out to regulate.

Hence, we ask for the Council to consider to refrain from:

- (1) recommending the use of the PEF or PEFCR, and
- (2) presuming that requirements for substantiation are met when using PEFCRs

And, as also proposed by others, to:

- remove references in recital 17, 24 and 32 "recommending" the use of the PEF methods;
- add in recital 26 that the impact assessment of microplastic release in PEFCR should result in a separate PEF indicator with appropriate weighting;
- revert to Commission text in Article 3, paragraph 4.

We thank you for your consideration and remain available to further discuss this matter with you, at your best convenience.

Sincerely

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And the following co-signatories from academia, civil society and industry.

¹³ NCA & AMC joint guidance document (2022): Guidance to the Sustainable Apparel Coalition – Environmental Claims in Marketing Towards Consumers Based on the Higg MSI

¹⁴ Sigaard, A.S. & Laitala, K (2023). Natural and Sustainable? Consumers' Textile Fiber Preferences. *Fibers*, 11, 12

¹⁵ Olson, E. L. (2022). 'Sustainable' marketing mixes and the paradoxical consequences of good intentions, *Journal of Business Research*, Volume 150, 389-398,

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