

Joint position paper

Avoiding overregulation: A pragmatic approach to Substances of Concern (SoCs) in the Ecodesign for Sustainable Products Regulation (ESPR) Delegated Act (DA) for Textiles

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The Ecodesign for Sustainable Products Regulation (ESPR) Textile Delegated Act (DA) is expected to significantly influence the design, production, sale and disposal of textile consumer goods by 2027. It will introduce performance and information requirements on various features including substances of concern (SoCs) in finished textile products.

The implementation of ESPR must align with the EU Political Guidelines and the Commission's competitiveness compass, ensuring a reduction in administrative burden and simplified regulatory frameworks.

Representing different key actors across the broad textile value chain, from chemical suppliers to textile manufacturers, apparel brands, retailers and textile services, the undersigned industry associations raise concerns related to the development of SoCs provisions and suggest recommendations for the European Commission and the JRC team which are currently developing ecodesign requirements for textiles.

The signatories submitted their comments individually to the JRC questionnaire on substances and substances of concern in textile apparel, under the 2nd Milestone consultation of the "Preparatory Study on Textile for product policy instruments"¹. This joint statement consolidates the concerns previously raised individually and calls for engaging in a continuous dialogue involving the different actors of the global textile value chain in the preparation of the DA for textiles.

1. Keep addressing health & safety regulatory needs under REACH and clarify the interface between REACH and ESPR

The REACH regulation, and other pieces of chemical legislation, are focused on the management of the risks resulting from the production, use and placement on the market of chemical substances and formulated chemical products (mixtures), including those with hazardous properties. In contrast, the primary objective of the ESPR is to enhance the environmental sustainability of products.

This should allow for a clear division of measures to be taken under REACH referring to hazard, risk and chemical safety and those to be taken under ESPR². While this is theoretically clear, it remains uncertain how this will be done in practice, ensuring no overlapping rules in the already complex EU chemicals legislation landscape.

¹ JRC [Textile-Prep-Study_2nd-Milestone_20241217.pdf](#)

² 53rd Meeting of Competent Authorities for REACH and CLP (CARACAL), 18-19 December 2024, Joint REACH and CLP open session. Interface between REACH/CLP and ESPR: 5.3. Restrictions on the use of substances under both Regulations (REACH and ESPR).

→ We emphasize the necessity of keeping REACH as the core legislation for chemical safety. ESPR should only focus on improving the sustainability of products. Otherwise, companies in the textile value chain risk facing double requirements and legal uncertainty when placing products on the EU market.

2. Allow the tracking of harmonised information on SoCs across the global value chain

The textile industry is considered as a downstream user for the chemical industry in the textile value chain. The textile industry relies on chemical products (mixtures) available on the market. The substances present in the products supplied by the chemical industry are disclosed in the safety data sheets (SDS).

Chemicals are used in several phases of the production process leading to the final article and some of them have hazardous properties. Some chemical substances are also used in the process but are not intended to remain in the final product. Therefore, the ESPR textile DA should only focus on the sustainability of finished textile products.

Since the ESPR foresees the tracking of SoCs throughout the life cycle of products, the information on SoCs has to be made available throughout the global value chain, which includes multiple production and use steps from raw materials to waste management. Numerous actors are involved in these steps, whereas a large number of these actors are based outside of the EU. These steps were oversimplified and inadequately addressed in the JRC “Preparatory study on textiles for product policy instruments – 2nd milestone”, when in fact, this global complexity is the major challenge for an effective and enforceable tracking systems.

→ In order to provide the necessary information and track SoCs, we recommend harmonizing the digital data gathering process across the global value chain. This is essential for ensuring traceability and compliance, especially in international textile supply chains, where upstream transparency and data access remain often challenging. Furthermore, new ESPR requirements on SoCs must be enforced equally for EU and non-EU operators to avoid regulatory loopholes and unfair competition.

3. Follow a stepwise approach in developing SoCs information requirements

The SoCs information required by the ESPR goes beyond the information requirements under current chemicals legislations. This will create significant administrative, logistical and economic implications which are disadvantageous for all actors of the global textile value chain.

The variety of textile products and the difficulty to exchange data in the complex global textile value chain suggest taking a stepwise approach on the chemicals identified as SoCs. A possible starting point in a trial phase could be to focus on tracking information only for substances that are SVHCs or POPs in concentrations above 0.1% (w/w) and that are present in finished products. It’s worth noting that POPs generally would already be restricted in articles below 0.1 % (w/w).

→ SoCs information requirements should be built on existing knowledge and be implemented in a stepwise approach. Based on lessons learned, a study should evaluate the benefits of extending the information requirements to further SoCs. The existing concentrations under REACH (0.1 %) should be used. A gradual implementation helps the textile value chain manage changes without unnecessary burden while ensuring compliance and product safety.



4. Consider the different technologies and production processes that address any hazardous chemicals at the recycling stage

Currently, there is insufficient evidence on whether, and which, chemicals could potentially hinder recycling. However, there are legal restrictions under REACH, POPs and other legislation that could affect the recycling of certain products because most of these legal acts do not include solutions for recycling. These legal restrictions are typically associated with generic or group restrictions which take into consideration neither the different technologies nor the production processes capable of addressing any hazardous chemicals at the recycling stage.

Should any substance potentially hinder recycling for technical reasons be identified, it should be clarified which specific recycling processes or technologies are affected by it. Indeed, such substances might cause difficulties for certain types of recycling, but this does not mean, that they prevent recycling at all.

To this end, ESPR rules must be flexible enough to follow the evolution of recycling techniques, as there is constant advancement to overcome specific technical difficulties. The continuous evolution of textile-to-textile recycling processes and the importance of having several recycling alternatives are key considerations before making any decision that will constrain the performance of the textile products. This is particularly relevant for textiles where different material types and applications require tailored solutions. Premature regulatory limitations may therefore block circularity progress.

→ Trade-offs between the properties and performance of textile products and the requirements of recycling processes need to be carefully considered to avoid unintended consequences. Overlooking the essential functions of chemical substances in textile production and use can be the cause of undermining innovation, product quality, and product sustainability aspects.

List of signatories

AFIRM: <https://afirm-group.com/>

EBCA: <https://ebca-europe.org/>

ETAD : <https://etad.com/>

ETSA : <https://www.textile-services.eu/>

EUCTL : <https://euctl.eu/>

EURATEX : <https://euratex.eu/>

EuroCommerce : <https://www.eurocommerce.eu/>

FESI : <https://fesi-sport.org/>

IAF: <https://www.iafnet.com/>