

EU Regulation of Fast Fashion Advertising: A Tobacco Analogy?

Dmytro Korchahin

PhD student
Vilnius University, Faculty of Law
Saulėtekio 9 – I block, LT-10222 Vilnius, Lithuania
E-mail: dmytro.korchahin@tf.stud.vu.lt; korchagindd@gmail.com

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Dmytro Korchahin

(Vilnius University (Lithuania))

The article deals with the justification of the adopting of advertising legal requirements for the fast fashion sector in the EU. In light of this objective, it seeks to elaborate on similarities between the fast fashion and the tobacco industries. The article proposes imposing regulatory measures for fast fashion advertising, similar to those applied to tobacco advertising in the European Union (EU), or even going beyond that. Thus, taking into account the similarities between these sectors, it proposes either to adapt tobacco-related advertising regulations to the regulation of the fast fashion sector (specifically for the area of advertising of fast fashion) in the EU (e.g., partial prohibitions on some domains, warnings, etc.) or to consider a complete advertising ban on fast fashion advertising in the EU.

Keywords: fast fashion regulation, fast fashion advertising, comparison of the tobacco and fast fashion industries.

Greitosios mados reklamos reguliavimas ES: tabako analogija?

Dmytro Korchahin

(Vilniaus universitetas (Lietuva))

Straipsnyje nagrinėjamas reklamos teisinių reikalavimų, taikomų greitosios mados sektoriui Europos Sąjungoje (ES), priėmimo pagrindimas. Tuo tikslu siekiama išsamiau išnagrinėti greitosios mados ir tabako pramonės panašumus. Straipsnyje siūloma nustatyti greitosios mados reklamos reguliavimo priemones, panašias į tas, kurios taikomos tabako reklamai (ES), arba netgi jas pranokti. Taigi, atsižvelgiant į šių sektorių panašumus, siūloma arba pritaikyti su tabaku susijusios reklamos reglamentavimą prie greitosios mados sektoriaus (konkrečiai greitosios mados reklamos sritys) reguliavimo ES (pvz., daliniai draudimai kai kuriose srityse, išpėjimai ir pan.), arba apsvarstyti visišką greitosios mados reklamos uždraudimą ES.

Pagrindiniai žodžiai: greitosios mados reguliavimas, greitosios mados reklama, tabako ir greitosios mados industrijų palyginimas.

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Introduction

The clothing manufacturing industry has come under scrutiny for its negative environmental impact.

Every step of the fashion supply chain has a significantly negative impact¹, encompassing a wide range of industries, including chemicals, agriculture, energy, transportation, retail, and others. Combined with the irresponsible consumer use and misleading techniques from the industry (such as greenwashing, defined as “the practice of making unclear or not well-substantiated environmental claims”², it could jeopardize sustainable development.

Even a couple of hundred years ago, fashion was indeed ‘slow’, which means that garments were being produced individually or by small-scale artisans. After the advent of the Industrial Revolution, the ‘speed of fashion’ started to become ‘faster’, which meant the rise of mass production of garments³. Furthermore, the speed of fashion accelerated with the Internet gaining the dominant role. Besides, with the rise of the so-called ‘fast’ fashion industry, a specific mode within the broad textile industry, the negative environmental impact of the overall garment manufacturing industry has also grown in scope.

The EU is leading the way in promoting ‘sustainable and circular’ fashion (textiles) through public policy, through proposals based on the 2022 EU Strategy for Sustainable and Circular Textiles⁴, some of which have already been adopted, and some are in the legislative pipeline. While these measures are deemed necessary, they do not deal with such areas as advertising for such products.

The rules around the fashion sector were initiated due to its negative environmental and other impacts. Meanwhile, the same approach can be found in the tobacco regulation.

Thus, both sectors could highlight a critical pattern in public health, environmental, and underage use policy areas. Thus, it is important to compare both sectors, and their parallels can be seen as a justification for applying tobacco-like rules to the regulation of fast fashion in the EU. Since both industries can employ unethical advertising techniques (as discussed below), the primary area for adapting tobacco-related rules is the advertising sector.

The tobacco industry and fast fashion share parallels in their societal harm and regulatory challenges; this approach could also be used to compare other sectors and justify the proposal of similar regulations. For instance, in 2024, the UN Secretary-General, António Guterres, compared two industries – fossil fuels and tobacco sectors – in terms of proposing advertising of fossil fuels, specifying the parallels between its detrimental effects and those of tobacco, and comparing the environmental damage from fossil fuels to the impact of tobacco on human health⁵.

¹ NIINIMÄKI, Kirsi *et al.* (2020). The Environmental Price of Fast Fashion. *Nature Reviews, Earth and Environment*, 1, 189–200 [interactive]. Available at: https://www.researchgate.net/profile/Patsy-Perry/publication/340635670_The_environmental_price_of_fast_fashion/links/5f2960c4a6fdccc43a8ca65/The-environmental-price-of-fast-fashion.pdf [Accessed on: 5 December 2024].

² Proposal for a Directive on Substantiation and Communication of Explicit Environmental Claims (Green Claims Directive). COM(2023) 166 Final 2023/0085(COD) [interactive]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2023%3A0166%3AFIN> [Accessed on: 25 November 2024].

³ VILAÇA, Júlia (2022). FashionInnovation: How Industrial Revolution changed fashion. *Fashinnovation* [interactive]. Available at: <https://fashinnovation.nyc/fashinnovation-industrial-revolution-fashion/> [Accessed on: 25 November 2024].

⁴ Communication of the European Commission (2022). EU Strategy for Sustainable and Circular Textiles [interactive]. Available at: https://environment.ec.europa.eu/publications/textiles-strategy_en [Accessed on: 28 November 2024].

⁵ UN News Special Coverage: Guterres Issues Hard-Hitting Call for Climate Action (2024) [interactive]. Available at: <https://news.un.org/en/story/2024/06/1150616> [Accessed on: 28 December 2024].

Object, Objective, and Research Tasks

The **object** of this article and the central subject of this research is the advertising (a specific type of commercial communication) rules for fast fashion in the EU.

The **objective** of the article is to propose and justify the adoption of advertising restrictions for the fast fashion industry in the EU. Advocating for stricter regulatory measures for fast fashion in the EU, going beyond the circular economy transformations proposed by the above-mentioned EU instruments, could be effectively started with advertising requirements and supported by the parallels of the fast fashion and tobacco sectors.

Taking into account the object and the objective of the article, the research tasks are the following:

1. To identify and elaborate on the similarities between the fast fashion industry and the tobacco industry;
2. To propose introducing advertising restrictions for fast fashion, similar to those held in place for tobacco and related products, or even going beyond those.

Novelty. The novelty of the article lies in two aspects. The first aspect of novelty is in its comparative nature, as the new outlook on stricter regulation of fast fashion must be adequately analysed from a legal perspective. The new outlook is reflected in the comparison of two industries – fast fashion and tobacco – that could be important from a legal standpoint. This comparison could potentially help bring stricter rules for fast fashion, considering its hazards, which are similar to those of the tobacco sector. The second aspect of novelty dwells in its coverage – the area of advertising EU restrictions for fast fashion, which is not yet addressed by legal means in the EU.

State of the art. The literature review uses different tools and databases, which include *Web of Science*, *Scopus*, *SpringerLink*, and *KluwerLaw*, together with additional tools such as *Connected Papers* and *Google Scholar*. The searches in the databases indicated a limited body of scholarly articles linked to the object of this article, which indicates a need for more specific research on this subject. Some research has been identified regarding the parallels between the fashion and tobacco industries' regulatory advertising restrictions⁶. Also, other scientific findings were used to underline the negative environmental impacts of fast fashion⁷; the health impact of fast fashion⁸; the effect of influencer marketing on fashion consumption⁹; etc., with the objective to give a scientific basis for the public health (and environmental) argument on the similarities of the tobacco and fast fashion industries as well as for the underage use argument on the similarities of the tobacco and fast fashion industries (i.e., advertising that opens doors for underage users).

Additionally, the French bill to regulate fast fashion, along with the WHO data on various aspects and online media data, is used to support specific arguments in this article.

⁶ MIZRACHI, Meital Peleg and TAL, Alon (2022). Regulation for Promoting Sustainable, Fair and Circular Fashion. *Sustainability*, 14(1), p. 502 [interactive]. Available at: <https://doi.org/10.3390/su14010502> [Accessed on: 2 December 2024]

⁷ NIINIMÄKI, Kirsi *et al.* (2020). The Environmental Price of Fast Fashion. *Nature Reviews, Earth and Environment*, 1, p. 189–200 [interactive]. Available at: https://www.researchgate.net/profile/Patsy-Perry/publication/340635670_The_environmental_price_of_fast_fashion/links/5f2960c4a6fdccc43a8ca65/The-environmental-price-of-fast-fashion.pdf [Accessed on: 5 December 2024].

⁸ PINTO, Vivian Christine Dourado and MIZRACHI, Meital Peleg (2025). The Health Impact of Fast Fashion: Exploring Toxic Chemicals in Clothing and Textiles. *Preprints* 2025, 2025041417 [interactive]. Available at: <https://doi.org/10.20944/preprints202504.1417.v1> [Accessed on: 2 June 2025].

⁹ GE, Jinyan (2024). Influencers Marketing and its Impacts on Sustainable Fashion Consumption among Generation Z. *Journal of Soft Computing and Decision Analytics*, 2, p. 118–143. 10.31181/jscda21202438 [interactive]. Available at: https://www.researchgate.net/publication/378055656_Influencers_Marketing_and_its_Impacts_on_Sustainable_Fashion_Consumption_Among_Generation_Z [Accessed on: 18 December 2024].

What is more, the *Grammarly* tool is used to analyse and correct grammatical and other language issues in this article.

Methods. The qualitative approach is utilised to conduct this research. The primary role of the descriptive analytical method in literature is also employed, along with historical, comparative, and systematic analyses. Historical analysis is adopted to analyse certain aspects of the development of legal rules for the tobacco industry. Comparative analysis is used to contrast both industries from several perspectives. Lastly, systematic analysis is applied to identify and summarize the relevant findings, which would help propose new legal measures for the fast fashion advertising inspired by those in place for the tobacco industry or even going beyond those.

1. Arguments on the Similarities between the Tobacco and fast Fashion Industries (Research Task 1)

Dozens of EU proposals or adopted initiatives, which were based on the 2022 EU Strategy for Sustainable and Circular Textiles¹⁰, related to ecodesign, packaging, etc., deal with the textile sector, among other industries. With these instruments, the EU is set to introduce a circular textile ecosystem. However, while these initiatives are considered to be necessary, at the same time, they do not address the area of advertising of such products. Thus, it would be important to propose specific advertising-related restrictions for the fast fashion sector. For that purpose, a legal inspiration can be drawn from the comparison of the fashion industry with the tobacco sector, more specifically, from the standpoint of their harm. The arguments on the similarities of the sectors are given in the article below. Someone might argue about the differences between these two sectors. These might be due to the different nature of harm: whereas the damage from tobacco is direct, the damage from fashion is mostly indirect. Also, the tobacco industry is heavily reliant on addiction, which is at the core of the tobacco business model, as nicotine is a highly addictive substance. Meanwhile, the fashion sector, including fast fashion, relies on consumption habits, having behavioural patterns at the core of its business model rather than physiological dependence on a chemical compound.

While the nature of the harm produced by the two industries differs, both the fast fashion and tobacco sectors operate on models that have their priorities in profit maximization instead of human and environmental well-being. The prevalent similarities (as it shall be touched upon below) strongly suggest that the regulation of tobacco can be replicated in the context of fast fashion, specifically in the domain of advertising restrictions.

In this context, it is also crucial to differentiate between fast fashion and the textile industry as a whole, because “the drastic increase in textile production and fashion consumption is reflected in the emergence of fast fashion”¹¹. Distinguishing fast fashion from the broader garment production sector is important because fast fashion is seen as a problematic and unsustainable business model within the general textile sector; thus, it is not a specific and separate sector. Fast fashion, unlike the general garment industry, is specifically aimed at encouraging disposable consumption, rapid replication,

¹⁰ Communication of the European Commission (2022). EU Strategy for Sustainable and Circular Textiles [interactive]. Available at: https://environment.ec.europa.eu/publications/textiles-strategy_en [Accessed on: 28 November 2024].

¹¹ NIINIMÄKI, Kirsi *et al.* (2020). The Environmental Price of Fast Fashion. *Nature Reviews, Earth and Environment*, 1, p. 189–200 [interactive]. Available at: https://www.researchgate.net/profile/Patsy-Perry/publication/340635670_The_environmental_price_of_fast_fashion/links/5f2960c4a6fdcccc43a8ca65/The-environmental-price-of-fast-fashion.pdf [Accessed on: 5 December 2024].

lower prices and accelerated production. According to the 2022 EU Strategy for Sustainable and Circular Textiles, fast fashion is defined as “the trends of using garments for ever shorter periods before throwing them away”, contributing to “unsustainable patterns of overproduction and overconsumption”, “enticing consumers to keep on buying clothing of inferior quality and lower price, produced rapidly in response to the latest trends”¹². The definitional clarity can be reached by concentrating on the operational speed of fast fashion, its negative impacts, and specific marketing tools, rather than separating fast fashion completely from the general clothing industry. Taking into account the above-mentioned operational description of the fast fashion mode, the parameters for fast fashion can be the following: a high speed and scale of garment production (quick release of weekly collections, etc.), low prices for garments (due to low-quality materials and/or exploitative labour practices, etc.), and poor durability of products (a low number of wears before being discarded). The concrete numbers (e.g., the limits of collection releases, the price floors, and the number of wears) could be further elaborated in future research.

1.1. Public Health and Environmental Arguments

It goes without saying that tobacco consumption affects human health. For instance, as per the World Health Organization (WHO), “nicotine contained in tobacco is highly addictive and tobacco use is a major risk factor for cardiovascular and respiratory diseases, over 20 different types or subtypes of cancer, and many other debilitating health conditions <...> Most tobacco-related deaths occur in low- and middle-income countries, which are often targets of intensive tobacco industry interference and marketing...”¹³.

In addition to health effects, the tobacco industry poses a significant risk to the environment, as proclaimed by the WHO, which focused the 2022 *World No Tobacco Day* on raising awareness about the environmental impacts of tobacco and specifying that “tobacco kills over 8 million people every year and destroys our environment, further harming human health, through the cultivation, production, distribution, consumption, and post-consumer waste”¹⁴.

The negative environmental and health effects could also be the reality for the fashion industry.

In its turn, the fashion industry also has a substantial environmental impact, contributing to 8–10% of global CO₂ emissions, excessive water consumption, chemical pollution from over 15,000 chemicals, and an annual production volume of 92 million tonnes of textile waste¹⁵.

Considering the evident environmental hazards of the textile or fashion sector (a considerable part of which is fast fashion), these might also potentially affect public health. Adverse health effects can occur after using fast fashion garments in some situations (for example, ranging from cases of unethical production techniques that use certain dyes or chemicals negatively impacting human health to cases of unethical labour practices also negatively affecting human health). Besides, the side effects

¹² Communication of the European Commission (2022). EU Strategy for Sustainable and Circular Textiles [interactive]. Available at: https://environment.ec.europa.eu/publications/textiles-strategy_en [Accessed on: 28 November 2024].

¹³ World Health Organization: WHO (2019). *Tobacco* [interactive]. Available at: https://www.who.int/health-topics/tobacco#tab=tab_1. [Accessed on: 4 December 2024].

¹⁴ WHO, World No Tobacco Day 2022 [interactive]. Available at: <https://www.who.int/campaigns/world-no-tobacco-day/2022> [Accessed on: 4 December 2024].

¹⁵ NIINIMÄKI, Kirsi *et al.* (2020). The Environmental Price of Fast Fashion. *Nature Reviews, Earth and Environment*, 1, p. 189–200 [interactive]. Available at: https://www.researchgate.net/profile/Patsy-Perry/publication/340635670_The_environmental_price_of_fast_fashion/links/5f2960c4a6fdcccc43a8ca65/The-environmental-price-of-fast-fashion.pdf [Accessed on: 5 December 2024].

on human health resulting from the negative environmental impacts of textiles cannot be neglected (microplastics in marine environments, digested by fish, can potentially make their way into the human organism, etc.). This could come from the fact that environmental hazards can impact public health. For instance, as per the European Environmental Agency (EEA), “pollutants in the environment or climate-related events can have a massive impact on our health <...> For many chemicals, the health impacts of long-term exposure are unknown. It is difficult to accurately assess the risks that chemicals pose to human health because of the complex mixture of chemicals we are exposed to in our daily lives through the environment, products, food and drinking water”¹⁶.

Also, as specified by Vivian Christine Dourado Pinto and Meital Peleg Mizrachi, “[...] fast fashion not only exacerbates environmental harm but also perpetuates a cycle of overproduction and waste, amplifying the associated health risks of it. Although the ecological consequences of fast fashion have been widely acknowledged by researchers <...> and recognized by international organizations such as the United Nations and the European Union, <...> the discussions surrounding its impact on human health remain largely overlooked”¹⁷. Besides, the researchers stressed about the extensive use of chemicals throughout the industry that can potentially affect health because of skin contact, inhalation, etc.¹⁸.

Thus, the negative public health and environmental impacts of tobacco consumption are clear. The same is clear in the case of the adverse effects of fashion (and especially fast fashion) on the environment, whereas the potential human health impacts of the latter are currently gaining attention. Thus, taking into account the precautionary principle in the EU environmental law, which stands for the preventive action in case of uncertainty, it aligns with the need for a proactive legislative move so that to prevent adverse effects of the textile sector. According to the 2002-dated judgement (*Artegodan v. Commission*) of the EU Court of Justice (CJEU), “the precautionary principle can be defined as a general principle of Community law requiring the competent authorities to take appropriate measures to prevent specific potential risks to public health, safety and the environment, by giving precedence to the requirements related to the protection of those interests over economic interests”¹⁹. Therefore, both industries under comparison are denoted by parallels concerning their negative environmental and health impacts. Thus, addressing the potential health and environmental implications of fast fashion is essential.

1.2. The Underage Use Argument

Regarding minors’ appeal of the tobacco sector, the WHO specifies that, “according to 2022 data, worldwide, at least 37 million young people aged 13–15 years use some form of tobacco. In the WHO European Region, 11.5% of boys and 10.1% of girls aged 13–15 years are tobacco users (4 million) <...> To keep making billions of dollars in revenues, the tobacco industry needs to replace the millions

¹⁶ *Environmental Health Impacts* (2024) [interactive]. Available at: <https://www.eea.europa.eu/en/topics/in-depth/environmental-health-impacts> [Accessed on: 6 December 2024].

¹⁷ PINTO, Vivian Christine Dourado and MIZRACHI, Meital Peleg (2025). The Health Impact of Fast Fashion: Exploring Toxic Chemicals in Clothing and Textiles. *Preprints* 2025, 2025041417, p. 2 [interactive]. Available at: <https://doi.org/10.20944/preprints202504.1417.v1> [Accessed on: 2 June 2025].

¹⁸ PINTO, Vivian Christine Dourado and MIZRACHI, Meital Peleg (2025). The Health Impact of Fast Fashion: Exploring Toxic Chemicals in Clothing and Textiles. *Preprints* 2025, 2025041417, p. 3 [interactive]. Available at: <https://doi.org/10.20944/preprints202504.1417.v1> [Accessed on: 2 June 2025].

¹⁹ *Artegodan v. Commission* [CJEU], No. T-74/00, T-76/00, T-83/00 to T-85/00, T-132/00, T-137/00 and T-141/00, [26.12.2002]. ECLI:EU:T:2002:283, paragraph 184.

of customers who die and those who quit tobacco use every year. To achieve this goal, it works to create an environment that promotes uptake of its products among the next generation, including lax regulation to ensure its products are available and affordable. The industry also develops products and advertising tactics that appeal to children and adolescents, reaching them through social media and streaming platforms”²⁰. This can effectively mean that minors are still an essential category for the tobacco industry, which is accessible through using new innovative tobacco products and new advertising techniques appealing to minors to circumvent the existing tobacco control laws.

The fast fashion industry is similarly trying to reach minors, primarily via social media. For example, Jinyan Ge, citing Widyanto and Agusti, states that “...Generation Z was born with the development of digital, they are willing to follow influencers and purchase recommended products by influencers” (Jinyan Ge, citing Widyanto and Agusti, 2024)²¹. Even in the case of the shift of general consumers (including minors) to more responsible practices, as per Corinne Cipolla and José Manuel Cotilla Conceição, consumers are still attracted by fast fashion²².

Also, according to the author of the *Let Clothes Live Long* blog, such aspects as a lower price and a trendy look, as well as its popularity, influence teens towards fast fashion items²³. Also, according to *Medium*, a space for stories and ideas, “teenagers get influenced by certain style statements online and tend to wear the same to look good on social media platforms”²⁴.

Besides, in the online article, the CEO of *ThredUp* (an online consignment and thrift store for selling secondhand clothes), James Reinhart, says that their research “shows that half of college students watch fast-fashion hauls on social media on a weekly basis” and that fast fashion urges to continuously consume garments while trying to catch up with trends in the social media²⁵. Besides, James Reinhart indicated that 65% of Gen Z consumers favour fast fashion for its affordability, similar to the ways how the tobacco industry target(ed) young adults with low prices and appealing marketing despite the significant environmental costs associated with fast fashion²⁶.

Thus, it is evident that fast fashion targets the young generation, including minors, especially by utilising unethical social media advertising. Although the research on the influence of fast fashion advertising (including via social media) is not comprehensive, a specific tendency could be identified: minors are affected by unethical advertising techniques, which make them similar to those employed

²⁰ WHO, *World No Tobacco Day 2024: Protecting Children from Tobacco Industry Interference* (2024) [interactive]. Available at: <https://www.who.int/europe/news-room/events/item/2024/05/31/default-calendar/world-no-tobacco-day-2024--protecting-children-from-tobacco-industry-interference> [Accessed on: 11 December 2024].

²¹ GE, Jinyan (2024). Influencers Marketing and its Impacts on Sustainable Fashion Consumption Among Generation Z. *Journal of Soft Computing and Decision Analytics*, 2, p. 118–143. 10.31181/jscda21202438 [interactive]. Available at: https://www.researchgate.net/publication/378055656_Influencers_Marketing_and_its_Impacts_on_Sustainable_Fashion_Consumption_Among_Generation_Z [Accessed on: 18 December 2024].

²² COTILLA CONCEIÇÃO, José Manuel and CIPOLLA, Corinne (2021). European Customers’ Demand within the Apparel Industry. Shifting from Fast Fashion to Circular Fashion [interactive]. Available at: https://www.researchgate.net/publication/350895941_European_customers'_demand_within_the_apparel_industry_Shifting_from_fast_fashion_to_circular_fashion [Accessed on: 19 December 2024].

²³ Anyachoudhary (2020). *How Fast Fashion Attracts Teens* [interactive]. Available at: <https://letclotheslivelong.org/2020/07/19/how-fast-fashion-attracts-teens/> [Accessed on: 21 December 2024].

²⁴ DU, Yuwei (2022). How Social Media Influences Teenagers Buying Fast Fashion. *Medium*, 22 November [interactive]. Available at: <https://medium.com/@yuwei.du.2/fast-fashion-obsession-with-american-teenagers-4bd5554f9bbc> [Accessed on: 22 December 2024].

²⁵ REINHART, James (2024). *Why Fast Fashion is the Next Big Tobacco* [interactive]. Available at: <https://www.fastcompany.com/90789435/why-fast-fashion-is-the-next-big-tobacco> [Accessed on: 30 December 2024].

²⁶ REINHART, James (2024). *Why Fast Fashion is the Next Big Tobacco* [interactive]. Available at: <https://www.fastcompany.com/90789435/why-fast-fashion-is-the-next-big-tobacco> [Accessed on: 30 December 2024].

in the early stages of the tobacco industry's development (or even currently, when it tries to circumvent the advertising rules). Such advertising by both industries is described as unethical in this article since minors are more vulnerable than adults, and such advertising could prevent minors from critically assessing possible risks. In the case of the tobacco sector, advertising to minors exploits their propensity for addiction and serious health effects. Whereas, in the case of fast fashion, advertising to minors influences the formation of unhealthy consumption from an early age, as well as early participation in a system with significant environmental and social consequences. Thus, 'appealing' to children is a common feature adopted by both the tobacco and fast fashion industries. It can be concluded that advertising opens doors for underage users.

Taking into account the arguments discussed above, it can be stated that the tobacco and fast fashion industries are quite similar since they both have negative environmental and public health implications, and they both appeal to minors, among other youngsters. The similarities between both industries can be an efficient justification for introducing the legislative requirements for fast fashion advertising, as these are currently absent for fast fashion, whereas some are in place for the tobacco sector.

2. Potential Advertising-Related Legal Consequences of Similarities between the Tobacco and Fast Fashion Industries (Research Task 2)

As mentioned above, the similarities between the tobacco and the fast fashion industries highlight the need for more stringent regulation of the fast fashion industry, while potentially using approaches similar to those employed for tobacco control, or even going beyond those.

Decades ago, before the scientific evidence of tobacco-related harm became widely accepted, the tobacco industry operated with no or minimal regulation, much like the current state of the fast fashion industry. Therefore, it is essential to implement more targeted and rigorous regulations in specific policy areas for the fast fashion industry.

There are indeed some currently proposed and, in specific cases, already enacted pieces of EU legislation, based on the EU Textile Strategy, dealing with the supply chain approach (touching on such areas as the production, consumption, and end-of-life of textiles), that would also apply to the fast fashion industry, since it is a part of the bigger picture of textiles in general. However, areas such as textile advertising (or fast fashion advertising) still lack legal oversight in the EU. The advertising area is regulated for tobacco products, whereas regulation for the fast fashion industry is still missing. As specified by Mizrahi and Tal, the demand for fast fashion is fueled by aggressive advertising, prompting some countries to address harmful marketing practices, and "such regulatory interventions in advertising are common in the area of cigarettes and tobacco products"²⁷.

Regulating tobacco advertising, for example, was not an easy path. It is clear that even when tobacco advertising is being regulated now in the EU (and, more stringently, at the MS level), the advertising of such products still somehow reaches underage consumers (due to the elaboration of innovative products and novel advertising techniques intended to circumvent the current laws); however, without the attempt to regulate tobacco advertising, it would not be possible to adequately combat the harmful effects of tobacco, especially regarding its use by minors. At the same time, more proactive responses are still needed to combat the possible – and still widespread – circumvention of the laws.

²⁷ MIZRACHI, Meital Peleg and TAL, Alon (2022). Regulation for Promoting Sustainable, Fair and Circular Fashion. *Sustainability*, 14(1), p. 502 [interactive]. Available at: <https://doi.org/10.3390/su14010502>. [Accessed on: 2 December 2024].

The way before legalising tobacco advertising was, in fact, difficult, as a long time ago, in 1985, the European Community began creating legislation to combat tobacco use through the *Europe Against Cancer* program. An important component was proposed in 1989. This was a directive to ban advertising and sponsorships. However, due to lobbying from the tobacco industry, its adoption was delayed until 1998 and consequently led to its annulment by the European Court of Justice in 2000²⁸.

Currently, the *Tobacco Advertising Directive* (2003/33/EC) bans the cross-border tobacco advertising and sponsorship in radio, print media, and the internet. Besides, it prohibits the free distribution of tobacco at multi-country events. Television tobacco advertising has been banned since 1989 under the *Television without Frontiers Directive* (89/552/EEC), now replaced by the *Audiovisual Media Services Directive* (2010/13/EU), which extended the ban to all forms of audiovisual advertising, including product placement²⁹.

In addition, other specific tobacco requirements are regulated by the EU *Tobacco Product Directive*, first adopted in 2001. The 2014 revision of the directive represents the current version; while it does not explicitly deal with the aspects of tobacco advertising, it still specifies that “the presentation and advertising of those products should not lead to the promotion of tobacco consumption or give rise to confusion with tobacco products. Member States are free to regulate such matters within the remit of their own jurisdiction and are encouraged to do so”³⁰.

Regarding the MSs level, more stringent advertising rules are in place, for example, the ban on price compensation in Finland³¹, and the prohibition on circumvention of the ban on media commercial communication through the use of brand names, trademarks, emblems, or other distinctive signs of tobacco products in Slovakia³².

Despite the intense lobbying, the regulation of tobacco products, including their advertising, made progress in the EU with the aim of combating the negative consequences of tobacco consumption, mainly due to intense underage use.

Even with significant regulatory changes in recent years, smoking rates in the EU remain relatively high, with 26% of the total population and 29% of young European people (15–24 years) being current smokers³³. However, it is clear that, without the legislative restrictions specified above, the number of smokers would be even higher. Without current regulations, such products would be more accessible and even less friendly from a public health and environmental perspective.

Thus, regarding the advertising rules for the fashion industry, it is evident from the above that specific minimum advertising rules for tobacco products exist in the EU, with additional adoption of

²⁸ NEUMAN, Mark, BITTON, Asaf and GLANTZ, Stanton (2002). Tobacco Industry Strategies for Influencing European Community Tobacco Advertising Legislation. *The Lancet*, 359(9314), p. 1323–1330 [interactive]. Available at: [https://doi.org/10.1016/s0140-6736\(02\)08275-2](https://doi.org/10.1016/s0140-6736(02)08275-2) [Accessed on: 11 December 2024].

²⁹ European Commission, *Ban on Cross-Border Tobacco Advertising and Sponsorship* (2024) [interactive]. Available at: https://health.ec.europa.eu/tobacco/ban-cross-border-tobacco-advertising-and-sponsorship_en [Accessed on: 14 December 2024].

³⁰ DIRECTIVE 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC [interactive]. Available at: https://health.ec.europa.eu/document/download/c4aa6f75-7e52-463b-badb-cbb6181b87c3_en?filename=dir_201440_en.pdf [Accessed on: 15 December 2024].

³¹ Finnish Tobacco Act, 549/2016 [interactive]. Available at: <https://www.finlex.fi/fi/lainsaadanto/2016/549> [Accessed on: 4 June 2025].

³² Act No. 264/2022 Coll. Act on Media Services [interactive]. Available at: <https://www.epi.sk/zz/2022-264> [Accessed on: 4 June 2025].

³³ European Commission. *Overview* (2024) [interactive]. Available at: https://health.ec.europa.eu/tobacco/overview_en. [Accessed on: 17 December 2024].

more stringent advertising requirements for tobacco products at the Member State (MS) levels. At the same time, even minimum advertising requirements for fast fashion are missing at the EU level.

Thus, two types of advertising rules for the fast fashion industry in the EU can be considered and proposed, ranging from restricted advertising to a complete fast fashion advertising ban.

The first option, inspired by the tobacco control domain, would include a partial prohibition on fast fashion advertising in some domains (for instance, on social media, on TV/radio, etc.) or would require a specific warning while advertising (for example, “Overconsumption of fast fashion contributes to environmental damage. It could potentially harm public health. Choose sustainable options”, etc.). Besides, the advertising rules for the fast fashion industry should be designed in a way that would forestall the potential circumvention from the sector (for example, be periodically reviewed, for instance, every two years, and set up some compliance platforms, etc.). This first option could culminate in the proposal for a novel EU Fast Fashion Advertising Directive that would identify the specific parameters for the fast fashion industry (e.g., as those specified above), as well as indicate the minimum EU-wide advertising rules related to the abovementioned examples of partial prohibitions as well as legislative warnings.

The second option is a complete regulatory ban on fast fashion advertising. This option is inspired by the recent French “*Fast Fashion*” bill, put forward on January 30, 2024, which would also need to be protected against any possible circumventions. It was reviewed by the French National Assembly (the lower chamber of the Parliament of France) and approved by this chamber in April 2024. The bill was proposed in order to promote sustainability in the fashion sector; it is aimed at businesses that frequently introduce new product lines, which is usually linked to the fast fashion mode (with specific parameters for companies to be established by the Council of State, which advises the government on drafting bills and other matters)^{34,35}. The bill should be approved by the Senate next³⁶ (it is under its second reading at the moment of writing, as of August 2025)³⁷. However, the recent Senate amendments are reportedly weaker than the original proposal³⁸. For instance, the full advertising ban could be consequently limited to influencer-based advertising, as the full ban may infringe economic freedom³⁹.

The second option of a complete ban on fast fashion advertising could indeed potentially clash with Article 16 of the EU Charter of Fundamental Rights, specifying that “the freedom to conduct a business in accordance with Community law and national laws and practices is recognised”⁴⁰. How-

³⁴ *French Bill to Regulate Fast Fashion* (no date) [interactive]. Available at: <https://www.twobirds.com/en/insights/2024/france/french-bill-to-regulate-fast-fashion> [Accessed on: 26 December 2024].

³⁵ *Council of State of France* (no date) [interactive]. Available at: <https://www.europeanlawinstitute.eu/membership/institutional-members/council-of-state-of-france/> [Accessed on: 26 December 2024].

³⁶ Glitz.Paris (2024). France: French Senators Fight over who Gets to Carry Anti-Fast Fashion Bill – 25/04/2024 – Glitz.Paris. *Glitz.paris*, 30 December [interactive]. Available at: <https://www.glitz.paris/en/entourage/2024/04/25/french-senators-fight-over-who-gets-to-carry-anti-fast-fashion-bill,110219890-art> [Accessed on: 27 December 2024].

³⁷ Assemblée nationale (no date). *Réduire l'impact environnemental de l'industrie textile* [interactive]. Available at: https://www.assemblee-nationale.fr/dyn/16/dossiers/impact_environnemental_industrie_textile [Accessed on: 4 June 2025].

³⁸ HIRD, Alison (2025). French Legislation to Rein in Fast Fashion Faces Crucial Test in Senate. *RFI*, 2 June [interactive]. Available at: <https://www.rfi.fr/en/france/20250602-france-s-fast-fashion-crackdown-faces-crucial-test-in-senate-ecology> [Accessed on: 4 June 2025].

³⁹ HIRD, Alison (2025). French Legislation to Rein in Fast Fashion Faces Crucial Test in Senate. *RFI*, 2 June [interactive]. Available at: <https://www.rfi.fr/en/france/20250602-france-s-fast-fashion-crackdown-faces-crucial-test-in-senate-ecology> [Accessed on: 4 June 2025].

⁴⁰ Charter of Fundamental Rights of the European Union, 2012/C 326/02, *OJC* 326/391 [interactive]. Available at: https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng [Accessed on: 4 June 2025].

ever, it is important to highlight that this freedom is not an absolute right, and the Charter specifies that any limitations are subject to the principle of proportionality⁴¹. Thus, the complete advertising ban would need to pass the test of proportionality in case of being challenged in the Court of Justice of the European Union (CJEU).

Thus, the arguments for the passing of the proportionality test for the complete advertising ban could be the following:

- Legitimate Aim: The complete ban has a legitimate objective of protecting the environment and public health.
- Necessity: A complete ban would directly target the consumption of such products. Some may say that it is possible to introduce less restrictive measures; however, taking into account the environmental and other harms associated with fast fashion, a full ban could be seen as the only effective measure to address overconsumption.
- Proportionality: The “freedom to conduct a business” does not grant a right to cause significant environmental and other harms, and these harms are systematic and affect public interests. Besides, a complete ban would not prevent companies in the sector of fast fashion from operating or selling their products, and would only preclude them from advertising environmentally harmful products.

The name of the French bill, which originally proposed a complete advertising ban, was the *Bill to Reduce the Environmental Impact of the Textile Industry*, No. 2129. According to its explanation Memorandum, “[...] evolution of the clothing sector towards ephemeral [fast] fashion, combining increased volumes and a low-price policy, influences the consumer purchasing habits by creating purchasing impulses and constant need for renewal, which is not without consequences on the environmental, social and economic plans”⁴².

The main aim of the original proposal was to make consumers more aware of the negative environmental impacts of fast fashion and promote reuse and repair. Additionally, it also seeks to reinforce the EPR for textiles and prohibit advertising for fast fashion companies and products⁴³. However, the Senate version of the bill (Bill 1557)⁴⁴ limits the blanket ban on such advertising. Reportedly, even while the Senate opposes such a blanket ban on fast fashion advertising, the Government announced it would try reintroducing it into the bill⁴⁵.

Therefore, the second option of a stricter regulation for textile advertising in the form of a complete fast fashion advertising ban could be considered, alternatively to the first option, and it could be included in the proposal for a novel EU Fast Fashion Advertising Directive. The second, more stricter option could be justified by the fact that textile use is more actively involved in the everyday lives of consumers (since textiles are seen as a necessity) than tobacco use, so that the negative impacts of textiles can be even more persistent.

⁴¹ Charter of Fundamental Rights of the European Union, 2012/C 326/02, *OJ C 326/391* [interactive]. Available at: https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng [Accessed on: 4 June 2025].

⁴² *Proposition de loi, n° 2129* (no date) [interactive]. Available at: https://www.assemblee-nationale.fr/dyn/16/textes/l16b2129_proposition-loi. [Accessed on: 27 December 2024].

⁴³ *Proposition de loi, n° 2129* (no date) [interactive]. Available at: https://www.assemblee-nationale.fr/dyn/16/textes/l16b2129_proposition-loi. [Accessed on: 27 December 2024].

⁴⁴ *Proposition de loi, n° 1557* (no date) [interactive]. Available at: https://www.assemblee-nationale.fr/dyn/17/textes/l17b1557_proposition-loi [Accessed on: 11 June 2025].

⁴⁵ HIRD, Alison (2025). French Legislation to Rein in Fast Fashion Faces Crucial Test in Senate. *RFI*, 2 June [interactive]. Available at: <https://www.rfi.fr/en/france/20250602-france-s-fast-fashion-crackdown-faces-crucial-test-in-senate-ecology> [Accessed on: 4 June 2025].

Thus, the foregoing proposed advertising rules may be enshrined in the EU legislation on minimum standards for fast fashion advertising or result in a full ban on fast fashion advertising.

Conclusions

1. It is specified that the tobacco and fast fashion industries possess similar adverse effects. The similarities between both industries can be seen as a justification for introducing the legislative requirements for fast fashion advertising, as these are currently absent for fast fashion, whereas some are in place for the tobacco sector. The similarities are the following:
 - 1.1. There is a broad consensus regarding the negative public health and environmental impacts of tobacco consumption. The same is clear in the case of the adverse effects of the fashion sector (and especially fast fashion) on the environment. In contrast, the potential human health impacts of the latter are currently gaining attention, as there is a possibility of indirect health effects associated with it.
 - 1.2. Minors are affected by unethical advertising techniques, which make them similar to those employed in the early stages of the tobacco industry's development (or even currently, when it tries to circumvent the advertising rules). Such advertising by both industries is described as unethical, and 'appealing' to children is a common feature adopted by both the tobacco and fast fashion industries, which means that advertising opens doors for underage users.
2. Areas such as fast fashion advertising are not regulated at the EU level, unlike tobacco advertising. The presently mentioned similarities between the two sectors can justify applying tobacco-like advertising legal requirements to fast fashion advertising or introducing even more stringent options. With any regulatory rules in place, they should also be either regularly reviewed or be subject to the setup of some compliance platforms to prevent industry circumvention. The proposed legislative options are the following:
 - 2.1. The first option, inspired by the current tobacco-control domain, would include a partial prohibition on fast fashion advertising in specific domains, such as on social media, TV, or radio, or would require specific warnings about environmental (and potentially health) impacts. It could culminate in the proposal for a novel EU Fast Fashion Advertising Directive that would identify the specific parameters for the fast fashion industry, as well as indicate the above-mentioned minimum EU-wide advertising rules.
 - 2.2. The second option (that can be justified by the fact that textile use is more actively involved in the everyday lives of consumers), going further than the partial prohibition, revolves around a complete ban on fast fashion advertising. A comprehensive ban on fast fashion advertising could be considered an alternative to the first option and could be included in the proposal for a new EU Fast Fashion Advertising Directive.

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The author, Dmytro Korchahin, obtained a Bachelor's Degree in Law at the Yaroslav Mudryi National Law University of Kharkiv in 2016. In 2018, he obtained a Master's Degree in Law at the Yaroslav Mudryi National Law University of Kharkiv. In 2020, a Master's Degree in International and European Union Law from Vilnius University was awarded to the author. Dmytro Korchahin started doctoral studies and became a PhD candidate at Vilnius University, Faculty of Law, in 2021. The author's main scientific interest is environmental law.

Dmytro Korchahin 2016 m. Charkovo nacionaliniame Jaroslavo Išmintingojo teisės universitete įgijo teisės bakalauro laipsnį. 2018 m. šiame universitete jis įgijo teisės magistro laipsnį. 2020 m. Vilniaus universitete autorius įgijo tarptautinės ir Europos Sąjungos teisės magistro laipsnį. Be to, 2021 m. pradėjo doktorantūros studijas Vilniaus universiteto Teisės fakultete. Pagrindinis autoriaus mokslinis interesas – aplinkosaugos teisė.