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# **Sustainable Development Policy Requirements for the Fashion Industry in the EU: Current State and Outlook for the Imminent Future**

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VILNIAUS UNIVERSITETAS

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**Tvaraus vystymosi politikos  
reikalavimai mados pramonei ES:  
dabartinė padėtis ir artimiausios  
ateities perspektyvos**

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***“Painful choices have to be made.”***

- Our Common Future Report, 1987

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## ABBREVIATIONS

European Union (EU)  
Circular Economy Action Plan (CEAP)  
European Commission (EC)  
European Parliament (EP)  
Circular Economy (CE)  
Current regulatory circularity credit (CRCC)  
Regulatory sustainability value (RSV)  
Treaty on European Union (TEU)  
Treaty on the Functioning of the European Union (TFEU)  
United Nations (UN)  
UN Conference on the Human Environment (UNCHE)  
United Nations Environment Programme (UNEP)  
World Commission on Environment and Development (WCED)  
United Nations Conference on Environment and Development (UNCED)  
United Nations Conference on Sustainable Development (UNCSD)  
Millennium Development Goals (MDGs)  
Sustainable Development Goals (SDGs)  
World Summit on Sustainable Development (WSSD)  
Environment Action Programme (EAP)  
International Court of Justice (ICJ)  
Court of Justice of the European Union (CJEU)  
European Chemicals Agency (ECHA)  
Member States (MSs)  
General Product Safety Directive (GPSD)  
General Product Safety Regulation (GPSR)  
European Union Ecolabelling Board (EUEB)  
Extended Producer Responsibility (EPR)  
General Product Safety Directive (GPSD)  
Green Public Procurement (GPP)  
International Labour Organization (ILO)  
World Health Organization (WHO)  
European Environmental Agency (EEA)  
Organisation for Economic Co-operation and Development (OECD)  
Value-added tax (VAT)  
Corporate Sustainability Reporting (CSR)  
European Sustainability Reporting Standards (ESRS)  
Corporate Sustainability Due Diligence (CSDD)  
United States (US)  
Artificial Intelligence (AI)

## INTRODUCTION

**The identification of the scientific problem.** The interaction of any industry and the environment from a negative perspective can postpone the achievement of sustainable development, which is understood to be a “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (Our Common Future Report, 1987, p. 41), consisting of environmental, social, and economic components. With the development of international society, an additional component, a horizontal one, has been developed and could be added to the previous classical components of sustainable development, as will be elaborated below. Thus, for the purposes of this dissertation, sustainable development (sustainability) can be defined as a development that balances economic, social, environmental, and horizontal dimensions and seeks to be practically implemented in specific policies and regulations and, at the same time, meets present needs without compromising the ability of future generations to meet their own.

The clothing (garment)<sup>1</sup> industry is no exception, as it has recently been in the spotlight for its negative environmental impact. Some time ago, the industry was indeed “slow”, with garments produced individually or on a small scale; however, after the Industrial Revolution, the “speed” of fashion became faster, leading to mass production of clothing (Vilaça, 2022). After the emergence of the internet, this speed has even skyrocketed, in addition to the rise of “fast” fashion, resulting in an increase in the negative environmental impact of the clothing industry. According to the European Union (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*” (EU Textiles Strategy, 2022, p. 1).

The dissertation focuses mainly on regulating textiles, as one of the significant parts of the clothing industry, unlike other elements of the textile-related ecosystem (e.g., fur, leather, etc.). Therefore, the main interest of its dissertation revolves around the textile industry (taking into account an

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<sup>1</sup> This dissertation uses “textile”, “fashion” and “clothing” as synonyms, sometimes also referred to as “garment(s)”, “textile system”, “apparel”, or textile ecosystem“.

integrated supply chain approach) and consumer use in conjunction with environmental and other concerns. Thus, the dissertation examines the legal regulation of the fashion industry, including fast fashion, mainly through the lens of EU environmental law (also taking into account the requirements related to social and economic domains). Some environmental law areas, such as ecolabelling, textile waste management, etc., are covered only partially.

The supply chain of the clothing industry has a lot of negative impact at every step (Niinimäki *et al.*, 2020). This supply chain includes a lot of industries (agriculture, chemicals, energy, transportation, retail, etc.). Additionally, embraced by the instances of irresponsible consumer usage, these negative impacts can jeopardize achieving sustainable development. More specifically, the clothing industry consumes a lot of water, produces 8 to 10% of global CO<sub>2</sub> emissions, uses a lot of chemicals (around 15,000), and generates a large amount of waste (more than 92 million tonnes annually) (Niinimäki *et al.*, 2020). The industry embraces the immense direct negative environmental impact by using greenwashing techniques, which can jeopardize the responsible consumption of garments, accounting for further environmental impact. According to the explanatory memorandum to the proposal for a directive on the substantiation and communication of explicit environmental claims (Proposal for the Green Claims Directive, 2023), presented in 2024, greenwashing is specified as “*the practice of making unclear or not well-substantiated environmental claims*” (Proposal for the Green Claims Directive, 2023).

Besides the environmental concerns, there are other concerns regarding the textile industry, including those related to the social domain, such as, for example, labour abuses in factories abroad (abuses towards pregnant workers, forced overtime work, etc.) (Human Rights Watch), and garment workers being rated among the lowest-paid industrial employees worldwide (Adegeest, 2024). Besides, different environmental and social concerns (hidden costs) are not adequately addressed by economic means. These and other concerns are also linked to high production and consumption patterns, since there are high projections for production and consumption of textiles. For example, the number of annually produced clothing doubled from 2000 (surpassing 100 billion in 2014), and the global consumption of clothing is going to rise by 63% by 2030 (Cardona, 2025). Besides, according to the research from the Ellen MacArthur Foundation, every year, globally, customers lose out on USD 460 billion by discarding garments that they could still wear, with some garments that are estimated to be discarded after only 7-10 times of being worn (Fashion and the circular economy, 2019).

All these negative effects on all the dimensions of sustainable development represent the so-called “externalities” of the textile sector, as such, or the “hidden costs” of the industry, which have a significant societal burden, meaning that the true cost of the garments is higher than the price indicated on the labels. The negative environmental and other concerns of the textile industry could illustrate one of the examples of the “tragedy of the commons”, a concept introduced by Hardin, when the environmental carrying capacities and limited resources are seen as primary challenges, and people overuse such limited resources, limiting the abilities of others to utilize the same resources (Hardin, 1968). Thus, such externalities of the textile industry illustrate the “tragedy of the commons”, as such shared resources like clean water and other environmental media are polluted or depleted. Textile sector players, acting in a rational way to minimize the costs, pollute or overuse the labour or other resources without bearing all the costs, meaning they use these assets for free. This can lead to the degradation of common assets or other resources and impose environmental and social burdens on everyone.

The textile industry's negative environmental and other impacts can incentivize regulators to rethink regulatory approaches. The EU is leading the way in promoting “sustainable and circular” fashion (textiles) through public policy and supporting enterprises adopting slow fashion values to transition to a greener, circular, resilient, and digital economy by the proposals based on the 2022 EU Strategy for Sustainable and Circular Textiles (EU Textiles Strategy, 2022) and the 2020 Circular Economy Action Plan (CEAP) with its sustainability features. Dozens of EU proposals or adopted instruments could touch the textile sector. Some of the most prominent are the legal developments addressed explicitly by the EU Textile Strategy and are analyzed in Part II of the dissertation. The 2022 EU Textile Strategy is an important framework for many current legal developments. But, taking into account the new 2024-2029 European Parliament (EP) and 2024-2029 European Commission (EC), the EU seems to be updating its vision on sustainability with the help of the Competitiveness Compass. This vision could shift from considering sustainability as a final aim to viewing it as a way to enhance the EU's competitiveness by means of omnibus and other proposals (A Competitiveness Compass for the EU, 2025). The Competitiveness Compass does not directly impact the textile sector; however, with this, the EU is reassessing its regulatory framework to strike a balance between sustainability objectives and economic growth, for instance, by simplifying certain sustainability requirements (e.g., sustainability reporting) as well as calling for withdrawal of some long-awaited green claims rules (Segal, M., 2025). In the future, this simplification (or even deregulation) of sustainability

rules could serve as a possible constraint for achieving sustainability in the EU and in the textile sector, in line with other sectors. Besides, in October 2025, the EC published an initiative on the strategy on intergenerational fairness that is planned to “*help ensure that today’s decisions do not harm future generations and to promote stronger solidarity and engagement between people of all ages*” (Strategy on intergenerational fairness, 2025); however, it is not yet clear what it would contain and how it would see the sustainability as such (and its intergenerational aspect), as well as how it would correlate with the abovementioned deregulation efforts.

The EC, according to the 2022 EU Textile Strategy, sought to make the textile industry circular and not to proceed with the linear economy anymore. Circular economy (CE) is a regenerative system (Geissdoerfer *et al.*, 2017) seeking to reduce the consumption of resources (Bartl and Ipsmiller, 2023). At the same time, some scholars believe that CE cannot fully address environmental issues, and it may also stimulate consumption (Wegmann, 2020).

Despite being developed upon the strategy of “circular and sustainable” textiles, the proposed EU rules (in line with a few existing legal instruments) are concentrated chiefly on circularity aspects and not much on sustainability in its whole entirety (as circularity is seen as a prerequisite or a component of sustainability; however, it cannot be seen as an interchangeable element to sustainability). However, CE, even representing a very important and necessary set of legislative efforts, cannot be seen as a self-standing game-changer for the creation of sustainable textile rules (Korchahin, 2023). Besides, the EU Textile Strategy focuses on product-related aspects and does not tackle the issues of overproduction and overconsumption as such (Maldini and Klepp, 2025). This sort of misuse of circularity and sustainability (or sometimes using sustainability but implying CE aspects instead) aligns with scientific debates on strong vs. weak sustainability (Pelenc, 2015). The improper or contradictory use of the word “sustainable” in numerous EU policies and legal documents signals that this “*notion is being increasingly used as substitute for positive, favourable development, thereby losing its environmental precision*” (Krämer and Badger, 2024, p. 11). Sustainability (and sustainable development as such), derived from the global arena, is an important concept that, if used in the names of regulatory acts, including for textiles, should be well addressed in the norms (texts) of such acts or proposed instruments. Some scholars argue that the UN Sustainable Development Goals (SDGs) need to be defined more precisely (Kim, 2016) and that sustainable development should be tackled as a relative obligation for states (Barral, 2012). At the same time, even without a legally binding definition of

sustainable development, the EU still integrates it into its policies (Kenig-Witkowska, 2017; Avilés, 2014). The current state of the planet signals the necessity to achieve sustainable development (Richardson *et al.*, 2023); therefore, it is important to review the current and proposed legal developments and to optimize them to create not only a circular but also a fully sustainable textile industry in the EU. Therefore, legal interventions may be necessary to achieve sustainability within a textile system whose negative impacts threaten the balance between social, economic, and environmental and horizontal components (or, in other words, threaten to achieve sustainable development). Consequently, the current EU legal concentration primarily on circularity for textiles, instead of the sustainability in its entirety embraced by the newly announced EU sustainability deregulation efforts, could distance the EU textile-related rules from the principle of sustainability, as described below, and initiate regulatory interventions to make sure the principle of sustainability is taken into account during the rulemaking for textiles.

The dissertation distinguishes between circular and sustainable textiles. The approach of circular textiles aims to use the products for as long as possible (via reuse, recycling, and regeneration) to minimize waste and reduce the consumption of resources. The approach of sustainable textiles takes into account broader sustainability aspects beyond circularity, considering environmental, social, economic, and horizontal factors together throughout the entire lifecycle of textiles.

Thus, the EU textile regulation is currently more concentrated on circularity aspects and not much on sustainability in its entirety, which can be seen as the *status quo* or current *modus operandi* of the EU textile regulation. The main scientific issue addressed in the dissertation revolves around the validity of this *status quo* in the EU textile regulation as to its alignment with the principle of sustainability, i.e., the dissertation seeks, by various methods, to provide an assessment of it and challenge the *status quo* or current *modus operandi* and propose its vision on the look of the EU textile regulation to better align with the principle of sustainability.

**Thesis outline and hypothesis.** The current research investigates the sustainable development legal requirements for textiles in the EU for the sake of a more environmentally, socially, and economically responsible textile industry in the EU, but not mainly circular (that has its focus only on some aspects needed for sustainability but does not concentrate on sustainability in its entirety) while considering the chronological evolution and legal ornament of sustainable development as such. The idea behind the dissertation is, *firstly*, to analyze the chronological evolution and, *secondly*, the place of sustainable development in the international and EU rule-making as well as, *thirdly*, to

comprehensively analyze the current state of the EU textile-related legislation and proposals, as well as, *finally*, provide a view on the most effective regulatory approach that would most benefit the emergence of an indeed sustainable EU textile industry (the regulatory approach that aligns with the principle of sustainability the most).

This dissertation utilizes sustainable development requirements as the specific legal norms and proposed rules that could help to achieve sustainable development objectives in a specific sector, particularly in the textile sector. It refers to the Sustainable Development Goals (SDGs) and their three dimensions: environmental, social, and economic sustainability, as well as to interconnected horizontal areas. The title of the dissertation, “Sustainable Development Policy Requirements for the Fashion Industry in the EU: Current State and Outlook for the Imminent Future”, was chosen since the focus of this dissertation is on the analysis of the EU textile regulation rules (those that are already in force and those being developed). Thus, sustainable development requirements are defined as EU textile-related current legislation and legal proposals designed to implement the SDGs in practical contexts of the EU. In line with the three classic components of sustainable development, namely environmental, social, and economic, as well as an additional horizontal one, this dissertation divides sustainable development requirements for textiles in the EU into four categories: environmental requirements, social requirements, economic requirements, and horizontal requirements. Environmental EU textile requirements are defined in this dissertation as those that aim to reduce the level of harm to the environment at each step of the textile supply chain. Social EU textile requirements are defined in this dissertation as those associated with labour-related requirements (related to forced labour), educational requirements, and advertising requirements. Economic EU textile requirements are defined in this dissertation as those related to taxation issues, extended producer responsibility fees, and price floors. Horizontal requirements are called this because they are outside the classical triad of sustainability (social, economic, and environmental aspects), but also apply across multiple industries for the sake of sustainability. Such horizontal aspects are also connected to that sustainability triad but stay a bit aside from this classical division and relate, in this dissertation, to such aspects as sustainability reporting/due diligence requirements and deforestation due diligence requirements that assist in achieving sustainability (transparency aspects). The primary role is given to the analysis of EU legal rules for the textile sector, as a vast part of the fashion sector as such. The reference to the law and specifically to a particular branch of the law or legal system, which is analyzed in the dissertation, is given particularly to the EU law. There are also

instances of references to the national and international legislation and some court decisions, as will be elaborated below. The part of the title, particularly “Current State and Outlook for the Imminent Future”, refers to the analysis of the current textile-related EU rules and providing a view on the most effective regulatory approach that would most benefit the emergence of an indeed sustainable EU textile industry (the regulatory approach that would align with the principle of sustainability the most) that may become a regulatory reality in the coming times.

This dissertation suggests that focusing solely on environmental requirements designed to reduce environmental harm (thus relying almost solely on the aspects of circularity) is not enough to achieve an entirely sustainable textile system in the EU, which should include all the abovementioned aspects. Therefore, for the achievement of an entirely sustainable textile system in the EU, all the above-mentioned categories (environmental requirements, social requirements, economic requirements, and horizontal requirements) should be considered together and translated into regulatory decisions, together with practical legal limitations for consumers.

Therefore, the thesis consists of **four main parts**.

The first part, chronological evolution and legal orchestration of sustainable development as such, examines the evolution of the sustainable development concept and the influence of its main chronological milestones on the corresponding framework policies and current and prospective regulations in the EU in line with the legal ornament of sustainable development. This stage will help to identify the place of the concept of sustainable development in the international and, especially, EU rulemaking, which, in turn, will help assess the gaps in the current policies and propose enhancements to achieve a more resilient and responsible textile industry in the subsequent parts of the thesis.

The second part of the thesis examines the current and proposed environmental rules (requirements) for textiles in the EU and their impact on the industry and consumers. The focus of its part is on analyzing the existing legal instruments and proposals, in which attention is given to achieving circularity in the textile sector and reducing environmental harm. These requirements are analyzed using a supply chain approach, since garments are products, and the legal requirements with regard to the whole chain, ranging from production until consumer use and becoming waste, should be traced. These requirements are evaluated through the “current regulatory circularity credit (CRCC)” approach (a method developed by the author to assess the current level of regulatory potential in circularity-related legal measures by categorizing regulatory measures into three levels (low, moderate, and high),

depending on the degree of obligation and impact on consumer behaviour, as will be elaborated in a more detailed manner below), which helps identify improvement opportunities.

As mentioned above, this dissertation suggests that focusing mainly on reducing environmental harm (on environmental requirements, implying circular aspects) in the textile industry is not enough to achieve a fully sustainable textile system. In addition to identifying gaps in the current and proposed requirements, proposed optimization measures are recommended. However, these measures will only enhance the circularity power of the current regulations, and a broader set of requirements, including social, economic, and horizontal aspects, together with proper legislative consumption limitations, must be adopted to achieve a genuinely sustainable textile system. As mentioned above, a genuinely sustainable textile system would include and assess all four categories (environmental requirements, social requirements, economic requirements, and horizontal requirements) that should be considered together and translated into regulatory decisions.

Therefore, the third part of the dissertation focuses on important social, economic, and horizontal requirements for sustainability in textiles in the EU, including labour rules, sustainability reporting, tax and advertising rules, etc.

The fourth part of the dissertation revolves around consumer limitations and also examines examples of textile-related legal requirements from other jurisdictions (non-EU supranational ones, chosen due to their active initiative on the specific changes with regard to textile regulation) to see if they can be implemented in EU legislation or if they are already aligned with the EU measures. This part gives a view on the most effective regulatory approach that would most benefit the emergence of an indeed sustainable EU textile industry (the regulatory approach that would align with the principle of sustainability the most). This part also suggests that introducing legislative consumer limitations is necessary to achieve a sustainable EU textile system. Our Common Future Report says that “*painful choices have to be made*” to achieve sustainable development (Our Common Future Report, 1987). This could be used as a reference for introducing certain consumer limitations to achieve sustainable development in the textile sector, thus “no pain, no sustainable development gain” in the textile domain. Thus, the different scores of regulatory sustainability value (RSV) of textile requirements within the EU, which will be addressed later below, will help to describe the regulatory approaches towards the EU textile regulation that better align with the principle of sustainability, with the highest score of the RSV that would benefit the creation of a sustainable textile ecosystem in the EU and change the *status quo* or current *modus operandi* of the EU legislator (which is to be

concentrated on circularity aspects and not much about sustainability in its entirety as such).

Thus, the research provides a view on the most effective regulatory approach for the textile industry within the EU that would benefit the emergence of an indeed sustainable EU textile industry and would align with the principle of sustainability the most.

Thus, the current research will prove the following **hypothesis**: “To create a regulatory approach for a truly sustainable textile ecosystem in the EU, we need to assess current EU environmental textile requirements (the current legislative *status quo* or current *modus operandi* of the EU legislator, which is built mostly upon circularity) and explore broader social, economic, and horizontal requirements embraced by other legislative strategies, including consumer limitations”.

More specifically, to achieve not mostly a circular (as it is currently developing) but also sustainable (in its entirety) textile ecosystem in the EU, there is not only a need to identify gaps and propose optimization measures for the current and proposed circularity (environmental harm reduction) requirements, but it is also needed to touch on other sustainability features (social, economic, and horizontal requirements) and analyze the possibility to adapt legislative approaches from other jurisdictions (or check if they are already aligned with the EU measures) on the EU supranational level and consider the introduction of the EU-wide consumer limitations.

In other words, it would help to identify a view on what regulatory approach would benefit the creation of a sustainable textile ecosystem in the EU the most and change the *status quo* or current *modus operandi* of the EU legislator (which is to be concentrated on circularity aspects and not much about sustainability in its entirety as such), taking into account the chronological and legal evolution of sustainable development as a concept, the current textile-related legislative *status quo* in the EU, as well as assessing the legislative examples from other jurisdictions and possible consumer limitations. The focus of the hypothesis is on identifying a view on the regulatory approach that goes beyond the focus on circularity and takes into account wider sustainability concerns.

This hypothesis can be effectively linked to several EU environmental law principles, with a primary role of the principle of sustainable development, and, thus, has a solid legal academic value.

The first link is to the principle of sustainable development, which is a “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (Our Common Future Report, 1987), consisting of environmental, social, and economic components

(as well as the interlinked horizontal component) and, thus, seeks to balance economic, social, and environmental considerations to ensure the well-being of current and future generations. The Treaty on European Union (TEU) in Article 3.3 dictates that “*the Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance*” (Consolidated version of the TEU). Also, Article 21.2 (f) says that “*the Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:... (f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development*” (Consolidated version of the TEU). And the Treaty on the Functioning of the European Union (TFEU) in Article 11 mentions that “*environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development*” (Consolidated version of the TFEU). By aiming to show a view of a truly sustainable textile ecosystem, the hypothesis supports the intergenerational equity aspect of sustainable development and promotes an integrated policy and legal approach that ensures long-term benefits and reduces negative social and environmental impacts. Thus, the principle of sustainable development could be a primary basis for the development of the textile-related rules in the EU that could take into account all the constituent components of sustainable development.

Additionally, the legal measures specified in this dissertation can align with the precautionary principle, which dictates preventive measures to be adopted in case of uncertainty. According to the 2002 judgement of the EU Court of Justice, “*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*” (Artegodan and others v. Commission, 2002). It is enshrined in Article 191 of the TFEU and dictates that “*Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay*”

(Consolidated version of the TFEU). Thus, this principle, being one of the cornerstone principles of the EU environmental law, could justify any proactive legislative measure to address any known or potential harms deriving from the textile sector and prioritize prevention over reaction, as well as being a legal basis for textile-related rules.

Similarly, the polluter pays principle is highlighted, which “*is first of all an economic principle and has to be understood as expressing the concept that the cost of environmental impairment, damage and clean-up should not be borne via taxes by society, but that the person who caused the pollution should bear those costs*” (Krämer and Badger, 2024, p. 26). It also derives from Article 191 of the TFEU, specifying, among other things, “*that environmental damage should as a priority be rectified at source and that the polluter should pay*” (Consolidated version of the TFEU). The polluter pays principle, being also among the cornerstone principles of the EU environmental law, could be mobilized to eliminate the widespread externalities of the textile industry, as mentioned above. Thus, since this principle holds that those who cause environmental harm should bear the costs of managing and mitigating that harm, it specifies the need for legislation that ensures the textile industry takes responsibility for its environmental and other impacts.

The hypothesis can also be linked to the principle of proportionality, a fundamental general legal principle in EU law, which requires that any legislative measures taken should not exceed what is necessary to achieve the intended objectives. More specifically, according to Article 5.4 of the TEU, “*under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties*” (Consolidated version of the TEU). This principle can ensure that the proposed view on the regulatory approach for textile sustainability is not burdensome, therefore balancing the different interests of all stakeholders, including businesses, consumers, and the environment.

These also reflect the main objective of the EU environmental law and policy, to protect the environment. As mentioned above, Article 191 of the TFEU specifies that “*Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay*” (Consolidated version of the TFEU). According to Article 37 of the Charter of Fundamental Rights of the European Union, “*a high level of environmental protection and the improvement of the quality of the*

*environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development” (EU Charter of Fundamental Rights).*

However, it must also be mentioned that the principles of EU environmental law enshrined in the TEU and the TFEU are, in practice, not self-executing. They need to be operationalized via secondary EU legislation; whereas, they are a necessary fundamental legal basis, which requires a concrete legal action to be implemented and consequently enforced.

**The main purpose of the dissertation and its objectives (tasks).** Sustainability has become a significant core value and foundation of EU policymaking and rulemaking. The EU will likely adopt most of the proposals incorporating the circular textile ecosystem to minimize the high environmental cost and the overall negative impact of the textile sector. After analyzing some textile-related proposals, it is clear that the EU can significantly regulate textiles in the future. At the same time, it is important to underline that even when the proposed measures are important, they are not considered to be fully sustainable, still prioritizing economic aspects by applying a circularity (or harm reduction) approach. Therefore, they can currently be seen as half-measures rather than self-standing game-changers for sustainable development (which is about balancing the environmental, social, and economic as well as interlinked horizontal aspects). A truly sustainable textile ecosystem that aligns with the principle of sustainable development would include not only circular elements (when resources are kept in the economy for as long as possible) but, in addition, would encompass broader principles of sustainability beyond just circularity, showing that “sustainability”, as mentioned above (Krämer and Badger, 2024), started to be more frequently used as a synonym for some positive change, which can now lose its environmental significance.

So, it is crucial to optimize the current legislation and proposals concerning environmental requirements (mostly circularity-related) and address other requirements needed for sustainability: social, economic, and horizontal requirements. However, it is also important to take into account textile-related legal developments in foreign jurisdictions (to set a clock between jurisdictions, as specified in Part IV, by introducing similar changes or underlining the alignment of the current or proposed rules), as well as think of the possibility of introducing some consumption limitations (as will also be seen in Part IV of the dissertation, the industry statistics, together with the projected population growth, mean that it would be necessary to do something with the growing demand for clothes in connection with the negative interaction of the textile industry with the environment).

Therefore, the main **purpose of the dissertation** is to assess the *status quo* or current *modus operandi* of the EU legislator in the EU textile regulation from the point of its alignment with the principle of sustainable development, and challenge it by providing a view on a regulatory approach that would benefit the creation of an entirely sustainable textile ecosystem in the EU the most and change this current *status quo* or current *modus operandi* of the EU legislator (which is to be concentrated on circularity aspects and not much about sustainability in its entirety as such), taking into account the chronological and legal development of sustainability as such, as well as assessing the legislative examples from other jurisdictions (to set the clock between jurisdictions) and other measures that can help achieve entire sustainability.

In light of the main purpose, the dissertation revolves around the following **objectives (tasks)**:

1. To examine the chronological background and legal orchestration of sustainable development/sustainability on the international level and the corresponding sustainability legal framework in the EU;
2. To assess the current and proposed environmental requirements for textiles in the EU (the current legislative textile-related *status quo*) and identify their shortcomings, as well as provide optimization measures for those from a sustainability perspective;
3. To analyze selected social, economic, and horizontal requirements for textiles in the EU (to see what other sustainability-related requirements are tackled in the EU and which are not yet addressed or under-addressed);
4. To analyze the textile-related legislative sustainability requirements in other jurisdictions. This task seeks to investigate the possibility of adapting such developments or their current alignment to the EU supranational regime of textile sustainability as a means of setting the watch with other jurisdictions (the criteria are specified below) to make sure that the previous requirements are taken into account;
5. To provide a view on the most effective regulatory approach that would benefit the emergence of a sustainable EU textile industry.

**Applied research methodology.** The objectives of this dissertation are met via a wide legal methodology, which is specified below. It is also important to note that some methodological aspects are presented in the introduction of the dissertation and also specified within each part of the dissertation.

This dissertation will use a qualitative approach, which is used to focus on analyzing, understanding, and interpreting legal acts, legal proposals,

policy documents, and other supportive sources, rather than on quantitative data (with the exclusion of statistical numbers, etc.). The methodology will use inductive and deductive reasoning to critique current legal approaches, build arguments, and propose a view on a better legal solution for the truly sustainable textile industry in the EU.

This approach's primary role is to use a doctrinal legal research methodology that incorporates conceptual and theoretical analysis, as well as the analysis of legal principles and norms. The objective of the doctrinal legal research methodology is to understand the law as such regarding the alignment of the textile industry with the sustainability standpoint, tracing sustainability's conceptual roots and analyzing its legal status.

The methods of the doctrinal legal research that are used in this dissertation are the following:

- Chronological analysis is used to analyze the chronological evolution of the concept of sustainable development as well as its main milestones.
- Linguistic analysis is used to analyze the meaning, use, and context of the sustainability-related terminology in the EU policy and legal documents/proposals.
- Legal status analysis, which is utilized to examine the legal status of sustainable development on the international law level and, eventually, in the EU and the instance of the national Lithuanian order (and the constitutional orders of some other selected EU MSs). For this, the sustainability-related cases of the UN International Court of Justice are utilized, including separate opinions of judges and advisory opinions (1997 Gabčíkovo-Nagymaros Project Case (Hungary/Slovakia); 2010 Pulp Mills on the River Uruguay (Argentina v. Uruguay); 1996 Legality of the threat or use of nuclear weapons), the CJEU cases (Ilva and Others, 2024; Accord de libre-échange avec Singapour, 2017), as well as the case from the Supreme Administrative Court of Lithuania (Administrative case No. eA-920-1188/2025). Such case law analysis is utilized to understand the legal orchestration of sustainability on a global scale (where this principle is crystallized) as well as in the EU and at the instance of the national (Lithuanian) level. Additionally, the utilization of the concept of sustainability in certain EU MSs' jurisdictions (Poland, Italy, Sweden, and Lithuania) is analyzed. The selection of these countries (jurisdictions) shows different EU MS trajectories and legal traditions related to the concept of sustainability in different legal orders that allow us to analyze the constitutional norms

in such states related to Nordic welfare, a founding member of the EU (and the Southern state), and the states with the post-Soviet or Soviet-influenced tradition. It can give a view on different forms of the constitutional recognition of sustainable development.

- Statutory and proposals analysis of the secondary EU law and policy frameworks, which are used for the analysis of the *status quo* of the current and proposed textile regulations (environmental requirements) in the EU, the environmental proposals (or, in some cases, already adopted instruments) based on the 2022 EU Strategy for Sustainable and Circular Textiles (EU Textiles Strategy, 2022) that could touch the textile sector are analyzed and embraced by the analysis of the EU laws related to other requirements needed for the entire sustainability, namely, social (labour-related requirements (related to the forced labour), educational requirements, and advertising requirements), economic (taxation, EPR fees, and pricing rules), and horizontal (sustainability reporting/due diligence requirements and deforestation due diligence requirements). The current textile-related regulatory status quo (represented in environmental requirements) is evaluated in this dissertation to assess its potential impact on the textile industry. Such evaluation is based on the Current Regulatory Circularity Credit (CRCC), a method developed by the author to evaluate the current level of regulatory potential of circularity-related proposed or adopted measures for textiles. The CRCC categorizes the regulatory potential into three types (low, moderate, and high), depending on the degree of the proposed or adopted obligation and its impact on consumer behaviour. Low CRCC applies to legal measures (the legal rule or a proposed change) that primarily focus on promoting voluntary compliance for textiles or those that exclude (directly or indirectly) their application for textiles. Moderate CRCC refers to legal measures (the legal rule or a proposed change) that actively facilitate more sustainable choices by the instruments of enhanced consumer awareness and labelling (except for hazard labelling) or those that present strict regulatory constraints but exclude some textile companies (or products) from its application or aim at certain operators in the textile industry, not being applicable universally (e.g., the requirement is not applicable to small and micro operators). High CRCC signifies the presence of strict regulatory constraints that mandate or prohibit certain actions and aims for the textile industry as a whole or for all textile products. This approach helped to identify improvement opportunities for the legal rules and proposed measures assessed (represented in environmental

requirements). These involve extensive reading, interpretation of relevant provisions, and linking them to the concept of sustainable development.

- Literature review, which is utilized to comprehensively review academic articles, legal scholarship, and reports from environmental and related think tanks. This helped to identify the gaps and understand existing interpretations and debates.

This approach's additional role is given to the use of comparative legal analysis, which is an important component for developing a view on the most comprehensive EU legal approach towards sustainability in the textile sector. The objective of the comparative legal analysis is to identify the best legislative practices and legal innovations from other jurisdictions that regulate textiles from a sustainability perspective and contrast the fast fashion and tobacco sectors with the aim of proposing advertising restrictions for textiles in the EU.

The methods of the comparative legal analysis that are used in this dissertation are the following:

- Jurisdiction selection. The main criteria for jurisdiction selection are territorial criteria (geographic diversity (the jurisdiction should not be the EU supranational order itself, e.g., a national EU MS or group of MSs, or any outside-EU jurisdiction)), as well as the scope of the textile-related rules (the scope must touch upon sustainability aspects for textiles or fashion in general). Thus, a comparative analysis is used to compare the textile-related legal developments from foreign jurisdictions (e.g., the French fashion bill and the New York Fashion Act) to analyze whether they could be adapted for the EU legal framework or if the EU framework already aligns with those.
- Parallel analysis, which is used to conduct a similar analysis for each selected jurisdiction of their relevant rule/proposal, based on such criteria as the scope of the regulation/proposal, the used legal instrument, as well as specific definitions, for the sake of analyzing and contrasting the approaches to see which could be used for the EU supranational order or which are already matching the EU regulatory trajectory.
- Comparative sectoral analysis is used to highlight the similarities between the fast fashion and tobacco industries to strengthen the argument for stricter advertising rules. The growing awareness of environmental and other adverse effects related to the fashion industry, as well as fast fashion, has influenced the legal rules and proposals

regarding this sector. Both sectors could be seen as similar regarding environmental and other negative aspects. It is thus important to compare both sectors from the perspective of their impacts, and the identification of parallels between them can be the reason to consider the adaptation of tobacco-like rules to the regulation of fast fashion. Since both industries can employ unethical advertising techniques (as discussed below), the primary area for adapting tobacco-related rules is the advertising sector.

Lastly, this approach's final role is given to the use of normative argumentation, which would crystallize the contribution of this research. Its objective is to provide a view on the best EU legal approach towards sustainability in the textile sector. The methods of normative argumentation that are used in this dissertation are the following:

- Synthesis, which is applied to synthesize and summarize relevant findings from previous stages.
- Strategic recommendations, which seek to provide a view on the best regulatory approach for sustainability in the textile sector. Providing the view will involve a four-step framework, which can serve as a toolkit for shaping the sustainability-related legal framework for textiles. This four-step framework is represented in different scores of the Regulatory Sustainability Value (RSV), introduced by the author to address the anticipated significance and impact of different approaches for the EU textile rules. The RSV provides a way to measure how specific regulatory measures contribute to sustainability in textiles. Specifically, the different scores of the RSV will help to describe how beneficial the regulatory approaches towards the EU textile regulation would be (more details are given in Part IV of the dissertation). By applying this method, policymakers and lawmakers can identify the most effective regulatory approach for the EU's sustainable textile framework. The RSV can be seen as an initial decision-making tool to identify the regulatory gaps and outline future legal steps.

As tools, the qualitative approach in this dissertation uses various sources and databases, including EUR-Lex, the CJEU case database, the ICJ case database, Web of Science, Scopus, Springer Link, Kluwerlaw, etc., and supplementary tools like Google Alerts, Connected Papers, and Google Scholar. Additionally, the Grammarly tool has been used for language assistance (spelling correction, grammar correction, punctuation correction, and improving the clarity of the text). Also, a range of statistical, press, UN data, and social media reports support some of the findings in the dissertation.

**The main statements defended in this thesis.** Both the purpose and objectives (tasks) of the dissertation lead to the following statements:

1. The dissertation suggests that the chronological evolution of the concept of sustainable development has influenced framework policies and regulations on this matter, including in the EU, and it can help to identify the place of sustainable development in legal frameworks, especially within EU rulemaking. Different social, economic, and environmental factors have influenced the historical evolution of sustainable development, which has significantly developed from early movements to contemporary SDGs. At the moment, it has its own place in the EU rulemaking, and it requires different industries, including the textile one, to comply with sustainability-related requirements. In the EU, there is a lack of coherence in the sustainability-related terminology, despite the fact that the sustainability concept has a prominent place in the EU legal framework. Sustainable development (sustainability) and circularity (or harm reduction) are often combined or misused, and the current trajectory of the EU textile legislation is not aimed at sustainability as such.
2. The dissertation suggests that focusing mainly on environmental requirements, such as circularity, is not sufficient to achieve a truly sustainable textile system in the EU. Instead, it would require more requirements to be taken into account.
3. The dissertation proposes a view on the textile-related regulatory framework in the EU that includes considering social, economic, and horizontal requirements, together with specific, limited consumer limitations and foreign legal examples, in addition to environmental requirements. The legal framework that takes into account all these aspects can be seen as the best regulatory approach that can help to make the EU textile industry indeed sustainable.

### **Level of research in Lithuania and abroad: an overview of the literature used.**

The literature review seeks to find out the current scientific works and publications that would help to address the hypothesis of the dissertation, which aims to identify the most effective regulatory approach for textile-related legislation for promoting sustainable textiles in the EU, going beyond the current focus on circularity to encompass broader sustainability goals.

The literature review for the dissertation was done with the use of different sources and databases, including Web of Science, Scopus, Springer Link, Kluwerlaw, and additional tools, such as Google Alerts, Connected Papers, and Google Scholar. The searches in the abovementioned databases

for the following subjects: “regulatory approach for textile legislation in the EU”, “Textiles, EU, sustainability, regulation”, and “textile regulation, EU” disclosed limited scholarly articles and other publications that would address the hypothesis of the dissertation.

The narrow research scholarship on the matter signals that there is a necessity for stronger research with regard to the legal aspects of achieving sustainability in the textile sector in the EU. The currently existing scholarship has its main focus on the EU’s prioritization of circularity, mostly just briefly addressing broader sustainability aspects.

Additionally, the scholarly research related to the chronological, legal, and ethical dimensions of sustainability is utilized and embraced by the scholarly research used to support other chapters of the dissertation, which range from social to other aspects of sustainability. Thus, the scholar's findings, arranged according to the outline of the dissertation, are described below.

Overall, Lithuanian and foreign legal scholarship lacks a detailed conceptual analysis of the current state of the EU textile regulation and corresponding proposals, as well as a detailed view of the best regulatory approach for a truly sustainable textile ecosystem in the EU. This thesis seeks to fill this gap in legal scholarship.

However, other sustainability-related aspects that are helpful to achieve the objectives of the dissertation are quite wide, both in Lithuanian and, especially, in foreign legal scholarship. For example, important contributions of the Lithuanian scholarship to the discourse regarding sustainability range from the aspects of philosophical roots of sustainable development (Molotokienė, 2020) to the comprehensive analysis of sustainability in the fashion industry (Daukantienė, 2023). Also, the hypothesis of the dissertation is linked to the idea of Linas Meškys, who stated that the object of environmental law should be transformed in the context of sustainable development to include not only the aspects of the environment as such or the rational use of natural resources, but also the concept of sustainable development (Meškys, 2013). These are valuable examples of Lithuanian topic-related legal scholarship in the English language.

In addition, foreign legal scholars are dealing with important chronological aspects of sustainability, for example, Grober Ulrich (Grober, 2007), David Mhlanga (Mhlanga, 2023), etc.; the conceptual meaning of sustainability, for example, Dan Cristian Duran and others (Duran *et al.*, 2015), Eila Jeronen (Jeronen, 2013), etc.; EU sustainability and law-related developments, for example, Maria Kenig-Witkowska (Kenig-Witkowska, 2017), together with textile-related EU legal aspects, as Piera Centobelli and

others (Centobelli *et al.*, 2022), etc.; and fashion supply chain environmental impacts, for example, Kirsi Niinimäki and others (Niinimäki *et al.*, 2020), etc., among other aspects.

The general review of the literature used in this dissertation, according to its outline, is presented below. Besides this review part, a more detailed review of the used literature is given in the text of this dissertation.

*Firstly*, the literature review for the first part of the dissertation explores the history of sustainability (from philosophical roots in ancient Greek philosophy to more modern interpretations). Ancient Greek philosophers would adhere to what is now famous as sustainable development (Molotokienė, 2020). The concept is also traced back to the European Enlightenment era, when German foresters practiced sustainable woodland management (Grober, 2007). Also, it analyzes the concept of sustainability and sustainable development (Duran *et al.*, 2015; Faber *et al.*, 2005; Jeronen, 2013; Mhlanga, 2023; Kim, 2016; Ripple *et al.*, 2019; Ripple *et al.*, 2022; Richardson *et al.*, 2023, etc.) and its normativity on the international and supranational (EU) level (Barral, 2012; Kenig-Witkowska, 2017; Avilés, 2014). Besides, it analyzes important concepts related to sustainability, such as circular economy (CE) (Bartl and Ipsmiller, 2023; Geissdoerfer *et al.*, 2017, etc.), harm reduction (Stephen *et al.*, 2018), and the dichotomy between strong and weak sustainability (Pelenc, 2015). Thus, the literature review of the first part of the dissertation focuses on the chronological and philosophical application of sustainability and a detailed analysis of its contemporary conceptualizations and global development, consequently addressing the challenges for achieving different levels of sustainability.

*Secondly*, the literature review for the second part of the dissertation deals with environmental impacts from the textile sector as well as the EU's textile-related legal rules and proposals. The textile supply chain clearly impacts the environment (Niinimäki *et al.*, 2020). The EU wants to transform the textile industry towards circularity (Centobelli *et al.*, 2022). All the negative impacts around the textile industry could be seen as examples of the concept introduced by Hardin, "tragedy of the commons" (Hardin, 1968). Sustainable fashion would include fair trade, reducing environmental impact, recycling, and durability (Pires *et al.*, 2024). There is still a rise in the consumption levels in the EU (Firoiu *et al.*, 2024), and there are challenges of circularity in the fashion industry (Gautam, 2024; Saif *et al.*, 2022). Besides, the EU Textile Strategy, being concentrated on the product-related measures, primarily seeks to achieve product durability and does not tackle the issues of overproduction and overconsumption as such (Maldini and Klepp, 2025). Thus, the literature review of the second part of the dissertation focuses on

examining the negative environmental impacts of the textile industry within its whole supply chain by framing these negative impacts as a “tragedy of the commons”. Besides, it analyzes the EU developments for circular textiles, acknowledging the current challenges of rising consumption and the issue with the effective implementation of the circular model.

*Thirdly*, the literature review for the third and fourth parts of the dissertation concludes by discussing the importance of balancing environmental, social, and economic factors to achieve genuine sustainability, noting the roles of consumer behaviour and foreign examples of regulatory frameworks. The achievement of real sustainability in the fashion industry requires involving environmental, social, and economic factors (Daukantienė, 2023). The fashion industry moves towards circularity and digitalization; however, there is a need to also address social and economic aspects (Marinova and Radev, 2023). The rise of fast fashion influences the consumer change towards circularity (Conceição and Cipolla, 2021). Some EU rules aim to improve the rights of workers in the supply chains and improve transparency in general (Velluti, 2024). Collaborative governance with the primary role of state cooperation is also important to introduce sustainability transformations in the textile sector (Beyers, 2024) and the need to follow the global fashion-related policies (Mizrachi, 2024). As defined by Nair, sustainable development focuses on meeting basic needs without depleting resources faster than they can be renewed (Nair, 2020), etc. Thus, the literature review of the final parts of the dissertation focuses on the genuine textile sustainability concept that depends on balancing broader factors: environmental, social, economic, and horizontal ones.

**Scientific novelty and significance of this thesis.** The scientific novelty lies in the issue that the dissertation revolves around not only the analysis of the *status quo* or current *modus operandi* of the EU legislator in textile regulation, but it also challenges the *status quo* or current *modus operandi* of the EU legislator and provides a view on a regulatory approach that would benefit the creation of an entirely sustainable textile ecosystem in the EU the most and change this current *status quo* or current *modus operandi* of the EU legislator (which is to be concentrated on circularity aspects and not much about sustainability in its entirety as such). By this, this dissertation would fill the research gap, which is represented in the lack of a detailed conceptual analysis of the current state of the EU textile regulation and corresponding proposals, by providing a detailed view of the best regulatory approach for a truly sustainable textile ecosystem in the EU.

Besides, given the latter, this research's novelty also lies in its holistic (considering the entire system of interconnected sustainability components,

instead of just some individual component) and industry-oriented (concentrating on the textile industry as such) approaches, which seek to comprehensively analyze how EU legislation should be better approached to achieve true sustainability in the textile sector.

Due to the importance of sustainable development in the global context, it is important to explore further the legal implications of this concept, especially in the context of textile regulation in the EU. As a result, this research will contribute to a better understanding of textile sustainability from a legal perspective and help rule-makers make informed decisions regarding the legal framework of textiles in the EU for any potential revisions or reforms.

Besides, the primary social aim that is to be achieved by the current research is to approximate the emergence of not only a circular but also an entirely sustainable textile ecosystem in the EU, especially in light of the emergence of “fast” fashion. To achieve sustainability in the textile sector, there is a need to slow down the “fast” fashion, among other things. The EU needs more “*precise regulation of fast fashion*”, the Finnish Youth Parliament said during the meeting in the House of Parliament in April 2024. In the plenary session of the Youth Parliament, during the voting for young parliamentarians, the majority of them voted in favour of lobbying “*the EU for more precise regulation of fast fashion*”, media reported (Keski-Heikkilä, 2024).

Therefore, in the dissertation, the concepts of “slow” fashion and “fast” fashion can serve as important points of reference, but in line with other interlinked social goals, like, for example, addressing a dichotomy of consumer empowerment and consumer limitations. Without these, it would be hard or even impossible to reach sustainability, especially in light of the planet's growing population and the growing demand for textiles.

**Limitations in the dissertation.** Since the dissertation concentrates mainly on the textile industry (conventional textiles), the regulation for specific segments (e.g., fur, leather, etc.) as well as for some unique materials with special composition and functionalities (e.g., bio-based and e-textiles) is out of the scope of this dissertation unless some of the regulatory aspects for these segments are somehow linked to the conventional textile products.

In addition, it is essential to highlight that when analyzing the EU textile-related laws and proposals, due to the product-level-oriented sustainability analysis in this dissertation, the EU Industrial Emissions Directive (concentrating on the industrial installation level) and its ongoing revision are out of the scope of this dissertation, together with the Best Available Techniques (BAT) for the Textiles Industry.

Also, the dissertation excludes the analysis of certain specific rules (e.g., textile waste shipments or the distinction between waste and other products), since they are highly technical topics and fall under the specialized branch of law (e.g., waste management law).

Additionally, it must be mentioned that the non-binding global textile industry or related standards (e.g., the GRI (Global Reporting Initiative) Standards, Dow Jones Sustainability Indices (DJSI), HIGG Index by the Sustainable Apparel Coalition, etc.), as well as industry-specific certificates (FAIRTRADE, Better Cotton Initiative, Global Organic Textile Standard, etc.), are also out of the scope of the dissertation. In most cases, they are self-assessing and could be highly influenced or used for greenwashing.

Also, the general artificial intelligence (AI)-related aspects and legal frameworks are out of the scope of this dissertation, since they may play a supporting role for textile sustainability rather than being a primary regulatory tool.

Besides, the effects of the so-called “high” fashion are out of the scope of this dissertation since the “high” fashion industry is considered to be quite sustainable, to the point that the “high” fashion items are considered to be artistic pieces (unlike the “fast” fashion or conventional items that are purely functional objects) and sometimes even can be seen as a means of investment.

## **PART I. CHRONOLOGICAL AND LEGAL PATH OF SUSTAINABLE DEVELOPMENT**

The invention of the incandescent light bulb and, later, light-emitting diodes (LEDs) has changed the usual flow of human life; together with their apparent advantages, they influenced the natural process of human sleep, negatively impacting the latter (Walker, 2022, p. 338).

The same scientific developments that were initially trying to raise the quality of people's lives and satisfy the industrial need after the Industrial Revolution and further revolutions in the first place eventually ended up revealing particular shortcomings, not only for social and economic dimensions but primarily for our environment. Thus, the negative interaction of any industry, including the textile industry, with the environment postpones the achievement of sustainable development, which is understood as a *“development that meets the needs of the present without compromising the ability of future generations to meet their own needs”* (Our Common Future Report, 1987), consisting of environmental, social, and economic components (as well as an interlinked horizontal component).

Thus, innovations often intended to bring about positive change can also unintentionally harm the environment through various mechanisms. Therefore, the negative effects on the environment can be in the form of pollution, climate change, waste generation, chemical contamination, etc.

In those case scenarios, where the massive shift of negative consequences to such dimensions of our environment destroys the balance between other systematic components (such as social and economic ones), a political and, consequently, legal intervention is needed to find a new balance within a system, in other words, to maintain the sustainability of a particular system so it can evolve while being self-sustaining at the same time. In order to mitigate the abovementioned negative impacts, in line with others, it is important to apply a holistic approach to change the life cycle of innovations towards sustainability.

Achieving self-sustainment (or sustainability as such) is associated with development, which is called sustainable development (the analysis of the correlation between “sustainability” and “sustainable development” is given in the next chapter of this dissertation work; in this dissertation work, both concepts imply each other). In this regard, it is crucial to trace the becoming of the concept of sustainable development (sustainability). After analyzing its chronological expansion, it is clear how far this concept may go into the legal realm in the EU. In addition, the analysis of its current legal and conceptual contours will help assess the EU's legal developments that aim to achieve

sustainable development (in the textile sector), namely, whether those can indeed be called this way or represent another core aim.

Sustainable development (or sustainability) is a concept that is understood to be a practical way of balancing economic growth with environmental protection and social development. The concept as such has gradually evolved through different political forums and discussions. This process has taken over fifty years if we talk about modern history. The United Nations (UN) promoted sustainable development (and sustainability) via international forums. But its roots can also be found in the Middle Ages or some earlier historical periods. The idea of sustainable development (or sustainability) is widely used, and sometimes, it is unclear how it falls under the legal realm. The current legal contours of sustainable development are not stable, making scholars look for a more proper outline. Therefore, the current part of the dissertation overviews the chronological tracking of sustainable development (or sustainability). Besides, it seeks to reveal the current legal nature of sustainable development.

Thus, this part examines the evolution of the sustainable development concept and the influence of its main historical milestones on the corresponding framework policies and current and prospective regulations in the EU in line with the legal framework of sustainable development. This part will help to identify the place of the concept of sustainable development in international and EU rulemaking and in its use in specific EU policies (the textile policy in particular).

Achieving sustainable development requires the collective efforts of individuals, governments, and organizations. Such collective efforts would not be efficient if the legal element stood aside.

### **1.1. Chronological evolution of sustainable development**

In light of the more frequent use of the concepts of “sustainable development” and “sustainability”, it is believed that a fresh look should be given to the chronological analysis of the history of its formation, with particular attention given to the most dominant milestones.

The modern history of sustainability started more than fifty years ago in the global political arena, bringing a new set of contemporary environmental concerns to the most prominent international political tables.

Even though sustainability is much broader than only environmental issues, specific environmental concerns helped highlight the problems and develop new solutions. However, their roots may go even further into the thickets of history. The chronological analysis of its historical milestones

would enable us to observe the evolution of such development and the international society.

The historical tracking of sustainable development that is analyzed in this chapter consists of the following historical phases:

- From ancient times to Stockholm 1972;
- From Stockholm 1972 to 2000 Millennium Development Goals (MDGs);
- From 2000 MDGs to 2015 Sustainable Development Goals (SDGs);
- From 2015 SDGs and beyond (Korchahin, 2024).

Each of the abovementioned phases will be briefly analyzed in the further subsections of this chapter to give a historical context for the subsequent legal analysis regarding sustainability.

#### *1.1.1. From ancient times to Stockholm 1972*

The analysis of the concepts of sustainable development is usually associated with the most recent developments and events of the 20th century. However, the first historical (philosophical) attempts to interact with some postulates that were further reincarnated into sustainable development can be traced even further in historical roots.

For instance, Schrijver, analyzing the development of sustainable development in international law, mentioned that the link between environment and development (or, in other words, sustainable development) occurred earlier than in the second part of the 20th century, as it is most commonly currently believed. It instead occurred earlier, with some authors believing, as per Schrijver, that it is derived “*from the practice of ancient civilisations*” and from the examples of “*preoccupation with the availability of natural resources*” in the early post-World War II period (Schrijver, 2008, pp. 34, 36).

As is commonly known, ancient philosophy and wisdom provided the primary source of knowledge for future generations. It is believed that sustainability (and sustainable development) cannot stand on the sidelines of this knowledge crystallization process.

In this regard, as per Molotokiené, the ancient Greek philosophers would adhere to what is now famous as sustainable development. The concept of sustainable development is generally related to the need for responsible behaviour towards natural resources, evaluation of human actions, and preserving the world for future generations. And the Greek philosophical theories that were related to those foregoing concepts are still relevant today. The Greeks believed that “*an orderly and sustainable world (cosmos) arises*

*when the boundary (peras) in some way limits the primordial infinity (apeiron) and the development of space becomes rational. Being perceived by the Greeks not as a boundary but as a result of the apeiron (expansion) constraint boundary, as a certain connection or intersection of boundary and infinity, that is, sustainability”* (Molotokienè, 2020, p. 149). Besides, “*being, as a result of the interaction between boundary and infinity, or as sustainable development, is perceived very similarly by Plato and Aristotle*” (Molotokienè, 2020, p. 149). Besides, Molotokienè analyzes further timelines in history and finds postulates related to sustainable development in the postulates and beliefs of other essential philosophers of the Middle Ages and the early 20th century (Molotokienè, 2020).

Also analyzing the history of sustainable development, Grober also digs deeper into history and reasonably argues that this concept cannot be seen as “*the brainchild of some multi-national commission*” of the 20th century or just as “*a formula of compromise*” reached during “*a tiring negotiation marathon*” (Grober, 2007, p. 5). In contrast, it could be seen that the concept of sustainable development originated from the forest management of the European Enlightenment era. German Kameralists planned their woodlands “*nachhaltig*” (sustainably) with the goal of passing them on to future generations undiminished (Grober, 2007). This could be seen as one of the main ideas behind sustainability (and sustainable development): to preserve natural resources for future generations.

Further, the pre-modern era relates to the first modern steps towards sustainable development made in 1972 with the first conference on the environment, the UN Conference on the Human Environment (UNCHE) in Stockholm. The modern steps are associated with the development of the field of international environmental law. At that time, nations understood that negative environmental impact does not recognize borders, meaning that international cooperation could be the only feasible solution to tackle it. Eventually, several important documents were adopted, including the most important one, the Stockholm Declaration, with 26 principles associated with the development and environment, accompanied by the Action Plan. Another significant result of the UNCHE was the creation of the United Nations Environment Programme (UNEP), which is “*the global authority that sets the environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the UN system and serves as an authoritative advocate for the global environment*” up to this date (About the United Nations Environment...). The Declaration became the first international document in the field of international environmental law, which proclaimed the existence of the right of every person to enjoy a healthy

environment. In general, the Conference put ecological issues at the forefront of human concerns, aiming at starting the conversation between industrialized and developing nations regarding the nexus between economic growth, environmental pollution, and social issues (Handl, 2012). However, even though the Stockholm Declaration, as a final document of the UNCHE, did not use the concepts of “sustainability” or “sustainable development”, the language of the Declaration includes some markers that would be conceptualized in the future. For instance, the Declaration specifies that “*man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet, a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights - even the right to life itself*” (Declaration of the UN Conference on the Human..., 1972). Additionally, it says that “*the protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments*” (Declaration of the UN Conference on the Human..., 1972). In the author's opinion, these markers in bold are crucial. They have played an essential role in the following years when conceptualizing sustainable development during the subsequent time slots.

Therefore, the period that can be described as a pre-modern era of the understanding of sustainable development has shown that the concepts in question are not creatures of modern times but have been permanently enshrined in the mindsets of wise men at all times. It could mean that the concept of sustainable development is an essential and integral part of the international society that has only been further crystallized to fit the circumstances and challenges of modern times.

#### *1.1.2. From Stockholm 1972 to 2000 Millennium Development Goals (MDGs)*

The Stockholm Conference was an inspirational basis for further international forums and discussions. Gro Harlem Brundtland, former Norwegian prime minister, realized the vital necessity of uniting the world because the natural resources and human environment were undoubtedly

deteriorating. This idea was incarnated in the World Commission on Environment and Development (WCED), created in 1983 as a sub-organization of the UN “*to propose long-term environmental strategies for achieving sustainable development to the year 2000 and beyond*” (Process of Preparation of the Environmental Perspective..., 1983). This forum was better known as the Brundtland Commission after its chairwoman. As a result of the Commission’s work in 1987, the Our Common Future Report (more commonly known as the Brundtland Report) was issued. Per the report, countries could not deal with environmental protection without addressing economic development, specifying that “*the environment does not exist as a sphere separate from human actions, ambitions, and needs, and attempts to defend it in isolation from human concerns have given the very word "environment" a connotation of naivety in some political circles*” (Our Common Future Report, 1987). The report defined “sustainable development” for the first time in history. Thus, sustainable development is “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (Our Common Future Report, 1987).

Besides, analyzing the report, the components of sustainable development could also be crystallized, namely environmental protection, social equality, and economic growth, which will be more clearly stated during the following conferences, together with intergenerational equity. Therefore, the primary outcome of the Commission’s work was the crystallization of the concept of “sustainable development” as such and putting it at the forefront of the international policy-making agenda for the years to come.

Later, there were a range of milestones in the history of sustainable development, from the United Nations Conference on Environment and Development (UNCED, the Earth Summit), held in Rio de Janeiro in 1992, to the Millennium Development Goals (MDGs) adopted in 2000 and the 2015 Sustainable Development Goals (SDGs), among others.

The United Nations Conference on Environment and Development (UNCED), the Earth Summit, was held in Rio de Janeiro in 1992 on the 20th anniversary of the 1st Conference on the Human Environment. As a result of the conference, the Rio Declaration on Environment and Development was adopted. It proclaimed 27 principles for countries to pursue sustainable development (Rio Declaration on Environment and Development, 1992). Afterwards, the Commission on Sustainable Development was created to ensure the fulfillment of the final document. Besides, Agenda 21, with new strategies to achieve sustainable development, was issued, calling for “*new perceptions of the way we produce and consume, the way we live and work*,

*and the way we make decisions*” for “*integrating and balancing economic, social and environmental dimensions*”, which specifies all three components even more clearly (Agenda 21, 1992).

Then, in 1997, during the 19th Special Session of the UN General Assembly, the world leaders reviewed the implementation of Agenda 21 in New York, analyzing the five-year progress (19th Special Session of the General Assembly..., 1997).

The next milestone, and one of the core ones, was the Millennium Development Goals (MDGs) development in 2000. Being adopted as a follow-up to the Millennium Declaration, which was the final document of the 2000 Millennium Summit, the MDGs introduced eight specific goals and 21 targets for achieving them by 2015 (United Nations Millennium Declaration, 2000). At this point, we have moved from crystallizing the general concepts and principles or ideas of sustainability (vast and not always specific and not easy to follow up as well as implement) to a limited number of specific aims, which now would help to build a global partnership, being a step-by-step plan towards achieving sustainable development (concrete policy intentions to implement the sustainability idea into a practical activity). It is vital to note that despite being quite innovative, these goals were widely criticized. Such criticism was based on the reasonable lack of scientific foundation for these objectives and the severe difficulties with measuring the progress of achieving these goals, in other words, lacking “*explanatory value and analytical power*” (Deneulin and Shahani, 2010, p. 66). Moreover, MDGs were aimed at developing nations rather than being applicable universally (Deneulin and Shahani, 2010).

Thus, this particular time slot has crystallized the concept of sustainable development as we now understand it. Besides, the components of this newly emerged type of development were divided to represent the classic three-pillar system of sustainable development: environmental, economic, and social. This division is of utmost importance since it has become the initial point for future policy-making in the field of sustainable development. Besides, the new concept of goals (MDGs at that time) was presented as a step-by-step plan to achieve human development. After being criticized, they paved the way for a more comprehensive set of new goals, the Sustainable Development Goals (SDGs).

#### *1.1.3. From 2000 MDGs to 2015 Sustainable Development Goals (SDGs)*

The current phase consists of several significant developments. The first one, the 2002 World Summit on Sustainable Development (WSSD, or

“*Rio + 10*”), the first follow-up of the 1992 Rio Conference, was held in Johannesburg, South Africa. The main finding of this summit was the Johannesburg Declaration on Sustainable Development, which generally listed further threats to sustainable development, such as malnutrition, hunger, armed conflicts, etc. In addition, the Plan for Implementation of the WSSD was adopted to deal with poverty eradication and changing production and consumption patterns, as well as protection of natural resources, etc. (Johannesburg Declaration on Sustainable Development and Plan..., 2003).

After that, in 2005, the World Summit was held to make “*strong commitments to achieving the development goals set out in the Millennium Declaration by 2015*” and to pledge “*an additional \$50 billion per year to fight poverty*”, etc. (World Summit, 2005).

Besides, in 2008, world leaders gathered at a high-level meeting on the Millennium Development Goals, which was a platform to assess the progress made with the achievement of the MDGs. It was noted that “*significant progress had taken place, but stakeholders needed to step up their actions and take urgent action to achieve the MDG goals in time*” (High-level meeting on the Millennium..., 2008).

Further, in 2010, the UN decided to conduct the Millennium Development Goals Summit to accelerate the achievement of the MDGs closer to 2015. As a result of the summit, a Global Plan of Action named “*Keeping the Promise: United to Achieve the Millennium Development Goals*” was adopted, along with other related initiatives, presenting information on the sequential progress regarding the achievement of MDGs (Millennium Development Goals Summit, 2010; Keeping the promise..., 2010).

Later, in 2012, the United Nations Conference on Sustainable Development (UNCSD) was organized in Rio de Janeiro (“*Rio +20*”). The main topics were implementing a green economy by reducing environmental risks and subsequent political international coordination for global sustainable development, including its financing. Besides, during the conference, it was decided to launch the process of preparation of Sustainable Development Goals (SDGs) based on the concept of the MDGs. Consequently, due to the Conference, the non-binding paper “*The Future We Want*” was adopted. This paper explores new wealth assessment methods as alternatives to gross domestic product and includes broad sustainability objectives (Watts and Ford, 2012; UN Conference on Sustainable Development, 2012).

Further, in 2013, the President of the United Nations General Assembly organized a “special event” dedicated to achieving the MDGs before their deadline, stressing that “*we have made remarkable progress. Many countries*

— including some of the poorest — have aligned their policies and resources with the Goals to make unparalleled gains. Several critical targets have already been met or will be met by the end of 2015, both at the aggregate level and in individual countries. Sizable gains have occurred in even the poorest countries. However, progress has been insufficient and highly uneven” (President of the General Assembly's Special..., 2013). At this event, UN MSs reaffirmed their commitment to achieving the MDGs, in addition to convening a High-level Summit in 2015 to adopt a new set of goals for the future years based on the MDGs, specifying that “*a new post-2015 era demands a new vision and a responsive framework. Sustainable development — enabled by the integration of economic growth, social justice and environmental stewardship — must become our global guiding principle and operational standard*” (A life of dignity for all..., 2013).

Eventually, to succeed in the MDGs from 2015, the Sustainable Development Goals (SDGs) were adopted. In 2015, the UN Sustainable Development Summit was held. The main outcome of this summit was UN General Assembly Resolution 70/1 (2030 Agenda for Sustainable Development; 2030 Agenda), which presented 17 interconnected goals supplemented with 169 targets for sustainable development. As specified in the 2030 Agenda, “*This Agenda is a plan of action for people, planet and prosperity...The 17 Sustainable Development Goals...seek to build on the Millennium Development Goals and complete what they did not achieve...*” (2030 Agenda, 2015). It goes without saying that these goals are more detailed, and the targets include around 232 indicators (the total number is not stable, as some of them are repeated) that can be used for progress measurement. It is also important to mention that these goals are more qualitative; they have universal applications (United Nations Summit on Sustainable..., 2015).

#### *1.1.4. From 2015 SDGs and Beyond*

The SDGs have become one of the most important recent milestones in the history of sustainable development. The pathway to 2030 for a better future for all is underway, and all the newest intermediate steps towards 2030 are worth closely monitoring. Therefore, a closer look should be given to a recent milestone, such as the Stockholm 2022 Conference. In June 2022, to commemorate the 1972 conference on the human environment, a new conference called “Stockholm+50: A Healthy Planet for the Prosperity of All – Our Responsibility, Our Opportunity” was held. The 2022 Conference itself brought a set of recommendations for accelerating action towards achieving

SDGs in the near future, as to “*place human well-being at the centre of a healthy planet and prosperity for all*” and “*recognise and implement the right to a clean, healthy and sustainable environment*” (Stockholm+50..., 2022).

Besides, in 2022, the UN General Assembly adopted a resolution called “The human right to a clean, healthy and sustainable environment” (The human right to a clean, healthy..., 2022). The resolution recognized a right to a clean, healthy, and sustainable environment as a novel human right, in line with the 2021 Resolution of the Human Rights Council (The human right to a clean, healthy..., 2022; The human right to a clean, healthy..., 2021). This recognition resembles what happened in 1972 at the first environmental conference in Stockholm. However, now, the right to just a healthy environment has been significantly modified to a right to a clean, healthy, and sustainable environment. As per the UN Special Rapporteur on human rights and the environment, this new fundamental right is a part of internationally recognized rights for the first time (UN Special Rapporteur on...). The resolution mentions unsustainable development, as the opposite of the one that is to be sustainable, as one of the issues that “*constitute some of the most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights*” (The human right to a clean, healthy..., 2022). If interpreted conversely, it might be concluded that only sustainable development might help to overcome the above-mentioned threats. More practically, besides the affirmation of the relatively novel right, the resolution sought to actively involve countries and other stakeholders, ranging from international organizations to enterprises and others, to “*scale up efforts to ensure a clean, healthy and sustainable environment for all*” (The human right to a clean, healthy..., 2022) by adopting different policies and enhancing international cooperation, among other related activities.

However, for example, in March 2025, the current United States’ Trump administration announced its rejection of the UN SDGs. Reportedly, Edward Heartney (U.S. Mission to the UN) stated, “*Agenda 2030 and the SDGs advance a program of soft global governance that is inconsistent with U.S. sovereignty and adverse to the rights and interests of Americans*” (Segal, 2025). This announcement reflects a larger withdrawal from international climate and sustainability efforts by the current Trump administration (Segal, 2025). Whereas it could make the current stance on the SDGs weaker, it is likely that the next administration would be acting in a way to adhere to the current SDGs after the next elections. At the same time, even though the results of this withdrawal are yet to be seen, it is likely that it will slow down the current global sustainability trajectory.

Therefore, it must be concluded that the current tracker of the historical

milestones of sustainable development is of utmost importance since it marks the ever-rising international consensus on the importance of sustainable development (excluding the recent Trump announcement). Sustainable development is a very important concept, especially in the current times. As was rightly stated by Mhlanga, the 21st century is a century of sustainability (Mhlanga, 2023).

Therefore, it is important to track the chronological evolution of the concept of sustainable development, showing that the concept has significantly evolved from some early movements to the current SDGs.

The long historical evolution of sustainable development and its frequent use in global policies can prove that sustainable development is important for international society. Besides, such importance lies not only in the political spectrum, as seen before; instead, it starts to relate more and more to the legal area, as we will see in the next chapter of this part of the dissertation work. The chronological analysis of the becoming of sustainable development in this tracker not only helps with giving a comprehensive overview of all the critical historical moves concerning sustainable development but will also be helpful in further conceptualizing sustainable development (and sustainability) in the area of international and EU lawmaking and underlining its legal contours. It can help to trace how sustainable development, as a concept, derived from the international domain and understood within it as a *“development that meets the needs of the present without compromising the ability of future generations to meet their own needs”* (Our Common Future Report, 1987), consisting of three classical components (environmental, economic, and social), has been incorporated and understood in the EU legal area. Such understanding is of great importance since it would help to know how the EU interprets sustainable development and how it uses it to find an appropriate rationale for specific EU policies, taking special attention in this particular dissertation to the textile policy and corresponding legal rules.

Thus, studying chronological, legal, and conceptual aspects of sustainable development can help us create effective policies and regulations that promote real sustainability, especially in the EU textile sector, as will be seen below.

## **1.2. Meaning, legal and ethical contours of sustainable development**

There are various instances when legal documents and legislative proposals in the EU operate with the concepts of “sustainable development”, “sustainability”, “sustainable”, or “SDGs” (sustainability-related

terminology). The EU has been building its sustainability policy agenda for a long period of time.

First of all, such a commitment to sustainable development is reflected in the primary EU legal documents (treaties), namely, the TEU and the TFEU.

For example, the TEU in Article 3.3 specifies that “*the Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance*” (Consolidated Version of the TEU). Also, Article 21.2 (f) says that “*the Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:.... (f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development*” (Consolidated Version of the TEU).

At the same time, the TFEU in Article 11 mentions that “*environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development*” (Consolidated Version of the TFEU).

Additionally, according to Article 37 of the Charter of Fundamental Rights of the European Union, “*a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development*” (EU Charter of Fundamental Rights).

Not only the primary EU legal acts and the EU Charter of Fundamental Rights contain sustainability-related wording/terminology. For instance, the inclusion of sustainable development in the EU agenda is reflected in the EU Strategy for Sustainable Development, which sets out the actions for sustainable development policy implementation. The first version of the strategy says that “*sustainable development is a global objective. The European Union has a key role in bringing about sustainable development, within Europe and also on the wider global stage, where widespread international action is required*” (A Sustainable Europe for a Better World..., 2001).

Besides, in 2019, the EU presented the European Green Deal, which could be seen as a “*road map*” for “*tackling climate and environmental-related challenges*” in the EU and is seen as a “*growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient*

*and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use”* (A European Green Deal, 2020). The strategy was designed, among other things, to be a ground for future legal framework “*...to help develop and assess knowledge, skills and attitudes on climate change and sustainable development*” (A European Green Deal, 2020).

Furthermore, the following important document is worth mentioning as one of the main building blocks of the foregoing European Green Deal: the Circular Economy Action Plan (CEAP), which encourages sustainable consumption in the EU, also operates with sustainability-related terminology. The CEAP specifies that “*as part of this legislative initiative, and, where appropriate, through complementary legislative proposals, the Commission will consider establishing sustainability principles...*” (A new Circular Economy..., 2020). Such principles mentioned in the CEAP (those that shall guide further policies and corresponding legislative proposals) revolve around the following aspects:

- product durability, reusability, upgradability and reparability;
- addressing the presence of hazardous chemicals in products;
- increasing product energy and resource efficiency;
- increasing recycled content in products;
- remanufacturing and recycling;
- reducing carbon and environmental footprints;
- restricting single-use and countering the premature obsolescence of products;
- a ban on the destruction of unsold durable goods;
- extended responsibility of producers;
- the digitalization of product information;
- rewarding products concerning sustainability performance (A new Circular Economy..., 2020).

Besides, the latest 8th Environment Action Programme (EAP), also juggling around sustainability-related terminology, is considered the legally agreed agenda for the EU environment policy up to the year 2030. The EAP “*aims to accelerate the green transition to a climate-neutral, sustainable, non-toxic, resource-efficient, renewable energy-based, resilient and competitive circular economy in a just, equitable and inclusive way, and to protect, restore and improve the state of the environment by, inter alia, halting and reversing biodiversity loss. It supports and strengthens an integrated policy and implementation approach, building upon the European Green Deal*”, and, in addition, it “*forms the basis for achieving the environmental*

*and climate objectives defined under the UN 2030 Agenda and its SDGs”* (Decision (EU) 2022/591 on a General Union..., 2022). Moving forward, “*towards the recognition of the right to a clean, healthy and sustainable environment*” has also been enshrined in the 8th EAP as an “*enabling condition*” for achieving its objectives (Decision (EU) 2022/591 on a General Union..., 2022).

Not only foregoing documents operate with sustainability-related terminology. Some specific proposals seeking to create new or amend existing legal instruments are currently being developed in the EU, based on the foregoing strategic policies, that are aimed at implementing those sustainability principles, especially in the textile sector.

Such new textile-related legal developments that are currently in preparation (with some already in EU lawmaking or adopted) will be discussed in a detailed manner and analyzed in Part II of this dissertation work. However, in this chapter, it is essential to highlight that sustainability-related terminology is used in some of these new legal developments.

For instance, the proposal for a Directive on common rules promoting the repair of goods aimed at “*...the Commission priority of the green transition, specifically the European Green Deal and its objective of sustainable consumption*” (Proposal for a Directive on common rules..., 2023), as per its explanatory memorandum. The directive was adopted in 2024 as the Directive (EU) 2024/1799 on common rules promoting the repair of goods, and EU MSs have to transpose and apply it from 31st July 2026 (Directive 2024/1799 on common rules..., 2024). At the same time, the wording of the adopted directive says that it “*...pursues the objective of improving the functioning of the internal market, while promoting more sustainable consumption*”, while it is not specified what more sustainable consumption means, while determining that “*repair should result in sustainable consumption, since it is likely to generate less waste caused by discarded goods, less demand for resources, including energy, caused by the process of manufacturing and sale of new goods replacing defective goods, as well as less greenhouse gas emissions*” (Directive 2024/1799 on common rules..., 2024).

The same pattern can be traced in the proposal for a regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, specifying, in its explanatory memorandum, that “*the general approach is that this Regulation will set requirements where existing legislation does not, or where it insufficiently addresses environmental sustainability aspects*” (Proposal for a regulation establishing..., 2022). It seems that such “environmental sustainability”

would mean tackling those sustainability principles mentioned in the CEAP and given above. The text of the proposed regulation itself says that “*The Commission is empowered to adopt delegated acts...to supplement this Regulation by establishing ecodesign requirements for, or in relation to, products to improve their environmental sustainability*” (Proposal for a regulation establishing..., 2022). Regulation 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products was adopted and entered into force in 2024 and is directly applicable in all EU MSs and, in the same manner as its proposals, concentrates a lot on the environmental sustainability of products, without a proper definition of the latter (Regulation 2024/1781 establishing a framework..., 2024). However, we can see that the regulation clearly distinguishes different kinds of sustainability, mentioning (above the wide use of environmental sustainability) that by 2028, “*the Commission shall evaluate the potential benefits of the inclusion of social sustainability requirements within the scope of this Regulation*” (Regulation 2024/1781 establishing a framework..., 2024). Talking about the abovementioned delegated acts, the adopted regulation says that “*in order to maximise the effectiveness of ecodesign requirements and to efficiently improve the environmental sustainability of products, it should also be possible to set one or more horizontal ecodesign requirements for a wider range of product groups, such as electronic appliances or textiles*” (Regulation 2024/1781 establishing a framework..., 2024).

One more example could be the proposal for a regulation on preventing plastic pellet losses to reduce microplastic pollution, which only in its explanatory memorandum mentions that it “*contributes to the implementation of the UN 2030 Agenda for Sustainable Development guided by the 17 Sustainable Development Goals (SDG), specifically: goal 12 on sustainable consumption and production, goal 14 on the conservation and sustainable use of the oceans, seas and marine resources for sustainable development and goal 15 on life on lands, together with goals 3 on good health, 9 on industry, innovation and infrastructure, and 13 on climate*” (Proposal for a regulation on preventing..., 2023), however does not use sustainability-related terminology in the text of the proposal itself.

Therefore, it can be concluded that sustainability-related terminology (with the use of such words and expressions as “sustainability”, “sustainable”, “environmental sustainability”, “sustainability aspects”, “sustainable development”, etc.) is quite common for a wide range of documents in the EU, ranging from the primary EU legal acts to policy strategies and corresponding legal proposals. The scattered character of such terminology lacks coherence

between different policies and legal instruments; therefore, a closer look should be given to the sustainability-related terminology frequently used by policymakers and lawmakers in the EU. Besides, the use of “sustainability” remains unclear in the whole EU due to a lack of coherent use of this term. As mentioned by Krämer and Badger, talking about the EU Sustainability Strategy, “*it is difficult to understand why the Union adopts a strategy on sustainable development and establishes guiding principles for it when, in daily practice, it adds “sustainable” to almost all sectors of policy (sustainable energy, sustainable food law, sustainable chemicals, sustainable mobility, etc.). This is an inconsistency which signals to the public that the strategy on sustainable development is pure rhetoric*” (Krämer and Badger, 2024, p. 511).

Therefore, the next subchapters will provide a more detailed analysis of the genuine meaning of the terminology in question, which would help crystallize the legal contours of sustainable development in the EU.

#### *1.2.1. The genuine meaning of sustainability and sustainable development*

As was already mentioned, the use of sustainability-related terms in policy and legal documents of the EU is quite wide. The terms “sustainability” and “sustainable development” are among the most used. It is important to note that neither “sustainability” nor “sustainable development” has a common or official definition. At the same time, it is necessary to conceptualize these terms and find their genuine meaning. Thus, for this purpose, linguistic analysis is used to analyze the meaning, use, and context of the sustainability-related terminology in the EU policy and legal documents/proposals.

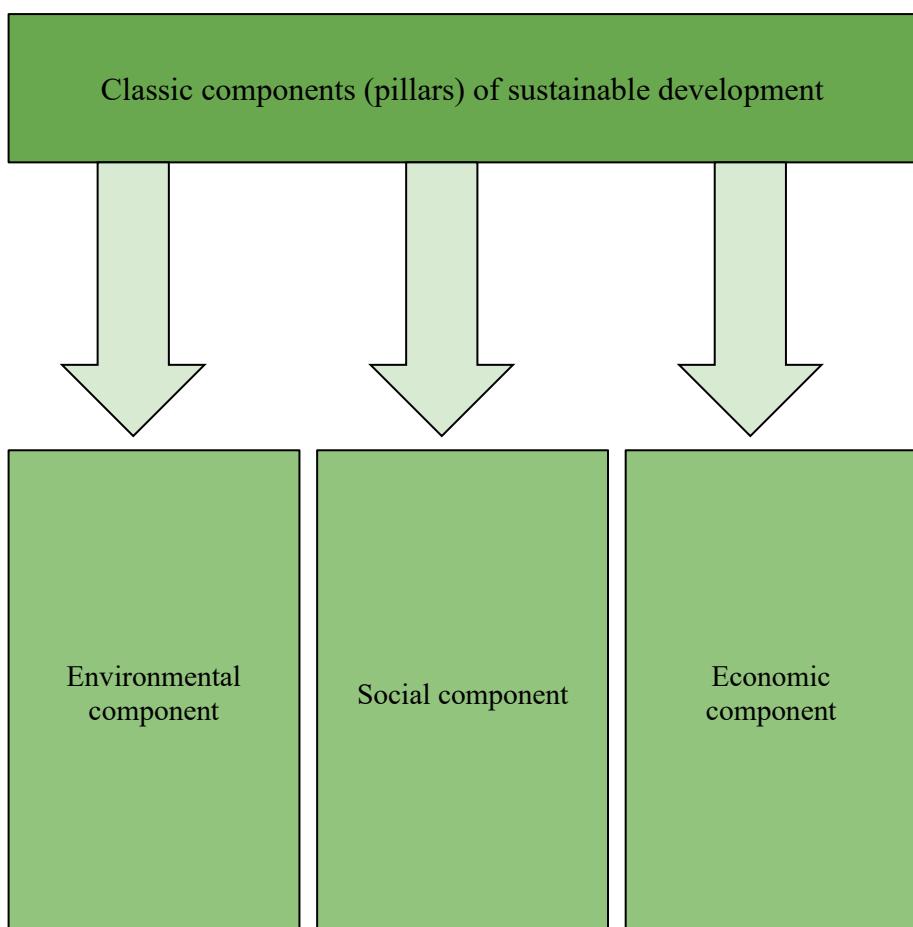
The conceptualization of “sustainable development” can be started from the abovementioned Brundtland Commission that produced the 1987 Our Common Future Report (Brundtland Report). As per the Brundtland Report, it cannot be dealt with environmental protection without dealing with the aspects of economic development. The report itself defined “sustainable development” in the form we understand it and pursue now. “Sustainable development”, per the Brundtland Report, as already mentioned in the dissertation, is “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (Our Common Future Report, 1987).

Moreover, per the report, “*sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological*

*development, and institutional change are made consistent with future as well as present needs. We do not pretend that the process is easy or straightforward. Painful choices have to be made. Thus, in the final analysis, sustainable development must rest on political will” (Our Common Future Report, 1987).*

Based on the analysis of the Brundtland Report and other international documents, the main (original) components of sustainable development could also be crystallized, namely environmental protection, social equality, and economic growth.

These three original or classic components of sustainable development are worth being analyzed more closely (scheme 1). These components revolve around the following pillars, representing “*three major components of human existence*” (Duran *et al.*, 2015, p. 806).



*Scheme 1. Classical components of sustainable development (Source: Dmytro Korchahin)*

Sustainable development seeks to balance these pillars. The environmental pillar usually deals with the measures of environmental protection, efficient use of different resources, climate change, biodiversity protection, etc. The economic one usually manages issues such as poverty eradication and economic growth, etc. The social pillar usually addresses educational aspects, labour-related aspects, health, equal access to resources, etc. Integration of all the pillars is needed for balanced sustainable development, requiring coordinated efforts from all stakeholders.

In addition, for the purposes of this dissertation, the classical triad is widened to include a horizontal component. It deals with horizontal requirements that apply across multiple sectors and are helping additional tools in achieving sustainable development, as, for example, those requirements that seek to bring additional transparency to a particular industry, which could help to address the issue within multiple pillars of sustainable development.

Sometimes these components are seen as components of sustainability, which is why it is also important to analyze what “sustainability” is as such.

Sustainability is usually called an “*ability to maintain or support a process over time*” (Mollenkamp, 2023). Also, it could be defined as “*the ability to continue at a particular level for a period of time*” (“Sustainability” in Cambridge Dictionary, 2024) when referring to the sustainability of something. Also, the formal definition of sustainability has usually been given by research institutions, universities, and international organizations.

For example, the Penn State Sustainability Institute says that sustainability is “*the simultaneous pursuit of human health and happiness, environmental quality, and economic well-being for current and future generations*” (What is Sustainability?, 2023). Also, according to the Institute of Environmental Management and Assessment, “*sustainability represents the integration of environmental health, social equity and economic vitality in order to create healthy, diverse and resilient communities, organisations and economies for our current generation and generations to come*” (Institute of Environmental Management). In its turn, the UN, for instance, refers to sustainability as “*meeting the needs of the present without compromising the ability of future generations to meet their own needs*” (Sustainability), which in fact resembles the notion of sustainable development from the Brundtland Report.

Therefore, it could be concluded that sustainability is usually referred to as the ability to support something or to continue something over time and also as a pursuit/integration of something (environmental protection, economic growth, social equity) over time, meeting the needs of current and

future generations. However, for example, some researchers call sustainability “*a complex and confusing concept*” (Faber *et al.*, 2005, p. 1). It could indeed be true, as, for example, the UN refers to sustainability as sustainable development, and indeed, sometimes, both concepts (sustainability and sustainable development) are seen as the same thing. Besides, the aforementioned components of sustainable development are usually referred to via the word “sustainability” instead of the word “component” (e.g., environmental sustainability instead of environmental component, economic sustainability instead of economic component, and social sustainability instead of social component). Therefore, the correlation, if any, between these two concepts should be identified.

For example, on the one hand, Jeronen said that sustainability stands for a long-term goal and is a “*paradigm for thinking about the future*” (Jeronen, 2013). In contrast, sustainable development includes multiple “*processes and pathways*” to achieve sustainability, but both are “*multifaceted*” (Jeronen, 2013). Besides, Jeronen stressed the difference between “sustainable development” and “environmental protection”. The latter is seen as “*the part of resource management*”, whereas the first is a domination of “*the concepts of the social sciences*” (Jeronen, 2013). Jeronen wanted to say that the definitions of both “sustainable development” and “sustainability” may be different and vary by the context in which these can be defined and by a specific defining subject (Jeronen, 2013).

On the other hand, Mhlanga, as mentioned in the previous chapter, fairly calls the 21st century a century of sustainability and says that “sustainability” is currently considered a “fashionable term”, which is expensive to implement (Mhlanga, 2023). Also, as per Mhlanga, the ideas of minimal needs of the underprivileged and “*the ability of the environment to meet both present and future needs*” are parts of sustainable development (Mhlanga, 2023).

Thus, “sustainable development” and “sustainability” are seen as interlinked concepts, and they often imply each other, even when only one of them is used in a specific document. Whereas, given the analysis used in this chapter, it should be concluded that sustainable development is actually a broader concept that integrates the concept (or the principle) of sustainability into the planning and decision-making processes on different levels. The interconnection between “sustainable development” and “sustainability” is that sustainability is seen as a fundamental principle within the broader concept of sustainable development. It means that “sustainability” is mostly used when talking about the main direction of changes (concerning economy, society, and environment) and “sustainable development” when talking about

concrete plans or goals in which the idea of “sustainability” is factually enshrined. However, practically, these concepts are connected and often imply each other, including in this dissertation.

Thus, for the purposes of this dissertation, sustainable development (sustainability) can be defined as a development that balances economic, social, environmental, and horizontal dimensions and seeks to be practically implemented in specific policies and regulations and, at the same time, meets present needs without compromising the ability of future generations to meet their own.

#### *1.2.2. Tiers of sustainability: sustainability vs. harm reduction vs. circular economy*

When we talk about sustainability/sustainable development, it is essential to understand what other core ideas could be associated with sustainability or be addressed as synonyms of sustainability/sustainable development. These other related concepts that are also widely used in EU policy-making are, for instance, “circular economy” (or “circularity”) and “harm reduction”.

It should be started with the concept of “circularity”, which is the core concept of the foregoing CEAP. According to the CEAP, “*circularity is an essential part of a wider transformation of industry towards climate-neutrality and long-term competitiveness. It can deliver substantial material savings throughout value chains and production processes, generate extra value and unlock economic opportunities*” (A new Circular Economy..., 2020).

Therefore, the concept of circularity enshrined in the CEAP insists on a substantial saving of materials, which practically means that the idea behind the circular economy is to keep the resources in the economy as long as possible. The idea of the circular economy (CE) is usually used in contradistinction to the so-called linear economy. The model of linear economy ignores external aspects, and concentrates on the extraction of resources, production of products, their use, and further discarding (De Oliveira and Oliveira, 2022). On the other hand, a circular economy (CE) model is a self-sustaining economic model where the use of resources is reduced together with the production of waste, and “*typically, sustainable design, maintenance, repair, reuse, remanufacturing, refurbishing and recycling are proven means to achieve this goal*” (Bartl and Ipsmiller, 2023).

The most comprehensive definition of CE was given by Geissdoerfer and others, who defined CE as “*a regenerative system in which resource input and waste, emission, and energy leakage are minimised by slowing, closing,*

*and narrowing material and energy loops. This can be achieved through long-lasting design, maintenance, repair, reuse, remanufacturing, refurbishing, and recycling”* (Geissdoerfer *et al.*, 2017). Besides, Geissdoerfer and others discuss the CE as an emerging concept related to sustainability, highlighting the similarities and differences between the two concepts. Sustainability seeks to bring positive outcomes for the environment, economy, and society, but the CE seems to benefit the economic entities that adopt circularity in the first place (Geissdoerfer *et al.*, 2017).

It is important to note that while a CE can positively enhance the environmental outcomes of economic and business activities, it is not a fully reliable approach, as some researchers specify. The CE has been widely linked to sustainable development in most of the newest EU legal developments that are being developed under the foregoing EU plans and strategies/proposals, which will also be analyzed later in the next part of the dissertation. They widely use the concept of CE, or “enhanced circularity”, as a measure for sustainability. However, it is argued that following and implementing the CE rules as synonyms of sustainability may be misleading, as sustainability is a wider concept.

Besides, according to Wegmann from the Public Services International Research Unit (PSIRU) at the University of Greenwich, in the CE, an essential role is played by waste management, which is stressed by low pay and poor working conditions. Also, the CE could also play a stimulative role for the consumption (e.g., via branding strategies or planned obsolescence) (Wegmann, 2020). Therefore, the CE can have positive outcomes in the process of achieving sustainability; however, it is important to note that it is still not significantly changing the production and consumption sides. However, with proper planning and collaboration, the circular economy model can be a powerful tool in the transition to achieving sustainable development in the future; in other words, the CE could be seen as a prerequisite for sustainability.

Another term that could sometimes be seen as sustainability-related terminology and be very similar to CE is the concept of “harm reduction”, taken primarily from the realm of public health. Harm reduction is the approach in public health that seeks to eliminate the negative effects of addictive behaviour, recognizing that it is not possible to get rid of the addictive behaviour (such as tobacco, alcohol, or illicit drugs) at once and that the previous efforts were not successful (Stephen *et al.*, 2018). According to Stephen *et al.*, it is not feasible to get rid of environmental problems (e.g., climate change or pollution) in the near future or in a quick manner, just like it is not possible to eliminate addictive behaviour; thus, the harm reduction

approach can also be adopted for environmental policies (Stephen *et al.*, 2018).

Harm reduction is not aimed at completely eliminating environmental threats but rather at their reduction. If we analyze the sustainability principles given in the CEAP, previously analyzed in this chapter (for example, product durability, reusability, upgradability, and reparability; increasing recycled content in products; remanufacturing and recycling; reducing carbon and environmental footprints; restricting single-use and countering premature obsolescence, etc.), it could become evident that those sustainability principles are in fact the components of environmental harm reduction and also have circularity features.

Therefore, the author concludes that sustainability-related terminology could be broad and sometimes vague. In the pursuit of valuable solutions in the realm of environmental law and policy, their creators sometimes use different terminology (or approaches) that are usually referred to as synonyms of sustainability. However, approaches such as CE or harm reduction are at least incomplete (or not at all) synonyms of sustainable development. As addressed in the previous chapter, these approaches do not necessarily align with the essence of sustainable development. It is essential to mention that it is not appropriate to use those approaches as something related to sustainable development, as their final aims are different. When sustainability positions itself as a game-changing concept for which the whole paradigm of human activity should be reconsidered from scratch, the circular economy and harm reduction provide timely decisions without an intention to change the current paradigm.

Thus, it is important to underline the difference between the CE (and the similar approach of harm reduction) and sustainability (sustainable development). The CE (and the similar approach of harm reduction) may bring positive solutions in relation to current environmental impacts, but it cannot change the paradigm of human activity fundamentally. Thus, it is important to use sustainability-related terminology very carefully and precisely, as well as to avoid misleading terminology. Also, it could be used with a disclaimer that, for example, these measures would be transitional to sustainability; if so, it would be a so-called initial tier for sustainability, before complete or total sustainability, with all the current paradigm changes, is foreseen.

In conclusion, as seen in the previous chapters, sustainability is a complex concept that involves balancing economic, social, and environmental considerations. The circular economy (as well as sometimes harm reduction) is a related concept aiming at the reduction of the consumption of resources and the reduction of waste. The CE (and harm reduction) can have positive

effects but cannot be used as a fully reliable and comprehensive approach (as a synonym of sustainability), as simply introducing circular economy features could not be enough to prevent unsustainability. Thus, policymakers and lawmakers, as well as businesses, should consider broader aspects that go beyond circularity and harm reduction in the pursuit of sustainability. Besides, as will be seen in the next part of the dissertation, the EU documents often use the notions (wording or terminology) related to sustainability; however, after their analyses, it is seen that instead of the complex concepts or norms that involve balancing economic, social, and environmental considerations, they only imply CE aspects (environmental harm reduction). Thus, improper use or contradictory use of the word “sustainable” in numerous EU policies and legal documents signals that this *“notion is being increasingly used as substitute for positive, favourable development, thereby losing its environmental precision”* (Krämer and Badger, 2024, p. 11).

The author agrees that “sustainable development” consists of two parts, as mentioned in the previous chapters, namely the minimal needs of the underprivileged and the ability of the environment to meet both present and future needs, building upon three classical dimensions (environmental, economic, and social) (Mhlanga, 2023) and an additional horizontal one. However, the author believes that sustainable development, or sustainability, could be presented on different levels (tiers/variants), in which one of the abovementioned dimensions could be somehow prioritized over others, or they all can be balanced. Such tiers/variants could range from implying various environmental harm-reduction (circularity) techniques, still prioritizing economic components and overall economic growth, to implying balanced policies that sometimes might not lead to substantial economic growth. The idea is very close to a debate that was analyzed by Pelenc regarding which conception of sustainability to choose, a strong or a weak conception of sustainability (Pelenc, 2015). However, the author believes it can be a continuum of different possible tiers/variants of sustainability, and it is up to an individual state (or a supranational body, in the case of the EU) to choose among different ones as the best in the current circumstances. The main point is to process the main ideas and try to achieve at least some positive results.

However, such variants or tiers should be clearly stated and articulated, and the weakest variant (circularity or just harm reduction) cannot be used as equivalent to the strongest variant of the balanced policies (sustainability). Thus, in this dissertation, the primary attention will be given to the dichotomy of circularity and harm reduction (as the weak or lower tier of sustainability) and, indeed sustainable approach (with the most balanced set of regulations

for comprehensive sustainability) in the EU textile-related rules and proposed developments, as will be seen in the next parts of the dissertation.

### *1.2.3. Legal contours of sustainable development*

Another point in this part of the dissertation is the current legal contours of sustainable development. The outlining of such legal contours of sustainable development requires the legal status analysis, which is utilized in this dissertation to examine the legal status of sustainable development in international law and, eventually, in the EU and the instance of the national Lithuanian order (and the constitutional orders of some other selected EU MSs). It is also embraced by the analysis of legal scholarship on the matter, as will be seen below. For this, the sustainability-related cases of the UN International Court of Justice (ICJ) are utilized, including separate opinions of judges and advisory opinions (1997 Gabčíkovo-Nagymaros Project Case (Hungary/Slovakia); 2010 Pulp Mills on the River Uruguay (Argentina v. Uruguay); 1996 Legality of the Threat or Use of Nuclear Weapons), the CJEU cases (Ilva and Others, 2024; Accord de libre-échange avec Singapour, 2017), as well as the case from the Supreme Administrative Court of Lithuania (Administrative Case No. eA-920-1188/2025). Such case law analysis is utilized to understand the legal orchestration of sustainability on a global scale (where this principle is crystallized) as well as in the EU and in the instance of the national (Lithuanian) level. Additionally, the utilization of the concept of sustainability in certain EU MSs' jurisdictions is analyzed. Besides, it is complemented by the analysis of EU policies and laws/proposals with regard to their alignment with sustainable development.

As was clear from the earlier chapters, humanity crystallized the concept of sustainable development through a range of the most important milestones.

The historical aspirations eventually regenerated into a specific, comprehensive, and scientifically approved plan to date on how to achieve sustainable development: the 2030 Agenda with 17 SDGs.

Starting to analyze the legal status of sustainable development, it is important to start the analysis from the auspices of the international law level, as the SDGs were adopted as a product of a UN resolution. In accordance with Articles 10, 11, and 13 of the UN Charter, general resolutions of the UN General Assembly are not binding and only have the status of recommendations (United Nations Charter, 1945). Therefore, from a very straightforward perspective, the SDGs (and the concept of sustainable development at the center of the SDGs) are not legal imperatives. However, it

is essential to highlight, once again, that the ideas of sustainable development/sustainability did not emerge at once. Still, it was more than a 50-year-long contemporary evolution, starting from 1972 and up to our time. This evolution went through several phases. In the first phase, there were debates and discussions at different conferences, and the next phase was the straightforward move to concrete and specific goals (MDGs and then SDGs). This chronological development of the concepts has opened a debate in the scientific community over the legal orchestration of sustainable development and SDGs, ranging from seeing them as non-binding frameworks to considering imperatives.

On the one hand, Kim argued that despite being grounded in international law, the SDGs are still out of the normative context. However, as per Kim, the normative context of sustainable development derives from judicial practice (ICJ) (Kim, 2016).

Also, as per Ellis, “*a critical approach be taken to the concept [sustainable development] and to its application*” (Ellis, 2008, p. 28). Ellis analyzed different approaches to sustainable development. She specified that, for example, according to Vaughan Lowe, the concept “*is not and cannot be seen as a legal principle because it lacks normative status*” (Ellis, citing Lowe, 2008, p. 5).

On the other hand, Barral argued that sustainable development possesses an important interpretative function for judicial bodies but also regulates the conduct of states by specifying “*a relative obligation to achieve sustainable development*” (Barral, 2012, p. 377). As such, per Barral, sustainable development is not addressed to judges but to the subjects of law, the states, that have an obligation “*to pursue sustainable development...by implementing these countless treaties they contribute, day after day, to progressively making sustainable development requirements real*” (Barral, 2012, p. 398).

Brus stated that soft law, which the SDGs (Agenda 2030) refer to, is a reality of international law. The binding force of the SDGs, as the goals that have in mind the ambition to achieve sustainable development, should not depend on the binary approach that states that something is either only a law or not a law in international law (Brus, 2017). Per Brus, “*the binding force of expressions of international law is also not dependent on the form...There are various degrees of bindingness ranging from nonbinding in form and content at one end of the spectrum to fully binding in form and content of the other end*” (Brus, 2017, p. 18). Therefore, it is agreed with Brus and stated that even if the concept of sustainable development and the current best available plan to achieve it (the SDGs) is considered a part of soft law, it does not

automatically mean that the concept is not binding as such, but rather that it should be a part of a continuum. This, together with the current reality, dictates that the contours of sustainable development are pretty broad.

Besides, as stated by Meškys, the object of environmental law should be transformed in the context of sustainable development to include not only the aspects of the environment as such or the rational use of natural resources, but also the concept of sustainable development (Meškys, 2013).

Therefore, it is specified, aligned with the abovementioned scholarship, that the state has an obligation to actively implement policy and legal measures that proactively demonstrate adherence to sustainable development (or, in other words, the state should act in a way that can guarantee sustainable development), moving beyond aspirational policies to concrete, actionable legal measures. As there is no standard definition, a state should come up with its own definition of sustainable development (concentrating on the main ideas, as addressed above), juggling different combinations of dimension prioritization. However, such a national definition of sustainable development should align with any international, supranational, regional, or national strategies, conventions, or guidance, etc., specifying specific priorities for policy-making (Korchahin, 2024).

Besides, the argument that sustainable development is just a plan or framework concept, not having a binding force, is not seen as clear and vital. It is believed that there is no point in considering achieving sustainability/sustainable development as non-obligatory frameworks or plans. According to the Cambridge Dictionary, a plan is “*a set of decisions about how to do something in the future*” (“Plan” in Cambridge Dictionary, 2023). Therefore, it is argued that a plan is something that is aimed to be achieved and, eventually, must be completed, especially considering the issue's importance for the whole international society that has been working on these concepts for over fifty years. Besides, a framework is defined by the Cambridge Dictionary as “*a system of rules, ideas, or beliefs that is used to plan or decide something*” (“Framework” in Cambridge Dictionary, 2023), meaning that it is a means to a concrete decision. In other words, it is believed that there is no point in underlying frameworks or plans without the final aim of making a concrete decision.

As addressed above, sustainable development should be considered a state obligation. Therefore, the author proposes to analyze some arguments that can even enhance the legal position of sustainable development (a set of arguments supporting the view of sustainable development's normative character). These arguments are rooted in the following realms:

- the realm of ambient reality;

- the realm of international case law;
- the realm of factual policy and rule-making (Korchahin, 2024).

***The realm of ambient reality.*** In 2019, more than 11,000 scientists from all over the world “*clearly and unequivocally declared that planet Earth is facing a climate emergency...The climate crisis has arrived and is accelerating faster than most scientists expected. It is more severe than anticipated, threatening natural ecosystems and the fate of humanity...*”, also citing the Intergovernmental Panel on Climate Change (Ripple *et al.*, 2019, p. 9), labelling climate change as an emergency state for the first time in history. Besides, in November 2019, the EP adopted a resolution on the climate and environment emergency declaring “*a climate and environment emergency; called on the Commission, the Member States and all global actors, and declared its own commitment, to urgently take the concrete action needed in order to fight and contain this threat before it is too late*” (European Parliament resolution of 28 November 2019 on the climate..., 2019). Additionally, in the more recent paperwork, Ripple *et al.* stated that “*we are now at “code red” on planet Earth. Humanity is unequivocally facing a climate emergency. The scale of untold human suffering, already immense, is rapidly growing with the escalating number of climate-related disasters*”, calling on stakeholders, citizens, scientists, and world leaders to take the necessary steps to avoid the worst impacts of climate change as soon as possible (Ripple *et al.*, 2022, p. 1149).

Therefore, it is argued, it perfectly strengthens the current legal status of sustainable development in a changing world. It is believed that only by acting in a way that can guarantee sustainable development, all the stakeholders (with a primary role of states) can take all “*the necessary steps*” described above. The ambient reality in the world is being changed. Thus, the current objective environmental reality dictates the importance of sustainable development (which was developed as a reaction to environmental problems) and frames its legal contours. The current objective climate and environmental reality dictate putting sustainable development at the center of policy and rule-making on different levels.

***The realm of international case law.*** The international case law realm is represented by various cases of the ICJ concerning sustainable development. Thus, the sustainability-related cases of the UN ICJ are utilized, including separate opinions of judges and advisory opinions (1997 Gabčíkovo-Nagymaros Project Case (Hungary/Slovakia); 2010 Pulp Mills on the River Uruguay (Argentina v. Uruguay); 1996 Legality of the Threat or Use of Nuclear Weapons).

Even though the ICJ cannot directly have the EU as a party in its disputes, its jurisprudence can significantly influence EU law by clarifying principles enshrined in international law, as well as explaining its view on sustainable development as such, which is, in its turn, also a part of the EU environmental law. Besides, the ICJ cases provide normative guidance for states, including the EU MSs, which can indirectly shape EU supranational policies and legal rules. Therefore, it is extremely important to trace how the ICJ has been using the concept of sustainable development, both in its obligatory judgments and the separate opinions of the judges.

The first case that expressed the initial adherence to sustainable development was the 1997 Gabčíkovo-Nagymaros Project Case between Slovakia and Hungary (regarding dam construction). The Court ruled that watercourse states have to participate and cooperate in the protection, development, and use of international watercourses at a reasonable level, invoking the sustainable development concept (Sands, 1999; Gabčíkovo-Nagymaros Project Case..., 1997).

Thus, the author finds that using this concept by the ICJ gives this concept the status of normativity. Moreover, Judge Weeramantry (the judge from this case) stated in his dissenting opinion about the general and wide recognition of the sustainable development concept in modern international society. For Judge Weeramantry, the sustainable development principle is a part of modern international law (Separate Opinion of Vice-President Weeramantry, 1997). Besides the separate opinion, the ICJ gave no more than initial adherence to that principle by recommending its use in national decision-making. Nevertheless, it is a perfect starting point for the court to provide more regulatory details concerning applying the principle of sustainable development in further judicial cases.

In this regard, it is also important to mention, for example, the case concerning the 2010 Pulp Mills on the River Uruguay (Argentina v. Uruguay). The dispute between the two countries involved the planned construction of pulp mills, authorized by Uruguay, on the River Uruguay, a river bordering the two countries, protected by the 1975 treaty regarding the management of the river. The case was initiated by Argentina as an applicant claiming the other party, Uruguay, as a respondent, which did not initiate the prior notification and consultation before the construction of the mills, complemented by the issue of environmental pollution of the river. The ICJ ruled that Uruguay indeed failed to inform Argentina regarding the constructions in the manner specified in the treaty of the management of the river; however, the Court did not find evidence of the river pollution; therefore, the parties may “*continue their cooperation* [via the river

management treaty] and to enable it to devise the necessary means to promote the equitable utilisation of the river, while protecting its environment" (Pulp Mills on the River Uruguay..., 2010). Besides, the ICJ used the term "sustainable development" several times, specifying in point 177 of the decision "*it is the opinion of the Court that Article 27 [of the river management treaty] embodies this interconnectedness between equitable and reasonable utilization of a shared resource and the balance between economic development and environmental protection that is the essence of sustainable development*" (Pulp Mills on the River Uruguay..., 2010). For Judge Cançado Trindade, it was a "*disappointment, the Court's present Judgment preferred to guard silence on this particular issue* [*dwell further upon* sustainable development]". In his separate opinion, Judge Cançado Trindade, specified that "*there are strong reasons for recognizing sustainable development as a guiding general principle for the consideration of environmental and developmental issues*" (Separate opinion of Judge Cançado Trindade, 2010). Moreover, he asks "*can we, for example, conceive of International Environmental Law without the principles of prevention, of precaution, and of sustainable development, added to the long-term temporal dimension of inter-generational equity? Not at all, in my view*" (Separate opinion of Judge Cançado Trindade, 2010). Nevertheless, with this case, the Court underlined the importance of sustainable development, crystallizing its essence when parties must cooperate to balance economic development and environmental protection. However, the Court did not specify any enforcement measures to protect the principle of sustainable development. It is highly possible that it was not done due to the lack of actual environmental harm in this case.

Besides the case law as such, the dissertation analyzes some ICJ advisory opinions. The ICJ first noted the concept of sustainable development in the Advisory Opinion on Threat or Use of Nuclear Weapons in 1996, stating that the principle formed part of the whole of international environmental law (Legality of the threat or use of nuclear..., 1996).

Besides, in early 2023, per the Resolution A/77/L.58 (Resolution A/77/L.58, 2023), the UN General Assembly requested the ICJ to issue an advisory opinion on the state's obligations concerning climate change issues. The UN General Assembly wanted the ICJ to elaborate on the concrete state obligations under international law to ensure the protection of the climate system and other environmental media from emissions of greenhouse gases. Besides, the legal consequences of such obligations also became the subject of the General Assembly's interest. As the name (advisory opinion) of the ICJ action specifies, it goes without saying that the legally binding force of such an opinion would not be an option. In such a novel advisory opinion, it was

expected that the ICJ would bring a lot of clarity and details regarding the state's sustainable development policies. Despite not being a binding piece, it would be a moral obligation for the states to achieve sustainable development. Climate change actions are even more interlinked with the principle of sustainable development; they are part of the actions aimed at achieving sustainable development (SDG 13, for example). The ICJ delivered its Advisory Opinion on 23rd July 2025. In its novel advisory opinion, the ICJ, when addressing the principle of sustainable development, specified that *“given its continuous and uncontested universal recognition, the Court considers that the principle of sustainable development guides the interpretation of certain treaties and the determination of rules of customary international law, including the duty to prevent significant harm to the environment and the duty to co-operate for the protection of the environment”* and, eventually, *“the Court concludes that the principles of sustainable development, common but differentiated responsibilities and respective capabilities, equity, intergenerational equity and the precautionary approach or principle are applicable as guiding principles for the interpretation and application of the most directly relevant legal rules”* (Obligations of States in respect of Climate Change, 2025).

Therefore, even though the judgments did not provide an unambiguous and straightforward legal interpretation of sustainable development as a mandatory legal norm, it is believed that by crystallizing the essence and due to the frequent use of the term in its judgments and other documents (e.g., separate opinions), the ICJ clearly states that cooperation for achieving sustainable development is needed in international relations. In other words, we can extrapolate it to the national law sphere and state that the countries must adhere to sustainable development in international relations; the same obligation could exist in national policy-making and rule-making and, indirectly, impact the sustainability-related measures on the EU level. Consequently, the legal contours of sustainable development are not stable and straightforward since the ICJ did not specify any enforcement mechanisms in its cases, and it was not the case, probably due to the impossibility of outlining a proper obligation for the result. Nevertheless, the ICJ, in its case law, certainly possibly does effectively delineate the obligation to act in a way that can guarantee the achievement of sustainable development rather than the obligation to achieve any particular result about sustainable development as such.

Additionally, the ICJ, specifically answering the questions received from the UN General Assembly regarding climate change obligations, contributed a lot to contextualizing the current legal framework of the

principle of sustainable development, providing a ground for future decisions. Therefore, the practice of the ICJ in the form of its advisory opinions is a helpful tool in framing the current legal contours of sustainable development, especially when the case law is not novel.

**The realm of factual policy and rule-making (national and EU supranational practices).** In this dissertation, the EU level represents the supranational realm. As mentioned above, sustainable development has been widely used by the UN. The EU is not a member of the UN; thus, it did not formally adhere to the UN SDGs and developed the supranational sustainable development strategy that was also mentioned before, but the EU actively complies with the UN SDGs in secondary laws and proposals of legal acts (Krämer and Badger, 2024, p. 412). According to the First Progress Report on the EU Strategy for Sustainable Development (addressed above), sustainable development is a long-term objective, “*focusing on quality of life, inter-generational equity and the long-term viability of European society, and the medium term goal of growth*” (Progress Report on the Sustainable Development Strategy, 2007). It also specified that “*the Member States are committed to actively promoting sustainable development worldwide and ensuring that the EU's internal and external policies are consistent with global sustainable development*” (Progress Report on the Sustainable Development Strategy, 2007). Besides, it says that the objective is very broad, and the Member States “*tend to focus more on specific themes*” that are of utmost importance to them (Progress Report on the Sustainable Development Strategy, 2007). Besides, primary EU acts also utilize “sustainable development” several times, e.g., Article 3.3 of the TEU and Article 11 of the TFEU, which also gives a certain legal value to this concept.

According to Kenig-Witkowska, the EU system has no legal definition of sustainable development. Still, the goal of sustainable development is to be achieved and politically enshrined in the EU's primary laws and strategies. Per Kenig-Witkowska, EU sustainable strategies possess a “*relatively low operational level*”, resulting in “*inadequate legal instruments*” (Kenig-Witkowska, 2017, p. 17).

However, it was a case in 2017, but currently, or even from 2019, the situation has changed. As already mentioned above, the EU presented the European Green Deal, adopted by the EC in 2019, seeking to make the EU climate-neutral by 2050 and adopt new legislation on the circular economy, innovation, and biodiversity (A European Green Deal, 2019). Besides, the EC adopted the Circular Economy Action Plan (CEAP), one of the main building blocks of the European Green Deal, in 2020, which encouraged sustainable consumption and ensured that resources were used and kept as long as possible

(A new Circular Economy..., 2020). All these so-called umbrella policies specify that they aim to make Europe more sustainable in different sectors. It is important to mention that sustainability and achieving sustainable development are the cornerstones of these documents. The general policy programs specified above are to be translated into concrete legal proposals of different kinds to soon become real laws governing the lives of Europeans. As a result of the policy proposals specified above, the EU is developing dozens of regulatory submissions of different kinds to implement the principle of sustainable development in different spheres (however, different proposals might imply different variants of sustainability or misleadingly use the concept of sustainability, implying other positive aspirations), bringing some changes to the current mechanisms of the functioning of the economy.

The quantity of sustainability-related proposals is indeed immense (some of them were mentioned before and will be analyzed more thoroughly in Part II of the dissertation). It is important to note that it could take several years for the proposals to be adopted and several more to be implemented by individual Member States (in most cases). However, despite that, it is a good starting point for changes since it is believed that the long-term objectives might require long-term changes to be implemented. At the moment, there are some instances of successful adoption of the so-called sustainability proposals. For example, recently, a new EU Battery Regulation was adopted, making the batteries more durable, replaceable, and sustainable. Proposed in 2020, it took over three years for the regulation to be adopted. Due to different application dates, a couple of additional years are needed for the regulation to be fully applicable with all enhanced rules (Regulation EU 2023/1542 concerning batteries..., 2023).

The active implementation of sustainable development into legislative proposals on the EU level might signal that the EU, as a supranational entity, has no choice but to rebuild the current system of the functioning of the economy. It means that national policy-making will be influenced by these new rules in the future, even if these processes require a lot of time, as seen above. Therefore, it is believed that by putting sustainable development (as well as sustainability) into the heart of policy and rule-making with the most recent strategies and proposals, the EU shows how important it is, which would give more operational weight to the legal ornament of this particular principle.

However, it should be highlighted that, despite being extremely adherent to sustainable development, the EU has not specifically addressed it in the practice of the Court of Justice of the European Union (CJEU), lacking legal certainty concerning the nature of sustainable development as such in

the EU. As per Avilés, the principle of sustainable development in the EU “*comprises the principle of high level of protection of the environment, which in turn encompasses the sub-principles known as the precautionary principle, the source principle, the polluter pays principle and the prevention principle, and it is balanced against the economic growth imperative of sustainable development*” (Avilés, 2014, p. 272). According to Avilés, the mentioned principles are addressed by the practice of the CJEU; however, more clarification of the principle of sustainable development would be needed. Besides, Avilés suggested the EU position “*sustainable development as a paradigm for environmental legal protection*” (Avilés, 2014, p. 272).

There are many instances when the CJEU somehow delivers on or mentions sustainable development or the sustainability of different kinds in its practice. As an example, the 2017 landmark opinion on the powers to conclude the EU-Singapore Free Trade Agreement (Accord de libre-échange avec Singapour, 2017) can be used. The Court of Justice ruled that “*the objective of sustainable development henceforth forms an integral part of the common commercial policy*” (Accord de libre-échange avec Singapour, 2017). Besides, the ruling confirmed that a breach of the sustainable development provisions could potentially suspend the liberalization.

Also, the CJEU, in its case law, interprets the provisions of Article 35 of the Charter of Fundamental Rights of the European Union, according to which “*a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities*”; the provisions of Article 37 of the Charter, according to which “*a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development*” (EU Charter of Fundamental Rights, 2000). For instance, in Case Ilva and Others, concerning the interpretation of Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) and associated with the significant environmental pollution resulting from the Ilva steelworks, situated in Taranto, the CJEU specified in paragraph 72 that “*having regard to the close link between the protection of the environment and that of human health, Directive 2010/75 seeks to promote not only the application of Article 37 of the Charter, as stated in recital 45 of that directive, but also the application of Article 35 of the Charter, it not being possible to achieve a high level of protection of human health without a high level of environmental protection, in accordance with the principle of sustainable development. Directive 2010/75 thus contributes to protecting the right to live in an environment*

*which is adequate for personal health and well-being, as referred to in recital 27 thereof*” (Ilva and Others, 2024).

However, as of 2025, the author has not been able to find any recent or previous CJEU practice that specifically defines sustainability or sustainable development as such.

Despite not being practically defined by the CJEU, the principle of sustainable development plays an important role in the EU, as it is at the heart of the current EU policy and rule-making. This fact makes sustainable development invisible and quite unstable, but still imperative.

In terms of national (EU MSs) legislation (and national case law), this dissertation will briefly provide four examples of the use of the concepts related to “sustainable development” or “sustainability” in a couple of instances, such as the constitutions of Italy, Sweden, Lithuania, and Poland and the recent judgement of the Supreme Administrative Court of Lithuania. The selection of these countries (jurisdictions) shows different EU MS trajectories and legal traditions related to the concept of sustainability in different legal orders that allow us to analyze the constitutional and other norms in such states related to Nordic welfare, a founding member of the EU (and the Southern state), and the states with the post-Soviet or Soviet-influenced tradition. It can give a view on different forms of constitutional and other recognition of sustainable development.

For example, the incorporation of concepts related to sustainable development into the constitution can be seen in the Constitution of Italy. According to Article 9 (1), “*The Republic promotes the development of culture and scientific and technical research. It protects the landscape and the historical and artistic heritage of the Nation. It protects the environment, biodiversity and ecosystems, also in the interest of future generations. State law regulates the ways and forms of animal protection*” (Constitution of the Republic of Italy). The focus on “the interest of future generations” clearly indicates the link to the “intergenerational equity” of sustainable development in the central Italian legal act.

Besides the example of Italy, Sweden's example is worth mentioning. In its Instrument of Government, the part of the Constitution, it is specified in Article 2, among other things, that “*the public institutions shall promote sustainable development leading to a good environment for present and future generations*” (The Instrument of Government, 1974). By this, Sweden clearly proved its commitment to sustainable development.

Additionally, according to Article 5 of the Constitution of the Republic of Poland, “*the Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and*

*citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development*” (Constitution of the Republic of Poland, 1997).

Also, the example of Lithuania is used. Even though the Lithuanian Constitution (Constitution of the Republic of Lithuania, 1992) does not mention “sustainable development”, it states that “*the State shall take care of the protection of the natural environment, wildlife and plants, individual objects of nature, and areas of particular value, and shall supervise the sustainable use of natural resources, as well as their restoration and increase*” (Constitution of the Republic of Lithuania, 1992). Additionally, some aspects can be found in the national case law. For instance, in January 2025, the Supreme Administrative Court of Lithuania issued a ruling in the case related to the request of the private company for a permit to use hydrocarbon resources. In the decision, the Court specified the importance of the principles of the EU Green Deal, which can be seen as operational guidelines in Lithuania. It also noted the necessity to balance legal requirements and ecological values as specified in the Constitution (Administrative case No. eA-920-1188/2025; LVAT pasisakė dėl žaliojo kurso..., 2025). Taking into account that the EU Green Deal strategy was designed, among other things, to be a ground for future legal framework “*...to help develop and assess knowledge, skills and attitudes on climate change and sustainable development*” (A European Green Deal, 2020), it could be concluded that sustainable development is of special importance in the Lithuanian legal framework, being one of the operational guidelines.

Therefore, these national instances have shown that sustainable development can have an actual obligatory nature, whose status in many instances can originate from its constitutional status and from the case law practice.

Thus, the long history of sustainable development and its conceptualization on the UN level can prove that it is an essential concept for international society. It is agreed with the abovementioned scholars that a state has an obligation to implement legal and policy measures to demonstrate that it aligns with sustainable development. Thus, a state should act in a way that can guarantee sustainable development, at the same time showing concrete actions and not just aspirations. As there is no common definition, a state should come up with its own definition (concentrating on the main postulates of sustainable development), juggling around with different combinations of dimension prioritization (giving its own vision on the prioritization between environmental, economic, or social dimensions). Such a prioritization should consider enacted national, regional, supranational, or international strategies

or guiding documents. Thus, this can give some flexibility to the nature of such “bindingness” of sustainable development, as countries could more easily adapt to changing situations.

Outside of the general formula of the obligation of states to act in a way that can guarantee sustainable development, as mentioned several times above, some aspects that can even enhance the legal position of sustainable development's binding character have been identified. These aspects revolve around the realm of ambient reality (the current state of environmental emergency), the realm of case law (ICJ prospective opinions, etc.), and the realm of supranational (and national) policy and rule-making.

The current objective environmental reality (with the state of environmental emergency) frames the legal contours of sustainable development as it orders to put sustainable development at the center of policymaking, including at the national and EU levels.

The ICJ practice can be a tool helping to frame the legal contours of sustainable development. It includes both the case law and the advisory opinions that can influence the EU law, clarifying different international law principles, including the principle of sustainable development.

Besides, sustainable development has become quite unstable but is still imperative in the realm of national/supranational policymaking. The principle of sustainable development plays an important role in the EU, as it is at the heart of the current EU policy and rule-making, as the requirements related to sustainable development cascade via different legal and policy instruments, signalling that sustainable development cannot be neglected. At the same time, the official definition of sustainability or sustainable development given by the CJEU is needed, as it could resolve any possible uncertainties.

Consequently, the legal ornament of sustainable development in the foregoing legal scholarship, embraced by the analysis of its UN conceptualization as well as influenced by the state of ambient reality, international law cases, and national/supranational rules, marks a prominent place for sustainable development in legal frameworks on different levels, especially within the EU rulemaking, that is represented in cascading through the range of different legal developments or legal proposals. From this perspective, this obligation to act in a way that should lead to sustainability has already become a legal reality in the EU. Especially taking into account the main EU environmental objective, to protect the environment, which is an integral part of sustainable development, and the main principles of the EU environmental law, as mentioned in a detailed manner in the introduction. These principles justify specific legal measures; however, they do not require a specific solution to a specific problem (Krämer and Badger, 2024, p. 494).

Besides, as stated in the 2025 Environmental Implementation Review, “*EU environmental law and policy contributes to the EU's prosperity, competitiveness and security and is essential to achieve its sustainable development*” (2025 Environmental Implementation Review..., p. 11).

In the EU, notably, while sustainability is central to legal frameworks, including those that touch upon textiles (as will be seen below), there is still a lack of coherence in sustainability-related terminology. Sustainable development (sustainability) is usually misused (when it is used as something positive or favourable) or other concepts (circularity or harm reduction) are used instead of sustainability (when circularity is not a substitute but rather a prerequisite for sustainability). Therefore, the EU law and policymakers should use sustainability-related terminology in the right way while implementing the strategies and legal frameworks. The precise use of terminology can help to move beyond circular economy practices to indeed sustainable ones, including in the textile area, calling for balancing economic, social, and environmental aspects.

#### *1.2.4. Sustainable development: ethical dimension*

In addition to legal and other aspects related to sustainability and sustainable development, it is also important to address these concepts from the perspective of the ethical dimension. The addressing of ethical aspects can help to ensure that the measures towards sustainability are not only legally correct but also answer some ethical questions that may arise, as specified below.

In light of the current state of climate emergency (Ripple *et al.*, 2022) and the overall transgression of six out of nine planetary boundaries (nine crucial processes that play a significant role in ensuring the stability and resilience of the Earth system in its entirety) as of 2023 (Richardson *et al.*, 2023), sustainable development is seen as an absolutely needed solution to be achieved before it is too late.

The current state of the environment has been a cause of concern for humanity, prompting a realization that the measures taken so far may not be adequate. A long history of sustainable development initiatives indicates that the commitments enshrined in current frameworks for sustainable development often come into conflict with moral and ethical considerations, more so than with legal considerations. It is possible to find the arguments for the legal normativity of sustainable development, as discussed earlier; however, the ethical side could be more complex, since the achievement of sustainable development could raise important ethical questions. Thus, it is important that not only legal but also ethical

considerations are taken into account when implementing sustainable development into reality.

Ethics is usually understood as a human understanding of values, good or bad, as a so-called moral compass. Ethics could be defined as “*the principles of conduct governing an individual or a group*” (“Ethic” in Merriam-Webster Dictionary, 2024) or “*a set of moral issues or aspects (such as rightness)*” (“Ethic” in Merriam-Webster Dictionary, 2024). Taking into account the importance of sustainable development and its long history of formation, the “moral compass” should also be a part of this concept.

As mentioned above several times, sustainability is a complex concept that includes three main pillars (environmental, economic, and social) and the additional horizontal one. Besides, it deals with intergenerational equity addressed by the Brundtland Report (Our Common Future Report, 1987). Thus, the concept includes balancing all the pillars and related aspects. However, due to the involvement of different stakeholders (organizations, businesses, different groups, etc.) and the environment itself, it is harder to maintain the needed balance. For that reason, coordination is needed to achieve sustainability and sustainable development, since the interests of different stakeholders may often conflict, and some groups and the environment may lack the ability to advocate.

Thus, in order to take into account their voices, the states collaborate on an international level to help with achieving sustainable development. But the concept of sustainable development is quite complex, and it can raise many ethical concerns, as, for example, the possibility of a need to leave behind the paradigm of economic growth by all means and try to preserve the resources for future generations, as well as consider the interests of vulnerable groups, etc. Also, how to seek sustainable development during armed conflicts also becomes an open question in light of the most recent armed conflicts (for example, the biggest war in Europe since World War II (the war in Ukraine), unlawfully started by Russia in February 2022), in line with other conflict tendencies around the world). Thus, the ethical and moral considerations of sustainable development are understood as fundamental questions of what constitutes the right and just to progress to sustainable development, emphasizing the ability to weigh different values and make right and just choices.

Also, for example, as per Torelli, being sustainable “*... has to do with a desire to have as little impact as possible on the planet and on the well-being (in the broadest sense) of those who live there, in a short-term but especially in a long-term*” (Torelli, 2020, p. 721). Therefore, one more question arises: Are any human beings ready to have as little impact as possible, since it would require quite a lot of commitment from all on the planet? This means these questions are extremely broad.

The ethical aspect of sustainability is an important part of the discourse towards enhanced sustainability and may guide individuals and institutions towards making more responsible choices when it comes to the issues of sustainability. And it is important for sustainability ethics to be prioritized in the academic discourse.

These questions are complex and require a step-by-step approach to address them. Sustainable development cannot be achieved in one go; instead, it can be achieved in a systematic way. From a practical standpoint, any discussions on sustainable development policies must be critical and aimed at finding necessary solutions that balance the interests of its pillars. However, it is quite complicated to achieve a proper balance; thus, more radical solutions may be necessary to have the different pillars balanced. This could imply extending the current morality since the current one does not seem to be quite enough to help with achieving sustainable development. In this dissertation, legal solutions for achieving sustainable development in the textile sector in the EU will be analyzed to determine their comprehensiveness, which would definitely require a change in the current vision of sustainability as just something positive and would imply it as an indeed meaningful term with further practical implementation, requiring right and just choices to be made. In the textile domain, the ethical sustainability issues might arise when such companies use greenwashing techniques (*“the practice of making unclear or not well-substantiated environmental claims”* (Proposal for the Green Claims Directive, 2023)) and try to make a picture of adhering to sustainability postulates without any real and practical commitments to do so. Besides, the aggressive advertising techniques aimed at young people and challenges in labour practices can also be seen as unethical sustainability issues of the textile industry, as will be touched upon in Part III of the dissertation. Thus, ethical and moral considerations, if changed and developed to a more responsible vision of sustainability (addressing its entirety but not only cherry-picking its convenient sides), can have a bilateral influence on the legal dimension of sustainability. Assessing compliance with moral and ethical considerations moves beyond legal adherence (e.g., advertising requirements or unethical labour practices, as will be seen in Part III) but would also require reporting and cultivating a long-term vision for the entire sustainability of all involved stakeholders.

## PART II. NEGATIVE IMPACTS OF THE TEXTILE SECTOR AND ENVIRONMENTAL REQUIREMENTS FOR TEXTILES IN THE EU

It is crucial to bring some definitional clarity as to the conventional and sustainable textiles (or fashion). First of all, it should be started with the relation 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*” (Niinimäki *et al.*, 2020, p. 189). Distinguishing fast fashion from the broader garment production sector is important because fast fashion is seen as the most 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, 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*” (EU Textiles Strategy, 2022, p. 1).

Thus, 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 abovementioned operational description of the fast fashion mode, the parameters for fast fashion can be the following: 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 (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.

Thus, the conventional fashion or textile industry can be understood as consisting of the general textile sector alongside the problematic fast fashion sector. It is important to mention that these two are not isolated but interconnected parts of the same sector, and both possess negative impacts (as will be seen below).

Consequently, the analyzed legal frameworks and proposals will include the rules for both sectors, unless some specificities are aimed specifically at the fast fashion mode. Besides, specific regulations for segments not directly linked to textiles, such as fur, leather, or footwear, as

well as for unique materials with specific compositions and functionalities (e.g., bio-based textiles and e-textiles), are out of the scope of this dissertation regarding conventional textiles.

Taking into account the main purpose of the dissertation, namely, to assess the *status quo* or current *modus operandi* of the EU legislator in the EU textile regulation from the point of its alignment with the principle of sustainable development and challenge it by providing a view on a regulatory approach that would benefit the creation of an entirely sustainable textile ecosystem in the EU the most, it is crucial to underline that such a view would be aimed at transforming the conventional textiles into sustainable textiles (or fashion). In this regard, sustainable textiles (or fashion) are understood to be a system in which the regulatory framework is aimed not only at the circularity (environmental harm reduction) requirements but also touches on other sustainability features (social, economic, and horizontal requirements), as well as adapts the best legislative approaches from other jurisdictions (national ones or non-EU that contain textile-related legal norms/proposals currently absent in the EU norms/proposals or just set the watches with other jurisdictions) on the EU supranational level and also considers the introduction of the EU-wide consumer limitations.

It is also clear that a sustainable textile system could be seen as an oxymoron in the current reality, as the current textile system is concentrated on increased consumption (and the more you sell, the more natural resources must be used). However, it could be achieved in case it indeed refers to better results in all sustainability dimensions, new business models, and novel approaches to consumption limitations.

In general, as mentioned in the dissertation, sustainable development requirements refer to the specific norms and proposed rules that could help to achieve sustainable development objectives, particularly in the textile sector. It refers to the Sustainable Development Goals (SDGs) and their three dimensions: environmental, social, and economic sustainability, as well as to interconnected horizontal areas. Therefore, within this dissertation, sustainable development requirements are defined as EU textile-related current legislation and legal proposals designed to implement the UN SDGs in practical contexts of the EU. Taking into account the three classical components of sustainable development (environmental, social, and economic), as well as an additional horizontal one, sustainable development requirements in this dissertation are divided into:

- Environmental requirements for textiles in the EU;
- Social requirements for textiles in the EU;

- Economic requirements for textiles in the EU;
- Horizontal requirements for textiles in the EU.

Particularly, environmental requirements for textiles in the EU are the subject of interest in this part of the dissertation.

Thus, this part of the thesis analyzes the negative impacts of the textile industry as well as the environmental requirements for the textile supply chain in the EU to understand the current and proposed environmental rules (regarding composition, design, packaging, labelling, use, and disposal requirements) and their impact on the textile industry and consumers. Besides, it assesses these environmental legal rules and proposed measures and identifies improvement opportunities for these measures.

This part utilizes statutory and proposal analysis of the secondary EU law and policy frameworks, which are used for the analysis of the *status quo* of the current and proposed textile regulations (environmental requirements) in the EU; the environmental proposals (or, in some cases, already adopted instruments) are mostly based on the 2022 EU Strategy for Sustainable and Circular Textiles (EU Textiles Strategy, 2022) and could touch the textile sector.

It must also be mentioned that the dissertation does not analyze the non-binding global textile industry or related standards (e.g., the GRI (Global Reporting Initiative) Standards, Dow Jones Sustainability Indices (DJSI), HIGG Index by the Sustainable Apparel Coalition, etc.), as well as industry-specific certificates (FAIRTRADE, Better Cotton Initiative, Global Organic Textile Standard, etc.). In most cases, they are self-assessing and could be highly influenced or used for greenwashing.

## 2.1. Negative impacts of the textile industry

The clothing industry has been in the spotlight for its negative environmental impact. Some time ago, the industry was indeed “slow”, with garments produced individually or on a small scale; however, after the Industrial Revolution, the “speed” of fashion became faster, leading to mass production of clothing (Vilaça, 2022). After the emergence of the internet, this speed has even skyrocketed, in addition to the rise of “fast” fashion (as mentioned above), resulting in an increase in the negative environmental impact of the clothing industry.

The supply chain of the clothing industry has a lot of negative impact at every step (Niinimäki *et al.*, 2020). This supply chain includes a lot of industries (agriculture, chemicals, energy, transportation, retail, etc.). Additionally, embraced by the instances of irresponsible consumer usage,

these negative impacts can jeopardize achieving sustainable development. More specifically, the clothing industry consumes a lot of water, produces 8 to 10% of global CO<sub>2</sub> emissions, uses a lot of chemicals (around 15,000), and generates a large amount of waste (more than 92 million tonnes annually) (Niinimäki *et al.*, 2020). The industry embraces the immense direct negative environmental impact by using greenwashing techniques, which can jeopardize the responsible consumption of garments, accounting for further environmental impact. According to the explanatory memorandum to the proposal for a directive on the substantiation and communication of explicit environmental claims (Proposal for the Green Claims Directive, 2023), presented in 2024, greenwashing is specified as “*the practice of making unclear or not well-substantiated environmental claims*” (Proposal for the Green Claims Directive, 2023).

Besides the environmental concerns, there are other concerns regarding the textile industry, including those related to the social domain, such as, for example, labour abuses in factories abroad, ranging from abuses towards pregnant workers, forced overtime work, etc. (Human Rights Watch), and garment workers being rated among the lowest-paid industrial employees worldwide (Adegeest, 2024). Besides, different environmental and social concerns (hidden costs) are not adequately addressed by economic means. These and other concerns are also linked to high production and consumption patterns, since there are high projections for production and consumption of textiles. For example, the number of annually produced clothing doubled from 2000 (surpassing 100 billion in 2014), and the global consumption of clothing is going to rise by 63% by 2030 (Cardona, 2025). Besides, according to the research from the Ellen MacArthur Foundation, every year, globally, customers lose out on USD 460 billion by discarding garments that they could still wear, with some garments that are estimated to be discarded after only 7-10 times of being worn (Fashion and the circular economy, 2019).

All these negative effects on all the dimensions of sustainable development represent the so-called “externalities” of the textile sector, as such, or the “hidden costs” of the industry, which have a significant societal burden, meaning that the true cost of the garments is higher than the price indicated on the labels. The negative environmental and other concerns of the textile industry could illustrate one of the examples of the “tragedy of the commons”, a concept introduced by Hardin, when the environmental carrying capacities and limited resources are seen as primary challenges, and people overuse such limited resources, limiting the abilities of others to utilize the same resources (Hardin, 1968). Thus, such externalities of the textile industry illustrate the “tragedy of the commons”, as such shared resources like clean

water and other environmental media are polluted or depleted. Textile sector players, acting in a rational way to minimize the costs, pollute or overuse the labour resources without bearing all the costs, meaning they use these assets for free (or without bearing the full environmental and social cost). This can lead to the degradation of common assets and impose widespread environmental and societal burdens on everyone.

These challenges, which jeopardize sustainability in the industry, compel the researchers to rethink approaches towards changing how the textile industry is regulated. The scientific community underlines that the “*fashion industry is facing increasing global scrutiny of its environmentally polluting supply chain operations*” (Niinimäki *et al.*, 2020, p. 189), thus making “*decision makers [...] [begin] to promote sustainable fashion through public policy*” (Mizrachi and Tal, 2022, p. 1). The regulatory proposals (and also existing legal frameworks) on the EU level are seen as the most novel, with the leading role of the EC, which “*is advancing a transition pathway to help the textile ecosystem make the switch to a greener, more circular and resilient, and digital economy*” as well as “*supporting enterprises adopting slow fashion values*” (Centobelli *et al.*, 2022, pp. 2, 5). Since limited scholarly progress is identified with regard to the analysis of the current and proposed textile regulation in the EU (and its real nature) (Korchahin, 2023), it will be done in the further chapters of this dissertation.

Therefore, since the textile industry has a wide range of environmental and other impacts, it dictates using different measures, including legal ones, to address these impacts. The EU is a proponent of sustainability-related legal measures, including in the textile sector. Even though the critics may truly argue that the use of the notion of sustainability or sustainable in many policies may be pretty rhetoric or misleading, for example, the contradictory use of the word “sustainable” in many EU policies could exemplify that this “*notion is being increasingly used as a substitute for ‘positive, favourable development, thereby losing its environmental precision*” (Krämer and Badger, 2024, p. 11); the EU’s proactive stance reflects its dedication to promoting sustainability, including by legal means.

The next chapter will analyze the current and prospective EU legal environmental requirements applicable to the textile supply chain and assess them. Other sets of requirements will be analyzed in the next parts of the dissertation.

## 2.2. Current and prospective environmental requirements for textiles in the EU

Keeping such a negative state of affairs in the textile industry (that causes the foregoing environmental and other problems addressed below) can jeopardize sustainable development immediately and in the future. More specifically, the concept “tragedy of the commons”, introduced by Hardin, as specified above, includes overpopulation, depletion of natural resources, pollution, and the tension between individual interests and common good (Hardin, 1968). It could also be used for the description of the sustainability challenges in the textile sector, as the textile companies exploit shared resources and do not bear the full environmental and other costs, which leads to overconsumption, pollution, and huge waste, in addition to the rise of fast fashion.

To resolve all the negative aspects described above (primarily environmental ones in this part of the dissertation), the EU has introduced regulatory measures implementing the principle of sustainable development. More details on different sustainability policy frameworks were addressed in the previous part of the current dissertation.

In addition (and of utmost importance for this dissertation), to tackle the problems associated with textile production and consumption, applying the circular economy principles to these processes, the EC adopted the EU Strategy for Sustainable and Circular Textiles (EU Textiles Strategy) in March 2022. The circular economy principles or features, as mentioned earlier, include reuse, recycling, and repair, among others. For example, “*recycling, reuse, and repair have emerged as the three key tools for reducing the environmental and social impact of the textile industry*” (Ramírez-Escamilla *et al.*, 2024, p. 16), where recycling stands out as the primary approach (which also requires significant investments in technology); reuse and repair are vital as well but also possess multiple challenges (Ramírez-Escamilla *et al.*, 2024).

The EU Textile Strategy itself is ambitious, aiming at shifting to a circular economy, which is climate neutral, where textile-based products are designed in a way to be more reusable, recyclable, and repairable (European Commission Press Release, 2022). The EU Textiles Strategy is a roadmap that is the root of concrete EC legislative proposals that need to be discussed further. The 2022 EU Textile Strategy is an important framework for many current legal developments. But, taking into account the new 2024-2029 European Parliament (EP) and 2024-2029 European Commission (EC), the EU seems to be updating its vision on sustainability with the help of the Competitiveness Compass. This vision could shift from considering

sustainability as a final aim to viewing it as a way to enhance the EU's competitiveness by means of omnibus and other proposals (A Competitiveness Compass for the EU, 2025). The Competitiveness Compass does not directly impact the textile sector; however, with this, the EU is reassessing its regulatory framework to strike a balance between sustainability objectives and economic growth, for instance, by simplifying certain sustainability requirements (e.g., sustainability reporting). In the future, this simplification (or even deregulation) of sustainability rules could serve as a possible constraint for achieving sustainability in the EU and the textile sector as well. Besides, the 8th Environment Action Programme currently underlines the EU's agenda for environment policy until 2030, which, among other things, forms the basis for achieving SDGs within the territory of the EU and accelerating the path toward a circular economy (Decision (EU) 2022/591 on a General Union..., 2022).

The legislative pieces or proposed legal developments that are going to be analyzed in this part of the dissertation, among others, should significantly impact the apparel industry's regulatory burden. Dozens of EU proposals or initiatives could touch the textile sector.

Therefore, this part of the dissertation revolves around environmental sustainability requirements only. These requirements are analyzed using a supply chain approach, since garments are products, and the legal requirements with regard to the whole chain, ranging from production until consumer use and becoming waste, should be traced.

More specifically, this part is concentrated on the analysis of the few currently existing textile-related legal instruments in the EU (EU Ecolabel Regulation, Textile Labelling Regulation, etc.), with most of the attention given to the proposals based mainly on the EU Textile Strategy. All these instruments are designed to primarily achieve circularity in the textile sector, to reduce the level of harm to the environment of the textile supply chain (mainly on the product level), or just to bring some positivity. Therefore, these requirements are called environmental requirements in this dissertation. Environmental EU textile requirements are defined in this dissertation as those that aim to reduce the level of harm to the environment at each step of the textile supply chain.

The current textile-related regulatory status quo (represented in environmental requirements) is evaluated in this dissertation to assess its potential impact on the textile industry. Such evaluation is based on the Current Regulatory Circularity Credit (CRCC), a method developed by the author to evaluate the current level of regulatory potential of circularity-related proposed or adopted measures for textiles. The CRCC categorizes the

regulatory potential into three types (low, moderate, and high) depending on the degree of the proposed or adopted obligation and its impact on consumer behaviour. Low CRCC applies to legal measures (the legal rule or a proposed change) that primarily focus on promoting voluntary compliance for textiles or those that exclude (directly or indirectly) their application for textiles. These include voluntary labelling requirements or non-binding industry guidelines, which do not impose significant constraints on producers or consumers, or when the textiles are not subject to some legal rules. Moderate CRCC refers to legal measures (the legal rule or a proposed change) that actively facilitate more sustainable choices by the instruments of enhanced consumer awareness and labelling (except for CLP labelling with hazard statements) or those that present strict regulatory constraints but exclude some textile companies (or products) from its application or aim at certain operators in the textile industry, not being applicable universally (e.g., the requirement does not apply to small and micro operators of the textile sector). For instance, introducing better consumer information or awareness requirements (which would be aimed only at responsible consumers and would exclude non-responsible consumers). High CRCC refers to strict regulatory constraints that mandate or prohibit certain actions and aim for the textile industry as a whole or for all textile products. This includes specific bans, usage restrictions, or other binding obligations (excluding those associated with enhanced consumer awareness), such as prohibiting an additional hazardous chemical in textile production, directly limiting market choices, and applying to the entire textile sector (or those implying labelling with hazard statements).

This approach helped to identify improvement opportunities for the legal rules and proposed measures.

Therefore, the following subchapters will revolve around analyzing the current and prospective regulatory burden for the textile supply chain (the supply chain approach is used to analyze the environmental requirements on the stages that range from production to end-of-life) regarding the following subject matters:

- Composition requirements;
- Design requirements;
- Plastic-related requirements;
- Labelling and packaging requirements;
- Using requirements;
- Consumer empowerment;
- Disposal requirements.

More specifically, the following will be analyzed:

- Current and prospective textile composition and design requirements;
- Current and prospective textile labelling and packaging, and consumer empowerment requirements;
- Current and prospective textile use and disposal requirements.

#### *2.2.1. Current and prospective textile composition and design requirements.*

When using the textile supply chain approach, the following legal instruments/proposals regarding textile composition and design requirements will be analyzed in this subchapter:

- REACH Regulation;
- Revision of the REACH regulation;
- Biocidal Products Regulation;
- Ecodesign for Sustainable Products Regulation;
- Proposal for a regulation on preventing plastic pellet losses to reduce microplastic pollution.

#### *REACH regulation*

The first one to address and analyze is the REACH Regulation for chemicals. The acronym REACH means registration (with a need to register any chemical substances if the amount exceeds 1 tonne per year), evaluation (if there are any threats from the chemicals), authorization (the process of replacing with less dangerous alternatives), and restriction (to limit or prohibit the use of certain substances) of chemicals, and the regulation deals with the regulation of the production, use, and import of chemicals (Regulation 1907/2006...concerning REACH, 2006). More specifically, the regulation says that its purpose is “*to ensure a high level of protection of human health and the environment, including the promotion of alternative methods for assessment of hazards of substances, as well as the free circulation of substances on the internal market while enhancing competitiveness and innovation*” (Regulation 1907/2006...concerning REACH, 2006). The REACH Regulation applies to different industries, including the textile one, which means it regulates the use of different chemicals used for textile manufacturing, including dyes, finishing agents, etc. In general, textile manufacturers must register and comply with other requirements on specific hazardous substances. Besides, under the REACH rules, as mentioned above, manufacturers and importers must collect comprehensive information on the properties of their chemicals and register it in the database of the European Chemicals Agency (ECHA) (European Commission topics, 2024).

More specifically, for example, Annex XVII of the regulation restricts the use of “*certain dangerous substances, mixtures and articles*” in textiles (e.g., tris (2,3 dibromopropyl) phosphate, mercury compounds, organostannic compounds, cadmium, azocolourants and azodyes, etc.). The textiles that are in contact with human skin must not have restricted substances at all or at levels that exceed the regulated limits (Regulation 1907/2006...concerning REACH, 2006).

Therefore, this regulation's current regulatory circularity credit (CRCC) is high since it applies to the textile industry specifically as a whole and presents the strict regulatory constraints that prohibit and limit certain substances, in addition to outlining some administrative procedures (as mentioned above) to be strictly followed in textile manufacturing.

#### *Revision of the REACH Regulation*

The EU is revising the REACH Regulation to safeguard the well-being of people and the environment by prohibiting or reducing the most dangerous chemicals, including those in textile products (European Commission Chemical Strategy, 2020). As mentioned above, the processes of REACH include the registration, evaluation, authorization, and restriction of chemicals (Regulation 1907/2006...concerning REACH, 2006). Even though the current regulation is an important and sufficient legal instrument, the EC is obviously going to adjust the regulatory regime for substances in different industries, including textiles; thus, it is important to assess this proposed development.

In January 2022, the EC launched a public consultation on REACH revision, which ended in April 2022. The EC was to present the proposal for the REACH revision by the end of 2022 (European Commission Chemicals Strategy, 2020). It was not the case, and the proposal was postponed to be presented in the last quarter of 2023 (International Chemical Secretariat, 2022); however, it was not the case either, and as of mid-2025, it had not yet been presented. In the 2025 work programme of the EC, a targeted revision of REACH is planned for the last quarter of 2025, under the headline of “simplification”, and the EC would propose a new chemicals industry package (Revision of the regulation on the registration, evaluation...). Since the REACH regulation already applies to industries in the EU, including textiles, its revision may lead to the enhancement of the regulatory requirements for chemicals to mitigate the chemical pollution caused by the textile industry. To the date of publishing this dissertation, no specific wording of the text of the proposal has been presented.

Adopting this regulation could benefit the textile industry. The proposal could completely ban or restrict some additional chemicals in textile products,

stopping producers from manufacturing garments using additional specific chemicals and consumers from buying them. The CRCC of this prospective regulatory development, even when the actual proposal is not yet in place, could be set as high since it, if and when adopted, would likely complement the existing REACH framework (with a high CRCC) and could potentially bring some additional restrictions for the textile industry in the future. However, taking into account the headline of “simplification” for the REACH revision, essentially aiming at the newly presented EU goal of competitiveness by making business in the EU faster and easier, the revision of REACH would probably seek to reduce administrative burdens for companies, including textile manufacturers. These moves could potentially lower the CRCC of the proposed move, which makes the current assessment of its CRCC provisional.

### *Biocidal Products Regulation*

The next legal document worth mentioning among the regulatory bases of textiles in the EU is Regulation 528/2012 concerning the making available on the market and use of biocidal products, which has been applied since 2013.

The regulation harmonizes rules governing the sale and use of biocidal products throughout the EU and ensures high levels of protection for human and animal health and the environment. The regulation requires active substances to be approved through the evaluation process carried out at the EU level. Approved active substances are listed on the ECHA website, and product authorization can be granted through EU or national authorization procedures. There are also simplified authorization procedures for the least harmful products meeting specific conditions (Regulation (EU) No 528/2012 concerning the making available..., 2012).

According to the regulation, biocidal products are chemicals used to kill pests like parasites, fungi, and bacteria or to protect materials. They include household disinfectants and insecticides. Since such products can harm humans, animals, and the environment, they are regulated by the EU.

The regulation is relevant in the context of textiles in case these products are treated with biocidal substances or technologies. This could be seen in textiles designed to have antimicrobial or insect-repellent properties, and the regulation specified an approval process for biocidal products before they can be sold.

Since the textile companies that somehow use biocidal products are obliged to follow the specific restrictions introduced by the regulation, the CRCC is high (because it applies to the textile industry specifically and entirely and presents the strict regulatory constraints). However, some may

have concerns about the environmental impact of certain biocides, and there may be a necessity to develop and use more sustainable alternatives.

#### *Ecodesign for Sustainable Products Regulation*

The EC proposed a new Ecodesign for Sustainable Products Regulation in March 2022, seeking to repeal Directive 2009/125/EC (Ecodesign Directive, the scope of which does not include textiles). Regulation 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products was adopted and entered into force in 2024 and is directly applicable in all EU MSs and, in the same manner as its proposals, concentrates a lot on the environmental sustainability of products, without a proper definition of the latter (Regulation 2024/1781 establishing a framework..., 2024).

Under the new Ecodesign for Sustainable Products Regulation, the obligations on textiles to make them more durable, reusable, recyclable, and energy-efficient were expected (Proposal for a regulation establishing..., 2022). The new rules were supposed to cover more products for eco-design requirements, including textiles.

For instance, the following legal measures are foreseen, among others:

- the emergence of a digital product passport (a digital record containing comprehensive data about the product) for textile products, which would require the provision of more information about textiles for consumers (subject to subsequent delegated acts);
- the establishment of ecodesign requirements for specific product groups, which include the requirements for the composition of materials, their durability, reusability, reparability, resource efficiency, as well as their recycled content, etc. (would be further developed by the EC by delegated acts);
- introduction of an Ecodesign Forum (with field experts assisting the EC while creating delegated acts), etc. (Regulation 2024/1781 establishing a framework..., 2024).

Even though the EC prioritizes textiles, particularly garments and footwear, for further regulatory interventions, it remains to be seen how the framework rules in the regulation will be translated into practical legal requirements in the delegated acts. For example, the Ecodesign for Sustainable Products and Energy Labelling Working Plan 2025-2030, released by the EC in April 2025, provides a list of products that are to be prioritized to introduce ecodesign requirements and energy labelling, including textiles. It also

specifies that the detailed requirements for textiles should be adopted by 2027 (Ecodesign for Sustainable Products and Energy...).

Besides, the Parliament and the Council also agreed to require economic operators who destroy unsold goods to report annually on the quantities of products they discarded and the reasons why. In the case of the destruction of unsold apparel, clothing accessories, and footwear, it would be specifically banned two years after the law comes into force (in the case of medium-sized enterprises, later). Additionally, the Commission may expand the list of products subject to the destruction ban in the future (Deal on new EU rules to make sustainable...). Indeed, the text of the adopted Regulation says that *“newly produced but unsold textiles and especially clothing are among the items reportedly being destroyed. Clothing should be given a higher value, and be worn longer and cared for more, than is the case in today’s fast fashion culture. From a circular economy perspective, such wasting of valuable resources is in clear contradiction to the objectives of this Regulation. It is therefore justified to prohibit the destruction of unsold consumer apparel and clothing accessories as well as footwear”* (Regulation 2024/1781 establishing a framework..., 2024). Apparel and clothing accessories are specifically listed in Annex VII of the regulation among the consumer products, of which the destruction by economic operators is prohibited from 19th July 2026. At the same time, this ban does not apply to micro and small enterprises, with medium-sized enterprises being affected by the ban only from the 19th of July 2030 (Regulation 2024/1781 establishing a framework..., 2024). However, in 2025, the EC proposed an initiative called “Sustainable products – exemptions to prohibiting the destruction of unsold apparel and footwear” for the delegated regulation, which seeks to provide exemptions for cases where textile products cannot be used and have to be delivered to recycling or other treatment. The adoption is planned for the third quarter of 2025 (Sustainable products – exemptions to prohibiting the..., 2025).

The general idea behind this regulation is obviously important for the functioning of the circular economy, as it could potentially be one of the main legislative developments to deal with fast fashion. However, its CRCC remains under-addressed since this regulation, introducing the requirements for producers and importers (ecodesign requirements), would need to be introduced by delegated acts and, thus, is not yet clear and operational. However, the introduction of the digital product passport aims to trace the product and better inform consumers, even though better information does not securely mean better actions from the consumer side (only from responsible consumers). Besides, it lays down some prohibitory measures for economic

operators, e.g., the ban on the destruction of unsold textile items (in addition to more information for consumers). The CRCC of this particular instrument is moderate since this prohibition will not apply to small and micro operators (and will apply to medium-sized ones only in 2030). Such an exemption could serve as a waiver of legal noncompliance with such a rule and does not allow giving a high score to the CRCC.

*Proposal for a regulation on preventing plastic pellet losses to reduce microplastic pollution*

The EC is working on a proposal for a regulation in the initiative called “Microplastics pollution – measures to reduce its impact on the environment”. This regulation aims to fight against unintentionally released microplastics in the environment, with attention specifically on labelling, standardization, and certification, including other regulatory measures for the primary sources of such plastics (Microplastics pollution – measures to reduce..., 2021). This initiative resulted in a legislative proposal for a regulation on preventing plastic pellet losses to reduce microplastic pollution in October 2023 (Proposal for a regulation on preventing..., 2023). In January 2024, the feedback period for the proposal ended. The proposal now follows the regular legislative process in the EU. In April 2025, a provisional agreement was reached between the EP and the Council (Plastic pellet losses: Council..., 2025; Plastic pellets: EU lawmakers agree..., 2025).

As per the EC, plastic pellets are considered a major source of microplastic pollution. Mishandling of pellets results in the release of between 52 and 184 thousand tonnes every year. The proposal would ensure that operators of pellets in the EU take necessary measures to reduce pellet release by up to 74%, contribute to cleaner ecosystems and plastic-free waters, and reduce potential health risks. The proposed document includes mandatory certification and the methodology to estimate losses, among other things. All economic operators must comply with the requirements within 18 months of the regulation's entry into force (Reducing microplastic pollution from plastic..., 2023). As the media reported in April 2025, “*To reduce administrative burden for small companies, the Commission successfully advocated to limit the certification obligations to companies handling more than 1,500 tonnes of plastic pellets per year. Below this threshold, only a self-declaration will be required*” (Plastic pellets: EU lawmakers agree..., 2025). It is to be seen what the final rules will be.

Adopting this initial proposal would benefit the industry since introducing mandatory certification and a harmonized methodology to estimate losses, among other measures, would, first of all, influence all the

producers of textiles using such plastic pellets and, consequently, influence the number of pellet losses by consumers. However, in case the “reduced administrative burden” measures are in place for this proposal, the CRCC of this particular proposal is considered to be not high but moderate, as it would present strict regulatory constraints but would exclude some companies from its mandatory application. However, it remains to be seen what the final requirements look like.

#### *2.2.2. Current and prospective textile labelling and packaging and consumer empowerment requirements.*

When further analyzing using the textile supply chain approach, the following legal instruments regarding textile labelling, packaging, and consumer empowerment requirements will be analyzed in this subchapter:

- Textile Labelling Regulation;
- Revision of the Textile Labelling Regulation;
- Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation);
- Regulation on Packaging and Packaging Waste;
- Regulation on the EU Ecolabel;
- General Product Safety Regulation;
- Directive as regards empowering consumers for the green transition through better protection against unfair practices and through better information;
- Proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims.

##### *Textile Labelling Regulation*

The following important current legal act that directly impacts and regulates textiles is the regulation of textile fibre names and related labelling and marking of the fibre composition of textile products (Regulation 1007/2011 on textile fibre..., 2011).

This regulatory act “lays down rules concerning the use of textile fibre names and related labelling and marking of fibre composition of textile products, rules concerning the labelling or marking of textile products containing non-textile parts of animal origin and rules concerning the determination of the fibre composition of textile products by quantitative analysis of binary and ternary textile fibre mixtures, with a view to improving

*the functioning of the internal market and to providing accurate information to consumers*” (Regulation 1007/2011 on textile fibre..., 2011).

The Textile Labelling Regulation can be seen as a central EU legal act that regulates the labelling and composition of textile products. It was adopted for better consumer protection by establishing guidelines for reflecting important information on textile labels. The regulatory scope is comprehensive, including almost all textile products marketed within the EU. More specifically, it applies to a wide list of items, including but not limited to garments, fabrics, and home textiles.

The legal provisions apply to products made entirely of textile fibres and those subjected to the same treatment as textile products. To be eligible for coverage, such products must contain at least 80% of textile fibres (by weight). However, an exclusion clause applies to products outsourced to home-based workers, self-employed tailors, or independent firms (Regulation 1007/2011 on textile fibre..., 2011).

The reflection of fibre composition must align with the textile fibres in Annex I. Producers can also request the inclusion of a new fibre. Besides, specific terms, such as “100 %”, “pure”, or “all”, are permissible only when the product comprises a single textile fibre. If a product is made up of different types of fibre, the label must show the name and amount (by weight) of each type of fibre used, starting with the one that has the highest percentage. If a product contains non-textile parts of animal origin, such as a leather strap on a fabric bag, it must be shown on the label that it contains non-textile parts of animal origin. Textile products must be labelled and marked in a durable, legible, visible, and accessible way to sell to consumers (Regulation 1007/2011 on textile fibre..., 2011).

The seller is responsible for labelling or marking the products, and the label must be offered in the official language(s) of the country where the product is sold. Each component's composition must be indicated for products consisting of two or more textile components with different fibre compositions. However, labelling is not required for products listed in Annex V. To ensure compliance with these regulations, EU countries' market surveillance authorities must check the fibre composition of textiles using the methods specified in Annex VIII (Regulation 1007/2011 on textile fibre..., 2011).

Thus, the regulation is a comprehensive framework for consumer empowerment and fairer practices in the EU textile sector. Even concentrating only on the labelling, it still protects consumers. The regulation is indeed detailed and comprehensive, and its CRCC could be described as high; however, two crucial aspects do not allow the author to classify it like this.

Since the requirements of the regulation only apply to the products that contain at least 80% textile fibres and due to the exclusion of its provisions for home-based workers, self-employed tailors, or independent firms, its CRCC can be considered moderate.

#### *Revision of the Textile Labelling Regulation*

As a result of the 2022 EU Textile Strategy, among other legal developments, the EU aims to revise the current version of the Textile Labelling Regulation addressed above.

The EC recently proposed new rules to revise textile labelling requirements. The initiative aims to address the current shortcomings in the rules and ensure that the labelling requirements are consistent across all EU countries.

The revised labelling rules would deal with both physical and digital labelling of textiles with the aim of giving more accurate and comparable information to consumers. In addition, the revised rules would reduce compliance costs and ensure regulatory consistency (Textile labelling rules (revision), 2023). It is expected that this initiative seeks to harmonize the labelling rules for textiles within the EU to simplify compliance for businesses. Besides, it is expected that more informative labels would be introduced, ranging from the EU uniform size indication to the care rules and socially responsible supply chains.

The EC introduced an initiative in August 2023, which underwent a public consultation phase from December 2023 to April 2024 and was anticipated to be adopted by the EC in the fourth quarter of 2024, but it was postponed until the fourth quarter of 2025; however, at the time of publishing of this dissertation, the wording of the draft of the revised regulation has not yet been circulated. Besides, the status of the initiative is marked as blocked, and the planned revision is postponed to the second quarter of 2026 (Revision of the textile labelling regulation).

The specific guidelines for this proposal remain unclear, though it is expected that its CRCC will be moderate, as it would improve the regulatory qualities of the current regulation. If the limitations of the current regulation are eliminated, the CRCC could be adjusted in the future. Besides, introducing digital labelling (which will complement the information on the digital product passport, as mentioned above regarding the ecodesign requirements) will enable consumers to avoid the inconvenience of removing large physical labels and keep them attached to their garments for a longer period. Additionally, better information on the circularity features of products would assist consumers in prioritizing more responsible options.

*Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation)*

The next important regulatory piece is Regulation 1272/2008 of the EP and of the Council on classification, labelling and packaging of substances and mixtures, as amended by Regulation (EU) 2024/2865. The regulation seeks to make sure that the dangers (hazards) posed by chemicals are communicated clearly to consumers in the EU. This is achieved through the proper classification and labelling of chemicals. The CLP Regulation complements the foregoing REACH Regulation. Therefore, in case any hazardous chemicals are used in textile products, the requirements on the labelling and packaging for chemicals would be applied. For example, the CLP Regulation specifies the usage of some specific pictograms as well as specific hazard statements (e.g., “May cause an allergic skin reaction”) and signal words (e.g., “Warning”) (Regulation 1272/2008 on classification, labelling..., 2008).

Thus, taking into account the stringent approach of the CLP Regulation and its impact on the sector as a whole, in case the hazardous substances are utilized, the CRCC of this regulation is high due to its hazard statements that might influence all consumers. However, this regulatory act is also going to be “simplified” within the abovementioned omnibus packages, which is not desirable.

*Regulation on Packaging and Packaging Waste*

The EU was revising Directive 94/62/EC on Packaging and Packaging Waste with the aim of reinforcing the mandatory requirements for packaging to eliminate the problem of over-packaging. According to the proposed revision, the packaging should be reusable and recyclable. The EC proposed the draft Proposal for a Regulation on Packaging and Packaging Waste at the end of November 2022. After the adoption of Regulation 2025/40 of the EP and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC, it became effective on 11th February 2025, with its general application date set for the 12th of August 2026 (Regulation 2025/40 on packaging..., 2024).

The impacts are that the new rules would introduce more regulations about packaging recyclability, packaging plastic composition requirements, reusability, etc. (EU Textiles Strategy, 2022).

The regulation will regulate the following:

- Prevent packaging waste generation by reducing packaging weight, restricting over-packaging, and promoting reusable packaging;

- Boosting packaging recycling;
- Introduction of targets of minimum recycled content requirements in plastic packaging (for 2030 and 2040);
- Requirements for substances in packaging;
- Extended producer responsibility for producers (mandating that producers financially and operationally manage the entire life cycle of the packaging, from collection to recycling and disposal);
- Prevention of packaging waste (by at least 15% by 2040);
- Introduction of labelling requirements for packaging;
- Setting up a take-back system for packaging, etc. (Regulation 2025/40 on packaging..., 2024).

Whereas, it is important to highlight that most of the recyclability requirements are not specifically applicable to sales packaging made from lightweight wood, cork, textile, rubber, ceramic, porcelain, or wax (Regulation 2025/40 on packaging..., 2024).

In general, the regulation is very beneficial for the sector's circularity, as the obligatory requirements, for instance, for the minimum recycled content in packaging or reducing packaging, influence producers of the textile industry as a whole, pushing for more responsible packaging practices for textile products, as it will require reducing the packaging weight and volume, among other measures. It may indeed influence the textile industry to rethink current packaging practices, moving away from single-use packaging and excessive packaging to minimal and more reusable or recyclable solutions, as they would need to pay fees for the extended producer responsibility obligations (and changing the practices would lead to lower fees). However, at the same time, the requirements of packaging recycling would still require a number of delegated acts with a lot of details on such issues to be adopted; besides, most of the recyclability requirements would not specifically apply to packaging made from textiles (which would allow the circumvention when new textile products are packaged in textile-made packaging). Also, all these requirements do not oblige consumers to recycle or return for recycling the recyclable packaging or its leftovers. Giving consumers information on the take-back system does not mean all consumers will do so. Therefore, taking into account the previous arguments, the CRCC of the regulation could be considered moderate.

#### *Regulation on the EU Ecolabel*

The next important document in the EU is the Regulation on the EU Ecolabel, which has been in effect since 2010.

The EU Ecolabel, introduced by the regulation, is a voluntary environmental labelling scheme that promotes sustainable production and consumption. The EU Ecolabel may be granted to products and services that have less of an impact on the environment in comparison to others in the same group based on specific criteria. The label criteria are based on scientific data on the entire life cycle of a product, from development to disposal. EU countries must designate one or more bodies responsible for the labelling process at a national level. Also, the EU Ecolabel cannot be awarded to products containing hazardous substances (Regulation 66/2010 on the EU Ecolabel, 2010).

The competent bodies are responsible for regularly checking that products comply with the label criteria. The European Union Ecolabelling Board (EUEB) has been established to represent EU countries, the European Economic Area, and certain European organizations. The EUEB is involved in the development or revision of the award criteria and requirements for the label (Regulation 66/2010 on the EU Ecolabel, 2010).

In general, the regulation of the EU ecolabel could be seen as an important step towards encouraging circular and more sustainable practices in both the production and consumption of textiles. However, the voluntary nature of the mechanism and the conflict with similar national systems mean that the overall impact on circularity and sustainability may not be as significant as it could be. However, it is mandatory to follow the requirements in case it is chosen to qualify for the label, but it is nevertheless limited to the voluntary decision to follow its rules or not, which limits its legal power. Thus, it could be beneficial to elaborate on the ways to make the regulation fully mandatory. For example, this mandatory nature could be widened so that all textile products would need to be checked if they meet Ecolabel criteria, and if not, a specific label could be granted (e.g., “Not meeting Ecolabel criteria”). As of the 3rd of November 2025, 109,096 products (goods and services) were awarded the EU Ecolabel, according to the EC data (EU Ecolabel, 2025). In the EU Ecolabel Product Catalogue, it is possible to find many, for example, textile products, among others (EU Ecolabel Product Catalogue, 2025). Thus, due to its voluntary nature and the conflict with similar national systems, the CRCC of this act can be considered low.

#### *General Product Safety Regulation*

The General Product Safety Regulation (GPSR), adopted in 2023, which replaced the General Product Safety Directive and the Food Imitating Product Directive, became an important instrument in the EU product safety legal framework. One of the primary purposes of the GPSR is to modernize

the general product safety framework in the EU while addressing the new challenges that have emerged due to digitalization (Regulation 2023/988 on general product safety, 2023).

This regulation applies to new, used, repaired, or reconditioned products offered in the EU and not covered by other specific EU product safety legislation (Regulation 2023/988 on general product safety, 2023).

The regulation specified that products sold in the EU must meet the safety requirements, which mandate that economic operators ensure their products are safe for consumers (taking into account certain criteria, such as design, packaging, warnings, etc.). The information about unsafe products must be available to the general public (Regulation 2023/988 on general product safety, 2023).

While the regulation does not directly target textile products, it applies to all consumer products, including textiles. Textile products, for example, clothing, household textiles, etc., fall within the scope of the regulation, and the revised requirements would also be applicable to textiles. The regulation does not directly deal with circularity or sustainability requirements for the textile industry; however, having its primary focus on the safety of the products on the market, it seeks to protect consumers in different sectors.

While the regulation does not deal directly with the issues of circularity and sustainability, it is still important to highlight that compliance with basic safety requirements is an important prerequisite for any move towards circularity and eventually sustainability. Therefore, it is safe to say that general product safety requirements would be considered an important foundation for the future sustainability of the textile industry. Whereas, taking into account the importance of product safety (to be seen as a prerequisite for sustainability) and that it presents strict regulatory constraints that mandate certain actions towards product safety as a basic need, without which the sustainability of the sector could not be achieved, the current CRCC of the regulation is high.

*Directive as regards empowering consumers for the green transition through better protection against unfair practices and through better information*

Directive 2024/825, as regards empowering consumers for the green transition through better protection against unfair practices and through better information, proposed in 2022, was adopted in 2024 and was published on the 6th of March 2024; it must be implemented by the EU MS by March 27, 2026, and the rules will apply from September 27, 2026 (Directive 2024/825 as regards empowering..., 2024).

The directive empowering consumers for the green transition establishes additional rules to tackle misleading commercial practices and influence sustainable consumption decisions. These rules focus on practices related to the obsolescence of products, greenwashing, and misleading information about products (Directive 2024/825 as regards empowering..., 2024). Its objective is to enable “*better-informed transactional decisions by consumers to promote sustainable consumption, eliminating practices that cause damage to the sustainable economy and prevent consumers from making sustainable consumption choices, and ensuring a better and consistent application of the Union consumer legal framework*” (Directive 2024/825 as regards empowering..., 2024).

The directive amends the Directive concerning unfair business-to-consumer commercial practices and the Consumer Rights Directive. For example, it adds some new definitions to the Directive concerning unfair business-to-consumer commercial practices, like “*environmental claim*”, which “*means any message or representation which is not mandatory under Union or national law, in any form, including text, pictorial, graphic or symbolic representation, such as labels, brand names, company names or product names, in the context of a commercial communication, and which states or implies that a product, product category, brand or trader has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time*” and others (e.g., “*generic environmental claim*”, “*sustainability label*”, etc.) (Directive 2024/825 as regards empowering..., 2024). It changes the norms on misleading actions (that would also include “*making an environmental claim related to future environmental performance without clear, objective, publicly available and verifiable commitments set out in a detailed and realistic implementation plan...*” and changes the list of practices that are prohibited in all circumstances (adding, for example, “*displaying a sustainability label that is not based on a certification scheme or not established by public authorities*” and “*making an environmental claim about the entire product or the trader’s entire business when it concerns only a certain aspect of the product or a specific activity of the trader’s business*”, “*any commercial communication in relation to a good containing a feature introduced to limit its durability despite information on the feature and its effects on the durability of the good being available to the trader*”, etc.) (Directive 2024/825 as regards empowering..., 2024). Thus, general environmental claims will only be permitted if they are approved by recognized standards or specific EU legislation related to the claim.

The directive also amends the Consumer Rights Directive by specifying that consumers must receive details at the point of sale regarding a commercial durability guarantee and, additionally, receive information related to repairs, including a reparability score (Directive 2024/825 as regards empowering..., 2024).

Thus, the directive is very beneficial for the circularity of different sectors, including textiles, as it significantly impacts the textile sector by directly combating greenwashing and practices that limit product durability. It seeks to essentially ban the use of unsubstantiated claims unless they are verified. This means that textile players would not be making broad environmental claims without concrete proof. Since it aims to introduce better consumer information or awareness requirements, even though some of them would need to be operationalized via additional legal instruments, the CRCC of the directive is moderate. In general, introducing the requirements for better consumer information or awareness requirements would be aimed only at responsible consumers and would move non-responsible consumers out of the picture. In other words, it means that while beneficial for responsible consumers who actively seek sustainable choices, there are still risks of excluding less engaged consumers, who do not understand or at least do not prioritize such details, which may fail to drive the real transformation of the textile industry to the sustainable path.

#### *Proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims*

The EC revealed a proposal for a directive on the substantiation and communication of explicit environmental claims (Proposal for the Green Claims Directive, 2023) in March 2023 to complement the broad Directive (EU) 2024/825 with some specific details on how to substantiate environmental claims. The directive proposal would “*require companies to substantiate claims they make about the environmental footprint of their products by using standard methods for quantifying them with the aim to make the claims reliable, comparable and verifiable across the EU to reduce ‘greenwashing’*” (Proposal for the Green Claims Directive, 2023). Consumers would be able to make well-informed decisions while purchasing based on reliable and verified information given. After the public consultation and feedback period ended in July 2023, the proposal was going through the regular EU legislative procedure. As reported in the media, in June 2025, the EC revealed that it plans to withdraw the proposal for the Green Claims Directive prior to trilogue negotiations to finalize the proposed rules (Segal, 2025). Later, at the end of June 2025, the EU spokesperson reportedly clarified

that the EC “*did intend to withdraw it if microenterprises were not exempted from the scope of the anti-greenwashing proposal*” (Segal, 2025). However, it is not yet fully clear if the proposal was withdrawn or not, and it seems that the proposal formally remains on the table but was paused.

In the case of the adoption and further implementation into the national legislation, producers are expected to attach the environmental claims for textile products more responsibly. The proposal sets minimum requirements for substantiation and communication of voluntary environmental claims. Besides, the claims would be subject to third-party verification before being used in business-to-consumer commercial communications (Proposal for the Green Claims Directive, 2023). Besides, it specifically says that “*an environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity*” (Proposal for the Green Claims Directive, 2023). The examples of green claims are: “*Packaging made of 30% recycled plastic*”, “*Company's environmental footprint reduced by 20% since 2015*”, etc. (Green Claims, 2025).

More specifically, the following measures would be introduced:

- Requirements on the substantiation of environmental claims based on an assessment that satisfies specific minimum criteria (given the different types of claims);
- Needs for communication of such claims;
- Additional requirements targeting the proliferation of labels;
- Introduction of a third-party verifier accredited by the MSs that would ex-ante verify and certify substantiation and communication of environmental claims and labels;
- Designation by MSs of at least one authority with enforcing powers, etc. (Proposal for the Green Claims Directive, 2023).

The above proposal aims to advance the circular economy concept by introducing better consumer information requirements. It is a well-known fact that better information alone does not necessarily lead to better actions from the consumer side, as was mentioned above. However, it is a step in the right direction towards creating more awareness among consumers about the environmental impact of their decisions, as it would help fight greenwashing. For example, Pires and others found that consumers perceive sustainable fashion to include seven dimensions: (1) reduced environmental impact, (2) environmentally friendly manufacturing, (3) fair trade principles, (4) organic

materials, (5) second-hand products, (6) longer-lasting products, and (7) the use of recycled materials. And there are some factors (e.g., knowledge, willingness to pay more, etc.) that influence the intention to buy more sustainable products (Pires *et al.*, 2024). In addition, Pires and others specified that “*absolute price increase that consumers are willing to pay for sustainable fashion is not a fixed amount and cannot be represented by a linear relationship*” (Pires *et al.*, 2024, p. 21).

Even though there are some positive efforts towards responsible practices in the proposal, its CRCC is moderate. It primarily seeks to raise consumer awareness. Introducing better consumer information or awareness requirements would thus be beneficial only for responsible consumers and would move out of the picture non-responsible consumers. Besides, it would be helpful if the proposal would not only scrutinize voluntary environmental claims but also ask the producers to make mandatory environmental claims on some specific aspects, which also need to be scrutinized. In addition, it remains to be seen what the status of the proposal will be in the future, since there are still ambiguities with regard to its status.

### *2.2.3. Current and prospective textile use and disposal requirements*

If analyzing further, using the textiles supply chain approach, the following legal instruments regarding textile use and disposal requirements will be analyzed in this subchapter:

- EU Green Public Procurement (GPP) criteria for textile products and services;
- Directive on Common Rules promoting the Repair of Goods;
- Revised Waste Framework Directive.

#### *EU GPP criteria for textile products and services*

As specified by the Communication on Procurement for a better environment, the Green Public Procurement (GPP), in general, is a voluntary instrument aiming at environmentally friendly purchasing practices that allows public buyers to select goods, services, and projects that have a reduced environmental impact (Public Procurement for a better environment). As specified by the communication, uniforms and clothing, as well as other textiles, are among the priority sectors (Public Procurement for a better environment), and the updated GPP criteria can help authorities to procure textile products and, at the same time, align with EU energy and other

objectives. In addition, the revised criteria are aimed at the reduction of life cycle costs (Dodd and Gama Caldas, 2017).

It provides specific criteria for both textile products and textile services, suitable for all contracting authorities. Besides, it addresses the technical specifications for textile products, covering aspects such as cotton content, wool scouring, man-made cellulose fiber, and more. For textile services, the document outlines criteria and specifications for laundry, maintenance, take-back services, and asset management plans. The criteria also include restrictions on substances, testing requirements, and durability performance test methods (EU GPP Criteria for Textile ..., 2017). According to the EU Textile Strategy, “*as part of the requirements and subject to the impact assessment to define their scope, the Commission will introduce mandatory criteria for green public procurement, the scope of which will be defined following an impact assessment, as well as requirements regarding Member States’ incentives concerning textile products*” (EU Textile Strategy, 2022, p. 4).

Since this document is considered a voluntary instrument, its CRCC is low. Besides, its scope of application is limited only to public procurement, leaving the general consumer use outside the scope, and the direct impact on individual consumer choices would be minimal.

#### *Directive on Common Rules Promoting the Repair of Goods*

In 2023, the EC proposed a directive regarding the repair of goods. The proposed directive aimed “*to increase the repair and reuse of viable defective goods purchased by consumers within and beyond the legal guarantee*” (Proposal for a Directive on common rules..., 2023). The provisions specified in the proposal aimed “*at boosting the repair market without creating a burden, particularly for small and medium-sized enterprises*” (Proposal for a Directive on common rules..., 2023). The directive was adopted in 2024 as the Directive (EU) 2024/1799 on common rules promoting the repair of goods, and EU MSs have to transpose and apply it from 31st July 2026 (Directive 2024/1799 on common rules..., 2024). It helps to operationalize some of the other abovementioned instruments. When further implemented by MSs, the following measures would be applicable, among others:

- product manufacturers (listed in Annex II) have to repair products within a reasonable time and for a reasonable price upon consumer request;
- introduction of the European Repair Information Form for repairers to provide standard information on repair services requested by consumers to compare different offers;

- finding repairers via a new online European Repair Platform;
- introducing national measures promoting repair, etc. (Directive 2024/1799 on common rules..., 2024).

The repair of goods is a suitable option for the circular economy system. However, the main Article 5 of the directive, which introduces the obligation for the repair, is only applicable to some electronic appliances, such as vacuum cleaners or mobile phones, among others, as listed in Annex II (for which reparability requirements are provided in specific EU acts), with no indication of its applicability to textile products as such. Even though, as per the EU Textile Strategy, “*by 2030 textile products placed on the EU market are long-lived and recyclable, to a great extent made of recycled fibres, free of hazardous substances and produced in respect of social rights and the environment. Consumers benefit longer from high quality affordable textiles, fast fashion is out of fashion, and economically profitable re-use and repair services are widely available*” (EU Textiles Strategy, 2022, p. 2). Thus, the CRCC of this particular instrument is low since it does not impact the textile industry as such.

#### *Revised Waste Framework Directive*

In 2023, the EC proposed a revision of the Waste Framework Directive with a main focus on textile waste. According to the Waste Framework Directive, member countries of the EU were required to establish a dedicated system for the separate collection of textiles by 1 January 2025, which is a feature of extended producer responsibility (Directive 2018/851 on waste, 2018).

According to the proposal for the Waste Framework Directive amendment, the EU generates 12 kilograms of clothing and footwear waste per person per year, and it creates environmental harm after not being disposed of properly, with the main aim of the proposals to “*improve textile waste management in line with the ‘waste hierarchy’...prioritising waste prevention, preparing for re-use and recycling of textiles over other recovery options and disposal and implement the polluter pays principle*” (Proposal for a directive amending..., 2023). By a targeted revision of the Waste Framework Directive, the EC is introducing the details for harmonized and mandatory Extended Producer Responsibility (EPR) programs for textiles across the EU and the new rules on management of textile waste, in addition to the already existing obligation for separate collection of textiles. These schemes would require producers to manage the entire lifecycle of their products, especially at the end of the product’s life, including the payment of fees, when producers will pay

lower fees for more durable and recyclable products under the eco-modulated approach. In February 2025, the EP and the Council reached a provisional agreement on this matter, with further steps left to formally approve the revision (Commission welcomes provisional agreement..., 2025). In September 2025, the EP gave its green light to the amendment (Parliament adopts new EU..., 2025). In September 2025, it was adopted as the Directive (EU) 2025/1892 amending Directive 2008/98/EC on waste. It specifies that EU MS must transpose the new directive into national legislation by 17 June 2027 (Directive 2025/1892 amending..., 2025).

The most essential changes include the following:

- MS must ensure that producers have EPR for textiles and textile-related products that they introduce to the market for the first time in an EU MS (EU MS must implement regulations requiring producers to cover the costs of collecting and managing used textiles, conducting waste surveys, providing information on sustainable consumption, and supporting research and development for recycling processes);
- EPR obligations could be met by producers or producer responsibility organizations designated by producers;
- Create a register of producers of textiles to monitor the compliance;
- Rules for management of waste textiles, etc. (Proposal for a directive amending..., 2023; Directive 2025/1892 amending..., 2025).

Besides, the adopted development gave the possibility for MSs to define fast fashion; specifically, it says that *“industrial and commercial practices, such as ultra-fast and fast fashion, influence the length of use of the product and the likelihood of a product becoming waste because of aspects not necessarily linked to its design, and are often based on market segmentation. Such practices could lead to the premature discarding of the product before it reaches the end of its potential lifetime, resulting in the overconsumption of textile products and, consequently, to the overgeneration of waste textile”* (Directive 2025/1892 amending..., 2025).

Thus, the current act could be very influential for the textile industry. The CRCC of this particular development is moderate, even though it introduces a new set of EPR requirements that are an extensive regulatory burden for industry players. It will not just provide better information for consumers, but such companies will pay for the environmental cleanup, among other things. However, some concerns regarding this development would remain. Initially, the proposed act excluded microenterprises from being covered by EPR requirements. However, the adopted revised development excluded the application only to manufacturers, importers, or

distributors or other natural or legal persons that supply used textiles or textiles derived from those used or waste products, or self-employed tailors producing customized products (Directive 2025/1892 amending..., 2025), which could still be seen as a possible way to circumvent the rules from this development. These exclusions do not allow considering this proposal to have a high CRCC. In July 2025, the EC published the initiative called “Simplification of administrative burdens in environmental legislation” for the future proposal for a regulation, specifying that “*following the Commission's commitment to reduce administrative burden for European companies and public authorities, this initiative will simplify and streamline administrative requirements related to the environment in the areas of waste, products, and industrial emissions*” (Simplification of administrative burdens in..., 2025). The EC’s adoption is planned for the fourth quarter of 2025. It is yet to be seen how influential it will be in correlation with the revised Waste Framework Directive. However, taking into account the label “simplification” and that it is a new omnibus package, it may, in reality, be seen as possible deregulation of some legal requirements, and, thus, it could potentially keep the current level of CRCC of the current development in the future, instead of improving it.

#### *2.2.4. Analytical overview of the current and prospective EU environmental requirements for textiles*

All the above-mentioned current laws, as well as the proposals and initiatives, are considered reasonable steps toward a more responsible and durable future for textile products, as they are aimed at introducing different circularity features, as described above. The adoption of circularity features was also previously recommended by the EP. For example, in April 2023, the members of the previous European Parliament (MEPs) from the Environment Committee adopted recommendations regarding EU-wide measures ensuring textile production on a circular, sustainable, and socially just basis, aimed at phasing out “fast fashion”, increasing reuse, recycling, and repair, and reducing emissions (Ending fast fashion: tougher..., 2023).

Besides, as per Centobelli and others, with the help of the EU Textiles Strategy, the EC proposes a transition path for the ecosystem of textiles to turn into a green, circular, and digital economy, providing more sustainable options for customers, alongside supporting businesses that embrace slow-fashion values (Centobelli *et al.*, 2022). The initiatives also aim to make “*fast fashion out of fashion*” (EU Textiles Strategy, 2022, p. 8).

However, most of the proposals and adopted rules concentrate on the circularity aspects and are not aimed at sustainability in the sector. According

to Maldini and Klepp, the EU Textile Strategy concentrates a lot on product-related aspects, seeking to primarily achieve product durability, without tackling the issues of overproduction and overconsumption (Maldini and Klepp, 2025). Moreover, neither the Textile Strategy nor the proposals under its umbrella contain a clear and standard definition of the “sustainable” textile system. Nor do they have any levels or tiers of sustainability. The EU Textile Strategy and the proposals contain more or less apparent aspects of a “circular” textile system. Still, it is not yet clear how “sustainable” textiles would sort with the “circular” ones and what the differences between them are. Again, the circularity of the system is not yet clearly defined, aside from some harm-reduction or circularity elements or features (recycling, reusing, repairing, etc.) that would still be needed in combination with primary resources to produce new garments. As mentioned above, improper use or contradictory use of the word “sustainable” in numerous EU policies and legal documents shows that this *“notion is being increasingly used as substitute for positive, favourable development, thereby losing its environmental precision”* (Krämer and Badger, 2024, p. 11), and it can undermine the significance of sustainability.

The general EU framework addressed above seeks to implement the circular economy principle to lessen the harm to the environment. However, it is believed that such an approach cannot be considered as fully sustainable, as the current approach still prioritizes the economic component of sustainable development (by using environmental harm reduction) and lacks the balance of other components. As per Maldini and Klepp, conducting a study on the EU Textile Strategy, *“this case study has shown how the logic of economic growth is impeding a focus on sufficiency in consumer goods environmental policy, hindering the development of more effective measures to reduce the impact of production and consumption”* (Maldini and Klepp, 2025, p. 13). The real sustainability agenda would equally employ harm reduction measures for the environment with other components of sustainability (for more details, see Part III and Part IV of the dissertation).

The dissertation mentions the circular economy, suggesting that it is a relevant concept linked with the discourse on sustainability within the textile industry. However, the circular textile system can be seen only as a prerequisite for a sustainable textile system. The circular textiles and sustainable textiles are quite related concepts; however, they are not similar due to their different long-lasting aims. As mentioned above, the legal frameworks for circular textiles employ different features with the aim of minimizing the use of primary resources and waste accumulation. At the same time, the legal frameworks for sustainable textiles should include wider

aspects, in addition to circular features.

Therefore, by adopting such proposed measures, in addition to already adopted norms, the EU could make the industry more circular. However, to build a sustainable textile sector, a holistic approach to the legal frameworks should be employed and take into account more aspects (social, economic, and horizontal regulatory requirements will be addressed in the next parts of the dissertation), without which the textile legal framework in the EU cannot be called sustainable. In other words, even representing a very important and necessary set of prerequisite legislative efforts, these rules cannot be seen as a self-standing game-changer for the creation of sustainable textile rules (Korchahin, 2023). Therefore, to make the textile system sustainable, it is necessary to analyze and consider broader principles (as will be provided in the next parts of the dissertation).

At the same time, the current regulatory framework for textiles (environmental requirements addressed above) in the EU plays a crucial role in safeguarding the interests of both consumers and the environment and is an essential part of sustainability in the sector. However, with the emergence of novel environmental (and other) challenges, innovative production methods, time-consuming legislative considerations, etc., it is important to revise and improve its existing regulatory frameworks and proposals. It is essential to remain informed about any forthcoming amendments or new regulations on this matter. While most proposals for revising the current environmental legal frameworks aim to address some sustainability (or, in most cases, mostly circularity) challenges, they may not be comprehensive enough to tackle the issue effectively.

Besides the limited sustainability capacity of the current and proposed environmental requirements for textiles and their primary focus on circularity, another problematic aspect that has recently occurred is a political change in the view of the new EC towards sustainability as such. As mentioned above, taking into account the new 2024-2029 European Parliament and 2024-2029 European Commission, the EU seems to be updating its vision on sustainability with the help of the Competitiveness Compass. This vision could shift from considering sustainability as a final aim to viewing it as a way to enhance the EU's competitiveness by means of omnibus and other proposals (A Competitiveness Compass for the EU, 2025). The Competitiveness Compass says that *“the EU must ensure its sustainable prosperity and competitiveness, while preserving its unique social market economy, succeeding in the twin transition, and safeguarding its sovereignty, economic security and global influence. As Mario Draghi has warned, if Europe accepts a managed and gradual economic decline, it is condemning itself to a ‘slow agony’”* (A Competitiveness Compass for the EU, 2025). Thus, the EU is

reassessing its regulatory framework to strike a balance between sustainability objectives and economic growth, for instance, by simplification of certain sustainability requirements (e.g., simplification of sustainability reporting in the Omnibus I package, as will be addressed later, or the considerations on the new Omnibus package, as was addressed above). In the future, this simplification (or even deregulation) of sustainability rules could serve as a further constraint for achieving sustainability in the EU.

However, while possessing the abovementioned limited sustainability capacity as well as possible future constraints in the overall EU's new vision of sustainability, the current and proposed environmental requirements for textiles can still be enhanced, based on their CRCC. Even if their primary focus is circularity as such, as was mentioned above several times, their trajectory to circularity is not uniform, as many of them currently possess certain shortcomings that can be optimized to improve their circularity power.

Currently, out of 16 analyzed instruments, three have low CRCC, eight are moderate, and five have a high CRCC (as specified in Table 1).

**Table 1. Current regulatory circularity credit (CRCC) of the environmental requirements for textiles (Source: Dmytro Korchahin)**

Instrument (current or proposed)	CRCC
REACH Regulation	High
Revision of the REACH regulation	High
Biocidal Products Regulation	High
Ecodesign for Sustainable Products Regulation	Moderate
Proposal for a regulation on preventing plastic pellet losses to reduce microplastic pollution	Moderate
Textile Labelling Regulation	Moderate
Revision of the Textile Labelling Regulation	Moderate
Regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation)	High
Regulation on Packaging and Packaging Waste	Moderate
Regulation on the EU Ecolabel	Low

Instrument (current or proposed)	CRCC
General Product Safety Regulation	High
Directive as regards empowering consumers for the green transition through better protection against unfair practices and through better information	Moderate
Proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims	Moderate
EU GPP criteria for textile products and services	Low
Directive on Common Rules promoting the Repair of Goods	Low
Revised Waste Framework Directive	Moderate

Therefore, most of the analyzed EU legislation, proposals, and initiatives need to be optimized, as most of them (11 out of 16) possess low or moderate current regulatory circularity credit (CRCC). Currently, these can be seen as half-measures rather than self-standing game-changers for a more responsible textile ecosystem in terms of achieving environmental sustainability. Besides the need to be optimized for their enhanced circularity, as will be specified in the next chapter, additional changes to the other aspects of sustainability of the textile system are needed, as will be addressed in the next parts of the dissertation. However, if optimized, the proposals and initiatives could enhance the environmental sustainability side of the textile system (or its circularity power, in most cases). Although it is required, it cannot lead to comprehensive sustainability in the sector, for which the inclusion of broader requirements is needed (see Part III and Part IV of the dissertation).

### **2.3. General shortcomings and optimization points of the analyzed EU rules**

Being a suitable transition pathway for the EU's legal textile ecosystem does not mean all the actions taken by the EU are fully comprehensive, self-standing, and, consequently, sufficient in the field of the transformation of the textile industry into a sustainable path.

Certain general shortcomings can be detected in the current and proposed rules specified above (except those having a high CRCC). If

eliminated, these shortcomings could advance the current regulatory circularity credit of the current and proposed rules. Thus, rules with low and moderate CRCC would require the advancement of their current regulatory circularity credit, which could enhance the environmental sustainability side (or circularity) of the textile system.

Advancement of the CRCC is a process of detecting specific shortcomings in the analyzed current and proposed environmental rules possessing a low or moderate CRCC and proposing optimization points for eliminating such shortcomings. In other words, advancing CRCC would suggest optimization points for the current and proposed rules. The proposed optimization measures should align with the general EU law rules.

The shortcomings and optimization points are the following:

1. Substantial fragmentation of the proposed legal requirements for textiles occurs when different rules on different aspects of the textile supply chain regulation are scattered in different proposals. First, this can prevent simultaneous regulation for different policy areas (when some proposals are fully adopted before others), meaning that comprehensive regulation would be missing. Second, this may complicate regulatory compliance for industry players. More specifically, the proposed regulatory changes need proper systematization.

To avoid this shortcoming, the following actions can be taken:

- Consider developing a single comprehensive proposal regulating sustainability requirements for the textile industry (this could be a stand-alone clothing-related directive or regulation that would cover all the necessary aspects related to the environmental sustainability of the clothing sector, taking into account the integrated approach, product-related, and other technical requirements of the EU law).
- If the first action is not possible, it would be necessary to consider the possibility of planning the EU institution agenda so that all the related proposals for textile regulation can be negotiated and adopted within the same timeframe.
- More timely adoption of needed delegated acts.
- Proper prioritization. If none of the above is feasible, a priority adoption of the proposals possessing a moderate CRCC would be needed. This could be, for example, the proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims.

2. Voluntary character of some particular rules.

Two out of three current legal rules/proposals possess a low CRCC because of their voluntary nature: the Regulation on the EU Ecolabel

(introducing a voluntary environmental labelling scheme, granted to products and services that impact the environment less in comparison to others based on specific criteria, as mentioned above) and the EU GPP criteria for textile products and services (representing a voluntary instrument aimed at promoting environmentally friendly purchasing practices, as also mentioned above). The voluntary character of such rules cannot be seen as beneficial for the circularity of the textile system.

To avoid limited enforcement and limited impact of the voluntary moves, the following could be done:

- Making those voluntary requirements mandatory on a gradual basis. In the case of the EU GPP criteria for textile products and services, it is proposed that they must be mandatory. In the case of the Regulation on the EU Ecolabel, its mandatory nature could be widened in a way that all textile products would need to be checked if they meet Ecolabel criteria, and if not, a specific label could be granted (e.g., “Not meeting Ecolabel criteria”), etc.
- Offering financial incentives. While transferring to mandatory rules, some financial incentives (e.g., tax breaks, subsidies, etc.) can be given to those voluntarily complying with not-yet-binding rules, with the aim of giving an incentive for broader participation. These incentives should comply with general EU law rules (e.g., Article 107 of the TFEU).

3. Non-applicability to textiles as such or excluding some businesses from the textile rules.

There are some cases where the rules do not apply to textiles as such. For example, the Directive on Common Rules Promoting the Repair of Goods introduces the obligation for the repair only for some electronic appliances, such as vacuum cleaners or mobile phones, among others, as listed in Annex II (for which reparability requirements are provided in specific EU acts), with no indication of its applicability to textile products as such. Even though, as per the EU Textile Strategy, *“by 2030 textile products placed on the EU market are long-lived and recyclable, to a great extent made of recycled fibres, free of hazardous substances and produced in respect of social rights and the environment. Consumers benefit longer from high quality affordable textiles, fast fashion is out of fashion, and economically profitable re-use and repair services are widely available”* (EU Textiles Strategy, 2022, p. 2). Thus, it could be proposed to apply the same rules to textiles. Besides, Article 10 of the Directive on Common Rules Promoting the Repair of Goods says that *“where appropriate, the Commission shall adopt guidelines to support in particular micro, small and medium-sized enterprises in complying with the*

*requirements and obligations set out in this Directive*”. Thus, in addition to the applicability of the rules to textiles, it could be additionally proposed to also introduce EU subsidies or other forms of financial assistance for small/medium businesses such as dry cleaners, shoe cleaners, cobblers, etc., which can help prolong the life cycle of already bought garments. These businesses play an important role in maintaining and repairing garments since they may extend their life cycle, and they are already existing entities that need support from national or supranational authorities.

Also, there are cases when the rules are designed to include textiles; however, some businesses are excluded from the application of the textile rules. For instance, the Targeted Revision of the Waste Framework Directive initially excluded microenterprises from being covered by EPR requirements. However, the adopted revised development excluded the application only to manufacturers, importers, or distributors or other natural or legal persons that supply used textiles or textiles derived from those used or waste products, or self-employed tailors producing customized products (Directive 2025/1892 amending..., 2025), which could still be seen as a possible way to circumvent the rules from this development. Therefore, it could be proposed to avoid the exclusion of a wide range of entities from the application of textile-related laws to avoid any possible ways for circumvention (or to specify some simpler rules for such small entities). Besides, the newly proposed simplification strategies of the EU institutions, even for big entities, as addressed above, are considered not to be the best way to achieve circularity (and eventually sustainability) in the EU textile sector, as lowering administrative burdens might go hand in hand with the possible ways of circumvention of the legal rules.

4. Primarily enhanced consumer awareness-like character of some rules.

For example, the proposal for a Directive on the Substantiation and Communication of Explicit Environmental Claims would enable consumers to make informed decisions while purchasing based on reliable and verified information. However, this provides better information for consumers, which is not enough to make the EU textile ecosystem circular and, eventually, sustainable. Besides, introducing better consumer information or awareness requirements would be aimed only at responsible consumers and would move out of the picture the irresponsible consumers. The same would apply to other consumer-awareness mechanisms, e.g., digital product passports and other labelling (except hazardous CLP labelling). However, even the most responsible consumers are not always responsible all the time. For example, as stated by the State of Fashion 2025: Challenges at Every Turn Report from

McKinsey & Company, “*there is an “action-intention” gap when it comes to consumers and sustainable fashion. While 46 percent of UK shoppers say they avoid buying fast fashion, more than half made a purchase at a fast fashion retailer in the past year*” (The State of Fashion 2025, 2025). These are important instruments for consumer empowerment; however, there must be options to be proposed to deal with irresponsible or less responsible consumers. For example, it could be proposed to include more “frightening” labels or information (e.g., the net salary of the worker who produced a piece of garment in a specific country, the pictures from the factories in which the garments are produced, more “frightening” infographic information about used resources, etc.).

5. The absence of the precise sustainability-related terminology for textiles.

As mentioned in the dissertation, neither the EU Textile Strategy nor the current or proposed textile-related developments contain clear definitions of “sustainable” and “circular” textiles. Besides, as specified by Gautam, “*standardized definitions and measurements of circularity are currently lacking in the fashion industry, hindering progress assessment and comparisons between companies*” (Gautam, 2024, p. 3188). Therefore, it would be beneficial, for example, to add those in the revised EU Textile Strategy and any future legislative proposals on the matter in the future.

As mentioned above, the circularity in the textile system can only be seen as a prerequisite for sustainability. The concepts of circularity and sustainability are connected and are quite close to each other; however, they have different attitudes towards the aspects of production and consumption. The circular system means that the products are used for as long as possible (via reuse, recycling, and regeneration), in addition to waste minimization and reduced consumption of resources. In contrast, a sustainable system means that broader aspects are included, in addition to circularity, such as social and economic factors in the whole textile lifecycle. In other words, it requires not only minimizing environmental harm but also taking into account social and economic aspects.

Thus, the inclusion of the following definitions can be proposed:

- “Circular textiles” is a textile system that has its main focus on the use of products for as long as possible (via reuse, recycling, and regeneration), in addition to waste minimization and reduced consumption of resources, which is a prerequisite for sustainable textiles.
- “Sustainable textiles” is a textile system that has its main focus on

combining of such features as circular textiles in addition to other broader textile-related aspects (social, economic, etc.).

Thus, the EU will likely soon implement detailed rules to make the textile industry more responsible. Whereas, it is important not to concentrate a lot on the sustainability-related simplification (deregulation) matters, such as the recently proposed Competitiveness Compass, that could shift from considering sustainability as a final aim to viewing it as a way to enhance the EU's competitiveness (A Competitiveness Compass for the EU, 2025).

In the meantime, it is believed that it is possible to enhance the level of responsibility for the industry after tackling the shortcomings of the current and proposed rules that were analyzed. The measures proposed to tackle the shortcomings seek to add something to the current and prospective rules or transform them. The optimization measures could be considered as those that can help to better achieve the EU environmental objective to protect the environment.

Since EU lawmaking is exceptionally time-consuming, the corresponding national measures can be introduced where possible in the absence of the EU measure (they must be compatible with the general rules laid down in international law and the EU treaties, e.g., if the national measure could disturb the free circulation of goods, it should be proportionate and non-discriminatory). The national legal reaction is more reactive than the EU-wide one and can be very beneficial until the corresponding coherent and uniform actions are introduced at the EU level itself or initiated by EU MSs and reflected in their national plans.

However, it is crucial to underline that the enhanced environmental responsibility for the industry with the addressed EU proposals (with the author's optimization points) could only be seen as enhanced half-measures for the sustainability of the clothing system in the EU. Besides, as stated by the European Environment Agency (EEA) in Europe's state of the environment 2020, *“...Europe will not achieve its sustainability vision of living well within the limits of the planet by continuing to promote economic growth and seeking to manage the environmental and social impacts”* (The European environment..., 2020). Besides, it stressed that sustainability must be embraced as the framework for policymaking (The European environment, 2020). While the current and proposed measures mostly focus on the circular economy, comprehensive sustainability should consider broader principles and consumer limitations. For example, as stated by Firoiu and others, there is a trend in adopting circular economy practices when the EU's circular material use rate [which emphasizes the importance of moving towards a circular economy, whereby materials are reused and recycled to reduce

dependence on natural resources] is projected to increase from 10.8% in 2010 to 13.0% in 2030; however, at the same time, the research says that “*the consumption footprint...continues to grow at the EU level, indicating that efforts to reduce environmental pressures are insufficient to offset the impacts of increasing consumption*” (Firoiu *et al.*, 2025, p. 23). Besides, the circular economy model in the fashion industry possesses certain challenges, which require “*systemic changes, including modifications in business models, consumer behaviour, and regulatory frameworks*” (Gautam, 2024, p. 3204); and also, “*to meet the challenges in textile waste recycling and upcycling, future approaches should prioritize innovation in chemical recycling, regulatory enforcement, and advanced sorting technologies*” (Saif *et al.*, 2024, p. 2347).

Thus, the proposed optimization points, such as developing a comprehensive proposal for textile-related regulation, proper prioritization, enhanced consumer awareness, and clear articulation of sustainability-related terminology for textiles, among others, are crucial for improving the effectiveness of the regulatory framework for textiles' environmental sustainability (or their circularity in most cases). In August 2025, the EC initiated the proposal for a regulation (Circular Economy Act) that “*will enhance the EU's economic security, competitiveness, while promoting more sustainable production and circular economy business models and decarbonisation. The Act will facilitate the free movement of 'circular' products, secondary raw materials and waste*” (Circular Economy Act, 2025). The adoption is planned for the 4th quarter of 2026. It is yet to be seen what concrete enhancements it will bring for the circularity in the EU, including in the textile sector. However, while enhancing the environmental sustainability (or circularity in most cases) of the textile system is necessary, it is viewed as only providing partial solutions for sustainability within the clothing sector. Comprehensive sustainability in the sector requires broader requirements to be included. Therefore, comprehensive sustainability could become a regulatory reality only in combination with the proper social, economic, and horizontal requirements and consumption limitations, as will be analyzed in the next parts of the dissertation.

### **PART III. SELECTED SOCIAL, ECONOMIC, AND HORIZONTAL REQUIREMENTS FOR TEXTILES IN THE EU**

As mentioned above, besides the environmental concerns, there are other concerns regarding the textile industry, including those related to the social domain, such as, for example, labour abuses in factories abroad, ranging from abuses towards pregnant workers, forced overtime work, etc. (Human Rights Watch); and garment workers being rated among the lowest-paid industrial employees worldwide (Adegeest, 2024). Besides, different environmental and social concerns (hidden costs) are not adequately addressed by economic means. Thus, it is important to analyze the legal requirements for textiles in the EU related to the social and economic domains. Besides these, the horizontal domain plays an important role, as there are areas that are outside the classical triad of sustainability (social, economic, and environmental aspects), but they still apply across multiple industries for the sake of sustainability.

As was also mentioned above, this dissertation revolves around environmental requirements for textiles in the EU (elaborated in the previous part of the dissertation) and the following ones:

- social requirements for textiles in the EU;
- economic requirements for textiles in the EU;
- horizontal requirements for textiles in the EU.

The environmental requirements for textiles in the EU (as addressed and analyzed in Part II of the dissertation) are important and central in the ornament of the EU textile-related legal framework, as they are specifically designed to decrease the environmental harm of the textile industry and enhance its circularity.

However, as was also mentioned in the dissertation, a concentration on environmental harm reduction (mainly on circularity features) could not be seen as an ultimate goal for achieving a sustainable textile system in the EU. Identifying gaps and proposing optimization measures for the current and proposed EU environmental requirements is beneficial. Still, it will only help to advance the CRCC of these requirements (which would enhance their circularity power).

Still, for achieving not only a circular but indeed a sustainable textile system, a broader set of requirements needs to be considered (not only environmental-related but also social, economic, and horizontal requirements). For instance, Daukantienė analyzes sustainability in the fashion sector. Daukantienė addressed environmental, social, and economic aspects that must be considered to achieve sustainability. Daukantienė

specified that the industry is predominantly focused on environmental sustainability (fibers, eco-design, management of textile waste, etc.); however, there are still challenges when harmonizing these aspects with economic ones and consumer needs. Besides, sustainability should not be used only as a marketing tool (Daukantienė, 2023). Thus, it is advocated for an integrated approach to sustainability, including the efforts across the entire fashion value chain (Daukantienė, 2023), which once again supports the idea that all sustainability aspects must be taken into account while preparing any legal moves.

Besides, Marinova and Radev analyzed how the textile industry uses the idea of circularity and the shift of the textile industry from the linear to circular model (Marinova and Radev, 2023). But, in addition to ecological issues, they also stressed the necessity of dealing with economic and social issues, supported by eco-design areas, etc. (Marinova and Radev, 2023).

Thus, the third part of the dissertation is dedicated to some of the most important social, economic, and horizontal requirements for textiles in the EU.

In this part of the dissertation, statutory and proposal analysis of the secondary EU law and policy frameworks is utilized for the analysis of the EU laws and policies related to other requirements needed for the entire sustainability, namely, social (labour-related requirements (related to the forced labour), educational requirements, and advertising requirements), economic (taxation, EPR fees, and pricing rules), and horizontal (sustainability reporting/due diligence requirements and deforestation due diligence requirements). Besides, comparative sectoral analysis is used to highlight the similarities between the fast fashion and tobacco industries to strengthen the argument for stricter advertising rules for fast fashion, which is a considerable part of the conventional textiles industry.

This analysis in this part of the dissertation will help to understand the existing rules in other dimensions of sustainable development for the textile sector from a legal perspective. It will be seen which requirements are already addressed by EU law and which are not. This will be beneficial for proposing optimization measures for such requirements and building the way or the roadmap towards the best approach to textile-related legislation, where all the mentioned requirements are seen as constitutive building blocks for sustainability in the textile sector.

Therefore, this part deals with the most critical social, economic, and horizontal requirements for textiles in the EU.

### **3.1. Social pillar: labour, educational and advertising requirements**

As mentioned above, in addition to the environmental concerns of the textile sector, there are a lot of social issues around this industry. For instance, the textile industry, according to Shibly and Hoque, “*has long been criticized for its exploitative labor practices, particularly in developing countries where low wages, poor working conditions, and lack of labor rights protections are prevalent. Child labor and forced labor remain persistent issues in some regions, undermining social sustainability. Ensuring fair wages, safe working environments, and ethical labor practices requires stringent regulations, industry compliance, and consumer awareness*” (Shibly and Hoque, 2025, p. 7).

Since the social concerns would undermine the social component of sustainability, including in the sector of textiles, it is important to analyze the textile-related social requirements for textiles in the EU, as negative social practices in the textile sector can also be influential for the EU. The social aspects that are analyzed in this dissertation are the following:

- Labour-related requirements;
- Educational requirements;
- Advertising requirements.

This study would help to analyze which areas are regulated in a proper manner in the EU and which are not yet properly regulated, and would also propose optimization of legal measures to create an indeed sustainable regulatory framework for the textile industry in the EU from the perspective of social sustainability. Labour-related requirements are embraced by educational and advertising ones, since these are considered to be powerful instruments that could influence consumer attitudes towards the textiles and their future sustainability.

#### *3.1.1. Labour-related requirements*

Among the social sustainability requirements, a prominent place is given to fair labour rules for those engaged in the textile sector.

Labour-related rules are chosen for this research as essential for creating the system of EU legislation that would most benefit sustainability for two main reasons. The first reason is that labour-related requirements are linked to at least a couple of UN SDGs: SDG 8 (Decent Work and Economic Growth, with a focus on decent work), SDG 10 (Reduced Inequalities), and SDG 16 (Peace, Justice and Strong Institutions, with a focus on justice). The second reason is that labour requirements are directly linked to all steps of the textile supply chain, from manufacturing and retail to waste management

(except for textile use).

The textile industry faces challenges regarding ethical labour practices, as mentioned above, especially relating to the possible abuses of their subcontractors (as well as the lack of transparency regarding production conditions and suppliers).

There are currently a couple of legal instruments in the EU designed to combat forced labour in the EU, namely, the directive on preventing and combating trafficking in human beings and protecting its victims, as well as the directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (Directive 2011/36 on preventing and combating..., 2011; Directive 2009/52 providing for minimum..., 2009). The first directive regulates the issue of human trafficking for exploitation and corresponding penalties, as well as provides protection for victims (Directive 2011/36 on preventing and combating..., 2011). The second directive combats illegal immigration by prohibiting EU MSs from employing non-EU nationals who are illegally present in the EU. It specifies the obligations of employers, which include requiring proper documentation as well as notifying authorities. Besides, it also sets penalties for non-compliance, ranging from fines to repatriation and criminal charges. Additionally, the directive requires regular inspections (Directive 2009/52 providing for minimum..., 2009).

The EP, in a briefing, specified that the EU had implemented laws to fight against forced labour (addressed above), but there were no provisions to prohibit the sale or availability of products produced using forced labour on the EU market. However, there was a proposal that aimed to prohibit the sale of such products in the market (Proposal for a ban on goods..., 2023).

Therefore, this subchapter revolves around the rules regarding forced labour and products made with forced labour, which are the most central ones in relation to labour requirements. Other labour requirements are usually well addressed in the EU, with some aspects, such as work-driven regulations, to be discussed by corresponding legal scholars in that field.

In 2022, the EC initiated the proposal for a regulation prohibiting products made with forced labour on the EU market (proposal for a Forced Labour Regulation). The proposal aimed to stop the trade of goods produced through forced labour, regardless of their origin, within the EU. The proposal followed the general legislative procedure in the EU. In April 2024, the EP approved it (Products made with forced..., 2024). Regulation 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market was signed by the President of the EP and by the President of the Council on 27th

November 2024, and the regulation entered into force on December 13th, 2024 (Regulation 2024/3015 on prohibiting products..., 2024).

According to the proposal for a Forced Labour Regulation, as part of the SDGs, the international community wants to eliminate forced labour by 2030. However, according to the International Labour Organisation (ILO), despite this commitment, forced labour continues to be used, with an estimated 27.6 million people affected worldwide. Therefore, the proposal prioritized combating forced labour for the EU (Proposal for a regulation on prohibiting..., 2022).

The regulation introduces a ban on products made with forced labour, including child labour, domestically and for export. It also seeks to establish an enforcement framework to ban the sale and availability of such products. More specifically, the regulation says that *“this Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour in order to improve the functioning of the internal market, while contributing to the fight against forced labour”* (Regulation 2024/3015 on prohibiting products..., 2024).

The adopted regulation bans the sale or export of products made with forced labour in the EU. Besides, according to the regulation:

- EU MSs will designate one or more competent authorities to be responsible for the obligations of the Regulation;
- A Union Network Against Forced Labour Products will be established, serving as a platform for structured coordination and cooperation between the competent authorities of the MSs and the EC;
- The EC will establish a database providing information on forced labour risks;
- The EC will establish and regularly update a single website (Forced Labour Single Portal), etc. (Regulation 2024/3015 on prohibiting products..., 2024).

The regulation will take effect on 14th December 2027, with some articles already in effect.

Similar legislation was adopted in the United States, which became law in 2022, called the Uyghur Forced Labour Prevention Act. This act presumes that any goods produced or manufactured in the Xinjiang Uygur Autonomous Region or by entities connected to forced labour cannot be imported into the United States (with the possibility to challenge this presumption) (An act to ensure that goods..., 2021).

However, the EU regulation is much more comprehensive than the USA one.

Therefore, the EU legislation on the prohibition of forced labour and the prohibition of the manufacture of products using forced labour is very sophisticated. This could be an essential point in transferring to making textile regulation in the EU not only circular but also sustainable. However, it will be up to the MSs authorities to decide if any breach of the regulation is enforced. Thus, it is crucial to see how effective such enforcement would be. Besides, as stated by Lu, “*notwithstanding worldwide attempts to raise labour standards, problems still exist—especially for subcontractors*”, and “*the main issue is the lack of strong enforcement mechanisms for ethical labor practices*” globally (Lu, 2025, pp. 7, 16). In case of any legislative failures, the supervisory role of the EC would be put forward since it is responsible for making sure EU laws are followed in all EU member countries, and it gathers information to check if member states are following EU laws.

Thus, the labour-related requirements for social sustainability in the textile sector in the EU are quite comprehensive and ambitious. The quality of their enforcement in the future remains one of the main problematic aspects of such requirements and could be assessed only after a reasonable period of time. Besides, the transparency of supply chains as a whole remains a related issue to the labour practices; however, the requirements for such transparency will be assessed as part of the horizontal requirements below.

### *3.1.2. Educational requirements*

Among the social sustainability requirements, the next important place is reserved for the educational requirements for everyone who somehow deals with or uses textiles.

Education requirements are chosen for this dissertation as one of several essential social requirements for the creation of the system of EU legislation that would most benefit sustainability for two main reasons. The first reason is that education requirements are linked to at least two UN SDGs: UN SDG 4 (Quality Education) and UN SDG 12 (Sustainable Consumption and Production, with a focus on both). The second reason is that education requirements are directly aimed at consumers (and their behaviour and would apply to the last step of the textile supply chain, textile use), as well as at manufacturers.

From the consumer side, educational requirements would empower them with the knowledge to make well-informed decisions, in addition to understanding the environmental and other (social and economic) impacts of

their consumer choices. Additionally, these are also important for manufacturers. Therefore, incorporating educational requirements can be seen as one of the important drivers for responsible production and consumption. From the perspective of consumer education, the lack of addressing the binding education-driven campaigns to incentivize more responsible consumption could be seen as an obstacle to achieving sustainability in the textile sector in the EU. Besides, the results of the research from the social sciences show that it seems that the students are not fully aware of the consequences of overconsumption; however, it appears that their intentions towards responsible apparel consumption have been positively influenced (Palacios-Chavarro *et al.*, 2021). Therefore, the legal cluster should help to change the situation.

The EU can play an important role in the current education issue. According to the EC (Directorate-General for Communication), the EU supports different levels of education and training for its citizens, using different programs (for example, Erasmus+, European Solidarity Corps, etc.) (Education and training – EU support).

Besides, more specifically, in June 2022, the Council of the EU emphasized the importance of learning as such for environmental sustainability by adopting the recommendation concerning learning for environmental sustainability. It was recommended for MSs to prioritize education for green transition and sustainable development in the 2022 Council Recommendation on Learning for the Green Transition and Sustainable Development. Of course, such a recommendation does not have legal weight; it still can provide directions for possible legal changes. Also, even though it asks the MSs to consider different measures, including, for instance, to *“develop the knowledge, skills and attitudes of learners of all ages to live more sustainably, promote sustainable consumption and production patterns, adopt healthier and more environmentally-conscious lifestyles and contribute individually and collectively to the transformation of our societies”*, the recommendation as such does not explicitly mention sustainable fashion issues and fashion (or textile) consumption (Council Recommendation on learning ..., 2022). Therefore, it would be beneficial to amend the recommendation to specifically add sustainable textile (fashion)-related issues in its amended scope, which could afterwards lead to further legal interventions. It can include such proposals as the introduction of the EU-driven seasonal educational campaigns in schools and universities, popularizing sustainable fashion (textiles), longer use of clothes, and only real demand-driven shopping (according to the developed criteria) by incentivising schools and university self-government; mandating mandatory

sustainability education that could be a part of the school curriculum for the future generation to have knowledge regarding the negative impact of overconsumption in general and textile overconsumption in particular (covering topics such as the lifecycle of textiles, environmental impacts of textiles, etc.); introducing EU-wide vouchers for students and some other groups to be used in small shops (second-hand shops, shops with recycled products, etc.), so-called “small-scale artisans”, etc.

From the perspective of manufacturers, there are no binding EU norms associated with educational requirements that can help to make production responsible. All the previous proposals for educational requirements for consumers can also be beneficial for prospective manufacturers. For those that already operate, the EU could mandate the requirements that seek to incentivize industry stakeholders to switch to sustainable textile production, for example, by mandatory training for those manufacturing and/or selling their products in the EU, etc., and mandating the EU-wide sustainable fashion (textiles) forums and industry-cooperation events. These events could feature fashion shows, panel discussions, and workshops focused on sustainability in the fashion industry.

These proposals of educational requirements can incentivize the producers to initiate the real changes in the sector toward sustainability and enhance the cooperation between them. These could also be linked to the Transition Pathway for the Textiles Ecosystem, as proposed by the EU Textile Strategy. The EU stakeholders were invited to submit their pledges to help make the textiles ecosystem greener, more digital, resilient, and competitive via the new EU Textiles Ecosystem Platform (Textiles Ecosystem Transition Pathway..., 2023). It is a collaborative voluntary commitment and a roadmap, where all EU textile ecosystem stakeholders are invited to submit their commitments to support the pathway actions, which will be published to recognize their contributions and leadership in the ecosystem transition. The EU Textile Strategy says that *“the Commission will, in the context of the Transition Pathway, engage with stakeholders to facilitate the scaling up of resource-efficient manufacturing processes, reuse, repair and other new circular business models in the textiles sector”* (EU Textiles Strategy, 2022, p. 8). According to the 2024 Report on Stakeholder Pledges and Commitments, in the first round of publication, the Transition Pathway for the Textiles Ecosystem counts a total of 110 published pledges from 19 organizations covering all eight building blocks (including sustainable competitiveness, regulation and public governance, social dimension, and infrastructure, among others) (Report on Stakeholder Pledges..., 2024).

Even though it is mentioned in the EU Textile Strategy, it is not a proposal for a legal act but rather a voluntary commitment to create a system of stakeholders' cooperation; however, it would be quite helpful in transforming the textile industry, especially when embraced by the abovementioned educational requirements. Thus, it would be of interest to see how the education requirements would influence the number of future pledges.

Thus, the EU can potentially intensify and encourage national authorities to legislate these or similar educational campaigns and initiatives to complement existing scattered voluntary social campaigns (for instance, the voluntary Sustainable Consumption Pledge, etc.) and amend current education-related recommendations to make them wider and louder. Besides, the EU can include these requirements in its existing educational programs or create a new one. These proposals could indeed influence the emergence of not only circularity but also sustainability in the textile sector.

### *3.1.3. Advertising requirements for textiles (mainly for fast fashion): the comparison of the fast fashion and tobacco sectors (similarities and subsequent regulatory implications for fast fashion advertising)*

Among the social sustainability requirements, the next important place is given to advertising requirements.

Advertising requirements (or rules) are chosen for this dissertation as one out of several essential social requirements since advertising requirements are those requirements that are linked with UN SDG 12 (Sustainable Consumption and Production, with a focus on both consumption and production). It is argued that advertising requirements (rules) bring social implications for such issues as overconsumption and overproduction of textiles, especially in light of the proliferation of the fast fashion mode.

Currently, there are no specific regulations on the advertising of textile products under EU law. In contrast, advertisers are mentioned by the EC as stakeholders who are essential in the transition to a more responsible textile industry. More specifically, the EU Textile Strategy says that “*to accelerate the change in consumption and production patterns, the Commission will promote this transition under the motto #ReFashionNow, putting quality, durability, longer use, repair and reuse at the core. In the framework of the European Circular Economy Stakeholder Platform, it will mobilise designers, producers, retailers, advertisers and citizens in re-defining fashion*” (EU Textiles Strategy, 2022, p. 9). Besides this, there are no other mentions of the advertising rules or proposals in the EU Textile Strategy. As per Maldini and

Klepp, the EU Textile Strategy, being concentrated on the product-related measures, primarily seeks to achieve product durability and does not tackle the issues of overproduction and overconsumption as such (Maldini and Klepp, 2025). Besides, the scholars specified that in the EU Textile Strategy, *“the focus on product durability assisted in avoiding production volume reductions measures, leading to the exclusion of marketing-oriented regulation (applied to price, frequency of new products put on the market, product placement with influencers, advertising including social media strategy, etc.), which could have a significant effect in tackling overproduction and overconsumption”* (Maldini and Klepp, 2025, p. 13).

Therefore, changes in the EU advertising rules are needed to achieve, or at least to try, a sustainable textile industry in the EU.

Since the fast fashion sector, within the general garment industry, is specifically aimed at encouraging disposable consumption, rapid replication, lower prices, and accelerated production, this sector can be considered as a primary goal for imposing particular advertising restrictions. It is believed that it is necessary to strengthen the clothing advertising rules that would help to deal with the proliferation of fast fashion and mitigate its negative impacts.

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 (textile) industry with the tobacco sector, more specifically from the standpoint of their harm. Someone might argue about the differences between these two sectors. These might be due to the different nature of harm: where the damage from tobacco is direct, the damage from fashion is mostly indirect. Also, the tobacco industry relies on addiction, which is at the core of the tobacco business model, as nicotine is a highly addictive substance. At the same time, the fashion sector, including fast fashion, deals with consumption patterns. Even though the nature of harm from both sectors is different, both sectors operate on models that prioritize profit maximization due to reliance on consumption habits and addiction, and not on environmental and other well-being. The similarities specified below can justify the adoption of tobacco-related rules for the regulation of fast fashion, particularly in the advertising area.

It is thus important to compare both sectors from the perspective of their different impacts, and the identification of parallels between them can be the reason to consider the adaptation of tobacco-like rules to the regulation of fast fashion. 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 proposed to ban advertising for fossil fuels because of the similarities between the negative impacts of the fossil fuel and tobacco sectors (Guterres issues hard-hitting..., 2024). Below, the arguments on similarities between the tobacco and textiles sectors will be specified, together with the legal implications for prospective advertising restrictions for the fast fashion sector.

Therefore, the arguments on the similarities between the tobacco and fast fashion industries are the following:

### ***The 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. Every year, more than 8 million people die from tobacco use. Most tobacco-related deaths occur in low- and middle-income countries, which are often targets of intensive tobacco industry interference and marketing. Tobacco can also be deadly for non-smokers. Second-hand smoke exposure has also been implicated in adverse health outcomes, causing 1.2 million deaths annually.*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” (World No Tobacco Day..., 2022).

In its turn, the fashion industry also has a substantial environmental impact, as described above in the dissertation. 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 after fast fashion garment usage may occur in some situations (for instance, ranging from cases of unethical production techniques with the use of some dyes or other chemicals negatively impacting human health to instances of unethical labour practices also negatively impacting human health). Besides, the side effects on human health resulting from the negative environmental impacts of textiles cannot be neglected (microplastics in marine environments digested by fish can return to the human organism, etc.).

This argument comes 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. Air and noise pollution, and heavy metals like mercury are directly related to health issues like asthma, hearing loss, dehydration and heart diseases. Heatwaves and floods affect the whole population but cause the highest burden for vulnerable groups like infants, the elderly, those in poor health or communities living on floodplains... 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.*” (Environmental health impacts, 2024).

Besides, in a research article in the journal EBioMedicine, researchers conducted a study to investigate the effects of microplastic pollution on human health and found a possible connection between microplastics and the formation of blood clots. Besides, more specifically, “*multiple types of MP polymers, namely, PA66, PVC, and PE, were detected among the 10 target polymer types. PA66, also known as nylon 66, is widely used in the manufacturing of consumer goods, textiles, electrical parts, automotive components, plastic bags, and packaging materials*

” (Wang *et al.*, 2024, p. 11). And it was not the first study of that kind. The research conducted by Italian scientists earlier in March 2024 revealed that some percentage of blood clots contained microplastics (Marfella *et al.*, 2024).

Also, as specified by Pinto and 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*” (Pinto and Mizrachi, 2025, pp. 1, 2). Besides, it is stated that “*fast fashion production also involves extensive use of hazardous chemicals, accounting for a quarter of the world’s toxic chemical consumption*” and “*as fast fashion becomes increasingly rapid in production and distribution cycles, toxic chemicals are infiltrating wardrobes worldwide, posing risks to both consumers and garment workers*” (Pinto and Mizrachi, 2025, pp. 1, 2). All the chemicals may affect human health, since, as citing others, Pinto and Mizrachi specified that “*the textile industry stands on multiples chemical treatments to improve fabric quality, enhance durability, and achieve specific aesthetic*

*effects, such as formaldehyde resin treatment, used to make fabrics more wrinkle-resistant...However, many of these substances do not simply disappear after manufacturing. Instead, they remain embedded in the fibers, exposing consumers to potential health risks through direct skin contact, inhalation of chemical residues, and even subsequent ingestion or inhalation of microfibers after released into the environment" (Pinto and Mizrachi, 2025, p. 3).*

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 fast fashion on the environment, whereas the potential human health impacts of the latter are currently gaining attention. Therefore, taking into account the precautionary principle in the EU environmental law, there is a need to apply proactive legislative moves to address potential environmental and health implications of fast fashion.

#### ***The underage use argument (advertising opens doors for underage users)***

Regarding minors' appeal, 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 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*" (World No Tobacco Day, 2024), meaning that minors are still an essential category for the tobacco industry, which is accessible using new innovative tobacco products and new advertising techniques appealing to minors.

The fast fashion industry is similarly trying to reach minors, primarily via social media. For example, Ge, citing Widjianto 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*" (Ge, citing Widjianto and Agusti, 2024, p. 119). Even in the case of the shift of general consumers (including minors) to more responsible practices, as per Cipolla and Conceição, "*the evolution of customers' behaviour over the years manifests a gradual shift towards circularity. However, people are still attracted by the advantages offered by fast fashion. Besides, several factors discourage people from adopting a sustainable attitude, especially if the*

*environmental concern is not their main driver*” (Conceição and Cipolla, 2021, p. 11).

Also, according to the author of the Let Clothes Live Long blog (Anyachoudhary), “*There are 3 main reasons teens turn to fast fashion when buying new clothes. These reasons include the lower price range, the trendy clothing, and the popularity of this fad. Most teens are aware that fast fashion is bad, but they do not feel the need to look into the details of the industry, or they feel the humanitarian and environmental issues are not large enough to be stopped. Because of this, they continue to purchase from these companies, and continue the cycle*” (Anyachoudhary, 2020). 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*” (Du, 2022).

Besides, in the online article, the CEO of ThredUp (an online consignment and thrift store for selling secondhand clothes), 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 “*preys on people's worst instincts for a short-term buzz, enabling shoppers to continuously consume in an attempt to catch up with the never-ending, passing fads of social media and celebrity culture*” (Reinhart, 2024). Besides, Reinhart indicated that 65% of Gen Z consumers favour fast fashion for its affordability, similar to how the tobacco industry targeted young adults with low prices and appealing marketing despite the significant environmental costs associated with fast fashion (Reinhart, 2024).

Thus, it is evident that fast fashion targets the young generation, including minors, especially by utilizing 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 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 dissertation 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 can exploit their propensity for addiction and other health effects, and in the case of fast fashion, the advertising can exploit their participation in unhealthy consumption from an early age. Thus, “*appealing*” to children is a common feature adopted by both the tobacco and fast fashion industries.

### ***Potential advertising-related legal consequences of similarities between the tobacco and fast fashion industries***

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 young people.

The similarities between the effects of the tobacco and fast fashion sectors could justify more stringent regulation for the fast fashion sector, using tobacco-like legislative options or going beyond them.

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, 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 regulation in the EU. The advertising area is regulated for tobacco products, whereas regulation for the fast fashion industry is still missing. As specified by Mizrachi 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” (Mizrachi and Tal, 2022, p. 14). Also, according to Maldini and Klepp, “policy and regulation aimed at reducing the consumption of other products, most remarkably tobacco, has focused strongly on marketing regulation and restrictions, and has received much scholarly attention...In the EU Textile Strategy, however, the focus on marketing is marginal” (Maldini and Klepp, 2025, pp. 2, 3).

Regulating tobacco advertising, for example, was not an easy path. It is clear that even when tobacco advertising is 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 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.

The path towards legalizing 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; however, the first attempts to ban advertising and sponsorship were not successful (Neuman *et al.*, 2002).

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 placement (Ban on cross-border tobacco ..., 2024).

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 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”* (Directive 2014/40/EU on the approximation..., 2014). Regarding the MS level, more stringent advertising rules are in place; for example, there is the ban on price compensation in Finland (Finnish Tobacco Act, 2016) 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 Slovakia (Act on Media Services, 2022), etc.

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 the important regulatory changes for the tobacco sectors in recent years, the smoking rates in the EU remain high, with 26% of the population and 29% of young people (15-24 years) being current smokers (Public Health Overview, 2024). However, it is also clear that the numbers could be higher in the case of the absence of such rules. Without current regulations, such products would be more accessible.

Thus, regarding 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 more stringent advertising requirements for tobacco products at MSs 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 prevent 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, for example, 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 in the dissertation), 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 deals with the possible complete advertising ban for fast fashion. The second option of a stricter regulation for textile advertising can 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. Therefore, the negative impacts of textiles can be even more persistent. However, this option could 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*” (EU Charter of Fundamental Rights, 2000). However, it is important to highlight that this freedom is not an absolute right, and the Charter specifies that “*any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others*” (EU Charter of Fundamental Rights, 2000). Thus, the complete advertising ban would need to pass the test of proportionality in case of being challenged in the CJEU.

Thus, the tobacco and fast fashion industries possess similar features since they both have negative environmental and public health implications, which is additionally emphasized by the characteristic that they both appeal to minors, among other young people. The parallels between the tobacco and fast fashion industries urge the necessity of stronger regulation of fast fashion, using similar tobacco-like approaches or going further by introducing more stringent rules. Therefore, two types of advertising rules for the fast fashion

industry in the EU are proposed to be considered, 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 specific domains, such as on social media, TV, or radio, or would require specific warnings about environmental (and potentially health) impacts. The second option, going further than the partial prohibition, revolves around a complete ban on fast fashion advertising. 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.

### 3.2. Economic pillar: taxation and other economic measures

As mentioned above, in addition to the environmental and social concerns of the textile sector, there are economic issues around this industry that are defined in this dissertation as those issues that are linked to the instruments that can reflect such hidden costs (externalities) of the textile sector, which are not reflected in the real prices of textiles as well as financial burdens associated with textiles. The economic aspects are interconnected with the social and environmental ones.

As mentioned above, per Maldini and Klepp, the EU Textile Strategy, being concentrated on the product-related measures, primarily seeks to achieve product durability and does not tackle the issues of overproduction and overconsumption as such (Maldini and Klepp, 2025). Besides, the scholars specified that in the EU Textile Strategy *“the focus on product durability assisted in avoiding production volume reductions measures, leading to the exclusion of marketing-oriented regulation (applied to price, frequency of new products put on the market, product placement with influencers, advertising including social media strategy, etc.), which could have a significant effect in tackling overproduction and overconsumption”* (Maldini and Klepp, 2025, p. 13). Since the economic concerns would undermine the economic component of sustainability, including in the sector of textiles, it is important to analyze the textile-related economic requirements for textiles in the EU. The economic aspects that are analyzed in this part of the dissertation are the following:

- Taxation rules;
- EPR fees required for textiles;
- Pricing for textiles.

As mentioned above, the economic aspects are closely connected and linked to the social requirements and considerations mentioned in the previous

subchapters. Thus, touching upon other economic aspects would try to bring a balance between all the components of sustainability (economic, social, and environmental), as these are interconnected. This analysis would help to analyze which areas are regulated in a proper manner in the EU and which are not yet properly regulated, and would also propose optimization of legal measures to create a truly sustainable regulatory framework for the textile industry in the EU from the perspective of economic sustainability, in line with other areas of sustainability.

### 3.2.1. *Taxation rules*

Starting with the taxation requirements for textiles, it is worth mentioning that, besides the standard value-added tax (VAT) on the individual MSs' level or import/export taxes, no uniform excise taxes are foreseen on the EU level for textile products. Taxation rules are also linked to the UN SDG 12 (Sustainable Consumption and Production), as taxes can curb the consumer demand for textiles as well as influence producers to manufacture more responsibly.

For example, there are some moves in the EU to deal with the increased online shopping leading to low-value shipments of potentially unsafe products by means of a potential customs reform, as well as by the “*introduction of a handling fee of €2 for each shipment to the EU*” (EU targets low-value imports..., 2025). Also, the EU Textile Strategy only mentions the following tax measure: “*The Commission encourages Member States to adopt favourable taxation measures for the reuse and repair sector*” (EU Textile Strategy, 2022, p. 9). Despite that, no other taxation measures are foreseen in the EU Textile Strategy; as mentioned before, the EU Textile Strategy itself does not include many of the measures that could deal with the overconsumption and overproduction of textiles.

Therefore, introducing uniform excise taxes for textiles and related products in the EU would be very beneficial. It would benefit domestic budgets and limit consumer demand for clothing.

As a reference, Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco can be used (Directive 2011/64 on the structure..., 2011) due to the similarities between the industries specified above. The Directive establishes general principles and minimum excise duty rates for manufactured tobacco, such as cigarettes, cigars, cigarillos, fine-cut tobacco for rolling cigarettes, and other smoking tobacco, throughout the EU, and the same minimum excise duty can be established for textile products.

Thus, it could be proposed to implement a tax on lower-priced (fast fashion) textile products, based on the usage of some materials, for instance, synthetic fibres, microplastics, certain chemicals, etc., as well as those textiles made with poorly traced labour practices. The necessity of the taxation measures for fast fashion products is dictated by the already addressed operational speed of fast fashion, its negative impacts, and specific marketing tools. Taking this into account, the parameters for fast fashion can be the following: 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 (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. Besides, this measure could complement the EPR requirements (as mentioned above and below), and the difference between them would be in the aspect that the EPR fees would be applicable to all textile manufacturers, but the excise taxation would only be aimed at the fast fashion players (according to specific criteria).

The introduction of such taxation could encourage manufacturers and consumers to produce and consume more environmentally friendly products (influence innovation), as well as deal with the decreased waste generation due to the discouraged overproduction and overconsumption, and improve the labour conditions. Even though potential counterarguments to the minimum taxation of textiles may arise, for example, impacting competitiveness, etc., the possible benefits mentioned above may still be considered as a part of the EU regulatory and fiscal strategy. Thus, the introduction of taxes for lower-priced textiles can help to deal with overproduction and overconsumption and to reflect the true environmental costs of textile production and use.

### *3.2.2. Extended Producer Responsibility (EPR) fees required for textiles*

The next important economic requirement is the introduction of EPR requirements for fees for textile manufacturers. The EPR fee requirements are also linked to the UN SDG 12 (Sustainable Consumption and Production), as they are aiming to shift the burden of waste management from the public to producers, in addition to other aims.

As of 1st January 2025, textile waste should be collected separately in the EU (Directive 2018/851 on waste, 2018), which is partially an EPR-related element. More requirements for the textile-related EPR are foreseen to be a regulatory reality in 2027. Per the newly revised Waste Framework Directive, as was mentioned in Part II of the dissertation, producers in the EU member

states must have EPR for textiles and textile-related products. They must cover the costs for collecting textiles and conducting surveys, as well as support recycling, among other things (Proposal for a directive amending..., 2023; Directive 2025/1892 amending..., 2025).

The implementation of the EPR, specifically in the form of economic instruments (EPR fees (costs)) for textile manufacturers, is important for the industry's circularity and, consequently, sustainability. EPR, in essence, makes the producer responsible for the whole life cycle of the manufactured products, including the end-of-life, in addition to putting the financial burden of cleanup not on the municipal budgets but on the manufacturer of the discarded product. The introduction of EPR can incentivise manufacturers to create products that have a longer lifespan, are easier to manage after they become waste, etc.

Thus, the introduction of the EPR requirements would be a necessary economic measure for achieving a circular textile system in the EU, which is a prerequisite for a sustainable textile system (if embraced by other economic, social, and environmental requirements). However, some concerns regarding this proposal would remain, as was also mentioned in Part II of the dissertation, in particular, with regard to the exclusion of some entities from its scope.

Besides, it is important to see how those EPR requirements would be implemented in practice on the level of individual EU MSs, as there are some issues with the EPR fees in other sectors. EPR is a policy tool enshrined in several legal EU instruments (ranging from the EU Waste Framework Directive to the EU Battery Regulation, etc.). The “polluter pays” principle (noted in this dissertation above) is at the core of the EPR requirements.

One of the other EU legal instruments, specifically introducing EPR requirements and already transposed in the legislation of the EU national MSs, is the Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment (SUP Directive) (Directive 2019/904 on the reduction..., 2019). The directive, adopted in 2019, prohibited certain single-use plastics (for which alternatives exist) and specified rules, including the EPR requirements and fees for other products, including tobacco filters.

In accordance with Article 8 of the SUP Directive, it is mandated that manufacturers of filters are responsible for covering the expenses related to promotional activities aimed at raising awareness about the environmental impact of single-use plastics, including waste management options; the consequences of littering on the environment; proper disposal, cleanup, and transportation of litter; data collection and reporting; collection,

transportation, and treatment of products discarded in public collection systems (Directive 2019/904 on the reduction..., 2019). The SUP Directive mandated the transposition of EPR provisions to be completed by January 5, 2023.

While most EU member states have adhered to this deadline, there were a few exceptions with some late transpositions. In general, awareness-raising and other EPR-related measures are implemented quite consistently across the EU MSs, including for the rules on EPR fees (costs), representing the polluter pays principle; however, there are still discrepancies in the MSs regarding the determination of the specific EPR fees (costs), which is the main issue here. The EPR fees differ from country to country, and some countries have not even decided on specific fees or mandated them to collective schemes. The cost calculation is very important because it should be commonly decided for all EU MSs to make them uniform, which is not a reality for EPR fees/duties for filter manufacturers. The 2024 SUP Directive Implementation Assessment Report says that *“on the calculation of the fees, in the absence of guidelines from the European Commission that we hope will be released in the course of 2024, some countries decided to wait for the publication, others took initiatives and already decided how they would calculate the fees”* (SUP Directive Implementation Assessment Report, 2024), which means that not all countries have specified these fees even several years after the adoption of the SUP Directive itself. Currently, there are no calculation guidelines announced from the EC. Besides, the whole effect of this policy remains unclear in the future.

Thus, even though it is an important step forward, the EPR requirements are not a panacea, as is seen from the example of the SUP Directive (EPR requirements for tobacco filters, for instance). The same problems, such as the non-uniform and timely specification for textile-related EPR fees, can occur when implementing the EPR requirements for textile manufacturers. Thus, after the new revision of the EU Waste Framework Directive in 2025, the EC is advised to present guidance on the early stages of the implementation with uniform rules and calculation methods to avoid those problematic issues specified for the SUP Directive. However, there are some EU MSs that already have some EPR requirements for textile manufacturers (for example, the Netherlands and France).

Thus, even though there are some potential complications, the introduction of the EPR fees for textiles can combat textile overproduction by holding producers responsible for the end-of-life management of textiles, which would incentivize them to design more durable and recyclable garments and shift the burden of waste management from the general public to

producers. This measure can be complemented by the foregoing taxation elements that together would help to reflect the externalities of the textile sector.

### *3.2.3. Regulating minimum retail prices for fast fashion garments*

In addition to the previous economic requirements, regulating minimum retail prices for textiles needs to be proposed.

Fast fashion, as mentioned above several times, is widespread due to its very low prices, and the true cost of such fast fashion garments is not taken into account. Low prices have become an important factor in why such products are so popular and, thus, appealing to consumers. Of course, this economic measure (regulating pricing for garments) is linked to the social and economic requirements mentioned above, as they are interconnected, together with environmental ones. Besides, this economic requirement is linked to at least a couple of UN SDGs: SDG 8 (Decent Work and Economic Growth), SDG 10 (Reduced Inequalities), and SDG 12 (Sustainable Consumption and Production).

According to the EU Textile Strategy, “*although between 1996 and 2018 clothing prices in the EU decreased by over 30% relative to inflation, average household expenditure on clothing increased, indicating that such unsustainable patterns have not allowed citizens to benefit fully from cost-saving opportunities*” (EU Textile Strategy, 2022, p. 1). Besides these, there are no mentions of the price-related measures in the EU Textile Strategy. As mentioned several times above, per Maldini and Klepp, the EU Textile Strategy does not tackle the issues of overproduction and overconsumption as such and excludes marketing-related rules (e.g., applied to price, etc.) (Maldini and Klepp, 2025). There are currently no specific regulations within the EU that establish minimum retail prices for textile products, since the EU focuses on circularity initiatives rather than implementing price-related measures.

Thus, the price floors can be very important tools for ensuring sustainability, including in the sector of textiles. While the introduction of price floors can have some economic challenges (Price floors: Setting minimum..., 2024), they can be used as an instrument to limit the consumption of textiles, for example, the fast fashion options. This could promote a sustainable textile ecosystem in the EU.

Besides, there are some advantages to such an approach. The introduction of price floors for textiles can help consumers to understand the real price of textile products (the true cost of production) and influence the

consumption of more sustainable options, as well as bring more resources for fair social practices for manufacturers.

Therefore, the adoption of minimum prices can significantly contribute to eliminating many of the different negative impacts of textile production and consumption. This measure, together with the foregoing EPR and taxation ones, has the potential to indeed influence the consumption (and production) of textiles.

### **3.3. Horizontal pillar: sustainability reporting/due diligence and other transparency requirements**

The following set of requirements that are to be analyzed in this dissertation revolves around the so-called horizontal requirements. The horizontal character of such requirements is because they are connected to the sustainability triad (social, economic, and environmental aspects), but stay a bit aside from this classical division and also apply across multiple industries for the sake of sustainability. This close connection makes it important to trace them as well, in line with others addressed above, as they are related to most of the abovementioned concerns around the textile sector.

The horizontal requirements that will be touched upon in this dissertation are the following:

- Sustainability reporting requirements;
- Sustainability due diligence requirements;
- Omnibus packages simplifications;
- Deforestation-free requirements.

This study would help to analyze which areas that seek to bring more transparency to different sectors, including textiles, are regulated in a proper manner in the EU and which are not yet properly regulated or have some legal risks.

#### *3.3.1. Sustainability reporting requirements*

The pursuit of sustainability in the textile sector requires increased transparency. As specified by Shibly and Hoque, “*the complexity of global textile supply chains poses a significant challenge in ensuring ethical sourcing and environmental responsibility. Many brands struggle to trace the origins of raw materials and the working conditions of their suppliers. The lack of transparency allows for the continuation of unsustainable and unethical practices. Implementing blockchain technology, certification programs, and stricter regulatory oversight can enhance supply chain visibility and*

*accountability*” (Shibly and Hoque, 2025, pp. 7-8). Using legal means, transparency can be achieved, for example, through the implementation of mandatory reporting requirements, which would enable textile manufacturers to demonstrate to both customers and stakeholders the environmental impact of their operations, as well as the alignment with other sectoral requirements.

At the EU level, there is Directive (EU) 2022/2464 on corporate sustainability reporting, which amends multiple other legal instruments (CSR Directive) (Directive 2022/2464 as regards corporate..., 2022).

According to the CSR Directive, large companies and certain listed companies that meet specific requirements are required by EU rules to regularly disclose reports on the social and environmental risks that they encounter. They must also report on how their operations affect people and the environment in accordance with the European Sustainability Reporting Standards (ESRS). Large companies that meet at least two conditions (have a turnover of EUR 50 million or more, have assets amounting to EUR 25 million or more, or employ 250 or more people) are subject to the CSR Directive. In addition, non-EU companies that have a turnover of more than EUR 150 million in the EU are also subject to the CSR Directive. The CSR Directive also applies to listed small and medium-sized enterprises (SMEs), in case they meet at least two conditions (have a turnover of EUR 8 million or more, have assets amounting to EUR 4 million or more, or employ 50 or more people) (Directive 2022/2464 as regards corporate..., 2022). The initial reporting deadlines for SMEs were specified for the year 2027; they still had the option to comply with the requirements until the year 2028 (Schmidt and Farbstein, 2023). In case of meeting the in-scope requirements, these could also apply to textile companies.

The CSR Directive not only extends the reporting obligations to a broader range of companies but also introduces the use of European Sustainability Reporting Standards (ESRS) developed by the delegated acts. The ESRS were published officially in December 2023 as a delegated regulation, and they apply to companies of different sectors that are in scope of the CSR Directive requirements. The main objective of the CSR Directive is to improve the accessibility of important information for different stakeholders (e.g., investors, consumers, etc.). This information can help such stakeholders to assess the sustainability performance of in-scope companies and assess their impact on people and the environment and the financial risks regarding sustainability. Furthermore, the directive introduces the provision for sustainability assurance on the information that companies report and sets the groundwork for the digital taxonomy of sustainability information. Besides, the directive includes the notion of sustainability matters that are

defined as “*environmental, social and human rights, and governance factors, including sustainability factors defined in point (24) of Article 2 of Regulation (EU) 2019/2088*” (Directive 2022/2464 as regards corporate..., 2022). This mentioned regulation is regarding sustainability-related disclosures in the financial services sector, and such sustainability factors also include “*environmental, social and employee matters, respect for human rights, anti-corruption and anti-bribery matters*” (Regulation 2019/2088 on sustainability-related..., 2019). Thus, this set of matters must be reported. The CSR Directive originally required companies to apply the new rules in the 2024 financial year to publish reports in 2025 (Corporate sustainability reporting, 2024). However, after simplification moves in 2025, it was delayed for some companies (as will be explained later).

In conclusion, the CSR Directive has the potential to be an important milestone for the transparency of different industries. Thus, the implementation of the CSR Directive could signify the transition of certain in-scope companies, including textile ones, to increased transparency. Most of the provisions should have been transposed in 2024; however, the delay for their application was also legislated for some companies in 2025 (as will be seen later). Besides, the change of its scope is also expected (towards its simplification), which could undermine many positive effects of the directive (as will also be seen later).

### *3.3.2. Corporate Sustainability Due Diligence requirements*

In addition to the CSR Directive, the EU has developed another legal instrument that can be listed within the domain of acts providing horizontal requirements that can influence certain textile companies operating in the EU, among other industries (to deal with the aspect of transparency in the textile sector). The instrument is called the Directive on Corporate Sustainability Due Diligence (CSDD Directive) (Directive 2024/1760 on corporate sustainability..., 2024).

This directive introduces a duty of corporate due diligence that seeks to identify and mitigate actual and potential negative effects on the environment and human rights in the company’s operations, its subsidies and their value chains, and business partners. Moreover, the directive imposes an obligation on large companies to develop and implement, to the best of their ability, a transitional plan for climate change mitigation that is consistent with the 2050 climate neutrality goal of the Paris Agreement and includes targets outlined in the European Climate Law (Proposal for a directive..., 2019).

There are specific criteria for large EU limited liability companies and partnerships, as well as large non-EU companies. Specifically, for the EU ones, approximately 6,000 companies with over 1,000 employees and a EUR 450 million net turnover worldwide are covered. Additionally, around 900 non-EU companies with a EUR 450 million net turnover within the EU will also be covered. There is no threshold for employees of non-EU companies. Also, the directive does not apply to micro and SMEs; however, it specifies some supportive measures for SMEs (Corporate sustainability due diligence, 2024). The EU MSs must implement the CSDD Directive by 26 July 2026 (Directive 2024/1760 on corporate sustainability..., 2024).

In general, the CSDD Directive presents a complex landscape for different industries, including the textile industry, to increase the level of supply chain transparency and accountability.

Regarding social standards, for example, it is indeed an effective instrument. However, as specified by Velluti, there is an issue that there are challenges in ensuring labour rights and standards in global supply chains, especially in the garment sector (Velluti, 2024). According to Velluti, despite the self-regulation efforts (codes of conduct), there is still an unsatisfactory state of labour rights in the global garment industry supply chains, which is represented by low wages, poor working conditions, etc., and the necessity to legally implement the CSDD Directive to improve the rights of workers within the global textile supply chain was specified (Velluti, 2024).

Therefore, the directive represents an important tool for transforming the EU textile system, in line with other industries, to a sustainable path and influences the overall transparency. However, at the same time, it has some challenges that range from the delay for its application (as will be seen later) to the further simplifications of its scope, which could undermine many planned positive effects of the directive (as will also be seen later).

### *3.3.3 Omnibus packages simplifications for reporting and due diligence requirements*

As mentioned in the dissertation earlier, with a new convocation of the parliament and the new EC, the EU currently seeks to update its sustainability regulations with a new EC initiative for 2024-2029, called the Competitiveness Compass, that could shift considering sustainability as a final aim to viewing it as a way to enhance the EU's competitiveness (A Competitiveness Compass for the EU, 2025). According to the Competitiveness Compass, “*the EU must ensure its sustainable prosperity and competitiveness, while preserving its unique social market economy*,

*succeeding in the twin transition, and safeguarding its sovereignty, economic security and global influence. As Mario Draghi has warned, if Europe accepts a managed and gradual economic decline, it is condemning itself to a ‘slow agony’*” (A Competitiveness Compass for the EU, 2025).

Thus, with the new initiative that is primarily aimed at economic growth and lacks the balance of all sustainability components, the EU is reassessing its regulatory framework to strike a balance between sustainability objectives and economic growth, for instance, by simplifying certain sustainability requirements.

As part of the initiative, in February 2025, the EC prepared a set of novel simplification proposals called Omnibus packages that seek to simplify particular already adopted sustainability EU rules, aimed, among other things, to make sustainability reporting and due diligence obligations more accessible, efficient, and simplified.

Firstly, being a part of the Omnibus initiative, in April 2025, Directive 2025/794 amending Directives 2022/2464 and 2024/1760 as regards the dates from which Member States are to apply certain corporate sustainability reporting and due diligence requirements was adopted (Directive 2025/794 as regards the dates..., 2025). Known as the “Stop-the-clock directive” (Simplification: Council agrees position..., 2025), it postpones the dates of application of certain corporate sustainability reporting and due diligence requirements. EU MSs must implement this Directive by 31 December 2025. With this directive, the EU “*postponed by two years the entry into application of the CSRD requirements [Directive 2022/2464] for large companies that have not yet started reporting, as well as listed SMEs, and by one year the transposition deadline and the first phase of the application (covering the largest companies) of the CS3D [Directive 2024/1760]*” (Simplification: Council agrees position..., 2025).

Also, in July 2025, the EC adopted “quick fix” amendments to the first set of European Sustainability Reporting Standards that will reduce the burden for companies that had to start reporting for financial year 2024 (“wave one” companies), which was necessary because wave one companies were not captured by the “stop-the-clock” Directive (Commission adopts “quick fix”..., 2025). Also, in October 2025, a set of delays regarding the European Sustainability Reporting Standards was announced (Segal, 2025).

Besides, being another part of the Omnibus initiative, the EU has proposed, in addition to delaying the reporting deadlines, as mentioned above, to further simplify sustainability reporting and due diligence requirements “*by reducing the reporting burden and limiting the trickle-down effect of obligations on smaller companies*” (Simplification: Council agrees

position..., 2025). In June 2025, the Council agreed on its position (Simplification: Council agrees position..., 2025). In October 2025, it was announced that the EP will determine its position before talks with EU governments in November 2025 (MEPs to vote in November..., 2025). After support by the EP in November 2025, the negotiations started, and the final legislation should be finalized by the end of 2025 (Sustainability reporting and due diligence..., 2025).

Also, in July 2025, the EC adopted a recommendation on voluntary sustainability reporting for small and medium-sized companies that are not covered by the Corporate Sustainability Reporting Directive (Commission presents voluntary sustainability reporting..., 2025).

As reported by the ESG Dive, the Omnibus packages in total would remove around 80% of companies from the scope of the abovementioned EU CSR Directive and delay reporting timelines for companies in the scope of both the CSR Directive and the CSDD Directive (Johnson, 2025). The initiative to simplify, or, in other words, in fact, to deregulate the sustainability reporting and due diligence requirements, has not been met with full acceptance and has struck opposition from civil society. For instance, as reported by the ESG Investor, in March 2025, 362 civil society organizations signed a letter calling on the EP and Council to reject the Omnibus package since it is going to weaken sustainability due diligence and reporting rules in the EU (Grogan-Fenn, 2025). Besides, in May 2025, 31 legal scholars also criticized the Omnibus simplification since *“the proposed reform would undermine the clarity of the European corporate sustainability rules and lead to an increase in climate-related lawsuits against companies”* (Ben Mariem, 2025).

Thus, both the abovementioned horizontal instruments (CSR Directive and CSDD Directive) that seek to add more transparency for different industries in the EU, including textiles, are related to each other and interconnected with social and environmental sustainability requirements. The CSR Directive focuses primarily on reporting and disclosing sustainability efforts in a particular company; the CSDD Directive, in turn, focuses on assessing and addressing possible impacts on the environment and human rights. However, the novel moves towards their simplification (or even deregulation) by the current Omnibus proposals could serve as a constraint for achieving sustainability in the EU. It could be seen as a U-turn in sustainability-related legislation in the EU, including in the textile sector (as, if meeting the requirements of scope, such companies would also be subject to the abovementioned rules), which might jeopardize the achievement of

enhanced transparency, including in the textile sector. Thus, it is advised not to keep the simplification path related to sustainability requirements in the EU.

### 3.3.4. Deforestation-free requirements

The next important horizontal rule is the one regulated by Regulation 2023/1115 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation (Regulation 2023/1115 on the making available..., 2023). These requirements are important since they are also connected to the transparency issues in the textile industry, in line with other industries. As specified by Bakshi, “*the connection between forests and fashion is not widely recognised, but it is critical. Most people are aware of the link between forests and paper, but few realise that the forests are also deeply connected to the clothes in their closets*” (Bakshi, 2025).

According to the regulation, any operator or trader who puts specific commodities (cattle, cocoa, coffee, oil palm, rubber, soya, wood, and other relevant products) on the EU market or exports them must demonstrate that the products do not come from recently deforested land and do not contribute to forest degradation. In December 2024, the European Union granted an additional phasing-in period, making the regulation applicable from 30 December 2025 for large and medium companies and from 30 June 2026 for micro and small enterprises (Regulation on Deforestation-free Products, 2025). Also, in September 2025, it was announced that the EU would delay launching the anti-deforestation law for another year (Abnett and Brice, 2025).

Since rubber is widely used in textile products (as rubber threads and fibers can be incorporated into garments and other related products), it is considered that if a company, meeting the requirements of the regulation, uses such a commodity, in line with others, then it should also follow the rules of the regulation and exercise the due diligence to specify that this commodity is deforestation-free, etc. It could be seen as a good step towards a more sustainable textile system, in line with other industries, as it is comprehensive, applying even to small and micro enterprises. However, the possible delay for another year can have quite a negative effect and is not desirable.

## **PART IV. FOREIGN FASHION (TEXTILES)-RELATED REQUIREMENTS, CONSUMER LIMITATIONS, AND THE BEST APPROACH FOR THE EU TEXTILE RULES**

This part of the dissertation seeks to analyze the examples of textile-related legal requirements from other jurisdictions to examine the possibility of implementing them or their current alignment with the EU textile-related legislation.

Besides the requirements from other jurisdictions, this part will also analyze the possibility of introducing legislative consumer limitations for textiles, as it is believed that without such legislative consumer limitations, a sustainable textile system in the EU will not be possible, especially given the growing Earth population and growing demand for textiles.

Consequently, the fourth part of the dissertation culminates in the presentation of the look of the most effective regulatory approach for creating a sustainable system of clothing-related legislation in the EU that would employ four effective steps, as will be addressed below.

This part of the dissertation uses comparative legal analysis, which is an important component for developing a view on the most comprehensive EU legal approach towards sustainability in the textile sector. The aim of the comparative legal analysis is to identify examples of legal approaches to textile regulation from other jurisdictions. The main criteria for jurisdiction selection are territorial criteria (geographic diversity: the jurisdiction should not be the EU supranational order itself (e.g., a national EU MS or group of MSs) or any outside-EU jurisdiction) and the scope of the textile-related rules (the scope must touch upon sustainability aspects for textiles or fashion in general). Thus, a comparative analysis deals with textile-related legal moves in other jurisdictions/countries (e.g., the French fashion bill and the New York Fashion Act, etc.) to explore the adaptability of these moves to the EU textile-related legal framework or current alignment of the EU with these or similar moves. Comparative analysis also includes parallel analysis, which is used to conduct a similar analysis for each selected jurisdiction of their relevant rule/proposal based on such criteria as the scope of the regulation/proposal, the used legal instrument, and specific definitions, for the sake of analyzing and contrasting the approaches to see which could be used for the EU supranational order or which are already matching the EU regulatory trajectory. Lastly, the method of normative argumentation that is used in this part of the dissertation provides strategic recommendations and seeks to provide a view on the best regulatory approach for sustainability in the textile sector in the EU.

## 4.1. Fashion regulations in specific jurisdictions

With the aim of comprehensively evaluating the possibility of establishing an indeed sustainable EU system of textile regulation, it is also essential to take inspiration from existing legal frameworks within individual member states (at the non-EU supranational level itself) and some non-EU (foreign) jurisdictions that actively initiate specific changes or policy proposals regarding the textile regulation to ensure the inclusion of the foregoing requirements and to evaluate the possibility of their adaptability for the EU supranational legal order or its existing alignment.

Thus, this chapter will deal with the analysis of the legal provisions presented in the following developments:

- French Fashion Bill,
- New York Fashion Act and some other US developments,
- Other initiatives/policies and the necessity of collective governance.

The identification of the adaptability or existing alignment of the legal moves to the EU legal framework for textiles could help to receive important insights that can help to develop a truly sustainable textile-related legal framework at the EU supranational level.

### 4.1.1. French Fashion Bill

The first and very important legal initiative that is worth mentioning here is the French “Fast Fashion” bill, put forward on January 30, 2024. It was approved by the French National Assembly (lower chamber of parliament) in January 2024. The aim of the bill is to tackle the fast fashion industry, the parameters for which would be decided by the Council of State, which provides the government with advice on drafting legal acts and other matters (French bill to regulate fast fashion, 2024; Council of State of France). In June 2025, it was supported by the Senate in its new version (Réduire l’impact environnemental..., 2024; Proposition de loi, n° 1557, 2025).

The name of the original bill 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*” (Proposition de loi, n° 2129, 2024).

In general, the bill seeks to add a definition of “fast fashion” to the environmental code, covering the provision or distribution of a large number

of new clothing or accessory items over a specified period, surpassing certain thresholds. The thresholds will be determined separately by a specific decree. Through the bill, the range of activities that can be encompassed by this definition has been extended in order to include, for example, online platforms.

The main aim of the proposal is 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 products (Proposition de loi, n° 2129, 2024). Of course, the complete advertising ban would need to pass the test of proportionality in case of being challenged in the CJEU.

However, the new version of the bill approved by the Senate (Bill 1557) does not include the blanket ban on fast fashion advertising (Proposition de loi, n° 1557, 2025). Reportedly, the recent Senate amendments are weaker, since they may limit the initially proposed advertising ban to just advertising of influencers, as the full ban might infringe economic freedom (Hird, 2025). Even while the Senate opposes such a blanket ban on fast fashion advertising, the government has said it would try reintroducing it into the bill (Hird, 2025). However, it is yet to be seen if it will be reintroduced or not. It is expected that the final version could be adopted at the end of 2025, after considering comments from the EU notification process (Walker and Tardif, 2025).

The French fashion bill sets a great example for potential future EU rules for the textile sector, particularly targeting fast fashion, which is responsible for significant negative environmental impacts. In order to promote sustainability within the EU textile industry, specific measures such as specifically defining fast fashion, tackling EPR requirements, and restricting advertising should be considered for inclusion in the EU legislation, based on the French example. The introduction of such measures would ensure consistent regulation of textiles, particularly the fast fashion mode, across all EU MSs. Some of these (e.g., advertising rules, reinforcing the EPR requirements) have already been addressed above in the dissertation, so this French example aligns with the aspects touched upon in this dissertation and some EU laws/proposals (in relation to the EPR aspects). The inclusion of the French initiative exemplifies the concrete instance of the active legislative process that can also inspire the lawmaking process in the EU. Even though the new version of this legal development is weaker than the original one, it could still be used as an inspiration for the EU textile-related legislation.

#### 4.1.2. New York Fashion Bill and some other US developments

Another bill that will be analyzed is the legislative proposal from the United States (US). More specifically, it is not related to federal law as such but derives from the state level. This legal instrument is called the New York Fashion Bill.

The New York Fashion Bill “*requires fashion retail sellers and manufacturers to disclose environmental and social due diligence policies; establishes a community benefit fund for the purpose of implementing one or more environmental benefit projects that directly and verifiably benefit environmental justice communities*” (Assembly Bill 2021-A8352, 2021).

Such a bill was proposed in the State of New York in the 2021-2022 legislative session as Assembly Bill A8352. In the 2023-2024 legislative session, Assembly Bill A4333C was introduced. According to the bill, “*this act shall be known and may be cited as the "fashion environmental accountability act"*” (Assembly Bill 2023-A4333C, 2023). The bill requires fashion sellers to be accountable to environmental standards and establishes the “interstate fashion environment accountability act”. The proposal also changes the state finance law in order to create a fund for addressing fashion-related issues.

The sellers of fashion products are required to conduct due diligence to identify, prevent, and mitigate negative environmental impacts of their operations and supply chains (Assembly Bill 2023-A4333C, 2023). More specifically, the bill seeks to cover all apparel and footwear companies (with an annual global revenue of \$100 million or more) operating in New York. It requires such companies to disclose their supply chain and raw material providers. It also mandates such companies to set and meet climate reductions, regulate chemical use, and improve the well-being of garment workers. The Attorney General or its designated administrators would be responsible for the enforcement of the bill (The Fashion Act).

The bill was reintroduced in the 2025-2026 Legislative Session as Assembly Bill A4631B (in the Senate, it is Bill S4558A), keeping the properties of the previous bill. At the time of publishing this dissertation, that bill is still under consideration and has not yet been signed by the governor.

Besides, a number of states in the US, including Washington, California, and Massachusetts, are also proposing similar fashion environmental accountability bills (Zahner and Pollack, 2025). Also, the state of New York has adopted the New York Fashion Workers Act, which came into effect in June 2025. The act seeks to protect models and content creators

by means of fair payments, fair contracts, and fair use of Artificial Intelligence (AI) (US: Navigating the New York Fashion..., 2025).

The new rules on sustainability reporting and due diligence already exist in the EU to bring more transparency for different sectors, including textiles, whereas some deregulation moves are proposed in 2025 that could weaken the recently adopted instruments, as was mentioned before. The proposed New York bill (in line with similar bills proposed in other US states), despite being formulated outside of the EU, has the potential to significantly influence and enhance the sustainability of the textile regulations within the EU, in line with other industries, as it underlines the alignment of the EU laws with the US trends in the lawmaking for the industry. Moreover, incorporating such specific provisions for the transparent disclosure of supply chains and more unambiguous requirements for compliance and enforcement in New York can show the EU system that the move towards enhanced transparency is a trend and that the deregulation moves towards the recently adopted corporate sustainability due diligence and reporting rules should not be developed, as they can weaken industry transparency. Besides, the act that specifically protects models and content creators can also be used as an inspiration for the EU and be adopted at the EU level as a single act, rather than a fragmented and complex set of rules scattered across different legal EU instruments.

#### *4.1.3. Other initiatives/policies and the necessity of collective governance*

In addition to the foregoing moves towards the textile sector, there are also such regulatory-related moves as internal EU MSs group discussions and Dutch textile policy for 2025-2030, together with the textile-related initiative from Australia.

In the EU, the internal group initiative derives from several EU MSs that advocate for the regulatory changes for the EU textile industry. In the light of the revision of Directive 2008/98/EC on waste (mentioned above, adopted in September 2025), in 2024, such EU MSs as Austria, Finland, France, and the Netherlands decided to develop a paper asking the EU to allow EU MSs to levy penalties on the retailers of fast fashion (e.g., Shein and Temu) because their products can have negative environmental impacts (Glover, 2024).

Also, in 2024, the 2025-2030 Dutch Circular Textile Policy Program was presented. It aims to make the textile chain circular. The policy program is built upon the following strategies: reduction of raw materials, substitution of raw materials, extension of product lifespan, and high-grade processing. It

is widely based on the EU Textile Strategy; however, it goes beyond that. For example, it would consider some production limitations and more concentration on consumer behaviour, price, and other issues (Beleidsprogramma circulair textiel 2025–2030, 2024).

Besides, while analyzing some other European policy strategies for textile product life extension, Bhatnagar *et al.* concluded that “*the overview of policies shows that the European textile sector could be moving from waste management toward sustainable production and circularity, with increasing legal enforcement over time*” (Bhatnagar *et al.*, 2025, p. 5).

Besides the abovementioned EU MSs initiatives, there are also incentives to change the regulatory regime for textiles in Australia. For instance, in 2024, the Australia Institute in Canberra (a research institution) wrote a paper called “Textiles waste in Australia. Reducing consumption and investing in circularity”.

As per the paper, Australia annually discards more than 300,000 tonnes of clothing, and the government plans to address this issue by means of circularity. It requires reducing the textile production and consumption rates and banning the export of textile waste, in line with other things (Textiles waste in Australia, 2024). The paper recommends considering, on the legislative level, such measures as setting targets for textile consumption, taxation of fast fashion, enhancing the textile chain transparency, regulating or banning fast fashion advertising, better labelling, subsidies for repairs, introducing procurement policies, etc., for a strong textile circularity (Textiles waste in Australia, 2024).

These initiatives can be seen as examples of “collaborative” (or collective) governance, which is also important for the transformative changes within the textile sector. According to Beyers, collaborative governance (“*a political attempt to achieve sustainability transformation through joint ventures linking different representatives of interest groups*”), together with personal relationships, can help to achieve sustainability in the textile sector (Beyers, 2024, p. 1). Besides, it was specified that effective governance requires a mix of formal and informal interactions of stakeholders, together with strong state regulation and intergovernmental cooperation (Beyers, 2024).

Thus, finding different worldwide examples of textile-related laws, proposals, and policies is important for collective governance, especially in terms of intergovernmental cooperation regarding textile regulation.

Besides, the global initiatives and moves specified above (and earlier in the dissertation, together with the EU Textile Strategy) have also been assessed by Mizrachi, together with some additional ones, for instance, the

proposal for the Americas Trade and Investment Act (proposing for federal incentives for domestic circularity, innovation, and education in textiles) or post-Rana Plaza legislation (a wave of global legislation emerged after the Rana Plaza collapse in 2013 in Bangladesh that killed over 1,000 workers and injured 3,000) (Mizrachi, 2024). Besides, it was specified that self-regulation is not effective; therefore, policies and regulations to transform the textile industry towards sustainability and circularity are needed, in addition to international collaboration for regulatory measures (due to globalization of the sector) (Mizrachi, 2024). Consequently, the issue of international cooperation has once again been marked as an important aspect of guiding the fashion (textile) industry towards sustainability.

Thus, it is evident that authorities and public think tanks worldwide are recognizing the need for legislative changes within the textile industry. This practice of drawing inspiration from initiatives in other jurisdictions for the regulation of specific industries, including textiles, or the underlying alignment of proposed rules in one jurisdiction with legislative efforts in other jurisdictions, is quite important. Thus, establishing a strong textile-related legal framework in the EU could require taking into account the legal measures implemented (or planned to be implemented) in other jurisdictions (for instance, the inclusion of the official legal definition of “fast fashion”, prohibiting advertising for fast fashion, the introduction of fast fashion taxes, comprehensive protection of models/content creators, production limitations, etc.), with most of the measures to be linked to the social and economic requirements mentioned above. It is also important to trace the actions that are already implemented in the EU that are similar to those proposed in other countries/jurisdictions (e.g., the reporting and due diligence, etc.). These alignments of the rules can show the worldwide trends and mark the fact that the EU is going in the right direction (at the same time, simplification of some rules is not desirable).

Thus, working together (between different countries/jurisdictions) and building personal relationships (utilizing the aspects of collaborative governance) are important for making the textile industry in the EU more sustainable, including the adaptation of foreign requirements to the local legal environment or underlining the alignment of current rules with foreign legal developments. By means of intergovernmental collaboration on new or aligned trends in the textile regulatory approaches, it is possible to set the watch between different jurisdictions in order not to miss any important regulatory move toward textile sustainability and progress in the same direction. While the working of different actors together is important, government regulation (and intergovernmental and international

collaboration) is still a much-needed driver for changes, representing a need for enhanced collaborative intergovernmental governance to ensure the inclusion of the foregoing sustainability requirements, including in the textile sector.

## 4.2. Consumption limitations

As mentioned above several times, one of the main issues in the textile industry is its overproduction and overconsumption. As specified, per Maldini and Klepp, the EU Textile Strategy, being concentrated on the product-related measures, primarily seeks to achieve product durability and does not tackle the issues of overproduction and overconsumption as such (Maldini and Klepp, 2025). Besides, the scholars specified that in the EU Textile Strategy, *“the focus on product durability assisted in avoiding production volume reductions measures, leading to the exclusion of marketing-oriented regulation (applied to price, frequency of new products put on the market, product placement with influencers, advertising including social media strategy, etc.), which could have a significant effect in tackling overproduction and overconsumption”* (Maldini and Klepp, 2025, p. 13).

It is a well-known fact that the demand for garments is growing.

For example, according to the global apparel industry statistics, the global apparel market is estimated to be valued at \$1.84 trillion in 2025 and projected to grow to \$2 trillion in 2028 (Cardona, 2025). Besides, the number of garments produced annually has doubled since 2000, and by 2030, global apparel consumption is projected to rise by 63% (Cardona, 2025).

Regarding Europe, the revenue of the apparel market is expected to amount to \$497.92 billion in 2025, with a projected annual growth of 2.08% (Apparel - Europe, 2025). This could also be evident in the development of online sales, fast fashion trends, and the rising population on the planet.

Besides, there was an announcement that the population on our planet grew to 8 billion at the end of 2022 (Day of Eight Billion, 2022). There is also a projection that the planet's population is to increase to 9.9 billion by 2050 (SDG Knowledge Hub, 2020). The EU's population is expected to grow to 453.3 million by 2026 (+1.5% from 2022), then gradually decline to 447.9 million by 2050 and 419.5 million by 2100 (Eurostat, 2023).

All the industry statistics, together with the projected population growth, mean that it is necessary to do something with the growing demand for clothes in connection with the negative impact of the textile industry on the environment. However, as mentioned above, the population growth (that should also be reflected in the territory of the EU at least until 2026), supported

by technological development and the simplification of the methods of selling products online, led the author to state that the aspects of the optimization of environmental requirements and taking into account the social, economic, and horizontal requirements specified above would not be enough in the long run, since consumption will still rise because of the demand in a growing world, meaning that there is only one solution that would be beneficial, which is to encourage humanity to buy fewer clothes (Korchahin, 2023).

Therefore, the EU-driven consumption limitations could be very important. As specified by Maldini and Klepp, it is recommended that *“consumer goods environmental policy to tackle the growing production and consumption volume in the most direct way possible”* (Maldini and Klepp, 2025, p. 13).

While strict consumption bans cannot be the regulatory reality nowadays since they could undermine economic freedom, it is essential to ignite this debate, as humanity will still need to weigh economic freedom and environmental hazards in the future.

In the meantime, certain less restrictive limitations for textile consumption can be considered. First of all, the introduction of legislative consumption caps for textiles can be proposed. For example, those who exceed the specific cap could be legally required to take some measures (e.g., investing in some environmental initiatives, recycling initiatives, or being allowed to buy only certain collections (unsold, upcycled, etc.)). Instead of the strict ban, the consideration of consumption caps can tackle the negative issues related to overconsumption, but at the same time preserve some level of economic freedom.

Also, some other aspects can be considered, as also mentioned by Maldini and Klepp, for instance, production and import quotas, as proposed by the Dutch Circular Textile Policy Program 2025–2030 (Maldini and Klepp, 2025; Beleidsprogramma circulair textiel 2025–2030, 2024). As per the Dutch Circular Textile Policy Program 2025–2030, *“it’s a challenge for people to buy less textiles when so much affordable new textile is entering the market. A prohibition on the destruction of unused textiles will be introduced at the European level. This is a step in the right direction, but it does not force producers to produce less textiles. One of the suggestions from the participation process for this new policy programme was a production ceiling: a maximum amount producers would be allowed to bring to the market”* (Beleidsprogramma circulair textiel 2025–2030, 2024). It is not yet the legislative proposal; however, it would also be considered in the Netherlands and might be presented as a legal move in the future.

Besides, purpose limitations could be introduced (renting obligations); for instance, if a person wants to buy a garment for a specific list of occasions and not for frequent use, the garment should not be purchased but rented instead.

In addition, the end-of-life obligations can be proposed to subject the garment to a specific procedure after the end of its subjective useful life (e.g., reselling, donating, repairing, recycling, etc.) before it can become waste, which can be enforced by administrative sanctions.

Thus, it could be a starting point for introducing a new discourse that would enable proposals of EU-wide limitations for the consumers, prioritizing the common social right to a healthy and sustainable environment for everyone over individual rights.

The new discourse with new priorities in the EU could also be transplanted to other jurisdictions afterwards. It would imply the inclusion of different experts to reconsider the current state of the economy and its transition to ECOlogy, which would introduce certain limitations on the consumption of the most dangerous tangible items for the environment, including textiles. As per Silva and Gonçalves-Dias, “*envisioning an apparel production model that claims to be sustainable requires a critical approach to an economic system that continuously restructures itself*”, and that in order to reconcile the capitalist mode and sustainability and enable fashion production to move from profit-maximization logic to a collective one, we need to “*rethink our societal organization and economic model*” (Silva and Gonçalves-Dias, 2025, p. 22).

According to Nair, sustainable development is the development which improves living standards and meets basic needs without using or abusing resources at a faster rate than they can be renewed, thus protecting the rights of future generations (Nair, 2020, p. 20).

It is also obvious that certain consumption limitations could 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*” (EU Charter of Fundamental Rights, 2000). However, it is important to highlight that this freedom is not an absolute right, and the Charter specifies that “*any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others*” (EU Charter

of Fundamental Rights, 2000). Thus, certain consumption limitations would need to pass the test of proportionality in case they are challenged in the CJEU.

Thus, in the long run, full sustainable development would require new and unpopular limiting legal measures for consumers and a new responsible burden for the industry that national or supranational authorities must try to implement. Therefore, it could be started with considering such legal measures, as the consumption caps, production and import quotas, as well as purpose limitations (renting obligations) and mandatory end-of-life requirements, that could be stressed with appropriate arguments that they have a legitimate aim (e.g. protecting the environment and public health), are necessary (e.g. directly targeting the consumption of textile products, making it a suitable means to reduce overconsumption and related harms, with less restrictive measures being considered ineffective or less effective) and proportionate (e.g. it would not prevent companies in the sector from operating or selling their products, only from certain harmful activities).

#### **4.3. The most effective regulatory approach for creating an indeed sustainable system of clothing-related legislation in the EU**

Taking into account the main purpose of the dissertation, namely, to assess the *status quo* or current *modus operandi* of the EU legislator in the EU textile regulation from the point of its alignment with the principle of sustainable development and challenge it by providing a view on a regulatory approach that would benefit the creation of an entirely sustainable textile ecosystem in the EU the most, it is crucial to underline that such a view is aimed at transforming the conventional textiles into sustainable textiles (or fashion). In this regard, as mentioned above, sustainable textiles (or fashion) are understood to be a system in which the regulatory framework is aimed not only at the circularity (environmental harm reduction) requirements but also touches on other sustainability features and consumer limitations.

The current approach to the regulation of textiles in the EU cannot be called sustainable. Thus, it is important to call the approaches by their real names. In order to call the legislative approach sustainable, it must take into account and balance all the sustainability components, as analyzed above in the dissertation. Thus, in case the approach is to be called sustainable, the legislative proposals/adopted legal instruments must clearly state this balance and prioritize indeed sustainability over other approaches.

Thus, the most effective regulatory approach for creating an indeed sustainable system of clothing-related legislation in the EU could employ four effective steps.

The first step would be to consider and implement the regulatory advancements for the current environmental requirements in textiles to enhance their circularity (dealing with the requirements across the clothing supply chain to mitigate its environmental impact), as Part II specified. Briefly, it would include considering developing a comprehensive proposal for textile-related regulation/directive, proper prioritization, enhanced consumer awareness, and clear articulation of sustainability-related terminology for textiles (the distinction between “circular textiles” and “sustainable textiles”), among others, that are important for improving the effectiveness of the regulatory framework for textiles circularity.

The second step includes taking into account social, economic, and horizontal requirements. As mentioned above, this can be done by better integrating or improving social, economic, and horizontal aspects, as specified in Part III of the dissertation. Regarding social requirements, it would support better enforcement of rules against forced labour, strong legislation (or policies) focused on educational campaigns to promote sustainable textile consumption, and fast fashion advertising restrictions. Regarding economic requirements, it would support specific lower-priced textile taxation, in line with the proper implementation and enforcement of EPR requirements for textiles (in the form of regulating EPR fees/costs) and minimum fast fashion textile pricing (to pay for all the externalities of textiles and limit the consumption and production). Talking about horizontal requirements, it is advocated that the existing sustainability reporting and due diligence rules for textiles do not need simplification (or deregulation).

The third step is represented by taking into account legislative experiences from other jurisdictions, as addressed in Part IV of the dissertation, with most of the measures to be linked to social and economic requirements mentioned above, but underlining the features of collaborative governance, including the exchange of legal experiences between different (or different levels of) jurisdictions. It could be seen as drawing inspiration from initiatives in other jurisdictions for the regulation of specific industries, including textiles, or the underlying alignment of proposed rules in one jurisdiction with legislative efforts in the EU.

Lastly, as the fourth step, legislative consumption limitations should be discussed and taken into account, as the fashion (textile) industry is closely linked to consumption issues, as mentioned above in this part of the dissertation.

The culmination of these four steps is represented in the different scores of the Regulatory Sustainability Value (RSV), a concept introduced by the author to address the anticipated significance and impact of different

approaches to the EU textile regulations. More specifically, different scores of the RSV would help to describe how beneficial the regulatory approaches towards the EU textile regulation would be. The RSV is defined by the quantity of the foregoing steps that are implemented, as follows:

- Low RSV means that only the first step is implemented (minimum regulatory sustainability advancement);
- Moderate RSV means that any combination of the first two or three steps is implemented (partial regulatory sustainability advancement);
- High RSV means that all four steps are implemented, together with regulatory consumption limitations (the most comprehensive regulatory sustainability advancement).

The RSV can help lawmakers and policymakers to reach the most comprehensive regulatory sustainability advancement for the textile sector in the EU. The RSV can be seen as an initial decision-making tool to identify the regulatory gaps and outline future legal steps. Thus, reaching the high RSV means that the most comprehensive version of an indeed sustainable EU textile-related legal framework could become a reality in the EU.

## CONCLUSIONS

1. The concept of “sustainable development” (and “sustainability”) has significantly evolved via the long historical process and has become not only an internationally agreed imperative but also has significance at the EU level:
  - 1.1. The conceptualization of sustainable development at the international UN level and its long history of formation have influenced policymaking as well as lawmaking at different levels. At the international level, it is important that states should see sustainable development (or sustainability) as a legal obligation to actively implement policies and legal measures that demonstrate a proactive stance towards sustainable development by acting in a way that can lead to sustainability in different sectors. For that purpose, it is proposed that states switch from aspirational political declarations about sustainability towards concrete legal measures that could help in achieving sustainability. Besides, it is important that states present their own legal definitions of sustainable development (or sustainability) that must also align with international, supranational, regional, and national obligations. By conceptualizing such a definition, the states could choose the most appropriate tier or variant of sustainability that must be clearly articulated. At the same time, the weakest tier cannot be used as an equivalent of the strongest option.
  - 1.2. The EU seems to actively implement policies and legal measures that demonstrate a proactive stance towards sustainable development. The EU actively uses sustainability-related terminology in its legal developments (as well as legal proposals of different kinds). The concept of sustainable development (and sustainability) cascades via different EU legal acts (and legal proposals), signalling that sustainability is at the heart of the EU lawmaking. At the same time, there is a lack of coherent use of such sustainability-related terminology in the EU, as sustainability can be either combined or even misused with some other concepts (e.g., circularity or harm reduction). It is important to highlight that even though the circularity approach is a prerequisite for sustainability, it cannot be used as a synonym for sustainability, which, in fact, should include a broader set of requirements. The same is the case for the use of such terminology for the EU textile legal frameworks.
2. The industry of conventional textiles is associated with different types of negative impacts that have the potential to be mitigated by the use of legal

instruments. Therefore, the EU is actively implementing the legal changes that seek to make the EU textile industry “sustainable”. To understand if it is the case (if the legal framework indeed aligns with sustainability), the dissertation analyzed the current and proposed EU legal acts dealing with the sector of textiles (including a specific fast fashion mode):

- 2.1. The textile industry is the source of negative impacts, ranging from negative environmental impacts (e.g., waste generation, pollution, etc.) to specific economic and social challenges that can jeopardize achieving sustainability and are all the so-called externalities of the textile industry. Tackling these negative impacts requires consistent and comprehensive legal means, analyzing environmental, social, economic, and interlinked horizontal requirements for textiles in the EU to tackle not only environmental issues but also the problems of overproduction and overconsumption, in line with other issues.
- 2.2. The EU, aiming to address these various negative impacts, is developing stricter textile regulations mainly based on its Textile Strategy to promote circularity, in most cases, by reducing environmental harm throughout the textile supply chain, without aiming to achieve a comprehensive sustainable textile system (that would also concern other aspects beyond circularity or merely environmental concerns). After analyzing the current and proposed textile-related legal instruments (so-called environmental requirements), it can be concluded that most of the EU legal developments lacked solid regulatory impact and should be optimized to enhance their circularity power.
- 2.3. The proposed optimization measures for environmental requirements include considering a single comprehensive proposal for textile-related regulation or directive, proper prioritization of the adoption of some current proposals, and clear articulation of sustainability-related terminology (specific definitions for “circular textiles” and “sustainable textiles”), among others, which are important for enhanced circularity in the textile sector. However, it can only be seen as a partial solution on the way to sustainable textiles in the EU, as comprehensive sustainability would require inclusion of a broader set of requirements in addition to addressing environmental requirements (social, economic, and horizontal ones).
3. Besides the environmental concerns, there are other concerns regarding the textile industry, including those related to the social and economic domains, in addition to transparency issues. Thus, the dissertation specifies

that it is necessary to integrate social, economic, and interlinked horizontal requirements in line with environmental considerations:

- 3.1. Addressing social requirements (regarding forced labour, education for sustainable textile consumption and production, and advertising (especially due to parallels with the tobacco and fast fashion industries)) is needed to address the issues of sustainable textile production and consumption as well as stimulate a socially responsible fashion industry. Thus, the EU should consider better enforcement of the legislation on forced labour, improving educational initiatives for sustainable consumption and production, and introducing advertising measures for the fast fashion sector, ranging from restricted advertising to a complete fast fashion advertising ban (taking into account the similarities of the tobacco and textiles (more specifically, its fast fashion mode)).
- 3.2. Besides, the economic aspects that must be strengthened by regulatory means include considering fast fashion taxes, proper implementation and enforcement of EPR requirements for textiles (in the form of regulating EPR fees/costs), and regulating minimum textile (fast fashion) pricing. Currently, only the EPR requirements are being developed in the EU; however, there is still a need for their proper implementation. Besides, it is proposed to regulate price floors for fast fashion items and introduce taxation for such products. These requirements, in line with other issues, are also associated with the issues of sustainable consumption and production, and these could help to deal with the hidden costs (externalities) of the textile sector. The economic aspects are interconnected with the social and environmental ones. All the economic aspects, except for the EPR-related aspects, are specifically aimed at the sector of fast fashion.
- 3.3. Additionally, taking into account horizontal requirements is needed. This includes such requirements as sustainability reporting, sustainability due diligence, and deforestation-related requirements that are related to the issues of transparency in different industries, including in the supply chain of textiles. Horizontal requirements complement the classical triad, or components of sustainability. The analyzed requirements are quite beneficial for textile sustainability and are well-addressed in the EU. However, there are concerns regarding the recent EU moves in relation to the simplification of sustainability reporting and due diligence. These simplification (or deregulation) moves could be seen as a U-turn in sustainability-related legislation in the EU, including in the textile sector, which might lead

to jeopardizing the achievement of enhanced transparency, including in the textile sector. Thus, it is advised not to keep the simplification path.

4. Besides the foregoing requirements, the examples of textile-related legal requirements from other jurisdictions need to be examined, as well as considering introducing legislative consumer limitations for textiles. Consequently, the work culminates in the presentation of the look of the most effective regulatory approach for creating an indeed sustainable system of clothing-related legislation in the EU:
  - 4.1. It is important to establish a textile legal framework in the EU, drawing inspiration from textile-related measures implemented or planned in other jurisdictions/countries (e.g., the inclusion of the official legal definition of “fast fashion”, prohibiting advertising for fast fashion, taxes for fast fashion items, product limitations, etc.). It is also important to trace the actions that are already implemented in the EU and that are similar to those proposed in other countries/jurisdictions (e.g., the reporting and due diligence, etc.). These alignments of the rules show the worldwide trends and mark the fact that the EU is going in the right direction, and the aspects of collaborative governance are in place (setting the watch between different jurisdictions and their legal requirements).
  - 4.2. In the long run, full or comprehensive sustainable development would require new and unpopular limiting legal measures for consumers and a new responsible burden for the industry that national or supranational authorities must try to implement. Therefore, it could be started with considering such legal measures as the consumption caps, production and import quotas, and purpose limitations (renting obligations) and mandatory end-of-life requirements that could be stressed with appropriate arguments that they have a legitimate aim and are necessary and proportionate.
  - 4.3. The most effective regulatory approach for creating an indeed sustainable system of clothing-related legislation in the EU could employ four practical steps. The first step would be to consider and implement the regulatory advancements for the current environmental requirements in textiles. The second step would be to take into account important social, economic, and horizontal requirements, as the EU's textile legal framework must consider sustainability in its entirety (this can be done by better integrating or improving social, economic, and horizontal aspects). The third step could be presented by setting a clock regarding textile-related legislative experiences with other

jurisdictions. Lastly, as the fourth step, the potential consumption limitations should be discussed and addressed in legal rules. Thus, only by combining all four steps will the regulatory sustainability value (the anticipated significance and impact of different approaches to the EU textile regulations) be at a high level, signifying the most beneficial approach towards the sustainable system of EU textile legislation (for comprehensive sustainability for textiles). It is crucial to underline that such a view is aimed at transforming conventional textiles into sustainable textiles. In this regard, sustainable textile (or fashion) is understood to be a system in which the regulatory framework is aimed not only at the circularity (environmental harm reduction) requirements but also touches on other sustainability features.

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## SANTRAUKA

### 1. MOKSLINĖS PROBLE莫斯 ĮVARDINIMAS

Žvelgiant iš žalos aspekto perspektyvos, bet kurios pramonės šakos sąveika su gamta gali į tolimesnę ateitį nustumti tvarios raidos tikslų pasiekimą. Ataskaita „Mūsų bendra ateitis“ apibrėžia tvarią raidą kaip „Raid[ą], kuri atitinka dabarties poreikius, neiškeldama pavojaus ateities kartoms patenkinti savuosius poreikius“ (Our Common Future Report, 1987, p. 41). Tvari raida apima gamtinius, socialinius ir ekonominius aspektus. Plėtojantis visuomenės tarptautiškumui, išsvystė dar vienas horizontalusis komponentas, kurį galima pridėti prie anksčiau įvardintų klasikinių tvarios raidos komponentų. Šios disertacijos kontekste tvari raida (tvarumas) gali būti apibrėžta kaip raida, kurioje pasiekiamą pusiausvyra tarp ekonominės, socialinės, gamtinės ir horizontaliosios dimensijų. Praktinis tvarumo siekimas įgyvendinamas, pasirenkant veikimo strategiją ir priimant nuostatas bei, tuo pačiu metu, patenkinant dabartinius poreikius ir nesukeliant pavojaus ateities kartoms patenkinti savuosius poreikius.

Šiame kontekste aprangos (rūbų) pramonė nėra išimtis. Dėl neigiamo poveikio gamtai aprangos pramonė pastaruoju metu sulaukė milžiniško dėmesio. Kažkada seniau rūbų pramonė iš tikrujų buvo „lėta“. Rūbai buvo gaminami asmeniškai arba smulkiu mastu. Tačiau, prasidėjus Pramonės perversmui, mados „greitis“ išaugo, ir išplito masinė rūbų gamyba (Vilača, 2022). Iškilus internetui, šis greitis tapo milžiniškas. Tuo pačiu gimė ir „greitoji“ mada, tad neigiamas rūbų pramonės poveikis gamtai taip pat išaugo. Europos Sajungos (ES) *Tvarios ir žiedinės tekstilės ekonomikos strategija* apibrėžia greitąjį madą kaip „Tendencijas naudoti rūbus dar trumpesnį laikotarpį prieš juos išmetant“. Tai prisideda prie „Netvarių perteklinės gamybos ir perteklinio vartojimo tendencijų“ bei „skatina pirkėjus įsigyti vis naujų prastesnės kokybės ir pigesnių rūbų, kurie, laikantis naujausių tendencijų, pagaminami per vis trumpesnį laikotarpį“ (EU Textiles Strategy, 2022, p. 1).

Šioje disertacijoje dėmesys visų pirma sutelkiamas į tekstilės – vienos svarbiausių aprangos pramonės atšakų – reguliavimą, kuri ryškiai skiriasi nuo kitos su tekstile susijusios ekosistemos (pvz., kailio, odos ir kt.). Todėl pagrindinis šios disertacijos interesų laukas yra būtent tekstilės pramonė (atsižvelgiant ir į integruotą požiūrį į tiekimo grandinę) bei vartotojiškumas ir jų sąsaja su gamtine bei kita problematika. Tad ši disertacija tyrinėja teisinį mados pramonės (įskaitant greitąjį madą) reguliavimą, žvelgiant visų pirma iš ES gamtos apsaugos įstatyminės bazės perspektyvos. Taip pat imami domėn

ir reikalavimai, susiję su socialine bei ekonomine sritimis. Kai kurios gamtosaugos įstatymų sritys – tokios kaip eko-etiketės, tekstilės atliekų vadyba ir daugelis kitų – apžvelgiamos tik dalinai.

Kiekvienas aprangos pramonės tiekimo grandinės etapas pasižymi įvairiapusiu neigiamu poveikiu gamtai (Niinimäki *et al.*, 2020). Nerimą kelia ne tik poreikis rūpintis gamta. Tekstilės praminė kelia ir daugelį kitų problemų, tarp kurių yra ir problemos, kylančios jos sąveikoje su socialine ir ekonomine sritimis.

Visas šis neigiamas poveikis visoms tvariosios raidos dimensijoms sudaro taip vadinamąjį tekstilės sektoriaus „šalutinį poveikį“. Tai tarytum šios pramonės šakos „užslėptieji kaštai“, primetantys milžinišką naštą visuomenei. Tai reiškia, kad tikroji rūbų savikaina yra didesnė nei ta kaina, kurią matome ant etiketės. Šis susirūpinimas dėl neigamo tekstilės pramonės poveikio aplinkai bei kitoms sritims gali pasitarnauti kaip tipinis „bendruomenių tragedijos“ pavyzdys. Šią sąvoką sukūrė Garetas Hardinas. Ji atspindi situaciją, kuomet aplinkosaugos potencialas bei riboti resursai yra suvokiami kaip pirminiai iššūkiai. Žmonės pernelyg intensyviai naudoja tokius ribotus resursus, ir taip apribojama kitų žmonių galimybė naudotis tokiais pačiais resursais (Hardin, 1968). Taigi, šie užslėptieji tekstilės pramonės kaštai atspindi „bendruomenių tragediją“, kadangi tokie bendrieji resursai kaip švarus vanduo bei kiti aplinkos ištekliai yra užteršiami arba išsenka. Tekstilės sektoriaus veikėjai elgiasi racionaliai, siekdamai kuo labiau sumažinti savo veiklos kaštus. Todėl jis teršia arba perteklingai naudoja darbo jėgos ir kitus resursus, neprisiimdami šių savo veiklos kaštų. Tai reiškia, kad jie naudojasi šiais ištekliais nemokamai. Tai gali privesti prie bendrujų resursų sunykimo, kuomet gamtos bei socialines problemas teks patirti visiems.

Neigiamas tekstilės pramonės poveikis gamtai bei kitoms sritims gali paskatinti politikos formuotojus permąstyti apribojimų strategijas. Šioje srityje pirmaujanti Europos Sąjunga puoselėja „tvarią ir žiedinę“ (tekstilės) madą, formuodama viešasias strategijas bei remdama įmones, perimančias „lėtosios mados“ vertėbes. Taip pereinama prie žalesnės, labiau žedinės, tvaresnės ir skaitmeninės ekonomikos. Šie pasiūlymai paremti 2022 metais paskelbta ES Tvarios ir žedinės tekstilės ekonomikos strategija (EU Textiles Strategy, 2022) bei 2020 metais pristatytu Žiedinės ekonomikos veiksmų planu (angl. *Circular Economy Action Plan*, CEAP). Šie dokumentai pagrįsti tvarumo principu. Tekstilės sektorių gali paveikti dešimtys ES pasiūlymų bei jau priimtų instrumentų. Dalis svarbiausių pokyčių vyksta teisinėje sistemoje, kurią konkretiai aptaria ES Tekstilės strategija. Šie dokumentai aptariami disertacijos antrojoje dalyje. 2022 metais paskelbta ES Tekstilės strategija yra daugelio šiuo metu formuojamų teisinių sistemų dalimi. Tačiau, atsižvelgiant

į dabartinį 2024–2029 metų Europos Parlamentą (EP) bei į 2024–2029 metų Europos Komisiją (EK), susidaro įspūdis, kad ES siekia atnaujinti savo tvarumo viziją, pasitelkdama Konkurencingumo kelrodį. Ši vizija gali kažkiek pasikeisti nuo ankstesnės tvarumo kaip galutinio tikslų interpretacijos prie požiūrio į tvarumą kaip į būdą sustiprinti ES konkurencingumą, pasitelkiant *Omnibus* bei kitus pasiūlymus (A Competitiveness Compass for the EU, 2025). Ateityje šis tvarumo taisyklių supaprastinimas (ar net dereguliacija) gali tapti kliūtimi, jei norime pasiekti tvarumą tiek Europos Sajungoje, tiek ir konkrečiai tekstilės sektoriuje – skirtingai nei kituose sektoriuose.

Remiantis 2022 metų ES Tekstilės strategija, galima teigti, kad ES siekia, kad tekstilės pramonė taptų žedinė, taigi, kad ši pramonė nebebūtų linijinės ekonomikos atstovė. Nors tekstilei ir formuojama „žedinė ir tvari“ strategija, tačiau ES siūlomas taisyklių (o taip pat ir keletas jau įsigalėjusių teisinių instrumentų) visų pirma yra nukreipti į žedinius aspektus, tačiau kur kas mažiau dėmesio skiriama tvarumui (plačiausia prasme), kadangi žiediškumas yra laikomas arba tvarumo komponentu arba pirmine sąlyga – tačiau į žiediškumą negalima žiūrėti kaip į tvarumo pakaitinį elementą. Be to, ES Tekstilės strategija susitelkia į aspektus, susijusius su produkto ir nesiima spręsti pernelyg didelių gamybos apimčių bei perteklinio naudojimo problemų (Maldini & Klepp, 2025). Tvarumas (o taip pat ir tvarus vystymasis), žvelgiant iš pasaulinės perspektyvos, yra svarbi savyoka. Panaudojant šią savyoką reguliuojančių dokumentų pavadinimuose (tai apima ir tekstilė reguliuojančius dokumentus), ši problema būtų sprendžiama tokių teisinių aktų ar pasiūlytų instrumentų normatyvuose bei jų tekstuose. Todėl svarbu peržvelgti tiek šiuo metu galiojančias, tiek ir siūlomas taisykles bei jas optimizuoti, kad tekstilės pramonė būtų ne tik žedinė, tačiau ir visiškai tvari. Šiam tikslui pasiekti tekstilės sistemoje teisinė intervencija gali būti neišvengiama, kadangi neigiamas tekstilės pramonės poveikis grasinga socialinio, ekonominio, gamtinio bei horizontaliojo komponentų pusiausvyrai (kitaip tariant, iškyla pavojuς, kad tvari raida gali būti nepasiekta). Taigi, šiuo metu Europos Sajungoje dėmesys visų pirma yra sutelktas į tekstilės žiediškumą, o ne į tvarumą. Nagrinėjant šį klausimą iš esmės bei atsižvelgiant į pastaruoju metu ES dokumentuose pastebimas pastangas dereguliuoti tvarumą, Europos Sajungos tekstilė apibrėžiančios taisyklių gali atitolinti tvarumo principo siekimą (šis klausimas bus aptartas tekste žemiau). Būtina teisinė intervencija, jei norime užtikrinti, kad, kuriant taisykles tekstilės sistemai, bus atsižvelgta ir į tvarumo principą.

Šioje disertacijoje atskiriamos žedinės ir tvarios tekstilės kategorijos. Žedinė tekstilė atspindi sieki naudoti produktus kiek įmanoma ilgiau (pakartotinis naudojimas, perdirbimas, regeneracija), tuo būdu kiek įmanoma

labiau sumažinant atliekų kiekį bei sumažinant resursų naudojimą. I tvarios tekstilės požiūrij įeina platieji tvarumo aspektai už žiediškumo ribų. Čia taip pat yra atsižvelgiant į gamtinj, socialinj, ekonominj bei horizontaluoj faktorius visą tekstilės gyvavimo ciklo laikotarpi.

Tad matome, kad dabartinis tekstilės reguliavimas Europos Sajungoje yra labiau orientuotas į žiediškumo aspektus, o dėmesio tvarumui (plačiausia reikšme) skiriama kur kas mažiau. Tokią nuostatą galime laikyti ES tekstilės reguliavimo *status quo* arba dabartiniu *modus operandi*. Pagrindinis šioje disertacijoje sprendžiamas mokslinis klausimas orientuotas į šio *status quo* validumą, žvelgiant į ES tekstilės reguliavimą iš jo dermės su tvarumo principu perspektyvos. Kitaip tariant, ši disertacija įvairiai metodais siekia pateikti vertinimą bei mesti iššūkį *status quo* arba dabartiniam *modus operandi* ir pasiūlyti savają viziją, kokio požiūrio turėtų laikytis ES tekstilės reguliavimas, kad būtų užtikrinta tvirtesnė dermė su tvarumo principu.

## 2. DISERTACIJOS KONTŪRAI IR HIPOTEZĖS

Šioje disertacijoje tvarios raidos reikalavimai pasitelkiami kaip konkrečios teisinės normos ir siūlomos taisykliés tam, kad su jų pagalba būtų galima pasiekti tvarios raidos tikslus konkrečiame sektoriuje (šiuo konkrečiu atveju – tekstilės sektoriuje). Atskaitos taškui pasirenkami *darnaus vystymosi tikslai* (DVT, angliskai trumpinami SDG) bei trys jų dimensijos: aplinkos, socialinis bei ekonominis tvarumas bei su jomis susijusios horizontalios erdvės. Pats disertacijos pavadinimas „Tvaraus vystymosi politikos reikalavimai mados pramonei ES: dabartinė padėtis ir artimiausios ateities perspektyvos“ buvo suformuluotas būtent šitaip, kadangi šios disertacijos dėmesio centre yra ES tekstilė reguliuojančių taisyklių (tieki jau galiojančių, tiek ir kuriamų taisyklių) tyrimas. Tad tvarios raidos reikalavimai apibréžiami kaip su tekstile susijusi dabartinė ES teisinė bazė bei teisiniai pasiūlymai, kuriais Europos Sajungos kontekstuose siekiama praktiškai įgyvendinti DVT. Atsižvelgdama į tris klasikinius tvarios raidos komponentus (tai yra, aplinkos, socialinj ir ekonominj), bei naujai pridėtą horizontaluoj komponentą, ši disertacija skirta su tvaria raida susijusius reikalavimus į keturias kategorijas: aplinkosaugos reikalavimus, socialinius reikalavimus, ekonominius reikalavimus bei horizontaliuosius reikalavimus. Su aplinkosauga susiję ES reikalavimai tekstilei šioje disertacijoje yra suvokiami kaip tokie reikalavimai, kuriais siekiama sumažinti žalą aplinkai (gamtai) kiekvienam tekstilės tiekimo grandinės žingsnyje. Socialiniai ES reikalavimai tekstilei šios disertacijos kontekste apibréžiami kaip tie, kuriais reguliuojamas darbo procesas (taip pat ir sarysyje su priverstiniu darbu), bei švietimo reikalavimai

ir reklamos reikalavimai. Ekonominiai ES tekstilės reikalavimai yra tie reikalavimų aspektai, kuriais apibrėžiama mokesčinė sfera, su išplėstaja gamintojo atsakomybe susiję mokesčiai, bei kainų grindų reikalavimai. Horizontalieji reikalavimai įvardijami šiuo terminu, kadangi jie yra už klasikinės tvarumo kriterijų triados (taigi, socialinių, ekonominių ir aplinkos aspektų) ribų, tačiau jie taip pat taikomi įvairiose pramonės šakose siekiant tvarumo. Tokie horizontalieji aspektai tai pat yra susiję su šia tvarumo triada, tačiau jie yra šiek tiek nutole nuo šio klasikinio suskirstymo, ir, šios dissertacijos kontekste, jie siejami su tokiais aspektais kaip ataskaitos apie tvarumą, deramo kruopštumo reikalavimai bei reikalavimai susiję su miškų nykimu – taigi, tai yra tokie reikalavimai, kurie prisdėda prie tvarumo siekimo (tai yra veiklos skaidrumo aspektai). Visų pirma akcentuojamas ES teisinių taisyklių tekstilės sektoriui tyrimas, kadangi tekstilė sudaro reikšmingą mados sektoriaus dalį. Nuorodos į įstatymus ir į konkrečias teisės ar teisinės sistemos šakas šios dissertacijos tyrime nukreipiamos būtent į ES teisę. Taip pat pateikiama nuorodų ir į nacionalinę bei tarptautinę teisėtvarką ir į kai kuriuos teismų sprendimus – jie bus aptariami tolesniame tekste. Šios dissertacijos pavadinimo fragmentas „dabartinė padetis ir artimiausios ateities perspektyvos“ nusako, kad dissertacijoje tiriamos dabartinės su tekstile susijusios ES taisyklių bei pateikiamas požiūris į tai, koks reguliavimo principas būtų efektyviausias ir daugiausiai prisdėtų prie iš tikrujų tvarios ES tekstilės pramonės atsiradimo (taigi, tiriamas, koks požiūris geriausiai derėtų su tvarumo principu) ir ateityje galėtų tapti realiai tekstilė kontroliuojančiai reikalavimais.

Šioje dissertacijoje keliamas mintis, kad sutelkti dėmesį vien tik į gamtosaugos reikalavimus, siekiant sumažinti neigiamą poveikį gamtai (ir tokiu būdu remiantis beveik vien tik žiediškumo aspektais) neužtenka, jei norime sukurti visiškai tvarią tekstilės sistemą, kuri galėtų apimti visus keturis minėtuosius aspektus. Todėl, kuriant visiškai tvarią tekstilės sistemą Europos Sajungoje, visos minėtosios kategorijos (aplinkos apsaugos, socialiniai, ekonominiai bei horizontalieji reikalavimai) turėtų būti laikomi viena ir vieninga visuma, ir jų visuma turėtų tapti tekstilės veiklos norminimo sprendimais ir tuo pačiu praktiniai į vartotojus nukreiptais teisiniais ribojimais.

Remiantis aukščiau išvardintomis nuostatomis, ši dissertacija skaidoma į keturias pagrindines dalis.

Pirmoji dalis skirta tvarios raidos chronologinei evoliucijai bei jos teisiniam apibrėžimui. Joje nagrinėjama, kaip plėtojosi tvarios raidos sąvoka ir koks buvo jos kertinių epizodų poveikis atitinkamoms įstatyminėms strategijoms bei dabartinėms ir būsimoms ES įstatyminėms normoms bei jų

sąryšiu su tvarios raidos įstatyminiu kontekstu. Šis tyrimo etapas padės nustatyti, kokį vaidmenį atlieka tvarios raidos sąvoka tarptautinei bendrijai bei visų pirma ES kuriant taisykles. Šių žinių pagrindu vėliau bus galima įvertinti, kur dabartinėje įstatyminėje bazėje pasitaiko spragų. Tuomet galima pasiūlyti būdų patobulinti įstatymus ir tokiu būdu sukurti tvaresnę ir atsakingesnę tekstilės pramonę (šie tikslai bus sprendžiami tolesnėse disertacijos dalyse).

Antrojoje disertacijos dalyje nagrinėjamos dabartinės bei pasiūlytos (bet dar nepriimtos) Europos Sąjungos tekstilė reguliuojančios gamtos apsaugos taisyklės (reikalavimai) bei jų poveikis pramonei ir vartotojams. Pagrindinis šios dalies tikslas yra šiuo metu galiojančių teisinių instrumentų bei išskeltų pasiūlymų apžvalga. Šiame tyrime dėmesys sutelkiamas į tai, kaip siekiama žiediškumo tekstilės pramonėje bei bandoma sumažinti gamtai daromą žalą. Šie reikalavimai tiriami pasitelkiant tiekimo grandinės perspektyvą, kadangi rūbai yra produktai, o teisiniai reikalavimai turėtų apibrėžti visą procesą nuo gamybos iki vartojimo bei virtimo atliekomis. Įvertinami šiuo metu galiojantys reikalavimai bei siūlomos galimybės sistemos tobulinimui. Tačiau tokios priemonės tik sustiprins dabartinių reikalavimų žiediškumo galią. Tad būtina sudaryti naują ir platesnį reikalavimų rinkinį, kuris apimtų socialinį, ekonominį bei horizontalujį aspektus bei deramai teisiškai apibrėžtų vartojimo apribojimus. Tik einant šiuo keliu galima sukurti iš tikrujų tvarią tekstilės sistemą. Kaip jau šiame tekste buvo minėta, iš tikrujų tvari tekstilės sistema apimtų ir vertintų visas keturias kategorijas (aplinkos reikalavimus, socialinius reikalavimus, ekonominius reikalavimus bei horizontaliuosius reikalavimus), į kurias būtina žiūrėti kartu ir perkelti suformuotas nuostatas į veiklą reguliuojančius sprendimus.

Šiame kontekste trečioji disertacijos dalis nukreipta į svarbiuosius socialinius, ekonominius bei horizontaliuosius reikalavimus tvariai tekstilei Europos Sąjungoje, kurių dalimi būtų ir darbinę veiklą, ataskaitas apie tvarumą, mokesčius, reklamą ir t.t. apibrėžiančios taisyklės.

Ketvirtoji disertacijos dalis nagrinėja su vartotojais susijusius apribojimus bei tiria pavyzdžius, kokie su tekstile susiję teisiniai reikalavimai galioja kitose jurisdikcijose (ne ES reikalavimai, galiojantys viršvalstybiniu lygiu buvo pasirinkti dėl juose reiškiamos tvirtos iniciatyvos siekiant su tekstilės veiklos norminimu susijusių pokyčių). Taip norima pamatyti, ar tokie principai galėtų būti įgyvendinti ES įstatyminės dvasios kontekste ir ar jie jau dera su ES taikomomis priemonėmis. Šioje dalyje bandoma pažvelgti, koks galėtų būti efektyviausias veiklos norminimo principas, kuris galėtų daugiausiai prisdėti prie iš tikrujų tvarios ES tekstilės pramonės iškilimo (taigi, bandoma išsiaiškinti, koks norminimo principas geriausiai dera su

tvarumo principu). Šioje dalyje taip pat išreiškiama nuomonė, kad būtina formuoti įstatyminius apribojimus, nukreiptus į vartotoją, jei norima sukurti iš tikrujų tvarią ES tekstilės sistemą.

Tad šis tyrimas yra žvilgsnis, ieškantis efektyviausio požiūrio į tekstilės pramonės reguliavimą Europos Sajungoje, kuris galėtų labiausiai pasitarnauti iš tikrujų tvarios ES tekstilės pramonės išskilimui ir kuo glaudžiau derintuosi su tvarumo principu.

Tokiu būdu šios disertacijos tyrimas bandys patvirtinti iškeliamą **hipotezę**: „Norint sukurti nuostatas formuojančią požiūrį į iš tikrujų tvarią tekstilės ekosistemą Europos Sajungoje, būtina įvertinti dabartinius ES keliamus reikalavimus tekstilei (dabartinių įstatyminių *status quo* arba dabartinių ES įstatymų leidėjų *modus operandi*, kuris visų pirma yra paremtas žiediškumu) bei tyrinėti platesnius socialinius, ekonominius bei horizontaliuosius reikalavimus, kuriuos formuoja kitos įstatymų leidimo strategijos, išskaitant ir į vartotojų nukreiptus apribojimus“.

Žvelgiant konkretiau, norima pasiekti ne visų pirma žединės (tokios, kokia yra formuojama dabar), tačiau taip pat ir tvarios (žvelgiant į visumą) tekstilės ekosistemos Europos Sajungoje. Šiam tikslui pasiekti reikės ne tik nustatyti spragas bei pasiūlyti optimizavimo priemones ir reikalavimus dabartiniam bei ateities perspektyvoje siūlomam žiediškumui (taigi, žalos aplinkai mažinimui), tačiau taip pat būtina aptarti ir kitus tvarumo aspektus (socialinių, ekonominių bei horizontalųjų reikalavimų) ir ištirti, kokių yra galimybių, jei norime pritaikyti kitose jurisdikcijose įdiegtus įstatyminius požiūrius (arba patikrinti, ar jie jau dera su ES naudojamomis priemonėmis), aptariant viršvalstybinį EU lygį bei svarstant visą Europos Sajungą apimsiančių reikalavimų vartotojams priėmimą.

Kitaip tariant, būtų naudinga nustatyti tokį reguliavimo požiūrį, kuris būtų pats naudingiausias kuriant tvarią tekstilės ekosistemą Europos Sajungoje bei pakeistų dabartinių *status quo* arba dabartinių ES įstatymų leidėjų *modus operandi*, kuris šiuo metu akcentuoja žiediškumo aspektus, nedaug dėmesio skirdamas tvarumo reiškinio visumai. Būtų atsižvelgiama į tvarios raidos sąvokos chronologinę bei teisinę evoliuciją, dabartinių su tekstilės pramone susijusį teisinį *status quo* Europos Sajungoje bei įvertinami kitų jurisdikcijų įstatymų pavyzdžiai ir galimi į vartotojus nukreipti apribojimai.

Šia hipoteze pabrėžiama, kad siekiama aptikti požiūrį į reguliavimo nuostatas, kuris galėtų žvelgti toliau nei vien tik žiediškumo akcentavimas, tačiau galėtų tuo pačiu metu atsižvelgti į platesnio pobūdžio su tvarumu susijusias problemas.

### 3. PAGRINDINIS ŠIOS DISERTACIJOS TIKLAS IR JOJE IŠKELIAMI SIEKINIAI (UŽDAVINIAI)

Pagrindinis šios disertacijos tikslas yra įvertinti *status quo* arba dabartinį ES įstatymų leidėjų *modus operandi* tekstilės pramonės atžvilgiu, žvelgiant iš pramonės veiklos norminimo dermės lygiagretumo su tvarios raidos principu perspektyvos. Siekiama mesti iššūkį dabartiniams požiūriui, pasiūlant požiūrį į reguliavimo strategiją, kuris kiek įmanoma labiau pasitarnautų kuriant visiškai tvarią tekstilės ekosistemą Europos Sajungoje ir pakeistų dabartinį *status quo* arba dabartinį ES įstatymų leidėjų *modus operandi*, kadangi šiuo metu yra akcentuojami visų pirma žiediškumo aspektai, o tvarumo visumai neskiriama bent kiek daugiau dėmesio. Darbe bus atsižvelgiama į tvarumo sąvokos chronologinę bei teisinę raidą bei siekiama įvertinti kitų jurisdikcijų įstatymų sistemų pavyzdžius (taip pat įvedant laiko perspektyvą lyginant skirtingas jurisdikcijas). Taip pat bus aptariamos ir kitos priemonės, kuriomis įmanoma pasiekti visuotinio tvarumo.

Atsižvelgiant į ši pagrindinį disertacijoje išskeltą tikslą, jos tyrimas orientuojamas į tokias užduotis:

1. Ištirti tvarios raidos ir tvarumo chronologinį kontekstą bei teisinio reguliavimo principus tarptautiniu lygiu bei juos atitinkančią tvarumą apibrėžiančią Europos Sajungos teisinę sistemą;
2. Įvertinti šiuo metu Europos Sajungoje tekstilei taikomus gamtosaugos reikalavimus bei pateiktus pasiūlymus (taigi, dabartinį įstatyminių su tekstile susijusį *status quo*) ir nustatyti šios sistemos trūkumus bei pasiūlyti priemonių sistemas optimizavimui, žvelgiant iš tvarumo perspektyvos;
3. Ištirti pasirinktus socialinius, ekonominius bei horizontaliuosius tekstilei taikomus reikalavimus Europos Sajungoje, siekiant aptikti, kokių dar su tvarumu ir kokių susijusių veiksmų bandoma imtis Europos Sajungoje ir kokių aspektų spręsti dar nebandoma arba jiems skiriama nepakankamai dėmesio);
4. Ištirti, kokie su tekstile siejami įstatyminiai tvarumo reikalavimai yra keliami kitose jurisdikcijose. Šis uždavinys skirtas nustatyti, kokių yra galimybių pritaikyti kitų jurisdikcijų pasiekimus arba patikrinti, kokių lygiu jie derinasi su dabartiniu ES viršvalstybiniu tekstilės reguliavimu siekiant tvarumo. Tai yra priemonė stebėti kitas jurisdikcijas, norint įsitikinti, kad atsižvelgiama į jau anksčiau iškeltus reikalavimus;
5. Pateikti požiūrį, kokia būtų pati efektyviausia norminimo nuostata, kuri leistų Europos Sajungoje iškilti tvariai tekstilės pramonei.

#### 4. TAIKOMOJO TYRIMO METODIKA

Šios disertacijos tikslai bus įgyvendinami, pasitelkiant plataus pobūdžio teisinę metodiką.

Šioje disertacijoje bus laikomasi kokybinio požiūrio, kuris bus panaudojamas, dėmesi sutelkiant į teisės aktų, pasiūlymų teisės aktams, politiką (strategiją) apibrėžiančių dokumentų bei kitų tikslinių šaltinių tyrimą, suvokimą bei interpretavimą. Disertacijoje nesiekiamas naudoti kiekybinių duomenų (išskyrus statistikos duomenis ir pan.). Tyrimo metodologija pasitelkia indukcinę bei dedukcinę analizę. Taip formuojamas kritinis požiūris į dabartines teisines nuostatas, formuojami argumentai bei pasiūloma perspektyva, koks galėtų būti efektyvesnis teisinis sprendimas vardin iš tikrujų tvarios tekstilei pramonės sukūrimo Europos Sajungoje.

Pirminis tokio požiūrio vaidmuo yra pasitelkti doktrinos teisės tyrimo metodiką, kuri apimtų ir konceptualią, ir teorinę analizę bei teisės principų ir normų tyrimą. Tokios doktrinos teisės tyrimo metodikos tikslas yra suvokti įstatymą pačia bendriausia prasme, stebint, kaip tekstilės pramonė dera su tvarumo perspektyva bei nustatant konceptualųjį tvarumo šaltinį ir ištiriant jo teisinį statusą.

Šioje disertacijoje bus panaudoti tokie doktrinos teisės tyrimo metodai:

- Chronologinė analizė pasitelkiama, bandant nustatyti, kaip istoriškai vystėsi tvarios raidos sąvoka ir kokie buvo kertiniai šios raidos epizodai.
- Lingvistinė analizė siekia atskleisti, kokia yra su tvarumu susijusios terminijos, naudojamos, apibrėžiant Europos Sajungos strategiją ir teisinius dokumentus bei iškeltus pasiūlymus, reikšmę, šių terminų naudojimo perspektyva bei kontekstas.
- Teisinio statuso analizė skirta išsiaiškinti, koks yra tvarios raidos teisinis statusas tarptautiniame teisės lygmenyje bei, galiausiai, Europos Sajungoje ir, konkrečiai, Lietuvoje galiojančioje tvarkoje (bei taip pat kai kurių kitų selektyviai atrinktų Europos Sajungos narių konstitucinėse sistemoje). Šiuo tikslu pasitelkiami Junginių Tautų Tarptautinio Teisingumo Teismo su tvarumu susijusių bylų atvejai. Nagrinėjamos ir konkrečių teisejų atskirai išsakytos nuomonės bei rekomendaciniės nuomonės (1997 metų Gabčíkovo-Nagymaros projekto byla (Vengrija/Slovakija); 2010 metų celiuliozės fabrikų prie Urugvajaus upės byla (Argentina prieš Urugvajų); 1996 branduolinių ginklų grėsmės ar panaudojimo legalumo klausimas), Europos Sajungos Teisingumo Teismo bylos (Ilva ir kiti, 2024; Accord de libre-échange avec Singapour [susitarimas dėl nevaržomos prekybos su

Singapūru], 2017), bei Lietuvos Respublikos Aukščiausiojo Administracinių Teismo byla (Administracinių byla Nr. eA-920-1188/2025). Toks teismų praktikos tyrimas panaudojamas, siekiant suvokti, kaip tvarumas teisiškai reguliuojamas pasaulinio lygiu (ten, kur šis principas jau yra susiformavęs) bei Europos Sąjungoje ir konkrečiu nacionaliniu (Lietuvos Respublikos) lygiu. Taip pat stebimas tvarumo termino panaudojimas kai kurių Europos Sąjungos šalių narių jurisdikcijose (konkrečiai, Lenkijos, Italijos, Švedijos ir Lietuvos atvejais). Šių šalių (jurisdikcijų) pasirinkimas atskleidžia skirtinges ES narių trajektorijas bei teisės tradicijas ir jų sąsajas su tvarumo sąvoka skirtingose teisinėse sistemose. Tai leidžia ištirti tokį valstybių konstitucinį normatyvą, besilaikant šiaurietiškosios gerovės principu, įvertinti ES pietinę šalį, postsovietinę valstybę bei Sovietinės ideologijos paveiktą tradiciją. Tokiu būdu atsiveria perspektyva į įvairias konstitucinio tvarios raidos pripažinimo formas.

- Antrinės Europos Sąjungos teisės bei strategijų sistemų statutinė bei pasiūlymų analizė panaudojama, siekiant išsiaiškinti, koks yra dabartinių bei pasiūlytų teisinių reikalavimų, įtakojančių tekstilę, *status quo* (gamtos apsaugos reikalavimų) Europos Sąjungoje, kokie su gamtosauga susiję pasiūlymai (ar, kai kuriais atvejais, jau įsigalioję instrumentai) kyla iš 2022 metų ES Tvarios ir žiedinės tekstilės ekonomikos strategijos (EU Textiles Strategy, 2022), kurie galėtų paveikti tekstilės sektorių. Aptariami ir ES įstatymai, susiję su kitais reikalavimais, būtiniais, siekiant visuotinio tekstilės pramonės tvarumo, visų pirma, socialiniai (su darbu susiję reikalavimai, taip pat aptariantys ir prievertinį darbą, su švietimu susiję reikalavimai bei reikalavimai reklamai), ekonominiai reikalavimai (mokesčių kontekstas, išplėstinės gamintojo atsakomybės mokesčiai, kainodaros taisyklės) bei horizontalieji reikalavimai (ataskaitos apie tvarumą, deramo kruopštumo reikalavimai, miškų apsaugos reikalavimai, kylantys iš deramo kruopštumo reikalavimų). Dabartinis tekstilės pramonė reguliuojantis įstatyminis *status quo* (pasireiškiantis reikalavimais aplinkosaugai) šioje disertacijoje įvertinamas, siekiant nustatyti galimą įstatyminių bazės poveikį tekstilės pramonei. Toks įvertinimas yra paremtas Dabartinio reguliavimo žiediškumo kreditu (angliškai trumpinamu CRCC). Šį metodą disertacijos autorius sukūrė, siekdamas įvertinti, koks yra dabartinės įstatymavystės potencialo lygmuo žiediškumo atžvilgiu, atsižvelgiant tiek į pasiūlytas, tiek ir į jau įsigalėjusias priemones tekstilės atžvilgiu. CRCC skirsto norminimo potencialą į tris tipus – žemą, vidutinį ir aukštą, priklausomai nuo to,

kokš yra pasiūlytų arba įsigalėjusių įpareigojimų lygmuo bei jo poveikis vartotojo elgesiui. Šis požiūris padėjo nustatyti galimybes teisinėms taisyklėms tobulinti (tai atsispindi teisiniuose reikalavimuose). Tokio tyrimo sudėtinės dalys yra didelės apimties tekštų skaitymas, atitinkamų teisinių nuostatų interpretacija ir jų siejimas su tvarios raidos sąvoka.

- Literatūros apžvalga pasitelkiama išsamiai aptarti akademines publikacijas, teisės mokslo tradiciją bei gamtosaugos ir gimininę sričių idėjų kalvių pateiktas ataskaitas. Tai padeda nustatyti dabartines spragas bei suvokti šiandienines diskusijas bei interpretacijas.

Tokiam požiūryje svarbų vaidmenį užima ir lyginamosios teisinės analizės panaudojimas. Tai yra svarbus komponentas plėtojant požiūrį į ES teisines nuostatas (žvelgiant iš plačiausios perspektyvos) tekstilei sektorius atžvilgiu. Lyginamosios teisinės analizės tikslas yra nustatyti geriausias įstatymydavystės praktikas bei teisines inovacijas kitose jurisdikcijose, reguliuojančias tekstilei pramonę iš tvarumo perspektyvos bei leidžiančias palyginti tekstilei ir tabako sektorius, siekiant pateikti pasiūlymų riboti tekstilei reklamą Europos Sajungoje.

Disertacijoje panaudojami šie lyginamosios teisės analizės metodai:

- Jurisdikcijos pasirinkimas. Pagrindiniai kriterijai pasirenkant jurisdikciją yra teritoriniai kriterijai (geografinė įvairovė (pati jurisdikcija neturėtų būti viršvalstybinio lygmens Europos Sajungos kontekste, pavyzdžiui, apimanti šalis nares ar grupę narių ar bet kuri kita jurisdikcija už Europos Sajungos ribų), bei su tekstilei pramone susijusių apribojimų mastas (tokie apribojimai turi sietis su tvarumo aspektais arba tekstilei atžvilgiu arba reguliuoti visą mados pramonę). Tad lyginamoji analizė pasitelkiama siekiant palyginti su tekstilei susijusių teisės raidą užsienio jurisdikcijose (pavyzdžiui, Mados aktas Prancūzijoje ar Niujorko Mados aktas JAV). Tokiu būdu siekiama ištirti, ar šie dokumentai galėtų būti pritaikyti Europos Sajungos teisinei struktūrai, arba išsiaiškinti, ar ES teisinė struktūra turi ekvivalentų tokiu dokumentu reikalavimams.
- Lygiagretasis tyrimas panaudojamas įgyvendinti panašią analizę kiekvienoje pasirinktoje jurisdikcijoje pagal jose galiojančias teisines normas bei pateiktus pasiūlymus. Naudojami tokie kriterijai kaip nuostatos ar pasiūlymo aprėpties mastas, naudojamas teisinis instrumentas bei konkrečių sąvokų apibrėžimas. Tokiu būdu šie požiūriai ištiriami ir palyginami tarpusavyje. Taip išsiaiškinama, kurie iš jų galėtų būti pritaikyti Europos Sajungos viršvalstybinei tvarkai

apibrėžti arba įsitikinti, kad jie jau atitinka ES tekstilės norminimo trajektoriją.

- Lyginamoji sektorių analizė pritaikoma išryškinti panašumams tarp greitosios mados ir tabako pramonės sektorių. Taip sustiprinamas argumentas, kad dera sugriežtinti tekstilės reklamos taisykles. Vis labiau augantis susirūpinimas dėl neigiamo tekstilės pramonės poveikio gamtai bei kitų neigiamo poveikio sričių, susijusių su mados pramonės sektoriumi (apimančiu ir greitą madą) paveikia ši sektorių reguliuojančias teisines taisykles bei pasiūlymus būsimoms taisykliems. Iš šiuos du sektorius galima žvelgti kaip iš gimininguos sektorius dėl neigiamo poveikio gamtai bei kitoms sritims. Tad yra svarbu šiuos du sektorius palyginti iš jų poveikio perspektyvos. Kuomet nustatomos paralelės tarp jų, tai galiapti priežastimi pasvarstyti, ar nederėtų tekstilei įvesti apribojimų, giminingu tabako sektorius apribojimams, siekiant reguliuoti greitą madą. Kadangi abi šios pramonės sritys gali pasitelkti neetiškas reklamos technikas (kaip bus aptarta tolesniame tekste), pirminė sritis, kurioje reikia pritaikyti tabako sektoriui giminingu apribojimus yra reklamos sritis.

Galiausiai, šio tyrimo perspektyvoje svarbus vaidmuo suteikiamas normatyvinei argumentacijai, leidžiančiai apibendrinti ir praktiškai pritaikyti šios disertacijos tyrimo rezultatus. Norima pasiūlyti perspektyvą, atveriančią galimybę Europos Sąjungai suformuoti geriausias teisines nuostatas iš tvarumo siekimą tekstilės sektoriuje. Šioje disertacijoje naudojami tokie normatyvinio argumentavimo metodai:

- Sintezė taikoma sintetinti ir apibendrinti aktualius ankstesnių tyrimo etapų atradimus.
- Strateginės rekomendacijos siekia suteikti perspektyvą, atveriančią kelius iš optimalų teisinj požiūrių iš tvarumą tekstilės sektoriuje. Tokios perspektyvos atvėrimas apima keturių etapų struktūrą, galinčią pasitarnauti kaip įrankių rinkinys formuojant su tvarumu susijusią teisinę programą, reguliuojančią tekstilės pramonę. Ši keturių etapų struktūra atspindima konkrečiomis skaitmeninėmis vertėmis. Įstatyminės tvarumo vertės (angliškai trumpinamos RSV) instrumente, kurį disertacijos autorius sukūrė, siekdamas spręsti klausimus, kylančius iš tikėtino šio aspekto svarbos išaugimo bei jo poveikio įvairiems požiūriams iš tekstilės pramonės norminimą Europos Sąjungoje. RSV instrumentas suteikia būdą išmatuoti, kaip konkrečios reguliavimo priemonės prisideda prie tvarumo tekstilės srityje. Aptariant detaliau, konkrečios RSV skaitmeninės vertės padės

apibūdinti, kiek naudingas gali būti tam tikras požiūris į norminimą reguliuojant tekstilės pramonę Europos Sajungoje (šis klausimas detaliau aptariamas disertacijos ketvirtojoje dalyje). Taikydami šį metodą, strategijų kūrėjai bei įstatymų leidėjai gali nustatyti, koks požiūris į norminimą būtų efektyviausias kuriant Europos Sajungos tvarios tekstilės pramonės struktūrą. RSV gali būti laikomas pradiniu įrankiu priimant sprendimus, kuris galėtų padėti nustatyti įstatymines spragas bei apibrėžti tolesnius teisinius žingsnius.

Tarp šioje disertacijoje naudojamų įrankių paminėtinių yvairūs šaltiniai bei duomenų bazės, tarp kurių yra *EUR-Lex*, Europos Sajungos Teisingumo Teismo bylų duomenų bazė, Tarptautinio Teisingumo Teismo (ICJ) bylų duomenų bazė, *Web of Science*, *Scopus*, *Springer Link*, *Kluwerlaw* bei kitos duomenų bazės ir kiti pagalbiniai įrankiai – tokie, kaip *Google Alerts*, *Connected Papers*, bei *Google Scholar*. Be to, darbui su kalba buvo pasitelktas *Grammarly* įrankis (rašybos tikrinimas, gramatikos tikrinimas, skyrybos tikrinimas bei teksto raiškumo ir sklandumo sustiprinimas). Galiausiai, šios disertacijos rezultatus paremia statistiniai, spaudos šaltinių, Jungtinių Tautų bei socialinių medijų ataskaitų duomenys.

## 5. MOKSLINIO TYRIMO NAUJOVIŠKUMAS BEI DISERTACIJOS REIKŠMINGUMAS

Šios disertacijos inovatyvumas glūdi aspekte, kad tiriamas ne vien tik tekstilės pramonės reguliavimo *status quo* bei dabartinis ES įstatymų leidybos tekstilės srityje *modus operandi*, tačiau taip pat ir kritiškai pažvelgiama į šiuos du aspektus. Taigi, keliami klausimai, ar tekstilės reguliavimo ES *status quo* bei dabartinis įstatymų leidėjų Europos Sajungoje *modus operandi* atveria perspektyvą, kuri leistų Europos Sajungoje sukurti visiškai tvarią tekstilės ekosistemą, tuo būdu pakeičiant tiek ir dabartinį *status quo*, tiek ir ES įstatymų leidėjo *modus operandi* (kuris šiuo metu susitelkės į žiediškumo aspektus, tačiau turėtų akcentuoti tvarumo visumą, kuriai dabar nėra skiriamas tiek daug dėmesio). Tokiu būdu ši disertacija turėtų užpildyti tyrimo spragą, kadangi pastebimas detalaus konceptualaus tyrimo stoka Europos Sajungos tekstilės pramonės norminimo srityje. Taip pat šiai sričiai trūksta ir pasiūlymų. Ši disertacija pateikia detalią apžvalgą, koks galėtų būti optimalus požiūris į tekstilę, jei Europos Sajungoje norima sukurti iš tikrujų tvarią tekstilės ekosistemą.

Be to, atsižvelgus į šį punktą, šio tyrimo inovatyvumu galima laikyti ir jo holistinę perspektyvą (kadangi žvelgiama į visą tarpusavyje susijusių tvarumo komponentų sistemą, o ne tik į vieną kurį nors konkretų

komponentą). Taip pat paminėtina, kad šis tyrimas yra orientuotas į pramonę (akcentuojama konkrečiai tekstilės pramonė). Taip siekiama išsamiai ištirti, kaip būtų geriausia žiūrėti į ES įstatymų leidybą, kad būtų galima tekstilės sektoriuje pasiekti tikrojo tvarumo.

Kadangi tvarumo raida yra svarbi pasauliniame kontekste, aktualu toliau tyrinėti, kokios teisinės implikacijos gali iškilti dėl tokio suvokimo, visų pirma, kokių pasekmių gali turėti toks tekstilės reguliavimas Europos Sajungoje. Tokiu būdu šis tyrimas leis geriau suvokti tekstilės tvarumą iš teisinės perspektyvos ir padės taisykliu kūrėjams igyti tvirtesnį pagrindą priimant sprendimus dėl teisinės tekstilė reguliuojančios struktūros Europos Sajungoje, taip atveriant galimybes potencialiam įstatyminės bazės peržiūrėjimui ar jos reformavimui.

Be to, šis tyrimas atveria galimybes pasiekti itin svarbų pirmyn socialinį tikslą, atveriant galimybei iškilti ne tik žiedinei, tačiau ir visiškai tvariai tekstilės ekosistemai Europos Sajungoje. Tai itin aktualu iškylant „greitajai“ madai. Tad šioje disertacijoje naudojamos „lėtosios“ ir „greitosios“ mados sąvokos gali pasitarnauti kaip svarbus atskaitos taškas, siejant tekstilės pramonę su kitais gimininingais socialiniais tikslais, tokiais kaip, pavyzdžiui, išsprendimas dichotomijos, atsiveriančios tarp vartotojų įgalinimo ir vartotojų teisių apribojimo. Neišsprendus tokį konfliktą, būtų sunku ar netgi išvis neįmanoma pasiekti tvarumo, visų pirma turint omenyje tai, kad planetos populiacija auga, tad poreikis tekstilės gamybai taipogi didėja.

## 6. PAGRINDINIAI ŠIOJE DISERTACIJOJE PAGRINDŽIAMI TEIGINIAI

Šios disertacijos tikslas bei uždaviniai, igyvendinti šio tikslo siekimo procese, leidžia pagrįsti šiuos teiginius:

1. Ši disertacija teigia, kad chronologinė tvarios raidos sąvokos evoliucija paveikė šios srities struktūrinę politiką bei norminimo principus (taip pat ir Europos Sajungoje). Tai gali padėti nustatyti, kokia yra tvarios raidos vieta teisinėse sistemose, ir, visų pirma, Europos Sajungos teisės kūrime. Įvairūs socialiniai, ekonominiai ir aplinkos faktoriai paveikė istorinę tvarios raidos evoliuciją, kurios raidoje atsispindi ryškus postūmis nuo ankstyvųjų iniciatyvų iki šiuolaikinių Darnaus vystymosi tikslų. Šiuo metu jie užima deramą vietą Europos Sajungos įstatymų kūrime. Keliami reikalavimai, kad įvairios pramonės šakos, o tarp jų ir tekstilės pramonė, atitiktų reikalavimus, susijusius su tvarumu. Europos Sajungoje kol kas stinga nuoseklumo, vartojant su tvarumu susijusią terminiją – net ir nepaisant fakto, kad pats tvarumo terminas ES

teisinėje sistemoje jau užima deramą svarbią vietą. Tvari raida (tvarumas) bei žiediškumas (arba žalos sumažinimas) yra dažnai painiojami terminai. Neretai jie vartojami neteisingai. Dabartinė Europos Sajungos tekstile reguliuojanti įstatymų bazė savaime nėra nukreipta į tvarumo aspektą.

2. Šioje disertacijoje teigama, kad nepakanka susitelkti iš esmės vien tik į gamtosaugos reikalavimus, tokius kaip žiediškumo kriterijų, jei norime Europos Sajungoje sukurti tikrai tvarią tekstile. Vietoj to reikėtų atsižvelgti į didesnį reikalavimų skaičių.
3. Šioje disertacijoje pasiūloma perspektyva žvelgti į Europos Sajungos su tekstile pramone susijusią įstatyminę struktūrą, kurioje būtų atsižvelgiama į socialinį, ekonominį bei horizontalųjį reikalavimus, o taip pat ir į konkrečius specifinius vartotojui taikomus apribojimus bei pavyzdžius iš užsienio šalių teisėsaugos greta reikalavimų, keliamų aplinkosaugai. Jei teisinė struktūra atsižvelgia į visus šiuos aspektus, ją galima laikyti efektyviausiu teisiniu požiūriu, galinčiu Europos Sajungos tekstile pramonę padaryti iš tikrųjų tvaria.

## 7. IŠVADOS

1. „Tvarios raidos“ bei („tvarumo“) sąvokoje pastebima įspūdinga raida. Šis terminas išgyveno ilgą istorinį procesą ir tapo ne tik imperatyvu, dėl kurio jau sutariama tarptautiniu lygiu, tačiau ir reikšmingu faktoriumi Europos Sajungos lygmeniu:

- 1.1. Tvarios raidos konceptualizavimas tarptautiniu Jungtinių Tautų lygmeniu bei ilga šios sąvokos formavimosi istorija įvairiai lygiai paveikė ne tik strategijų formavimą, tačiau ir įstatymų kūrimą. Tarptautiniu lygiu aktualu, kad valstybės žvelgtų į tvarią raidą (ar tvarumą) kaip į teisinį įsipareigojimą, leidžiantį aktyviai įgyvendinti strategijas bei įtvirtinti teisines priemones, atskleidžiančias proaktyvų požiūrį į tvarią raidą siekiant realiais veiksmais tvarumą diegti įvairiuose sektoriuose. Šiuo tikslu siūloma, kad valstybės pereitų nuo ambicingų politinių deklaracijų apie tvarumą prie konkrečių teisinių priemonių, padedančių tvarumą pasiekti. Be to, svarbu, kad kiekviena valstybė pateiktų savajį tvarios raidos (ar tvarumo) apibréžimą, kuris taip pat atitiktų ir tarptautinius, viršvalstybinius, regioninius ir nacionalinius įsipareigojimus. Kuomet toks apibréžimas įsigali, valstybės jau gali pasirinkti tinkamiausią tvarumo lygmenį ar variantą, kurį būtina aiškiai ir konkrečiai apibréžti. Tuo pačiu metu svarbu

suprasti, kad žemiausias lygmuo negali būti naudojamas kaip geriausio pasirinkimo atitikmuo.

- 1.2. Susidaro įspūdis, kad Europos Sąjunga aktyviai siekia įgyvendinti strategijas ir taikyti teisines priemones, atskleidžiančias proaktyvų požiūri į tvarę vystymąsi. ES kuriamoje teisinėje sistemoje (bei įvairiuose teisiniuose pasiūlymuose) aktyviai naudoja su tvarumu susijusią terminologiją. Tvaraus vystymosi (bei tvarumo) sąvoka keliauja iš vieno teisės dokumento (bei pasiūlymo) į kitą. Taip atskleidžiama, kad tvarumas iš tikrujų užima kertinį vaidmenį Europos Sąjungos įstatymų kūrimo procese. Tačiau tuo pačiu metu Europos Sąjungoje pastebimas nepakankamas su tvarumu susijusios terminologijos naudojimo nuoseklumas, kadangi „tvarumas“ gali būti apjungiamas su kitomis sąvokomis (tokiomis kaip „žiedišumas“ ar „žalos sumažinimas“) ar netgi klaidingai naudojamas kaip jų pakaitalas. Svarbu išryškinti, kad nors žiediškumo požiūris yra pradinis reikalavimas tvarumui pasiekti, tačiau šis terminas negali būti naudojamas kaip tvarumo sinonimas kadangi į tvarumą visų pirma turėtų būti įtrauktas platesnis reikalavimų rinkinys. Ši problema aktuali ir aptariant tokios terminologijos naudojimą teisiniuose Europos Sąjungos tekstilės pramonės kontekstuose.
2. Tradicinė tekstilės pramonė siejama su įvairaus pobūdžio neigiamu poveikiu. Esama potencialo teisinių instrumentais šį neigiamą poveikį sumažinti. Šiuo tikslu Europos Sąjunga aktyviai įgyvendins teisinius pokyčius, kuriais siekiama paversti ES tekstilės pramonę „tvaria“. Kad išsiaiškintume, ar taip yra iš tikrujų (tai yra, ar teisiniis norminimas iš tikrujų atitinka tvarumo kriterijus), ši disertacija išnagrinėjo šiuo metu Europos Sąjungoje galiojančius teisinius aktus bei jiems pateiktus pasiūlymus, darančius poveikį tekstilės sektoriui (įskaitant ir jos specifinį greitosios mados aspektą):
  - 2.1. Tekstilės pramonė yra įvairaus pobūdžio neigiamo poveikio šaltinis (pavyzdžiui, generuojamos atliekos, teršiama gamta ir t.t.), iš kurio kyla net ir konkretūs ekonominiai bei socialiniai iššūkiai, dėl kurių gali kilti pavojus, kad tvarumas nebus pasiektas. Visa tai yra vadinamoji tekstilės pramonės gretutinė žala. Jei norime imtis spręsti šiuos neigiamus poveikio aspektus, būtinės nuoseklios ir išsamios teisinės priemonės, kurioms sukurti būtina ištirti gamtinius, socialinius, ekonominius ir tarpusavyje susijusius horizontaliuosius reikalavimus tekstilei Europos Sąjungoje tam, kad būtų galima spręsti ne vien tik gamtines problemas, tačiau ir perteklinės gamybos bei

perteiklinio vartojimo problemas kartu su kitomis aktualiomis problemomis.

- 2.2. Siekdama imtis šių įvairių neigiamų poveikių, Europos Sąjunga kuria griežtesnius teisinius apribojimus tekstilei. Visų pirma šie reikalavimai paremti Tekstilės strategija, kuria siekiama puoselėti žiediškumą. Daugeliu atvejų tiesiog bandoma sumažinti neigiamą poveikį gamtai paveikiant tekstilės tiekimo grandinę, tačiau nesiekiant sukurti visa apimančią tvarią tekstilės sistemą (kuri taip pat apimtų ir aspektus už žiediškumo ribų ir žvelgtų plačiau nei vien tik rūpinimasis aplinkos apsauga). Ištyrus dabartiniu metu galiojančius su tekstilės pramone susijusius teisinius instrumentus (taip vadinamus aplinkosaugos reikalavimus) bei pateiktus pasiūlymus, galima daryti išvadą, kad didžioji dalis Europos Sąjungos žingsnių tekstilės reguliavimo srityje nepasižymi tvirtu norminimo poveikiu. Šiuos instrumentus būtina optimizuoti, kad sustiprinti jų žiediškumo galią.
- 2.3. Pasiūlytos optimizavimo priemonės, atsižvelgiant į aplinkosaugos reikalavimus, apima svarstymą, kad reikėtų pateikti vieną ir vieningą pasiūlymą, kad atsirastų konkretus potvarkis ar direktyva, kuriuose būtų deramai teikiamas prioritetas kai kurių dabartinių pasiūlymų priėmimui bei įdiegta su tvarumu susijusi terminija (pavyzdžiui, naudojami konkretūs apibrėžimai terminams „žiedinė tekstilė“ bei „tvari tekstilė“). Tai yra svarbu tekstilės sektoriuje išaugusiam žiediškumui. Tačiau tai gali būti laikoma tik daliniu sprendimu kelyje į tvarią tekstilę Europos Sajungoje, kadangi visa apimantis tvarumas reikalautų įtraukti platesnį reikalavimų rinkinį, papildant aplinkosaugos reikalavimus (ir įvedant socialinius, ekonominius bei horizontaliuosius).
3. Greta susirūpinimo dėl aplinkos apsaugos, iškyla ir kitų su tekstilės pramone susijusių rūpesčių, tokį kaip įvairios problemos, susijusios su socialine bei ekonominė sritimi, o taip pat ir su skaidrumo klausimais. Tokiu būdu ši disertacija apibrėžia, kad būtina integruoti socialinį, ekonominį bei tarpusavyje susijusius horizontaliuosius reikalavimus, kad būtų atsiliapta į susirūpinimą dėl aplinkos apsaugos:
  - 3.1. Būtina spręsti socialinių reikalavimų klausimus (tokius kaip priverstinis darbas, švietimas, skatinantis vartoti ir gaminti tvarią tekstilę bei reklama (visų pirma dėl paralelių, pastebimų tarp greitosios mados ir tabako sektorius), jei norime išspresti tvarios tekstilės gamybos ir vartojimo klausimus bei stimuliuoti socialiai atsakingą mados pramonę. Tokiu būdu Europos Sąjunga turėtų

pasvarstyti, kaip priversti sėkmingiau veikti įstatymus, aptariančius priverstinį darbą, kaip patobulinti švietimo iniciatyvas, susijusias su tvariu vartojimu ir tvaria gamyba, bei kaip įdiegti reklamą reguliuojančias priemones greitosios mados sektoriuje, kurios apimtų spektrą nuo ribotos reklamos iki visiško greitosios mados reklamos draudimo (čia reikia atsižvelgti į panašumą tarp tabako ir tekstilės sektorių (ir, konkrečiau, tekstilės sektorius greitosios mados aspekto).

3.2. Be to, įstatyminis reguliavimas turi sugriežtinti tam tikrus ekonominius aspektus. Tarp reguliavimo priemonių galėtų atsirasti mokesčiai greitajai madai, deramas išplėstinės gamintojo atsakomybės principu įgyvendinimas bei griežtas reikalavimų taikymas tekstilės srityje (reguliuojant tokios atsakomybės mokesčius/kaštus bei reguliuojant minimalias tekstilės (greitosios mados) kainas). Šiuo metu Europos Sajungoje išplėstinės gamintojo atsakomybės reikalavimai dar tik kuriami, tačiau vis dar akivaizdus poreikis, kad reikia juos deramai įgyvendinti. Taip pat buvo pasiūlyta, kad būtų reguliuojamos kainų grindys greitosios mados gaminiams ir kad tokiems produktams būtų įdiegti mokesčiai. Tokie reikalavimai, derinami su kitomis strategijomis, taip pat siejamomis su tvaraus vartojimo bei tvarios gamybos problematika, galėtų padėti spręsti klausimus, susijusius su gretutiniais tekstilės pramonės sektorius kaštais. Ekonominiai aspektai yra glaudžiai susiję ir su socialiniais bei gamtos apsaugos aspektais. Visi šie ekonominiai aspektai, išskyrus su išplėstine gamintojo atsakomybe susijusius aspektus, yra tikslingai nukreipti į greitosios mados sektorių.

3.3. Be to, reikia atsižvelgti ir į horizontalius reikalavimus. Iš ši kontekstą patenka tokie reikalavimai kaip tvarumo ataskaitos, deramas kruopštumas siekiant tvarumo bei su miškų apsauga susiję reikalavimai. Jie yra susiję su skaidrumo reikalavimais įvairiose pramonės srityse, o, tarp jų, ir tekstilės pramonės tiekimo grandinėje. Horizontalieji reikalavimai papildo klasikinę tvarumo komponentų triadą. Ištirtieji reikalavimai yra gana naudingi siekiant tekstilės tvarumo, ir šie klausimai Europos Sajungoje yra sprendžiami gana sėkmingai. Tačiau kyla rūpesčių dėl pastaruoju metu Europos Sajungoje priimtų sprendimų, kurie susiję su ataskaitų apie tvarumą bei deramo kruopštumo principu supaprastinimu. Tokios supaprastinimo permainos (arba dereguliacija) gali būti laikomi ryškia orientacijos kaita Europos Sajungos su tvarumu susijusių įstatymų leidyboje, apimančioje ir tekstilės sritį. Iškyla pavyrus, kad sustiprinti

reikalavimai skaidrumui (taip pat ir konkrečiai tekstilės sektoriuje) nebebus įgyvendinti. Tad rekomenduojama nebesilaikyti šio supaprastinimo požiūrio

4. Greta aukščiau pateiktų reikalavimų aktualu ištirti ir su tekstile susijusius teisinius reikalavimus, taikomus kitose jurisdikcijose. Taip pat reikia pasvarstyti, ar nevertėtų suformuoti teisinius ribojimus vartotojams tekstilės srityje. Taigi, galutinis šio darbo tikslas yra pateikti požiūri, koks galėtų būti efektyviausias požiūris į reguliavimą ir kaip būtų galima sukurti iš tikrujų tvarią su rūbų pramone susijusią įstatymų sistemą Europos Sajungoje:
  - 4.1. Svarbu suformuoti tekstilę apibrėžiančią teisinę struktūrą Europos Sajungoje, pasinaudojant ir kitose šalyse ir/ar jurisdikcijoje taikomas ar planuojamas įdiegti priemones (pavyzdžiui, aktualu pristatyti oficialų teisinį „greitos mados“ apibrėžimą, uždrausti greitos mados reklamą, įtvirtinti mokesčius greitosios mados produktams, riboti jos kuriamus produktus ir t.t.). Taip pat svarbu ir sekti šiuo metu Europos sajungoje jau įgyvendinamus veiksmus bei stebeti, kiek jie yra panašūs į kitose šalyse/jurisdikcijoje iškeliamus pasiūlymus (pavyzdžiui, ataskaitų teikimo ar deramo kruopštumo srityse ir t.t.). Toks taisyklių harmonizavimas atskleidžia, kad jau ima vystytis pasaulinės tendencijos ir kad Europos Sajunga žengia teisinga kryptimi, ir jau (pavyzdžiui, stebint skirtingas jurisdikcijas bei jų teisinius reikalavimus).
  - 4.2. Ilgalaikėje perspektyvoje visuotinis arba visa apimantis tvarios raidos principas pareikalaus įdiegti naujų ir nepatogių vartotojus ribosiančių teisinių priemonių. Pramonei taip pat teks prisiimti naštą reikalavimų, kuriuos privalo pateikti ir įgyvendinti nacionalinio ar viršvalstybinio lygmens valdžios institucijos. Tad prasminga pradžia būtų bandymas apsvarstyti tokias teisines priemones kaip vartojimo apribojimai, gamybos ir importo kvotos bei tikslinis ribojimas (nuomas įsipareigojimai), kurie būtų siejami su privalomais ciklo pabaigos reikalavimais. Būtina pateikti tvirtai pagrįstų argumentų, kad šių priemonių tikslai yra teiseti ir kad šios priemonės yra ir būtinės, ir adekvaciškos.
  - 4.3. Efektyviausias požiūris į norminimą Europos Sajungoje yra iš tikrujų tvarios sistemos sukūrimas su rūbų pramone susijusioje teisinėje srityje, ir ES galėtų pasitelkti keturių praktinių žingsnių sistemą. Pirmasis žingsnis būtų apsvarstymas, kokių patobulinimų reikia dabartinėje įstatyminėje aplinkoje bei šių pasiūlymų įgyvendinimas tekstilės pramonės srityje. Antrasis žingsnis reikalauja atsižvelgti į

svarbius socialinius, ekonominius bei horizontaliuosius reikalavimus, kadangi Europos Sajungos tekstilę apibrėžiančioje teisinėje sistemoje privaloma į tvarumą atsižvelgti visuminiu lygmeniu (to galima pasiekti geriau integruojant arba patobulinant socialinius, ekonominius bei horizontaliuosius aspektus). Trečiasis žingsnis galėtų būti įgyvendintas nustatant terminus, per kuriuos bus peržvelgtos kitų jurisdikcijų su tekstile susijusios teisinės patirtys. Paskutinysis ketvirtasis žingsnis apima galimą į vartojimą nukreiptų apribojimų aptarimą bei teisines taisykles, kurios galėtų padėti šiuos apribojimus įgyvendinti. Taigi, naudingiausias požiūris gali tapti realybe tik tuomet, kai bus derinami visi keturi žingsniai, o tvarumo norminimo vertybės (t.y., numatomas ir tikėtinis įvairių požiūrių efektyvumas bei jų poveikis Europos Sajungos tekstilės pramonės norminimui) pasieks aukštą lygi. Tai reikš, kad jau yra pasiektas pats palankiausias požiūris kelyje į Europos Sajungos tekstilės įstatyminio reguliavimo sistemą (taip siekiant visuotinio tekstilelės pramonės tvarumo). Gyvybiškai svarbu pabrėžti, kad tokiu požiūriu siekiama tradicinę tekstilę transformuoti į tvarią tekstilę. Šiuo atžvilgiu tvari tekstilė (ar mada) yra suvokiamą kaip sistemą, kurioje įstatyminė struktūra yra nukreipta ne vien tik į žiediškumą (taigi, į žalos gamtai sumažinimą), tačiau kad ši žala gamtai paliestų ir kitus tvarumo bruožus.

## LIST OF SCIENTIFIC PUBLICATIONS

1. The article called *“Overview of the selected EU textiles policy initiatives: self-stand sustainable game changers or “palliative” half-measures”* was published in Vilnius University Research Papers Journal *“Teise”* (Law) (2023, Vol. 129, pp. 40–53).
2. The article called *“Legal contours of sustainable development: historical tracker and arguments supporting its normativity”* was published in Vilnius University Research Papers Journal *“Teise”* (Law) (2024, Vol. 130, pp. 77-90).
3. The article called *“EU Regulation of Fast Fashion Advertising: A Tobacco Analogy?”* has been approved to be published in Vilnius University Research Papers Journal *“Teise”* (Law).

## LIST OF SCIENTIFIC EVENTS WHERE THE RESULTS OF THE DISSERTATION WERE PRESENTED

1. Presentation at the 9th International PhD and Young Researchers Conference *“Everything You Always Wanted to Know About Law (But Were Afraid to Ask)”* with the topic *“The Influence of Contemporary Crises on Sustainable Development Goals”* (Vilnius, Lithuania, 2nd-3rd of June 2022).
2. Presentation at the virtual 17th Prof. Vladas Gronskas International Scientific Conference, with the topic *“The Tension Between the Fashion Industry and Sustainable Development: EU Sustainability Policy Initiatives Potentially Impacting the Regulatory Burden for Fashion Industry Players”* (2nd of December 2022).
3. Joint presentation at the conference *“Civil Society under the Rule of Law - reflections on 'European Values'”* with the topic *“Artificial Intelligence (AI): Implications and Sustainability Values in Civil Society”* (Cannes, France, 27th-30th of June, 2023).

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## NOTES

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