

Information on the recyclability of Clothing, Household linen and Footwear In the context of implementing French Decree n°2022-748 of 29 April 2022

For the attention of all Refashion members, marketers (producers, importers and retailers) falling under the Extended Producer Responsibility principle for Clothing, Household linen and Footwear (CHF ERP) products.

Do not hesitate to share this memo with the people concerned in your company, in particular, CSR Managers and/or persons responsible for environmental matters.

Following the publication of French Decree n°2022-748 of 29 April regarding **information to consumers about the environmental properties and characteristics of products generating waste**, which clarifies article 13 of the AGECE law (Anti-Waste and Circular Economy), you expect to have information on the recyclability of your products from Refashion, your eco-organisation.

In terms of **recyclability** criteria, the decree (incorporated in VI of article R.541-221 of the French Environment Code) states:

"VI. - the term Recyclability is understood as being the capacity to efficiently recycle waste from identical or similar products. For this waste the recyclability is characterised by:

1° The capacity to be effectively collected throughout France through the population's access to local collection points;

2° The capacity to be sorted, i.e. sent to recycling systems in order to be recycled;

3° The absence of items or substances that disrupt sorting, recycling or limit the use of recycled materials;

4° The capacity for the recycled material produced by the recycling processes to represent more than 50% of the mass of collected waste;

5° The capacity to be recycled on an industrial scale and in practice, in particular through a guarantee that the quality of the recycled material obtained is sufficient enough to guarantee the sustainability of outlets, as well as to guarantee that the recycling system can prove that it has the proper capacity to be able to handle the products that may be integrated into the system.

When these five criteria are fulfilled, information about recyclability is made available to consumers under the annotation "majority of the product is recyclable" or "majority of packaging is recyclable". If the recycled material produced by the recycling processes used represents more than 95% of the waste mass collected, the information that is made available may use the annotation "product entirely recyclable".

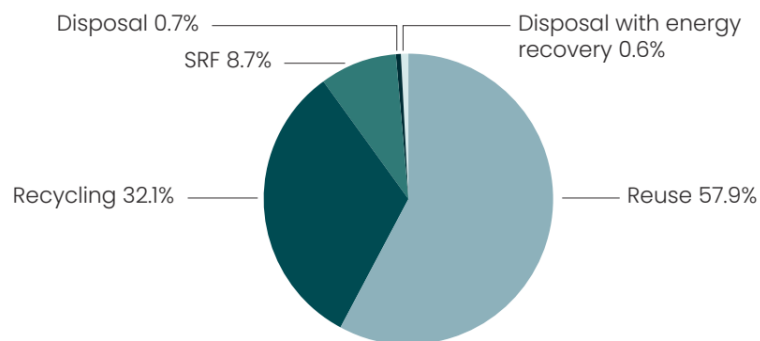
This information is communicated to the producer by the eco-organisation to whom the producer has transferred its extended producer responsibility as provided for in article L. 541-10, along with, if required, the implementation of a recyclability calculation tool for the product according to a streamlined method. When a producer has implemented its own extended producer responsibility system, the producer determines the information provided under its own responsibility.

When the capacity to be recycled corresponds to recycling of materials mainly reincorporated into products of an equivalent nature which have the same use and purpose without any functional loss of the material, the producer may add to the information on recyclability the annotation "product recyclable into a product of the same nature" or "packaging recyclable into packaging of the same nature".

The following product categories cited in 1°, 3°, 4°, 5°, 6°, 7°, 10°, 11°, 12°, 13°, 14° et 15° of article L. 541-10-1 fall under the requirement to provide consumer information on recyclability. "

This measure does not only evaluate efforts made in eco-design undertaken by the producers to improve the recyclability of their products **but also evaluates the structural capacity of economic stakeholders downstream to the industry**, i.e. collection, sorting and recycling operators, **to process used textiles and footwear**.

Since its inception, the Extended Producer Responsibility principle for clothing, household linen and footwear in article L.541-10-1 11° of the French Environment Code focuses on the **reuse of these products, favouring this over recycling, implementing the preferred order of waste treatment methods** as given in article L.541-1 of the French Environment Code. Close to 60% of the waste collected, the reuse rate is around double that of the recycling rate.



Average breakdown per category of sorting conducted in 66 centres under contract with Refashion in France and outside of France (2021 Refashion Activity Report).

**SRF: Solid recovered fuel*

To date, it transpires that due to the sector's current conditions downstream, the cumulative application of the five criteria cited in the decree **does allow for the regulatory justification to affix onto clothing, household linen and footwear the annotation "majority of product recyclable", "product entirely recyclable" or "product recyclable into a product of the same nature"**. Affixing one of these annotations on recyclability could mislead consumersⁱ on the fate of used products.

In view of the above and in application of article R.541-221 VI of the French Environment Code, Refashion informs its members of the following:

Refashion considers that no information about recyclability should be shown in the sheet entitled "product information sheet on environmental properties and characteristics" concerning clothing, household linen and footwear.

This applies to all products subject to the Extended Producer Responsibility (ERP) principle for clothing, household linen and footwear. For further information, see the downloadable list of products that are subject to or excluded from this principle, on [this page](#).

Changes upstream and downstream to the textile industry are never ending. With this in mind, Refashion will periodically re-evaluate the recyclability of products in the textile industry. As soon as the simultaneous application of the five criteria cited in the decree justifies the provision of information on recyclability to consumers, it will be possible to consider implementing a method that is simple, robust and accessible to all marketers in order to evaluate the recyclability of products covered by the CHF ERP.

Other environmental information, excluding bonuses and penalties, cited in article R.541-221 of the French Environment Code are determined by each producer individually.

If you have any questions, please contact the Refashion hotline at hotline@refashion.fr

Yours faithfully,

The Refashion Team

¹Environmental claims that are likely to mislead consumers is considered a deceptive commercial practice (L.121-2 of French Consumer Affairs Code), that is heavily sanctioned by article L.132-2 of the same code.