QUESTIONNAIRE AIMED TO COLLECT INFORMATION ON SUBSTANCES AND SUBSTANCES OF CONCERN IN TEXTILE APPAREL UNDER ESPR

This questionnaire is provided for information only, in preparation of the stakeholder on-line meeting of 9 – 10 December. The questionnaire will be activated and made available for completion in EU Survey shortly after the meeting.

Given that the Ecodesign of Sustainable Products (ESPR)[1] is a framework Regulation, the relevant Ecodesign requirements for individual product groups are to be set in product-specific Delegated Acts (DAs). To this end, and before a draft product-specific Delegated Act is consulted on, a specific Preparatory Study is carried out for the individual product group being studied. This form aims to collect information regarding substances in products for use during the Preparatory Study work for textile apparel.

The form seeks information to be subsequently used for potentially developing draft performance and/or information requirements, to then be consulted upon with stakeholders, Member States and the co-legislators via the ESPR consultation and governance process.

The form is divided into five main sections to be completed by stakeholders responding to the questionnaire.

Article 6 of ESPR states the possibility to set out performance requirements related to product aspects identified in Article 5. Also, ESPR Article 7(5) lays down the obligation to set out information requirements on substances of concern.

Article 5(1) lists the product aspects that should be addressed by Ecodesign requirements:

(a) durability;

(b) reliability;

(c) reusability;

(d) upgradability;

(e) repairability;

(f) the possibility of maintenance and refurbishment;

(g) the presence of substances of concern;

(h) energy use and energy efficiency;

(i) water use and water efficiency;

(j) resource use and resource efficiency;

(k) recycled content;

(l) the possibility of remanufacturing;

(m) recyclability;

(n) the possibility of recovery of materials;

(o) environmental impacts, including carbon and environmental footprint;

(p) expected generation of waste.

[1] Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of Ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1781&qid=1719580391746

In particular, Article 6(1) states that "*Products shall comply with performance requirements related to the product aspects*". Article 6(3) states that "*Performance requirements based on the product parameter referred to in Annex I, point (f)*[2]*, shall not restrict, for reasons relating primarily to chemical safety, the presence of substances in products*."

Article 7(5) states that:

"Unless otherwise provided for under paragraph 6, point (b), the information requirements shall make it possible to track the substances of concern, throughout the life cycle of the products concerned, unless such tracking is already possible pursuant to information requirements laid down in another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:

- *a) the name or numerical code of the substances of concern present in the product, as follows:*
  - *(i) name in the International Union of Pure and Applied Chemistry (IUPAC) nomenclature, or another international name when IUPAC name is not available;*
  - *(ii) other names, including usual name, trade name, abbreviation;*
  - *(iii) European Community (EC) number, as indicated in the European Inventory of Existing Commercial Chemical Substances (EINECS), the European List of Notified Chemical Substances (ELINCS) or the No Longer Polymer (NLP) list or the number assigned by the European Chemicals Agency (ECHA), if available and appropriate;*
  - *(iv) the Chemical Abstract Service (CAS) name and number, if available;*
- *b) the location of the substances of concern within the product;*
- *c) the concentration, maximum concentration or concentration range of the substances of concern, at the level of the product, its relevant components, or spare parts;*
- *d) relevant instructions for the safe use of the product;*
- *e) information relevant for disassembly, preparation for reuse, reuse, recycling and the environmentally sound management of the product at end-of-life."*

According to Article 2(27) of the ESPR, a 'substance of concern' means:

"a substance that:

- *a) meets the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation;*
- *b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:*
  - *(i) carcinogenicity categories 1 and 2;*
  - *(ii) germ cell mutagenicity categories 1 and 2;*
  - *(iii) reproductive toxicity categories 1 and 2;*
  - *(iv) endocrine disruption for human health categories 1 and 2;*
  - *(v) endocrine disruption for the environment categories 1 and 2;*
  - *(vi) persistent, mobile and toxic or very persistent, very mobile properties;*
  - *(vii) persistent, bioaccumulative and toxic or very persistent, very bioaccumulative properties;*
  - *(viii) respiratory sensitisation category 1;*
  - *(ix) skin sensitisation category 1;*
  - *(x) hazardous to the aquatic environment — categories chronic 1 to 4;*

[2] use of substances, and in particular the use of substances of concern, on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once those products become waste, and their impacts on human health and the environment;

(xi) hazardous to the ozone layer;

(xii) specific target organ toxicity — repeated exposure categories 1 and 2;

(xiii) specific target organ toxicity — single exposure categories 1 and 2;

c) is regulated under Regulation (EU) 2019/1021; or

d) negatively affects the reuse and recycling of materials in the product in which it is present"

The ESPR also envisages the possibility to establish exemptions for substances of concern defined under Art. 2(27) b), c), and d) from the tracking obligation.

Article 7(6) states that:

"where the Commission sets out information requirements in a delegated act adopted pursuant to Article 4, it shall, where relevant: [...] (b) provide duly justified exemptions for substances of concern or information elements from such information requirements referred to in the first subparagraph of paragraph 5, based on the technical feasibility or relevance of tracking substances of concern, the existence of analytical methods to detect and quantify them, the need to protect confidential business information or in other duly justified cases; substances of concern within the meaning of Article 2(27), point (a), shall not be exempted if they are present in products, their relevant components or spare parts in a concentration above 0,1 % weight by weight"

In order to seek information to be used for the potential development of performance and/or information requirements, this form is divided into 5 main sections to be completed by stakeholders providing information for the work carried out under the Preparatory Study of the product group textile apparel.

- *Section 1 aims to collect information about substances in the relevant product group, with the purpose of contributing to building the life cycle inventory and in particular, a "bill of chemicals";*
- *Section 2 intends to obtain information on specific substances known or suspected of having an impact on any of the 16 product aspects listed in Article 5(1);*
- *Section 3 aims to collect information about each substance of concern that could "negatively affect the re-use and recycling of materials in the product in which it is present;" i.e. those substances of concern that fall under the definition (27) point (d) of Article 2 of ESPR;*
- *Section 4 asks for stakeholder views on the setting a threshold or thresholds, in terms of substance concentration, below which information requirements would not apply. It also seeks views on the possible timeline for the application of information requirements for substances of concern, and whether a differentiation between substances of concern would be necessary; and*
- *Section 5 tries to collect information on possible exemptions on the tracking of substances of concern that could be considered for their potential inclusion in a future Delegated Act for textile apparel.*

The following questionnaire is provided to collect relevant information in these respects.

Note: Tables selected in **blue** are to be completed in by stakeholders.

General information

Contribution publication privacy and confidentiality

[This section may be further developed in the EU Survey questionnaire. Please do not use this PDF questionnaire to submit information].

Contact name	
Organisation	
Email	
Telephone No.	
Supplementary documents attached	

I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. **I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication.**	☐Yes

Please do not include any personal data in the contribution itself if you want to remain anonymous.

If you wish to share additional information in the form of data files (e.g. see section 1), position papers, etc, please submit via e-mail to JRC-B5-TEXTILES@ec.europa.eu indicating, as applicable, any limitations to the use / publication of the information provided.

Section 1. Chemical information towards Life Cycle Inventory

In this section, stakeholders are requested to provide information to enable building the life cycle inventory of the product group and product category regarding components, materials, etc. Information is also requested on intentionally and non-intentionally added substances (e.g. impurities from the production of raw materials or from recycled content (where present), remnant substances from process auxiliaries, etc.) in the product and from its entire life cycle. In particular, chemicals and materials remaining in the product group/ category are relevant, and also those used or present throughout the product's life-cycle (e.g. associated emissions), including in the waste phase.

Stakeholders are kindly requested to provide in a suitable file format (e.g. an Excel spreadsheet) detailed information on process chemicals, auxiliary chemicals and non-intentionally added substances, including impurities (to the extent that this is known) relevant to the product group / category. To the extent possible, the name and chemical identifiers of each substance should be provided (e.g. EC / CAS numbers) as well as its function, life-cycle stage for which it is relevant, and the average and maximum concentrations at which substances are used and, as applicable, remain in the product. Such information should be submitted in a separate file or files.

Section 2. Information on substances connected to specific product aspects

Furthermore, information is sought on substances that are known or suspected of affecting the following product aspects, as listed in Article 5(1) of ESPR. The information can also relate to a possible relationship between a substance, or a family or a type of substances, and the relevant product aspect.

Product aspect:	Explanation about how the substance affects the product aspect, including information/ relationship/ possible impacts, etc.	Substance identification (name, CAS Number, etc.)
(a) durability;		
(b) reliability;		
(c) reusability; See also section 3		
(d) upgradability;		
(e) repairability;		
(f) the possibility of maintenance and refurbishment;		
(h) energy use and energy efficiency;		
(i) water use and water efficiency;		
(j) resource use and resource efficiency;		
(k) recycled content;		
(l) the possibility of remanufacturing;		
(m) recyclability; See also section 3		
(n) the possibility of recovery of materials;		
(o) environmental impacts, including carbon and environmental footprint;		
(p) expected generation of waste		

Section 3. Substances of Concern that negatively affect reuse and recycling

In this section, stakeholders are requested to provide information about Substances of Concern as per ESPR Article 2(27), point (d), subsequently referred to as "SoCs (d)", defined as a substance that "*negatively affects the reuse and recycling of materials in the product in which it is present".* In this regard, links to responses to points c) and k) to n), above should also be noted.

"Substances of Concern (d)" can be related to:

- Existing regulatory limitations[3] to the placing on the market or use of substances;
- Customer-driven limitations[4] along the supply chain;
- Technical constraints, interfering with the processes leading to reuse; preparing for reuse or recycling; or with the functionality, usefulness, value and aesthetics of the resulting recycled materials or products for reuse (as specified in Article 5(14)). These can be "process-disturbing SoCs"[5] or "quality-disturbing SoCs"[6],

Explanation regarding how the SoC *"negatively affects the* ***RECYCLING*** *of materials in the product in which it is present".*	**Substance identification** (name, CAS, etc.)	**Type of limitation** (specify if regulatory, customer-driven, process disturbing, quality disturbing, other)

[3] Potential limitations to reuse or recycling may arise from product and waste legislation, as recycled or reused products may not be able to comply with existing requirements applicable to products placed on the market.
[4] Specific requirements from industry practice may address the presence of certain substances in products, which may not be met by reused and recycled materials. These limitations or pressures are exerted by actors of the supply chain, sometimes on behalf of the final consumer, on the waste chain actors and on the suppliers of the raw materials, and can occur even in compliance with derogations from regulatory obligations.
[5] "Process-disturbing SoCs", are substances that can disrupt the waste treatment process making the re-use, or recycling process more complicated, costly, environmentally impactful, or energy- or resource-demanding.
[6] "Quality-disturbing SoCs" are substances that reduce the (technical) quality and performance characteristics of the recyclate. These include substances that bring alterations in the mechanical, technical, chemical and physical properties of the recyclate, preventing it from achieving the desired/expected performance and therefore being taken up by the market or being able to compete with virgin alternatives.

Explanation regarding how the SoC *"negatively affects the **REUSE** of materials in the product in which it is present".*	**Substance identification** (name, CAS, etc.)	**Type of limitation** (specify if regulatory, customer-driven, process disturbing, quality disturbing, other)

Section 4. Thresholds and timeline for information requirements on SoCs

Article 7(5) of ESPR specifies that "*the Commission may, where appropriate for the product group concerned, set thresholds for when the information requirement regarding substances of concern is to apply*".

Similarly, Article 7(6) states that when setting out information requirements in a Delegated Act it shall, where relevant, "*lay down dates of application of such information requirements referred to in the first subparagraph of paragraph 5, differentiating between substances of concern where necessary*".

Do you consider that generic or specific thresholds should be set for textile apparel below which information requirements on substances of concern should not apply? In your opinion, what generic and / or specific thresholds should be set below which information requirements on substances of concern should not apply. Please justify your proposal.

The obligation to provide information on substances of concern in products within the scope of an ESPR Delegated Act applies by default to all substances of concern, without prejudice to thresholds and/or specific exemptions that may be defined. **Should differentiated dates be set on the application of this obligation, for instance for different types or categories of substances of concern, relevant to textile apparel? Please justify your proposal.**

Section 5. Exemptions from ESPR information requirements.

Stakeholders are requested to provide details on the substances of concern that are used or present in the life cycle of textile apparel and that may qualify as possible exemptions from required information requirements.

Information is requested regarding potential exemptions for substances of concern under ESPR Article 2(27) (b), (c) and (d).

The information collected from stakeholders *via* this questionnaire will be used as a starting point for addressing the relevance of setting exemptions, if any, to information requirements on substances of concern under Art. 2(27) (b), (c) or (d). Providing this feedback should by no means be interpreted as a guarantee of an exemption being taken up in the recommendations of the Preparatory Study, or in the subsequent product-specific Delegated Act. Stakeholders are invited to provide as much information as possible to justify the reasons that they see might justify deviating from the default legal obligation to provide information on the presence of SoCs in products.

According to **Art. 7(6)(b)** of the ESPR:

"where the Commission sets out information requirements in a delegated act adopted pursuant to Article 4, it shall, where relevant: [...] (b) provide duly justified exemptions for substances of concern or information elements from such information requirements referred to in the first subparagraph of paragraph 5, based on the technical feasibility or relevance of tracking substances of concern, the existence of analytical methods to detect and quantify them, the need to protect confidential business information or in other duly justified cases; substances of concern within the meaning of Article 2(27), point (a), shall not be exempted if they are present in products, their relevant components or spare parts in a concentration above 0,1 % weight by weight";

Repeat the tables below as many times necessary as required to address the specific substances for which an exemption is proposed. Different fields should be completed to the extent relevant and possible.

Substance information

Chemical substance name(s) (IUPAC[7] nomenclature, or another international name when IUPAC name is not available)	
Other name(s), including usual name, trade name, abbreviation	
EC (European Community) number[8]	
Chemical Abstract Service (CAS) name(s) and number(s) (if available)	
Current EU regulatory status State the most relevant EU or international legislation regarding the substance, in particular as relevant to	

[7] International Union of Pure and Applied Chemistry

[8] As indicated in the European Inventory of Existing Commercial Chemical Substances (EINECS), the European List of Notified Chemical Substances (ELINCS) or the No Longer Polymer (NLP) list or the number assigned by the European Chemicals Agency (ECHA), if available and appropriate

the product group concerned, and its consequences.	
Type of substance of concern according to Article 2(27) of ESPR (i.e. (b), (c) or (d)). Please specify if the substance falls under more than one type.	
If a substance of concern under Article 2(27) (b), state the harmonised classification(s) for the substance	
References to key technical / economic reports and studies relative to the substance's properties, impacts, uses and alternatives, e.g. risk assessments, analysis of alternatives, socio-economic assessments, etc. (EU or global level).	
Function of the substance in the product lifecycle (if impurity, please state [*impurity*])	
Is the substance present in the product or in its component(s)?	
If yes, state the location of the substance	
If not, state the life cycle stage in which the substance is used or present	
If the substance is present in the product or in its component(s), state the typical concentration in the final product and specific components (concentration ranges are accepted)	

Additional information with regard to possible exemptions

Technical feasibility	
Is it possible to track the substance?	
If no, state the reasons *(please explain thoroughly)*	
Relevance of tracking	
Is it relevant to track the substance?	
If yes, is it possible to provide information on all or some of the	

elements that must be disclosed by information requirements on substances of concern? (*you can find the list of elements in Art. 7(5) of ESPR – also reported at the beginning of this questionnaire*)	
If no, justify lack of relevance and indicate any obstacles to tracking the substance? *(please explain thoroughly)*	
Other reasons *(please explain thoroughly)*	
Existence of analytical methods or data to detect and/or quantify substances of concern	
Are analytical methods to detect and quantify the substance of concern currently available at sufficient commercial scale/capacity globally? *(please explain thoroughly)*	
If not, are there any obstacles to develop them or to their widespread availability? (please explain thoroughly)	
Can information about the presence of the substance of concern, that would enable meeting the information requirement, be found in Safety Data Sheets available for the mixture or its constituent substances? (please explain thoroughly)	
Is it possible to calculate/estimate the final concentration of the substance in the product, its components or spare parts, based on information from actors in the supply chain? *(please explain thoroughly)*	
Protection of confidential business information (CBI)	
If there is a need to protect CBI, is it related to intellectual property, business-related information, or other? *(please explain thoroughly)*	
What information out of the elements that must be disclosed by information requirements on substances of concern should be omitted in the interest of	

protecting CBI and why? (you can find the list of elements in Art. 7(5) of ESPR – also reported at the beginning of this questionnaire) *(please include justification and explain thoroughly)*	
Other duly justified reasons	
Please explain	

Additional question:

Do you have any additional comments or observations relative to substances, particularly substances of concern, in textile apparel in the context of the implementation of ESPR?