

NO EXCUSE FOR DESTRUCTION

RREUSE, ECOS and EEB's stance on
derogations to the apparel and
footwear destruction ban

JOINT POSITION PAPER

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RREUSE, ECOS and EEB strongly support the European Commission's goal to prohibit the destruction of unsold apparel and footwear, a critical step toward addressing overproduction and the environmental harm caused by the textile sector and its wasteful practices. Every discarded garment and piece of footwear represents precious lost resources – water, energy, raw materials, labour, craftsmanship, etc. – that exacerbate environmental degradation and climate change. Destroying unsold items contributes not only to overflowing landfills and pollution but also to the depletion of the planet's finite resources.

Considering the critical role of the proposed ban on the destruction of unsold clothing and footwear in reducing the negative environmental impact of the textile sector, we urge the Commission to significantly tighten and clarify the conditions under which derogations may apply. The current Commission's draft proposal risks creating loopholes that undermine the regulation's intent and allow continued wasteful practices by fast fashion operators.

Key Recommendations

Tighten health and safety regulations

The health and safety derogations should be more precise and strictly define the applicability of health and safety considerations to avoid companies misusing and taking advantage of any loopholes.

In particular, operators should be required to assess whether corrective actions to remedy the products' faults are technically possible. Destruction under the health and safety derogation should only be permitted when contamination is technically irreversible. If a product can be safely cleaned, destruction must not be an option. This ensures the derogation is not misused for minor or remediable issues. Furthermore, any reference to cost-effectiveness should be removed from the health and safety derogations.

Redefine cost-effectiveness to avoid rewarding unsustainable business models

The proposed cost-effectiveness criterion for allowing the destruction of returned or damaged goods is too narrow and biased toward low-margin business models. This disproportionately benefits fast fashion companies, whose practices are part of the problem the Ecodesign for Sustainable Products Regulation (ESPR) seeks to solve. The definition should consider long-term environmental and social costs, for instance, related to the waste management of the product, not just short-term financial considerations. Finally, cost-effectiveness considerations should be strictly limited to cases where the products' damage was caused during handling or detected after their return.

Prioritise repurposing and remanufacturing

Where products are deemed unfit for their original purpose, destruction should only be allowed after all technically feasible options for repair, repurposing, or remanufacturing have been exhausted. Design and manufacturing defects should not justify destruction when reuse is possible. This approach supports the waste hierarchy and circular economy goals.

Reject non-acceptance of donations as a derogation

We strongly oppose the inclusion of the derogation related to non-acceptance of products offered for donation. Allowing this derogation for clothing and footwear goes against the spirit of the ESPR and the EU Strategy for Sustainable and Circular Textile. Textiles and footwear are specifically called out in the ESPR recitals for their unnecessarily high production volumes, short use phase, and for causing significant environmental impacts.

The derogations to the ban on the destruction of unsold goods must be limited to cases where (preparing for) reuse is truly impossible. The inability to donate unsold products must not be considered a valid reason for their destruction. Prohibiting the destruction of unsold and returned goods must stimulate operators to reassess and decrease the quantities they place on the market in the first place. Companies must be held responsible for managing surplus goods, including by ensuring they are redirected to reuse channels where appropriate. Otherwise, allowing this exemption could institutionalise overproduction and further burden reuse and recycling systems. Instead, companies should be held accountable for their unsustainable business models, the strain they place on used textile and waste management systems, their environmental impact, and their role in wasting valuable resources.

Reject licensing agreements as a derogation

Products should not be destroyed due to expired licensing agreements if they are still usable. These products are in excellent condition, and destroying them should not be allowed simply because the licensing contract has expired. Companies should be required to seek alternative solutions, such as delabelling, to avoid destruction. New licensing contracts should adapt to the ESPR rather than the other way around.

Support the exclusion of environmental impact derogation

We commend the Commission's decision not to include a derogation based on environmental impact assessments. Reuse is consistently the most environmentally sound option, and introducing such a clause would risk opening the door to vague justifications for continued destruction.

Conclusion:

To deliver on the goals of the Ecodesign for Sustainable Products Regulation and the EU Strategy for Sustainable and Circular Textiles, derogations to the destruction ban must be exceptional, technically justified, and narrowly defined. This legislation must act as a clear deterrent to unsustainable production models and a catalyst for more responsible, circular business practices.

We call on the Commission to uphold the spirit of this groundbreaking legislation and ensure that any loopholes are firmly closed so that usable products are preserved, not wasted.



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