



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

## ABOUT WHITE BLACK LEGAL

*White Black Legal – The Law Journal* is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

## AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **REGULATING FAST FASHION: COMPARATIVE LEGAL RESPONSES TO ENVIRONMENTAL HARM IN THE EUROPEAN UNION AND INDIA**

AUTHORED BY - AISHWARYA VERMA

## ***Abstract***

*The rapid growth of the fast fashion industry is a notable example of global consumerism, industrial efficiency, and environmental degradation. Although financially advantageous, its high-speed production cycles and supply chains which require heavy resources, produce drastic ecological and moral impacts, such as water pollution, textile waste, carbon emissions, and labour exploitation. This paper, compares and contrasts, legal reactions to environmental harm in the European Union and India deals with the way two opposite jurisdictions tackle these effects using their legal and policy platforms.*

*The study aims at achieving four goals: to determine whether legal solutions to the environmental damage of fast fashion are presently effective; to define the loopholes in sustainability legislation domestically and internationally; to consider the accountability mechanism of a corporation; and to suggest reforms in favour of the practice of the circular economy and ethical manufacturing. The key questions are how the current systems reduce environmental degradation, how the sustainability legislation has failed, and whether policy convergence under the law can be the binding international standards.*

*The paper employs a comparative doctrinal approach founded on the qualitative policy analysis to look at statutory provisions, judicial precedence and international environmental instruments. The model developed by the European Union, which is based on the European Green Deal, Waste Framework Directive, and Corporate Sustainability Due Diligence Directive (CSDDD) can be discussed as a comprehensive strategy with the focus on the responsibility of producers and the concept of extended producer responsibility (EPR). The governance structure of India based on Environment (Protection) Act (1986), Plastic Waste Management Rules (2016), and EPR Guidelines (2022) demonstrates an increasing interest but lacks enforcement, institutional dispersion, and limitation of the informal sector.*

*The comparative analysis shows that despite the fact that the EU is more policy integrated and highly institutionalized, both regions are poor in terms of enforcement, monitoring and coordination. The progressive system in India is still crippled by a lack of regulatory coordination and corporate transparency whereas this system in the EU is a nightmare in which there are few or no member states that comply. Lack of a binding sustainability treaty is known globally as a way of corporations taking advantage of differences in regulation between production and consumption markets to continue to cause ecological damage.*

*To fill these gaps in the system, this paper offers a multi-level program of reform: a Global Sustainability Treaty under UN oversight to create binding environmental and labour standards; Mandatory Corporate Audits which would impose standardised ESG reporting; Circular Economy Integration, using incentives to recycle, reuse and eco-design; and Systemic Change Mechanisms, to encourage consumer eco-incentives, alliances, and non-compliance sanctions.*

*The study concludes that the combination of the regulatory accuracy of the EU and adaptive socio-economic strategies of India can inform the creation of the harmonious international fashion governance framework.*

**Keywords:** Fast Fashion, Environmental Law, Sustainability, Circular Economy, Corporate Environmental Responsibility.

### Introduction

Fast fashion is a production and retailing model characterized by the constant and swift production of low priced trending sensitive clothes that are developed to imitate high fashion models to target the mass market. Having appeared in the late 20th century due to the globalization of the apparel supply chains, it represents a business model, prioritizing speed, volume, and disposability.<sup>1</sup> Zara, H&M, Shein, and other brands have become the model of this trend by shortening the cycle of production to a drastic effect (several months to several weeks), allowing buyers to get the newest trends as soon as they are presented on the runways or on social media. The given accelerated system is based on the critical utilization of low labour costs and an inadequate level of worker protection as the industrial production is outsourced to the developing nations with loosely regulated economies, and these economies

promote socio-economic inequality.<sup>2</sup> Therefore, as fast fashion makes fashion accessible to everyone and keeps the world employed, it also drives unsustainable consumption habits, environmental damage as well as ethical issues that revolve around labour exploitation issues. The tension of economic balance between globalization and environmental responsibility is therefore represented by its growth, which makes the industry a crucial topic in the process of legal and policy review.

The ecological print of fast fashion is one of the biggest in the manufacturing industry across the world. It is estimated that the textile sector uses approximately 79 trillion litres of water per year, as it leads to water shortage in already weak areas.<sup>3</sup> Secondly, carbon emissions related to textile manufacturing that requires a lot of energy and transportation stretching across the globe also play a big role in climate changes around the world. In addition to the negative environmental impact, there are far-reaching effects of fast fashion in social aspects. The industry relies on low-wages labour in such nations as Bangladesh, India, and Vietnam where workers have to face unsafe working conditions, informal jobs, and poor wages.<sup>4</sup> The environmental and social crisis that it inflicts on it requires strong legal tools to hold companies accountable in transnational supply chains.

The increasing recognition of the environmental and social cost of fast fashion has led to governments and international organisations coming up with laws on sustainability. Nevertheless, jurisdictional regulatory environment is still incomplete and disproportionate. The European Union (EU) is one of the world leaders in terms of the legislative intervention that is based on the comprehensive initiatives like the European Green Deal, Circular Economy Action Plan (2020), Waste Framework Directive (2008/98/EC), and Corporate Sustainability Due Diligence Directive (CSDDD).<sup>5</sup> All these frameworks are striving to facilitate a circular production framework, enhance due diligence in corporations, and enforce the extended producer responsibility (EPR), whereby companies are held responsible to their environmental impact during the life cycle of the product. By comparison, the system of environmental governance in India is supported by the main laws such as the Environment (Protection) Act, 1986, and the Plastic Waste Management Rules, 2016, along with the more recent EPR Guidelines (2022). Although these tools indicate increased policy dedication to sustainability, India has systematic issues, including the weakness of the enforcement, ineffective regulatory capacity, and the prevalence of informal workforces.<sup>6</sup> This gap underscores the importance of comparative legal analysis to determine the impact of institutional structures that vary in terms

of institutional enforcement mechanisms on the consequences of sustainability.

## **Literature Review**

The environmental damage caused by fast fashion is now a burning topic in the sustainability and environmental law debate. The European Green Deal, Circular Economy Action Plan (2020), and Corporate Sustainability Due Diligence Directive (CSDDD) are examples of policy tools in the European Union (EU) that show that a full legal framework linking responsibility as a producer, circularity, and corporate due diligence is established.<sup>7</sup> However, the differences in enforcement in the member states continue to occur because of the differences in administrative capacity and institutional capacity.<sup>8</sup>

Conversely, the Indian environmental system, based on the Environment (Protection) Act (1986), Plastic Waste Management Rules (2016), and Extended Producer Responsibility Guidelines (2022), experiences advanced policy development but does not succeed in enforcing regulations, having multiple jurisdictions, and informal recycling networks (Narain and Krishnan, 2022). Courts Judicial activism, especially Vellore Citizens Welfare Forum v. Union of India (1996)<sup>9</sup>, has strengthened the principles of the environment which include precautionary principle and polluter-pays principle, but there are systemic gaps (Shastri, 2019).<sup>10</sup>

On the international scale, voluntary measures, such as the UN Sustainable Development Goals (SDGs) and OECD Guidelines on Multinational Enterprises promote sustainability but are not strictly enforceable.<sup>11</sup> Therefore, the comparative legal approach is required to reveal the cross jurisdictional advantages and create a global system of sustainable and ethical fashion regulation.

## **Methodology**

This is qualitative comparative legal research that combines doctrinal and policy approaches to the topic of environmental regulation of the fast fashion industry in the European Union and India. The research design will be based on the concept of finding out the impacts of legislative frameworks, institutional structures, and enforcement mechanisms on the sustainability results in these jurisdictions. The legal analysis is based on primary sources like statutory laws, judicial decisions, regulatory guidelines, and government reports, whereas the interpretation of such

analyses and the contextual setting is offered by secondary data, including academic journal articles, NGO publications, and corporate sustainability reports. The analysis uses a gap-identification mechanism to draw weaknesses within and between the two systems whereas synthesizing best practices in order to draw replicable policy insights. Through the analysis of these aspects in the context of their socio-economic and institutional realities, the methodology supports a complex conception of the approaches that developed and developing legal systems use to tackle common environmental issues. This comparative model finally offers a ground on which to make the suggestion of strategies that would lead to the convergence of international policies and the enhancement of global governance systems in favor of sustainable and ethical fashion production.

### **Fast Fashion and Sustainable Responses**

#### 1. Conceptual Framework

This research is based on the fact that sustainability, circular economy, and environmental responsibility are interrelated concepts. The world commission on environment and development (WCED, 1987) has defined sustainability as development that satisfies the current needs without derailing the future generation to satisfy theirs. Circular economy goes further and builds on this concept by facilitating the creation of closed-loop production to reduce waste through recycling, reuse, and resource efficiency.<sup>12</sup> As a fast fashion, the idea of a circular model is a challenge to the current linear take-make-dispose model that dominates the way clothes are produced worldwide.<sup>13</sup> Moreover, ethical responsibility, which is the moral support of sustainable business practice, is corporate environmental accountability or the duty of companies to report and reduce their impact on the environment.<sup>14</sup> Regulatory governance theories have emphasized the role of legal institutions to influence corporate behavior by command-and-control regulations, market-based incentives, and voluntary compliance systems.<sup>15</sup> This combination of the frameworks forms the analytical prism in which the regulatory responses of the European Union (EU) and India are studied.

#### 2. Fast Fashion and Environmental Impact

The ecological footprint of fast fashion is far reaching and multi-dimensional. The industry emits around 10 percent of the world carbon emissions and spends about 79 trillion liters of water every year.<sup>16</sup> The vigorous dyeing and finishing activities release poisonous effluents into the rivers and pollute the ecosystems and cause health hazard to the people.<sup>17</sup> Polyester-

based synthetic fibers release the microplastics during the washing process, which adds to the pollution of the marine environment.<sup>18</sup> In addition to production, excessively large amounts of textile waste are generated due to overconsumption and a short life cycle of products at times they are discarded in landfills or burned down, which emits even more.<sup>19</sup> These environmental effects are added to labor exploitation in low cost production centers like India, Bangladesh, and Vietnam where sweatshops and wage inequality are still a reality.<sup>20</sup> Therefore, fast fashion is a good example of the point of convergence of global consumerism, economic inequality, and the degradation of the environment, so it should be the central target of regulatory changes.

### 3. European Union Law and Policies

European Union (EU) is one of the most elaborate and institutionally developed environmental regulatory system across the globe. Its strategy to respond to the ecological and social effects of the fast fashion is based on the aim of becoming climate neutral and sustainable consumers within the context of the European Green Deal.<sup>21</sup> The Green Deal provides a strategic pathway to an economy that is resource efficient and pollutant free by 2050, making the notion of circularity and corporate responsibility the main attributes of the sustainability vision of the EU. This project is especially applicable to the textile and clothing industry that the EU has declared as one of the most resource demanding and the most environmentally damaging sectors.<sup>22</sup>

These ambitions are implemented via the Circular Economy Action Plan (2020)<sup>23</sup> in a focused EU Strategy on Sustainable and Circular Textiles.<sup>24</sup> This plan aims at ensuring that all textile products that will be on the EU market are durable, repairable and recyclable by the year 2030 and the requirement will be to reduce waste materials to a minimum and decrease reliance on virgin materials. It equally enhances the producer responsibility by integrating the principle of the Extended Producer Responsibility (EPR) concept as stated in the Waste Framework Directive (2008/98/EC). In this provision, the manufacturers have the legal liability to manage the end-of-life of their products such as collection, recycling, and disposal.<sup>25</sup>

Moreover, the Corporate Sustainability Due Diligence Directive (CSDDD) is an achievement in corporate governance. It imposes legal binding on EU based businesses, and some of the non-EU based businesses that are involved in operations in the internal market, to clearly define, avert and lessen the negative environmental and human rights effects in their global value chains.<sup>26</sup> This directive makes environmental and social accountability the direct part of

corporate law, which overcomes the historical gap between voluntary corporate social responsibility (CSR) and any legal duties.<sup>27</sup>

Nevertheless, the EU has a complex legal framework, but its implementation has continued to be a problem. Inconsistent application is caused by divergent administrative capacity, differences in national priorities and differing interpretations of EU directives by member states.<sup>28</sup> As an illustration, the countries like Germany, Sweden, and the Netherlands have introduced strict EPR initiatives in textile, though, other countries are lagging behind based on financial and institutional barriers.<sup>29</sup> In addition to this, the fact that transnational supply chains, most of which cross EU boundaries, makes it complex to trace them restricts EU capability to enforce total compliance. However, the regulatory framework within the EU continues to be an international model of how to incorporate the concept of sustainability in trade, corporate and environmental governance and can be a good example of what developing economies like India can learn.

#### 4. Legal and Policy Frameworks in India

The strategy that India applies to managing environmental impacts of fast fashion is influenced by the fact that the country has a dual identity of being a large textile exporter and a developing economy with socio-economic limitations. Environment (Protection) Act, 1986 is the umbrella law of the environmental regulation of India. Based on the Bhopal Gas Tragedy, which occurred right before its enactment, the central government can now take extensive measures to safeguard the environment and improve its quality and avoid any threats to human health.<sup>30</sup> Within this legislative framework, the government has enacted a host of provisions in the form of sector-specific regulations, such as the Plastic Waste Management Rules (2016), the E-Waste Management Rules (2016), which introduces the concept of Extended Producer Responsibility (EPR) a position now applied to textile producers under the EPR Guidelines (2022).<sup>31</sup>

The judiciary in India has been a leader in promoting environmental jurisprudence and in many cases, its courts have balanced the inadequacy on regulatory enforcement by judicial activism. The Vellore Citizens Welfare Forum v. Union of India (1996)<sup>32</sup> landmark decisions the major environmental concepts, such as the precautionary principle, the polluter pays, and sustainable development, were institutionalized and incorporated into the Indian constitutional legislation (Shastri, 2019)<sup>33</sup>. Similarly, in M.C. Mehta v. Union of India (2001)<sup>34</sup> according to the Supreme Court, the state has a responsibility to conserve the environment under Article 21 of Indian

Constitution and environmental protection is a basic right. These judicial statements have provided the legal basis to charge the public authorities and industries to suffer ecological damages.

Nevertheless, the enforcement processes in India are still weak even though the laws and progressive jurisprudence are in place. The presence of several regulatory institutions, which include the Central Pollution Control Board (CPCB), the State Pollution Control Boards (SPCBs), and different ministries can often be accompanied by overlapping jurisdictions and inefficiency in administration (Sarkar, 2020).<sup>35</sup> Informal recycling sector that prevails over the textile and plastic waste management never has official recognition and technical capability, thus ends up with unregulated labor practices and environmental pollution.<sup>36</sup> Moreover, the high dependence of the fast fashion industry on inexpensive labor and insufficient oversight systems helps to aggravate the problem of labor exploitation and environmental disregard.<sup>37</sup> However, the recent change of policies indicates the increased political and corporate recognition of sustainability requirements. The involvement in the global efforts to combat climate change through the United Nations Framework Convention on Climate Change (UNFCCC) and its adherence to the LiFE Mission (Lifestyle for Environment) are indicative with the principles of a circular economy in India (Government of India, 2022). Nonetheless, there is an issue of trying to translate this commitment into enforceable and coherent environmental governance, which is still underway. When compared to the EU legal framework, the Indian one seems reactive and fragmented, as compared to the preventive and integrated approach, which makes the institutional reinforcement and the coordination of the regulations across the borders necessary.

## 5. International Legal Environment

On the global level, the regulation of environmental and social problems in the fast fashion sector is voluntary and rather fragmented. International policies like the United Nations Sustainable Development Goals (SDGs) - SDG 12 on responsible consumption and production and SDG 13 on climate action are normative in their nature and do not have legally binding means of implementation (UNEP, 2020).<sup>38</sup> The Paris Climate Agreement (2015) also follows the same principle of nationally determined contributions (NDCs), in which it is not mandatory but flexible to industries such as textile and apparel (UNFCCC, 2015).

Due diligence in multinational corporations operating at the border is described by the OECD

Guidelines for Multinational Enterprises (2011) and the UN Guiding Principles on Business and Human Rights (2011) which promotes responsible business practices and transparency in the company. Nonetheless, those tools are called soft law and imply that their compliance is voluntary based on corporate obligation, but not mandatory and legally binding.<sup>39</sup> This voluntariness enables corporations especially large fashion conglomerates to use jurisdictional differences and offshore production to jurisdictions with weaker environmental and labor regulations, and redistribute ecological costs.<sup>40</sup>

Lacking a binding international treaty on the regulation of sustainable fashion has left a bad governance gap where ethical production, labor rights and environmental protection rely on the piece meal national frameworks. The work done by the United Nations Environment Programme (UNEP) and the Fashion Industry Charter for Climate Action (2018) are significant strides in the collective responsibility but not everyone is involved, and there is a lack of monitoring systems (UNEP, 2020). Researchers believe that Global Sustainability Treaty, which would be managed by the UN, should be established to develop universal environmental and labor standards, backed by international sanctions against violations.

This makes comparative legal inquiry, including this study, crucial in order to discover the best practices, reveal institutional frailties, and enhance convergence towards global sustainability governance. Through an analysis of EU and India negotiating their legal obligations in dealing with environmental issues in fast fashion.

### **Comparative Legal Analysis**

The comparative legal study of the European Union (EU) and India shows that there are two opposite but complementary methods of environmental harm regulation of the fast fashion industry. The EU is a top-down institutionally consistent model, where sustainability is integrated within the legislative and corporate frameworks, whereas India is a bottom-up progressive yet limited by enforcement abilities and socio-economic reality, which are in the process of development.<sup>41</sup>

The legal framework of the EU, which is designed based on the European Green Deal, Circular Economy Action Plan (2020), and Corporate Sustainability Due Diligence Directive (CSDDD), is an example of the policy maturity. These tools formalize Extended Producer Responsibility

(EPR), which obligates the producers to have a financial and organizational implication of dealing with the textile waste.<sup>42</sup> Countries such as France and Sweden have now codified them into national legislation, with France-based law of Anti-Waste and Circular Economy Law (2020) prohibiting the destruction of unsold garments and introducing eco-design requirements, and Sweden offering tax credit incentives on clothing repair to increase the lifespan of products.<sup>43</sup> Nevertheless, even in the EU, the disparity between the policy ambition and consistency is still present with a great gap in how national implementation is done as administrative capacity and market pressures differ across countries and regions (European Commission, 2023)<sup>44</sup>.

On the other hand, the structure of India indicates a young yet disjointed regulatory ecosystem. All three acts (Environment (Protection) Act (1986), Plastic Waste Management Rules (2016), and EPR Guidelines (2022) focus on regulating the production of waste and contamination of the environment. Nonetheless, the implementation is ineffective because of overlapping jurisdictions between regulatory authorities and weak institutional surveillance.<sup>45</sup> Though judicial interventions, e.g. *Vellore Citizens Welfare Forum v. Union of India* (1996), it has entrenched environmental concepts such as polluter-pays and precautionary approach, but these principles tend to be non-systematic and not well-established (Shastri, 2019).<sup>46</sup> Moreover, the prevalence of informal recycling industries (which employed a considerable portion of textile waste) makes it hard to regulate them, as well as compromises the formal adherence (Dutta, 2019).<sup>47</sup>

Corporatively speaking, due diligence requirements that are mandatory within the framework of the CSDDD of the EU are far more opposite to those of the Corporate Social Responsibility (CSR) system in India, which, although mandatory due to the Companies Act (2013), is not transformative but, instead, philanthropic.<sup>48</sup> European companies incorporate the environmental, social, and governance (ESG) indicators as part of their core reporting, and Indian companies tend to regard sustainability as a marginal aspect of business success.

The separation becomes more economic and cultural. The consumer market of the EU is becoming more concerned with sustainability, which makes demand-driven compliance possible, and the Indian market is price-sensitive, which supports the low-cost production model of fast fashion.<sup>49</sup> This imbalance enables transnational brands to take advantage of the loopholes in jurisdiction, such as producing in India where fewer rules are followed and selling

sustainability in Europe.<sup>50</sup>

Finally, regulatory coherency and enforceability is the significant cross-jurisdictional gap. The issue of the EU is to align the enforcement among member countries, and that of India is institutional coordination and infrastructure. The solution to those differences should be a world sustainability accord or collaborative legal framework under UN auspices to harmonize environmental standards, reinforce cross-border responsibility, and bring the fast fashion sector to meet ethical and ecological requirements.

### **Observations**

#### European Union

The recent policy package on textiles of the EU (the EU Strategy for Sustainable and Circular Textiles along with the associated measures, including the Corporate Sustainability Reporting Directive (CSRD), new eco-design regulations on textiles, and more stringent green claims regulations) is the most ambitious regulatory effort at tackling the harms associated with fast-fashion throughout the product lifecycle. These measures will extend regulatory control over downstream waste management upward to design, labelling and corporate disclosure of products manufacturers and large vendors will have a mandatory sustainability report, product-level requirements and digital tagging, designed to enhance repairability, recyclability and, in most cases, to prohibit destroying unsold clothing. The combination significantly enlarges the legal tools that can be used to focus on the fast-fashion externalities (waste, emissions, hazardous chemical use) historically dependent to a significant extent on voluntary industry programmes.

#### India

The regulatory reaction of India is at another end of the spectrum. India has increasingly enhanced sustainability and reporting frameworks on corporates (e.g. Brief Responsibility / Sustainability Reporting framework by SEBI and emerging BRSR practices) and the Extended Producer Responsibility (EPR) model of some waste streams. There is absence of harmonized international sustainability laws and structural gaps (both jurisdictions). The structural weakness of both jurisdictions may be summarized as

- 1) regulatory fragmentation among instruments (consumer law, waste/EPR, product safety, chemical controls, corporate disclosure) that can create loopholes that are

exploited by complicated international supply chains;

- 2) a lack of coverage of small and informal producers - a major concern in India since the informal base of Indian textile manufacturing is so large; and
- 3) a lack of tools to control carbon-intensive inputs and scope-3 emissions throughout long international supply chains.

According to OECD and civil-society reports, it is challenging to harmonize the rules of EPR and products design with on-the-ground systems of sorting, recycling, and reuse, particularly where the infrastructure of collection and recycling is undeveloped.

EU has established effective rulebooks but national implementation is variable and supervision organs have complained of personnel and skills deficits to crack down on greenwashing and complicated supply-chain violations; this creates unbalanced deterring. India has multi-layered governance (central + states) as a factor in creating enforcement gaps and the presence of the informal sector makes uniform inspections, traceability and producer obligations more challenging. Where agencies have a shortage of staff, data or definite penalties, strong brands may use voluntary schemes or cross-jurisdictional sourcing to bring risk outward. The textile sustainability lacks a unitary worldwide legal framework; rather, a patchwork of nation/regional regulations, voluntary regulations and buyer guidelines governs the industry. This lack of convergence adds complexity to compliance of multinational brands and opens up opportunities in regulation arbitrage (i.e. relocating production to less regulated jurisdictions). To prevent the transfer of impacts across borders, analysts and multilateral reports thus recommend the use of harmonized tools (common minimum standards on product durability, transparency demands, and global EPR principles) to prevent simply moving around the impacts.

### **Policy Recommendations**

The creation of global standards is a fundamental aspect of e-learning, defined as the capacity to create standards that are applicable across the globe (Kaplan, 2003).

#### 1. Global Standards

##### A. Treaty on global sustainability

An intergovernmental treaty on global sustainable textiles produced and consumed. The UN-led Global Sustainability Treaty would establish a legally binding global model of sustainable textile production and consumption (e.g., the Paris Agreement, Basel Convention on Hazardous

Wastes). The present state of affairs is that textile manufacturing is regulated by a hodgepodge of national legislations, voluntary regulations, and industry standards. The discrepancy allows regulatory arbitrage brands relocate their manufacturing to jurisdictions with weaker regulations (e.g. lax chemistry/worker laws).

A global treaty could establish minimum environmental regulations in the emission, water, and chemical utilization, and waste disposal throughout the textile lifecycle. Embed binding labor rights which were in line with the International Labour Organization (ILO) conventions, which focused on exploitation in supply chains. Create international surveillance and yearly sustainability accounts provided to the UN Environment Programme (UNEP) and the UN Alliance to Sustainable Fashion. Establish an accountability measure through a compliance and sanctioning system.

#### B. Certification Systems and Eco-labeling that is harmonized

Eco-labels pass environmental and ethical performance information to consumers - however, there are more than 460 textile certifications in the world (GOTS, OEKO-TEX, Bluesign, etc.), which confuses consumers and divides the market.

Harmonized international system would implement one benchmarked label, where sustainability measures (i.e., carbon intensity, chemical use, and durability) have a similar value. Be credibly audited by qualified auditors and increase credibility and eliminate greenwashing. Minimize compliance expenses of multinational manufacturers in different markets. The Green Claims Directive of the EU (2024) is a precedent in the sense that it entails having evidence to prove all environmental claims and prohibits ambiguous or misleading terms.

## 2. Mandatory Audits

### A. Law-Compliant ESG Reporting and Occasional Environmental Audits

Voluntary ESG (Environmental, Social, Governance) reporting has resulted in inconsistency of data and selective reporting. A change towards legally binding sustainability audits is the key to transparency and comparability in the industry. EU Corporate Sustainability Reporting Directive (CSRD) (2023) compels businesses to report on the environmental and labor practices, as well as governance risks, with the same EU Sustainability Reporting Standards (ESRS). The Business Responsibility and Sustainability Reporting (BRSR) framework (2023) is a regional model that mandates the leading listed companies to report verified sustainability

disclosures in India. Compliance on environmental matters (e.g. emissions, water use, and chemical safety) would be audited on a periodic basis, preferably by third party accredited auditors. This creates corporate responsibility and allows the imposition of penalties by the regulators on misreporting.

#### B. Public Disclosure on Public Disclosure Platforms

A publicly available transparency portal that would put together ESG and audit information would enable citizens, investors and watchdogs to track the performance. This is a reflection of the European Single Access Point (ESAP) of the EU, which is a database where sustainability reports of all listed companies will be archived and made available.

Such systems avoid greenwashing by allowing third parties to examine it. Bring about discipline by the investors because they can impact the stocks with gathered open information. Give the civil society and NGOs the means of self-checking.

#### 3. Circular Economy Integration

Legislations which promote reuse, recycling, upcycling, and design to last. A waste of more than 92 million tonnes is produced in the textile industry every year (UNEP, 2023). In response, the countries may enact Extended Producer Responsibility (EPR) - which mandates that brands return, recycle or properly dispose old clothes. The Ecodesign for Sustainable Products Regulation (ESPR) (2024) proposed by the EU requires the design to be repairable, recyclable, and to have product passports that are traceable.

Policies could include:

New textile quotas on mandatory recycled content.

Prohibition of wastage of clothes that are not sold (implemented in France, suggested in the EU).

Recycling that is backed by digital product tagging.

#### 4. Tax Credits on Sustainable Innovation

Green innovation and circular practices could be fastened by fiscal incentives. Governments can:

Provide tax incentives on investment in recycling technologies, renewable energy or biodegradable materials.

Use the low VAT on repair jobs, ecological fabrics or rental outfits (as they did in Sweden and France).

Develop Green Innovation Funds to assist SMEs to switch to circular business models.

These kinds of incentives internalize environmental costs, and a transition is made to the low-carbon, resource-efficient textile economy.

## 5. Driving Systemic Change

### A. Consumer Incentives: Environmental Labeling and Sustainable Buy Rewards

Using the consumers, it is them who dictate the direction of the market. To change consumption trends:

Governments can add tax rebates or loyalty programs on sustainable purchases in the form of eco-labels.

The retailers would have a chance to provide the deposit-return programs on used garments.

The effects of sustainable fashion and waste of textile can be raised through national education campaigns.

This element of behavior change is critical towards demand transformation, which is in addition to regulatory and corporate transformation.

### B. Multi-Stakeholder Collaboration: Corporations, Governments and Non-Governmental Organizations

Radical change should be integrated. Governments offer legal frameworks, corporations are those which promote innovation and compliance, NGOs and academia hold corporations accountable and advocate.

The example of the UN Alliance of Sustainable Fashion is an example of this multi-stakeholder approach as it combines UN agencies, independent forces, as well as civil society to increase the implementation of a circular textile strategy.

Tripartite partnerships will be able to strengthen:

The collective information systems and repositories of best practices. Projects on co-financed innovation in textile waste management.

Surveillance and capacity-building of developing economies.

### C. Enhanced Implementation: International Surveillance and Sanctions

The greatest policies do nothing without implementation. Textile supply chains across jurisdictions in the world need oversight across borders and fines associated with trade.

Proposals include:

Lifecycle, material origin, and empowerment of digital product passports tracking. WTO/UN International Textile Compliance Authority.

Trade restrictions or prohibitions of imports of products that do not meet sustainability requirements (based on the EU Deforestation Regulation 2024).

These tools help to provide consistency in enforcing and prevent brands to outsource environmental damage.

## 6. Synthesis

A multi-layered model is created by these policy actions. International congruence through a sustainability accord. Audits and transparency in the corporation. Incentives of circular economy redesigning production. Systemic and behavioral reform by means of consumers, partnership, and enforcement. The pillars are complementary to each other taking the fashion and textile industry a step closer to a truly sustainable, transparent and closed global economy.

## **Conclusion**

The European Union (EU) and Indian comparative analysis shows two divergent, but convergent ways of regulating the environmental and social effects of fast fashion. The sustainability of the product design and waste management are incorporated in the lifecycle based model of the EU, which is anchored on EU Strategy of Sustainable and Circular Textiles, Corporate Sustainability Reporting Directive (CSRD) and future Ecodesign rules. It fosters circularity, transparency, and accountability, but the implementation is different in member states. The changing structure of India, with Business Responsibility and Sustainability Reporting (BRSR) system and initial Extended Producer Responsibility (EPR) initiatives, is an indicator of increased dedication which is still limited by disjointed regulation, lax enforcement, and a high informal manufacturing sector. The jurisdictions experience shared problems, including the lack of supply-chain visibility, asymmetrical lives, and the absence of international harmony, which hinder a steady improvement. To combat these missing links, an international system of coordination, perhaps by UN-led eco-sustainability treaty, synchronized eco-labeling, and common standards of monitoring so that no loopholes are created in regulations. Finally, sustainable fashion governance requires the convergence of law requirements, economic incentives and social transformation - the transformation of the global textile industry changing its linear, high-waste paradigm to a circular, transparent, and fair one.

- <sup>1</sup> Joy, Annamma et al., Fast Fashion, Sustainability, and the Ethical Appeal of Luxury Brands, 23 *Fashion Theory* 273 (2012).
- <sup>2</sup> Niinimäki, Kirsi et al., The Environmental Price of Fast Fashion, 9 *Nature Reviews Earth & Environment* 189 (2020).
- <sup>3</sup> Ellen MacArthur Found., *A New Textiles Economy: Redesigning Fashion's Future* (2017).
- <sup>4</sup> Kozłowski, Anika et al., Corporate Sustainability Reporting in the Apparel Industry, 38 *Journal of Fashion Marketing & Management* 377 (2019).
- <sup>5</sup> European Comm'n, *Report on the Implementation of EU Environmental Law*, COM (2023).
- <sup>6</sup> Narain, Sunita & Krishnan, R., India's Environmental Governance and Enforcement Deficit, 57 *Economic & Political Weekly* 45 (2022).
- <sup>7</sup> Steurer, Reinhard, Sustainable Development Strategies and EU Governance, 30 *European Journal of Sustainable Development* 221 (2021).
- <sup>8</sup> Ibid.
- <sup>9</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).
- <sup>10</sup> Shastri, Satish C., Environmental Jurisprudence in India, 61 *Journal of the Indian Law Institute* 97 (2019).
- <sup>11</sup> U.N. Env't Programme, *Sustainability and Circularity in the Textile Value Chain* (2020).
- <sup>12</sup> Geissdoerfer, Martin et al., The Circular Economy – A New Sustainability Paradigm?, 143 *Journal of Cleaner Production* 757 (2017).<sup>13</sup> Fletcher, Kate, *Sustainable Fashion and Textiles: Design Journeys* (2d ed. 2013).
- <sup>14</sup> Gray, Rob et al., *Accounting and Accountability: Changes and Challenges in Corporate Social and Environmental Reporting* (1996).
- <sup>15</sup> Gunningham, Neil & Sinclair, Darren, Leaders and Laggards: Next-Generation Environmental Regulation, 30 *Business Strategy & the Environment* 291 (2002).
- <sup>16</sup> Ellen MacArthur Found., *A New Textiles Economy: Redesigning Fashion's Future* (2017).
- <sup>17</sup> Kant, Rita, Textile Dyeing Industry an Environmental Hazard, 4 *Natural Science* 22 (2012).
- <sup>18</sup> Napper, Imogen E. & Thompson, Richard C., Release of Synthetic Microplastic Plastic Fibres from Domestic Washing Machines, 112 *Marine Pollution Bulletin* 39 (2016).
- <sup>19</sup> Niinimäki, Kirsi et al., The Environmental Price of Fast Fashion, 9 *Nature Reviews Earth & Environment* 189 (2020).
- <sup>20</sup> Kozłowski, Anika et al., Corporate Sustainability Reporting in the Apparel Industry, 38 *Journal of Fashion Marketing & Management* 377 (2019).
- <sup>21</sup> European Comm'n, *The European Green Deal*, COM (2019).
- <sup>22</sup> European Env't Agency, *Textiles and the Environment: The Role of Design in Europe's Circular Economy* (2022).
- <sup>23</sup> European Comm'n, *A New Circular Economy Action Plan for a Cleaner and More Competitive Europe*, COM (2020).
- <sup>24</sup> European Comm'n, *EU Strategy for Sustainable and Circular Textiles*, COM (2022).
- <sup>25</sup> Tracey Crosbie & Ann Jopson, Extended Producer Responsibility and the Textile Sector: Legal and Policy Challenges, 33 *J. Env't L.* 165 (2020).
- <sup>26</sup> Steurer, Reinhard, Mandatory CSR and Due Diligence in the EU, 30 *European Journal of Sustainable Development* 221 (2021).
- <sup>27</sup> Backer, Larry Catá, From Corporate Social Responsibility to Corporate Sustainability Due Diligence, 45 *University of Pennsylvania Journal of International Law* 1 (2023).
- <sup>28</sup> European Comm'n, *Report on the Implementation of EU Environmental Law*, COM (2023).
- <sup>29</sup> Sandin, Gustav & Peters, Greg M., Environmental Impact of Textile Recycling, 184 *Journal of Cleaner Production* 353 (2018).
- <sup>30</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* 45–48 (3d ed. 2021).
- <sup>31</sup> Narain, Sunita & Krishnan, R., India's Environmental Governance and Enforcement Deficit, 57 *Economic & Political Weekly* 45 (2022).
- <sup>32</sup> Ibid.
- <sup>33</sup> Ibid.
- <sup>34</sup> *M.C. Mehta v. Union of India*, (2001) 4 S.C.C. 577 (India).
- <sup>35</sup> Sarkar, Sudipta, Environmental Regulation and Institutional Fragmentation in India, 12 *Indian Journal of Public Administration* 311 (2020).
- <sup>36</sup> Jain, Nitin & Bhatia, Richa, Informal Waste Management and Environmental Risk in India, 44 *Journal of Environmental Policy & Law* 87 (2021).
- <sup>37</sup> Dutta, Mohan J., Globalization, Labour Exploitation and the Indian Textile Sector, 53 *Journal of Developing Societies* 215 (2019).
- <sup>38</sup> U.N. Env't Programme, *Sustainability and Circularity in the Textile Value Chain* (2020).

<sup>39</sup> Magnus Boström & Michele Micheletti, *Introducing the Sustainability Challenge of Textiles and Clothing*, 23 *J. Consumer Pol'y* 367 (2016).

<sup>40</sup> Rachel Bick, Ericka Halsey & Christina C. Eckhardt, *The Global Environmental Injustice of Fast Fashion*, 92 *Envtl. Res. Letters* 1 (2018).

<sup>41</sup> Kiran Khurana, *Environmental Regulation, Development, and Enforcement: A Comparative Study of the European Union and India*, 14 *Indian J. L. & Env't* 201 (2021).

<sup>42</sup> Reinhard Steurer, 30 *Eur. J. Sustainable Dev.* 221 (2021).

<sup>43</sup> Palm, Jenny et al., *Repair, Reuse and Circular Consumption*, 27 *Journal of Cleaner Production* 102 (2021).

<sup>44</sup> *Ibid.*

<sup>45</sup> Sunita Narain & R. Krishnan, *India's Environmental Governance and Enforcement Deficit*, 57 *Econ. & Pol. Wkly.* 45 (2022).

<sup>46</sup> *Ibid.*

<sup>47</sup> Dutta, Mohan J., *Globalization, Labour Exploitation and the Indian Textile Sector*, 53 *Journal of Developing Societies* 215 (2019).

<sup>48</sup> Madhav Khosla, *Corporate Social Responsibility in India: A Legal Critique*, 12 *Nat'l L. Sch. India Rev.* 1 (2020).

<sup>49</sup> *Ibid.*

<sup>50</sup> Magnus Boström & Michele Micheletti, *Introducing the Sustainability Challenge of Textiles and Clothing*, 23 *J. Consumer Pol'y* 367 (2016).

