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COVER NOTE

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| From: | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 3 July 2025 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2025) 388 final |
| Subject: | COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (targeted revision of the Waste Framework Directive) |

Delegations will find attached document COM(2025) 388 final.

Encl.: COM(2025) 388 final



EUROPEAN
COMMISSION

Brussels, 3.7.2025
COM(2025) 388 final

2023/0234 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Directive of the European Parliament and of
the Council amending Directive 2008/98/EC on waste (targeted revision of the Waste
Framework Directive)**

(Text with EEA relevance)

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(Text with EEA relevance)

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 5 July 2023.
(document COM(2023) 420 final – 2023/0234 COD):

Date of the opinion of the European Economic and Social Committee: 25 October 2023.

Date of the position of the European Parliament, first reading: 13 March 2024.

Date of transmission of the amended proposal: N.A.

Date of adoption of the position of the Council: 23 June 2025.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The objective of the Commission proposal is to revise the Waste Framework Directive (WFD) to introduce measures to reduce the environmental and climate impacts associated with food waste generation and textiles waste management, in line with the waste hierarchy.

For food waste prevention, the specific objective is to establish binding targets for Member States to reduce food waste amounts by end of 2030 at national level, in comparison to the amount generated in 2020, to contribute towards Sustainable Development Goal Target 12.3 ‘to halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses by 2030’¹.

For textiles, the specific objectives are to: (i) introduce mandatory extended producer responsibility (EPR) for textiles, (ii) introduce general rules for the management of used textile and textile waste; and (iii) tackle illegal shipment of textile waste.

¹ <https://sdgs.un.org/2030agenda> (see Target 12.3)

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 18 February 2025. The Commission supports this agreement, the main points of which are set out below.

For food waste reduction

- **On the level of food waste reduction targets** (Article 9a(4), points (a) and (b)): the European Parliament and the Council accepted the Commission's proposed levels for food waste reduction targets.
- **On the reference year** (Article 9a(4), points (a) and (b) and Article 9a(5)): the European Parliament and the Council agreed to use the annual average between 2021 and 2023 as point of reference for food waste reduction, with the possibility for Member States to use an earlier reference year, before 2021.
- **On the correction factor for tourism** (Article 9a(5a)): the co-legislators agreed to establish a correction factor to account for tourism flow fluctuations.
- **On the review clause by 31 December 2027** (Article 9a(7)): the European Parliament and the Council agreed on broadening the scope of the review clause on food waste reduction targets, to further include an assessment of (a) the feasibility of setting food waste reduction targets for 2035; (b) appropriate levers to reduce food waste and losses in primary production and, (c) the impact of changes in food production levels on the achievement of food waste reduction targets.
- **On food donation** (Article 9a(1) second subparagraph, last sentence): the European Parliament and the Council agreed to maintain a voluntary approach on food donation whilst requiring Member States to take measures to ensure that economic operators who have a significant role in preventing and generating food waste (as identified by each Member State) propose donation agreements with food banks and other redistribution organisations.

For textiles:

- **On the inclusion of microenterprises in the definition of 'producers'**: the European Parliament and the Council agreed to include microenterprises in the scope of EPR by modifying the definition of producers initially proposed by the Commission. In line with Commission priorities, important mitigation measures were introduced to avoid creating excessive additional administrative burdens for small economic operators. The European Parliament and the Council agreed with a gradual phase-in of microenterprises that should be included only at a later stage in the definition of 'producers', by setting a delay of 12-months after the deadline for establishing the EPR schemes (overall by 42 months after the entry into force of the amending directive). The European Parliament and the Council also agreed to have reduced and simplified reporting obligations for microenterprises, e.g. by reporting only the products they made available on the market of a Member State for the first time on an annual basis. Finally, a recital was included indicating that the financial contribution for such organisations should take into account the volume of textiles made available on the market. This compromise broadens EPR coverage while ensuring proportionate reporting obligations and financial contributions for microenterprises to maintain fair market conditions and avoid unintended barriers to entry for such smaller operators.

- **On the eco-modulation of EPR fees:** the co-legislators agreed to provide Member States with the possibility of modulating the EPR fees based on ultra-fast and fast fashion practices, in addition to the sustainability criteria to be defined under the Ecodesign for Sustainable Products Regulation (ESPR). The European Parliament and the Council agreed that the criteria for modulating financial contributions based on producers' practices, such as ultra-fast fashion and fast fashion, will be laid down in the Commission implementing acts already planned to define the eco-modulation criteria according to the ESPR delegated acts.
- **On the change of definition of 'making available on the market':** the European Parliament and the Council agreed to replace the original definition of 'making available on the Union market' with the definition of 'making available on the market of a Member State'. The Council and Parliament agreed to include a recital, which refers to the Union (EU) market, to clarify that payments of EPR fees in more than one Member State related to one product should be avoided.
- **Timeframe for transposing the Directive:** The European Parliament and the Council agreed to a transposition within 20 months (instead of 18 months, as provided for in the Commission proposal) from the entry into force of the amending Directive. As per the establishment of EPR schemes, the European Parliament and the Council maintained the deadline of 30 months from the entry into force of the amending Directive. This period is aimed to ensure that sufficient time is provided to Member States to transpose the amending Directive without postponing the establishing the EPR schemes.
- **On online platforms and EPR obligations:** the European Parliament and the Council agreed to include a recital clarifying the obligations applicable to online platform providers under Regulation (EU) 2022/2065 (Digital Services Act - DSA) in relation to EPR obligations. The compromise text also clarifies that the obligations under the WFD need to be consistent with the DSA.
- **Inclusion of evaluations and review clauses:** The European Parliament and the Council agreed to include evaluations of the WFD and Landfill Directive by 31 December 2029, including three review clauses to assess: (1) the financial capability of the textile EPR schemes; (2) the possibility of setting collection, reuse and recycling targets for textiles; and (3) the possibility of pre-sorting mixed municipal waste before its disposal. The compromise text provides the Commission with sufficient time to collect data for related to EPR schemes to be assessed in the review clauses.

4. CONCLUSION

The Commission supports the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading