

Brussels, 13 March 2025
(OR. en)

6972/25

Interinstitutional File:
2023/0234(COD)

LIMITE

ENV 144
COMPET 144
SAN 86
MI 135
IND 70
CONSOM 39
ENT 32
FOOD 14
AGRI 92
CODEC 239

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	5891/25
No. Cion doc.:	11624/23 + ADD 1 – COM(2023) 420 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/98/EC on waste - Analysis of the final compromise text with a view to an agreement

I. INTRODUCTION

1. On 5 July 2023, the Commission submitted a proposal for a targeted amendment of Directive 2008/98/EC (hereafter: Waste Framework Directive), focusing on waste prevention and management in two resource intensive sectors: textiles and food. The proposal, part of the deliverables of the European Green Deal, builds upon the Commission's initiatives such as the Circular Economy Action Plan, the Farm to Fork Strategy and the EU Strategy for Sustainable and Circular Textiles.

2. In the European Parliament, the file was referred to the Committee on the Environment, Public Health and Food Safety (ENVI), which appointed Anna Zalewska (ECR) as the rapporteur. The ENVI Committee voted on its report on 14 February 2024. The European Parliament adopted its position, with further changes, in plenary on 13 March 2024.
3. The European Economic and Social Committee delivered its opinion on 25 October 2023.
4. The Commission presented its legislative proposal and the accompanying impact assessment at the Working Party on the Environment (WPE) on 12 July 2023. The WPE continued to examine the proposal in a total of eight meetings. The Council (Environment) of 25 March 2024 held a policy debate on the abovementioned proposal on the basis of a background document¹ prepared by the Presidency. The Council adopted its General Approach² on 17 June 2024.
5. The interinstitutional negotiations started with the first trilogue on 22 October 2024. Following twelve interinstitutional technical meetings, the second trilogue took place on 18 February 2025 for which the Committee of Permanent Representatives on a revised mandate on 12 February 2025³. The Committee was debriefed on the outcome of the trilogue on 26 February 2025.
6. With a view to agreement on the amendment to the Waste Framework Directive in an early second reading between the Council and the European Parliament, the Presidency submits to the Committee the outcome of the final trilogue on 18 February 2025 in a consolidated text of the draft Directive.

¹ 7725/24.

² 11300/24.

³ 5891/25.

II. ANALYSIS OF THE FINAL COMPROMISE TEXT WITH A VIEW TO AGREEMENT

7. The main elements of the provisional agreement reached during the trilogue of 18 February 2025 are set out below.
8. With regards to food waste, the provisional agreement includes:
 - i. Food donation (Art. 9a(1)) is introduced as an important aspect of reducing food waste; however, without obliging producers to donate unsold food as per the Council position.
 - ii. With regards to the food waste reduction targets (Art. 9a(4)(a) and (b)), the provisional agreement maintains the levels from the Council mandate. The reference period for calculation the of the targets, as provisionally agreed, is the annual average between 2021 and 2023 to avoid using year 2020 when food waste generation was significantly impacted by the COVID pandemic. However, the flexibility to use a pre-2021 year is provided where representative data and methodology are available (Art. 9a(5)).
 - iii. The correction factor to account for tourism (Art. 9a(5a)) is maintained as per the Council's position.
 - iv. The correction factor for production levels (Art. 9a(7)(c)) is reflected in the food waste review clause as an assessment of the impact of changes in food production levels on the achievability of food waste reduction targets.
 - v. Assessing the primary production's role (Art. 9a(7)(a)) in reducing food waste is included in the food waste review as per the Council mandate.
 - vi. The review of the food waste reduction targets for 2030, set for 31 December 2027, has been agreed as per the Council mandate (Art. 9a(7)). The provisional agreement also includes the assessment of reduction targets specifically for 2035 in the 2027 review, without pre-judging the review's outcome (Art. 9a(7)(b)).

9. With regards to waste textile, the provisional agreement includes:

- i. The 'making available on the market' definition (Art. 3(4c)) is maintained as in the Council General Approach.
- ii. Regarding the 'producer' definition (Art. 3(4b)) and microenterprises, the provisional agreement ensures the inclusion of microenterprises and postpones the applicability of the obligations laid out in the Directive for microenterprises by 12 months after the establishment of the Extended Producer Responsibility schemes (Art. 41).
- iii. Concerning the provisions targeting fast fashion practices (Art. 22c(3a)), the provisional agreement remains close to the General Approach as the text maintains the possibility for Member States to address ultra-fast and fast fashion practices when modulating the fee for the Extended Producer Responsibility. In addition to the criteria set forth in Art. 22c(3a), recital (40) specifies the criteria further.
- iv. The implementation deadline for establishing the Extended Producer Responsibility schemes (Art. 22a(8)) is maintained at 30 months as per the Council General Approach.
- v. The general review clause includes both the Waste Framework and Landfill Directives (Art. 41b) and is set for 31 December 2019. The Waste Framework Directive review will assess:
 - the effectiveness of the financial and organisational responsibility of the extended producer responsibility schemes, including the possibility of requiring a financial contribution from commercial re-use operators (Art. 41b(a)),
 - the possibility of setting waste prevention, collection, preparing for re-use and recycling targets for waste textile (Art. 41b(b)), and
 - the possibility of introducing prior sorting of mixed municipal waste (Art. 41b(c)).
- vi. Finally, the transposition period (Art. 2) remains close to the General Approach at 20 months.

III. CONCLUSION

10. The Presidency invites the Committee of Permanent Representatives to analyse the compromise text resulting from the final trilogue, as set out in the Annex to this note, with a view to agreement. Once the Chair of the European Parliament's ENVI Committee will have sent a letter to the Chair of the Committee of Permanent Representatives, confirming that the provisional agreement is also acceptable for the European Parliament and that no amendments will be proposed by the European Parliament at 2nd reading, the Council will be invited to adopt the amendment to the Waste Framework Directive.
-

PE-CONS No/YY – 2023/0234 (COD)

**DIRECTIVE
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of ...

amending Directive 2008/98/EC on waste

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

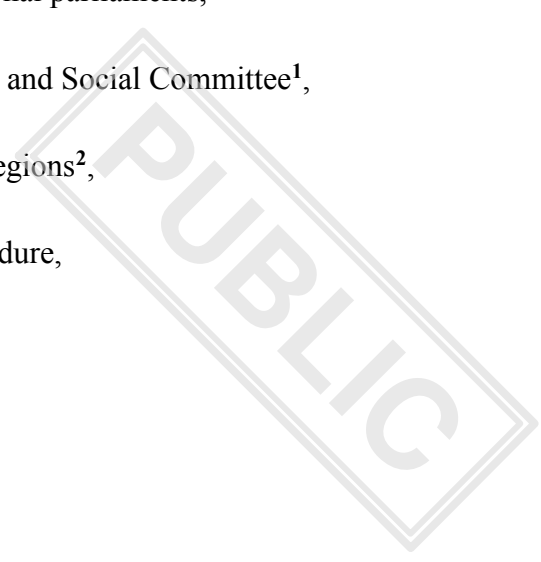
Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,



¹ OJ C , , p. .

² OJ C , , p. .

Whereas:

- (1) ***Waste prevention and management for all types of waste is a crucial tool in the pursuit of protecting the environment and human health in the Union. As Member States strive to improve continuously their waste prevention and management plans, it is vital to stringently apply the waste hierarchy.***
- (2) The European Green Deal and the Circular Economy Action Plan³ call for reinforced and accelerated Union and Member State action to ensure environmental and social sustainability of the textiles and food sectors as they represent top resource intensive sectors that cause significant negative environmental externalities. In those sectors, financing and technological gaps, ***among other things***, impede progress towards the transition to a circular economy and decarbonisation. The food and textiles sectors are the first- and the fourth- most resource-intensive sectors respectively⁴ and they do not fully adhere to the fundamental Union waste management principles set out in the waste hierarchy which requires the prioritisation of waste prevention followed by ***preparing*** for re-use and recycling. These challenges require systemic solutions with a lifecycle approach ***with particular attention paid to food and textile products.***

³ COM(2020)98 final of 11 March 2020 ■

⁴ EU Transition Pathways (europa.eu)

- (3) According to the EU Strategy for Sustainable and Circular Textiles⁵, important changes are needed to move away from the currently prevailing linear way in which textile products are designed, produced, used and discarded, with a particular need to limit fast fashion. ***According to the Strategy's vision for 2030, consumers should benefit longer from high quality affordable textiles.*** That Strategy considers it important to make producers responsible for the waste that their products create and refers to the establishment of harmonised Union extended producer responsibility rules for textiles with eco-modulation of fees. It provides that the key objective of such rules is to create an economy for collection, sorting, re-use, ***preparing*** for re-use and recycling, and to incentivise producers to ensure that their products are designed in respect of circularity principles. To that end, it foresees that a notable share of contributions made by producers to extended producer responsibility schemes have to be dedicated to waste prevention measures and ***preparing*** for re-use. It also supports the need for strengthened and more innovative approaches to sustainable management of biological resources to increase the circularity and valorisation of food waste and re-use of bio-based textiles.
- (4) ***Appropriate collection of textile will contribute to reducing the presence of synthetic textile waste in the environment, including terrestrial and marine ecosystems, by ensuring that textiles are reused, recycled and ultimately given a new life promoting a full circular economy.***

⁵ COM(2022)141 final of 30 March 2022.

- (5) ***Taking into account*** the negative effects of food waste, Member States committed themselves to taking measures to promote the prevention and reduction of food waste in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations (UN) General Assembly on 25 September 2015, and in particular its target of halving 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. Those measures aimed to prevent and reduce food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households.
- (6) As a follow-up to the Conference on the Future of Europe, the Commission committed itself to enabling citizens' panels to deliberate and make recommendations ahead of certain key proposals. In this context, a European Citizens' panel was convened, from December 2022 to February 2023 to elaborate a list of recommendations⁶ on how to step-up actions to reduce food waste in the Union. As households account for over half of food waste generated in the Union, citizens' insights on food waste prevention are particularly relevant. Citizens recommended three principal lines of action including strengthening cooperation in the food value chain, food business initiatives and supporting consumer behavioural change. The panel's recommendations will continue to support the Commission's overall work programme related to food waste prevention and may serve as a guide to help Member States in achieving the food waste reduction targets.

⁶ For the complete list of recommendations, see Annex 16 of the Impact Assessment Report.

- (7) Directive 2009/31/EC of the European Parliament and of the Council⁷ excluded from the scope of Directive 2006/12/EC of the European Parliament and of the Council⁸ carbon dioxide captured and transported for the purposes of geological storage and geologically stored pursuant to the requirements of Directive 2006/12/EC. The provision in Directive 2009/31/EC amending Directive 2006/12/EC was not, however, incorporated in Directive 2008/98/EC of the European Parliament and of the Council⁹, which repealed Directive 2006/12/EC. Therefore, for the purposes of ensuring legal certainty, this Directive incorporates the amendments of Directive 2009/31/EC concerning the exclusion of carbon dioxide captured and transported for the purposes of geological storage and geologically stored from the scope of Directive 2008/98/EC.
- (8) Definitions of producers of textile products, ***making available on the market***, online platforms, ***fulfilment service providers, social economy entities, end user, unsold consumer products*** and producer responsibility organisations linked to the implementation of the extended producer responsibility for textiles need to be included in Directive 2008/98/EC so that the scope of these concepts and linked obligations is clarified.

⁷ OJ L 140, 5.6.2009, p. 114.

⁸ OJ L 114, 27.4.2006, p. 9.

⁹ OJ L 312, 22.11.2008, p. 3.

- (9) Member States have, to a certain extent, developed materials and carried out campaigns targeting food waste prevention for consumers and food business operators; however, these mainly focus on raising awareness rather than eliciting behavioural change. In order to reach the full potential for reducing food waste and ensure progress over time, behavioural change interventions have to be developed, tailored to the specific situations and needs in Member States, and fully integrated in national food waste prevention programmes. Importance should also be given to **dietary shifts**, regional circular solutions, including public-private partnerships and citizen engagement as well adaptation to specific regional needs such as outermost regions or islands.
- (10) Despite the growing awareness of the negative impacts and consequences of food waste, the political commitments made at EU and Member State levels, and Union measures implemented since the 2015 Circular Economy Action Plan, food waste generation is not sufficiently decreasing to make significant progress towards achieving Target 12.3 of the UN Sustainable Development Goal (SDG) 12. In order to ensure significant contribution towards the attainment of SDG Target 12.3, the measures to be taken by Member States should be strengthened to make progress in the implementation of this Directive and of other appropriate measures to reduce food waste generation. ***This Directive lists areas of intervention where Member States should adapt or adopt measures for each stage of the food supply chain as appropriate.***

- (11) In order to achieve results in the short term, and to give food business operators, consumers and public authorities the necessary perspective for the longer term, quantified targets for reduction of food waste generation, to be achieved by Member States by 2030, should be set.
- (12) Having regard to the Union's commitment to the ambition set out in SDG Target 12.3, the setting of food waste reduction targets to be achieved by Member States by 2030 should provide a strong policy impulse to take action and ensure a significant contribution to global targets. However, given the legally binding nature of such targets, they should be proportionate, **attainable** and feasible, and take into account the role of different actors in the food supply chain as well as their capacity (in particular micro and small enterprises). The establishment of legally binding targets should thus follow a step-wise approach, starting with a level which is lower than the one set under the SDG, with a view to ensuring a consistent response of Member States and tangible progress towards Target 12.3.

- (13) *Disparities in bargaining power between suppliers and buyers of agricultural and food products persist in food supply chains across the Union. This is particularly the case in relation to agricultural products, considering their perishable nature to a greater or lesser extent. Therefore, Member States should take all appropriate action to ensure that measures taken to implement the binding food waste reduction targets do not result in a reduction of the bargaining power of suppliers of agricultural products, or in an increase of unfair trading practices towards such suppliers prohibited under Directive (EU) 2019/633.*
- (14) *The European Economic and Social Committee and the European Food Security Crisis preparedness and response Mechanism has recognised the contribution of packaging in reducing food waste and ensuring food supply and security. In this context, it is therefore appropriate for Member states to encourage and promote technological solutions that contribute to the prevention of food waste such as active packaging intended to extend the shelf-life or to maintain or improve the condition of packaged food especially during transportation and storage, and user-friendly tools that comply with Regulation (EU) 1169/2011, contributing to the prevention of unnecessary discarding of food which is still safe for consumption.*

- (15) ***Reducing food waste at any stage along the food supply chain yields a significant positive environmental impact.*** Reducing food waste at the production and consumption stages requires different approaches and measures and involves different stakeholder groups. Therefore, one target should be proposed for the processing and manufacturing stage and another one for the retail and other distribution of food, restaurants and food services and households.
- (16) Bearing in mind the interdependence between the distribution and consumption stages in the food supply chain, in particular the influence of retail practices on consumer behaviour and the relation between food consumption in- and out-of-home, it is advisable to set up one joint target for these stages of the food supply chain. Setting separate targets for each of these stages would add unnecessary complexity and would limit Member States' flexibility in focusing on their specific areas of concern. In order to avoid that a joint target results in excessive burden on certain operators, Member States will be advised to consider the principle of proportionality in setting up measures to reach the joint target.

- (17) Demographic changes have a significant impact on the amount of food consumed and food waste generated. Therefore, a joint food waste reduction target, applying to retail and other distribution of food, restaurants and food services and households, should be expressed as a percentage change in food waste levels per capita in order to take into account population changes. *Taking into account that tourists are not counted in the general population and that Member States might be confronted with an increase or decrease in tourism in relation to the reference year, the Commission should develop a correction factor, so as to support Member States in achieving the food waste reduction target expressed per capita for retail and other distribution of food, restaurants and food services and households, corrected for tourism flows.*
- (18) *2020 was the first year in which Member States measured food waste levels using the harmonised methodology set out in Commission Delegated Decision (EU) 2019/1597. However, due to protective measures taken during the COVID-19 pandemic, the 2020 data are not considered representative for food waste generated in certain Member States. Similarly, this may be the case for the data collected annually for 2021, 2022 and 2023. Therefore, it is appropriate to use an annual average between 2021 and 2023 as a baseline for setting food waste reduction targets, while alternatively allowing the use of the data for 2020.* For Member States, which can demonstrate that they performed food waste measurements before 2020, using methods consistent with Delegated Decision (EU) 2019/1597, the use of *a* baseline *earlier than 2020* should *also* be allowed.

- (19) In order to ensure that the step-wise approach towards the achievement of the global target delivers its objectives, the levels set for the legally binding targets on reduction of food waste, should be reviewed and revised, if appropriate, to take into account the progress made by Member States over time, *as well as any potential impact of changes in production levels in the food processing and manufacturing sector*. This would allow for a possible adjustment of the targets in view of strengthening the Union's contribution and further *alignment* with SDG Target 12.3, to be reached by 2030 and providing direction for further progress beyond that date. *In order to further support primary producers in their efforts to reduce food waste and losses, it is necessary to address knowledge gaps with a view to identify appropriate levers to reduce such waste and losses.*
- (20) In order to ensure better, timelier, and more uniform implementation of the provisions related to food waste prevention, to anticipate any implementation weaknesses, and to allow taking action ahead of the deadlines for meeting the targets, the system of early warning reports, introduced in 2018, should be extended to cover food waste reduction targets.

- (21) *Having regard to their potential to reduce food waste, Member States should support innovative and technological solutions that accurately indicate the shelf-life of a food, ensure food safety and, in line with Regulation (EU) 1169/2011 of the European Parliament and of the Council, provide information, including the indication of “minimum durability” or “use-by” dates, that is clear and easily understood by consumers.*

- (22) In line with the polluter-pays principle, as referred to in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that the producers ***making available*** on the ■ market ***for the first time*** certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products ***assessed as fit for re-use*** available on the market for re-use. To implement the polluter pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council¹⁰, makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark. The scope of the producers covered by the extended producer responsibility should exclude ■ self-employed tailors producing customised products in view of their reduced role in the textile market as well as those ***making available for the first time*** on the market used ***textile***, textile-related and footwear products ***assessed as fit for re-use*** or such products derived from used or waste of those products in view of supporting re-use ***and a prolonged lifetime***, including through repair, refurbishment, ***upgrading***, ***remanufacturing*** and upcycling whereby certain functionalities of the original product is changed, within the Union.

¹⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

- (23) *In the context of this amending Directive, “used textiles” refers to separately collected textiles that are discarded by the end user, be it with the intention and possibility for them to be re-used or not. At this stage, these used textile products could be fit for re-use or could be waste, they have not been assessed. For this reason, used textiles that are separately collected are considered waste upon collection, unless they are directly handed over by end users and directly professionally assessed as fit for re-use at the collection point by the re-use operator or social economy entities. “Used textiles assessed as fit for re-use” refers to textiles that have been assessed as fit for re-use after collection, sorting, preparing for re-use or after the direct professional assessment at the collection point. Used textiles assessed as fit for re-use should not be considered waste textile.*

- (24) *According to Communication ‘Building an economy that works for people: an action plan for the social economy’ (COM(2021) 778 final), the social economy encompasses a range of entities with different business and organisational models. They operate in a large variety of economic sectors. The three main characteristics of the social economy include: (i) the primacy of people as well as social or environmental purpose over profit; (ii) the reinvestment of all or most of the profits and surpluses to further pursue their social or environmental purposes and carry out activities in the interest of their members/users or society at large; and (iii) democratic or participatory governance. In this respect, social economy entities can take the form of cooperatives, mutual societies, associations, charities included, foundations and may include religious and church organizations. Social economy entities include also private law entities that are social enterprises as defined in Regulation (EU) 2021/1057 of the European Parliament and of the Council.*

- (25) There are wide disparities in the way separate collection of textiles are or are planned to be set up, whether through extended producer responsibility schemes or other approaches. Where extended producer responsibility schemes are considered, there are also broad disparities, such as on the products in their scope and the responsibility of producers as well as governance models. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore in general apply to extended producer responsibility schemes for producers of textile, textile-related *or* footwear products. However, they should be complemented by further specific provisions relevant for the textile sector characteristics, in particular, the high share of small and medium-sized enterprises (SMEs) among the producers, the role of social *economy entities* and the importance of re-use in increasing the sustainability of the textile value chain. They should also be more detailed and harmonised to avoid creating a fragmented market that could have a negative impact on the sector, particularly on micro enterprises and SMEs, for the collection, treatment, *including* recycling, as well as to provide clear incentives for sustainable textile product design and policies and facilitate the markets of secondary raw materials. In this context, Member States are encouraged to consider authorising multiple producer responsibility organisations as competition among such producer responsibility organisations may lead to greater consumer benefits, increase innovation, lower costs, improve *separate* collection ■ , and increase choices for producers seeking to contract with such organisations.

- (26) *According to the European Environment Agency, currently less than 1% of all clothing waste is used to make new clothing in a circular loop. Today, most textiles are not designed for circularity. 78% of all textile products require disassembly before textile-to-textile recycling. Investments into circular textiles should be promoted for the prevention, collection, sorting, reuse and local reuse, as well as recycling and fibre-to-fibre recycling of textiles to support and drive technological and infrastructural development as well as the push for eco-design of textiles. Total textile waste generated, covering clothing and footwear, home textiles, technical textiles, and post-industrial and pre-consumer waste, is estimated to be 12,6 million tonnes. This includes fractions that are discarded during textile production, at the retail stage and by households and commercial entities waste¹¹.*
- (27) *Member States should require producer responsibility organisations to ensure the confidentiality of the data in their possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives. In accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council, that confidentiality is to be maintained throughout data handling, storage and reporting processes, with robust security measures and data protection standards in place to prevent unauthorised access or potential data breaches.*

¹¹ https://environment.ec.europa.eu/system/files/2023-07/IMPACT%20ASSESSMENT%20REPORT_SWD_2023_421_part1_0.pdf (pag.6)

- (28) The household textile and apparel clothing comprise the largest share of Union textile consumption and the biggest contributor to unsustainable patterns of over production and overconsumption. Household textiles and apparel are also the focus of all existing separate collection systems in Member States along with other post-consumer apparel and accessories and footwear that are not primarily composed of textiles. Therefore, the scope of the established extended producer responsibility scheme should cover **■ textile, *textile-related* and footwear *products for household use or other uses, where such products are similar in nature and composition to those for household use. Other uses, where textile, textile-related and footwear products listed in Annex IVc are similar in nature and composition to those for household use, should include professional uses unless for such products for professional uses, the obligations of establishing dedicated separate collection schemes and subsequent waste treatment operations are already provided for in this Directive, under provisions other than those included in Articles 22a, 22c and 22d, or in other relevant EU and national laws. Products for professional uses, including military uses, that can pose safety, health and hygiene risks or raise security concerns should be excluded from the extended producer responsibility established for textile, textile-related and footwear products listed in Annex IVc.*** In order to ensure the legal certainty for the producers on the products subject to the extended producer responsibility, the products in scope should be identified by reference to the Combined Nomenclature codes pursuant to Annex I to Council Regulation (EEC) No 2658/87¹².

¹² OJ L 256, 7.9.1987, p. 1.

- (29) *According to the Political Guidelines for the next European Commission 2024–2029, the Commission will work on a New Circular Economy Act with the purpose of helping to create market demand for secondary materials and a single market for waste, notably in relation to critical raw material. Within this context the EU legislation on waste is expected to be updated. Building on the findings of this work, the Commission will assess the need to amend Article 10 and Articles 8 and 8a of this Directive with a view to further harmonise recovery operations and extended producer responsibility requirements, including for producer registers, and to introduce extended producer responsibility for additional waste streams, such as mattresses and carpets.*
- (30) The textile sector is resource intensive. While, in relation to both the production of raw materials and textiles, *and as 73% of clothes and household textiles consumed in Europe are imported¹³*, most of the pressures and impacts related to the consumption of clothing, footwear and household textiles in the Union occur in third countries, they also affect the Union due to their global impact on climate and the environment. Therefore, preventing, preparing for re-use and recycling **waste textile** can help reduce the global environmental footprint of the sector, including in the Union. In addition, the current resource-inefficient waste management of **waste textile** is not in line with the waste hierarchy and leads to environmental harm both in the Union and in third countries, including through greenhouse gas emissions from incineration and landfilling.

¹³ https://ec.europa.eu/commission/presscorner/detail/en/QANDA_22_2015

- (31) The purpose of the extended producer responsibility for **textile**, textile-related and footwear products is to ensure a high level of environmental and health protection in the Union, create an economy for collection, sorting, re-use, **preparing** for re-use and recycling, in particular, fibre-to-fibre recycling, as well as incentives for producers to ensure that their products are designed in respect of circularity principles. The producers of textiles and footwear should finance the costs of collecting, sorting for re-use, preparing for re-use and recycling, and of the recycling and other treatment of collected used and waste **textile, textile-related** and footwear **products**, including unsold consumer products considered waste that were supplied on the territory of the Member States after the entry into force of this amending Directive to ensure that the extended producer responsibility obligations do not apply retroactively and comply with the principle of legal certainty. Those producers should also finance the costs of carrying out compositional surveys of mixed collected municipal waste, support to research and development in **eco-design of textiles that do not contain substances of concern**, sorting and recycling technologies, reporting on separate collection, re-use and other treatment and of providing information to **end users** about the impact and sustainable management of textiles.

- (32) *As the financial contributions to be paid by a producer should cover the costs for the waste management of the products that this producer makes available on the union market, Member States should ensure that payments of such contributions in more than one Member State is avoided when products circulate in the Union. Therefore, a producer should cover the Extended Producer Responsibility contributions for the products this producer makes available in territory of a Member State where such products are likely to become waste. Products that have left the territory of that Member State before being sold to end-users or becoming waste should not be covered by this producer.*
- (33) *Pursuant to Article 193 of the Treaty on the Functioning of the European Union, protective measures adopted pursuant to Article 192 of that Treaty should not prevent any Member State from maintaining or introducing more stringent protective measures, under the conditions established by Treaties and the case law; for example, maintaining an extended producer responsibility scheme for textile waste on microenterprises which is already in force at the time of the entry into force of this Directive.*

- (34) Producers should be responsible for setting up collection systems for the collection of all used and waste **textile**, textile-related and footwear products and ensuring that they are subsequently subject to sorting for re-use, **preparing** for re-use and recycling to maximise the availability of second-hand clothing and footwear and reduce the volumes for types of waste treatment that are lower in the waste hierarchy. Ensuring that textile products can be and are used and re-used for longer is the most effective way of significantly reducing their impact on the climate and the environment. This should also enable sustainable and circular business models such as re-use, renting and repair, take-back services and second-hand retail creating new green quality jobs and cost-saving opportunities to citizens. Making producers responsible for the waste that their products create is essential to decouple **waste textile** generation from the growth of the sector. Therefore, the producers should also be responsible for the recycling, in particular, prioritising the scaling up of fibre-to-fibre recycling, and other recovery operations and disposal.

- (35) Producers and producer responsibility organisations should finance the scaling up of textile recycling, in particular, fibre-to-fibre recycling enabling the recycling of a broader variety materials and creating a source of raw materials for textile production in the Union. It is also important that the producers support financially research and innovation into technological developments in automatic sorting and composition sorting solutions that allow the separation and recycling of mixed materials and the decontamination of the waste to enable high-quality fibre-to-fibre recycling solutions and the uptake of recycled fibre content. To facilitate compliance with this Directive, Member States should ensure that information and assistance are available to economic operators from the textile sector, especially small and medium enterprises, which should take the form of guidance, financial support, access to finance, specialised management and staff training material, or organisational and technical assistance. If support is financed through state resources, including when wholly financed by contributions imposed by the public authority and levied on the undertakings concerned, it may constitute State aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union; in such cases, Member States have to ensure compliance with State aid rules. The mobilisation of private and public investment in the circularity and decarbonisation of the textile sector are also the focus of several Union funding programmes and roadmaps such as Hubs for Circularity and specific calls under Horizon Europe. It is also necessary to further assess the feasibility of setting Union targets for the recycling of textiles to support and drive technological development and the investments into recycling infrastructure as well as the push for ecodesign for recycling.

- (36) Used and waste **textile**, textile-related and footwear products should be collected separately from other waste streams, such as metals, paper and cardboard, glass, plastics, wood and bio-waste ■ to maintain their reusability and potential for high-quality recycling. Considering the environmental impact and the loss of materials due to used and waste textiles not being separately collected, and consequently not treated in an environmentally sound manner, the collection network of used and waste **textile**, textile-related and footwear products should cover the whole territory of Member States including the outermost regions, be close to the **end user** and not target only areas and products where the collection is profitable. The collection network should be organised in cooperation with other actors active in the waste management and re-use sectors, such as municipalities and social **economy entities**. In view of the significant environmental and climate benefits associated with re-use, the primary and secondary purpose of the collection network should be the collection of re-usable and recyclable textile, textile-related and footwear products accordingly. **A sustained increase in separate collection ■ would drive improved** re-use performance and quality recycling in the textile supply chains, boost the uptake of quality secondary raw materials and support the investment planning in the textile sorting and processing infrastructure. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level should be carried out on mixed municipal waste collected to determine the amount of waste **textile, textile-related** and footwear **products** therein. In addition, information on the performance of the separate collection systems and the **quantity by weight of the** separate collection **showing a sustained increase** should be ■ made publicly available annually by the producer responsibility organisations.

- (37) In view of the key role of social economy entities in the existing textile collection systems and their potential to create local, sustainable, participatory and inclusive businesses models and quality jobs in the Union, in line with the objectives of the EU Social Economy Action Plan¹⁴, the introduction of extended producer responsibility schemes should maintain and support the activities of social economy entities involved in used textiles management. These entities therefore should be regarded as partners in the separate collection systems supporting the scale-up of re-use and repair and creating quality jobs for all and in particular for vulnerable groups. ***Sorting requirements should also apply to the used and waste textile, textile-related and footwear products collected by the social economy entities. In this regard, social economy entities should also contribute with minimum reporting obligations on their textile collection and subsequent management of such collected textile to the competent authority. Member States may exempt, totally or partially, social economy entities from the reporting obligation, where the fulfilment of such reporting obligations would result in a disproportionate administrative burden on such entities.***

¹⁴ COM (2021) 778 final of 9 December 2021.

- (38) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, that used and waste **textile**, **textile-related** and footwear **products** should be collected separately, that collection systems are available and that **end users** have an important role in ensuring waste prevention and an environmentally optimal management of **waste textile**. This information should include availability of re-use arrangements for textiles and footwear and the environmental benefits of sustainable consumption and the environmental, health and social impacts of the textile apparel industry. The end users should also be informed about their important role in making informed, responsible and sustainable textile consumption choices and ensuring an environmentally optimal management of **waste textile**, **textile-related** and footwear **products**. These information requirements apply in addition to the requirements on the provision of information to **end users** in relation to the textile products laid down in the Ecodesign for Sustainable Product Regulation¹⁵ and the Regulation (EU) No 1007/2011 of the European Parliament and of the Council¹⁶. The disclosure of information to all end users should make use of modern information technologies. The information should be provided both by classical means, such as posters both indoors and outdoors and social media campaigns, and by more innovative means, such as electronic access to websites provided by QR codes.

¹⁵ OJ to insert the reference number once adopted.

¹⁶ Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).

- (39) In order to increase textiles' circularity and environmental sustainability and to reduce the adverse impacts on climate and the environment, Regulation .../... [PO insert the serial number and institutions for the Ecodesign for Sustainable Product Regulation, and complete the footnote]¹⁷ will develop binding textile *and footwear* product ecodesign requirements, which will, depending on what the impact assessment will show to be beneficial for increasing textile environmental sustainability, regulate durability, reusability, reparability, and fibre-to-fibre recyclability of textiles, and mandatory recycled fibre content in textiles. It will also regulate the presence of substances of concern to allow their minimisation and tracking in view of reducing waste generation and improving recycling, as well as the prevention and reduction of synthetic fibres shed into the environment to significantly reduce microplastic release. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable textile design leading to improved circular design. In order to provide a strong incentive for ecodesign while taking into account the objectives of the internal market and the composition of the textile sector which is primarily composed of SMEs, it is necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the most relevant ecodesign parameters to enable the treatment of textiles in line with the waste hierarchy. The fee modulation according to the ecodesign criteria should be based on the ecodesign requirements and their measurement methodologies that are adopted pursuant to the Ecodesign for Sustainable Product Regulation for textile *and footwear* products or to other Union law establishing harmonized sustainability criteria and measurement methods for textile *and footwear* products and only where the latter are adopted. It is appropriate to empower the Commission to adopt harmonised rules for the fee modulation to ensure the alignment of the fee modulation criteria with those product requirements.

¹⁷ OJ to insert the reference number once adopted.

- (40) *Industrial and commercial practices, such as ultra-fast and fast fashion, influence the length of use of the product and the likelihood of a product to become waste because of aspects not necessarily linked to its design, and are often based on market segmentation. These practices may lead to the premature discarding of the product before it reaches the end of its potential lifetime resulting in an overconsumption of textile products and, consequently, an overgeneration of waste textile. To characterise these practices and allow for eco-modulation of extended producer responsibility fees, Member States could consider criteria such as the width of the product range understood as the number of product references offered for sale by a producer, with defined thresholds per market segment, or the frequency of offers, understood as the number of references per market segment offered for sale by a producer in a given period, or repair incentives, understood as the likelihood of the product to be repaired based on its repair cost ratio and/or the provision of a repair service by the producer.*
- (41) *Member States should take into account criteria such as the volume of textiles, textile-related and footwear products which are made available on the market when determining the extended producer responsibility financial contribution requested from microenterprises in order to ensure a proportionate approach and should also minimise reporting obligations.*

- (42) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of used and waste textile, textile-related and footwear products they make available on the market for the first time within the territory of a Member State, it is necessary that a register of producers is established and managed by each Member State and that producers should be obliged to register. The registration requirements and format should be harmonised across the Union to the greatest extent possible so as to facilitate registration in particular where producers make textile, textile-related and footwear products available on the market for the first time in different Member States. The information in the register should be accessible to those entities that play a role in the verification of the compliance with the extended producer responsibility obligations and their enforcement.
- (43) Since the textile sector is 99% comprised of small and medium sized enterprises, the implementation of an extended producer responsibility scheme for *textile*, textile-related and footwear products should aim to reduce as much as possible administrative burdens. Therefore, the fulfilment of the extended producer responsibilities should be exercised collectively by means of producer responsibility organisations, ***including any state-run producer responsibility organisations established by the Member State concerned***, taking up the responsibility on their behalf. Producer responsibility organisations should be subject to authorisation by Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility and that they fulfil that responsibility. ***In the case of state-run producer responsibility organisations, as there is no represented producer's mandate, the requirements provided in this Directive concerning such mandate should not apply.***

- (44) Article 30 of Regulation (EU) 2022/2065 of the European Parliament and of the Council¹⁸ obliges ■ providers of online platforms allowing consumers to conclude distance contracts with *traders*, prior to allowing a producer to use its services, to obtain certain identification information from that *trader* and a self-certification by the *trader* committing to only offer products or services that comply with the applicable rules of Union law. *For the purposes of this Directive, producers offering textile, textile-related and footwear products made available on the market for the first time to consumers located in the Union should be considered traders.*

¹⁸ OJ L 277, 27.10.2022, p. 1.

- (45) *In order to ensure the effective enforcement of the extended producer responsibility obligations, the registration in the textile producer register that Member States are obliged to set up pursuant to this Directive, should be considered appropriate information for the purposes of Article 30 (1), letter (d), of Regulation (EU) 2022/2065. Furthermore, the self-certification referred to in Article 30(1), letter (e) of that Regulation should cover the commitment by the producer to only offer textile, textile-related and footwear products to which the extended producer responsibility requirements laid down by this Directive apply. Compliance with the requirements laid down in Article 30(1), letters (d) and (e) of Regulation (EU) 2022/2065 should not be considered to amount to a general obligation to monitor the information which providers of online platforms allowing consumers to conclude distance contracts with producers transmit or store, nor actively to seek facts or circumstances indicating illegal activity. The rules on enforcement laid down in Chapter IV of Regulation (EU) 2022/2065 apply to providers of such platforms in relation to the aforementioned requirements.*
- (46) *Similar undesirable situations of free-riding could occur in relation to fulfilment service providers. This Directive includes some provisions to prevent these with a similar approach to that of Regulation (EU) 2022/2065 as regards providers of online platforms.*

- (47) *The rapidly growing e-commerce market brings many opportunities, but also represents a significant challenge, especially in terms of environmental protection. While prohibiting the imposition of general monitoring obligations on providers of intermediary services, Regulation (EU) 2022/2065 sets out clear responsibilities and due diligence obligations for providers of online platforms to combat illegal content available on their services. In particular, under Regulation (EU) 2022/2065 providers of online platforms allowing consumers to conclude distance contracts with traders may be held liable if they do not comply with their specific obligations as intermediaries in the online sale of goods laid down in Section 4 of Chapter III of that Regulation. The supervision and monitoring of compliance with the obligations set out in Regulation (EU) 2022/2065 will support the enforcement of and compliance with Directive 2008/98/EC, in particular, by ensuring the accuracy, completeness, up-to-datedness and availability in their online interface of the information that those online platforms receive from traders. Commission and competent national authorities should exercise their respective monitoring powers in full accordance with Regulation (EU) 2022/2065 and Directive 2008/98/EC (as applicable) and, when required by them, should act in close cooperation, to ensure compliance by providers of online platforms.*

- (48) In order to ensure the treatment of textiles in line with the waste hierarchy set out in Directive 2008/98/EC, producer responsibility organisations should ensure that all separately collected textiles and footwear are subject to sorting operations that generate both items that are fit for re-use meeting the needs of the receiving second-hand textile and the recycling feedstock markets in the Union and globally. In view of the greater environmental benefits associated with extending the lifetime of textiles, re-use should be the main objective of the sorting operations followed by sorting for recycling where the items are professionally assessed as not re-useable. These sorting requirements should be developed by the Commission as a priority as part of the harmonised Union end-of-waste criteria for ***used textile products assessed as fit for re-use*** and recycled textiles, including on initial sorting that may take place at the collection point. Such harmonised criteria should bring about consistency and high quality in the collected fractions as well as in material flows for sorting, waste recovery operations and secondary raw materials across borders which in turn should facilitate the scaling up re-use and recycling value chains. ***Used textile, textile-related and footwear products that are directly handed over by end users and directly professionally assessed as fit for re-use at the collection point by the re-use operators or social economy entities should not be considered waste. As the end user is not trained to distinguish between re-usable and recyclable items, a professional assessment is needed. Professionally assessed means that the final decision to classify used textile, textile-related and footwear products as fit for re-use is not left to the end user but to the ones receiving the used products at the collection point who are provided with trainings or guidelines to ensure an adequate assessment.*** In case re-use, ***preparing for re-use***, or recycling is not technically possible, the waste hierarchy should still be applied, avoiding landfilling where possible, in particular of biodegradable textiles that are a source of methane emissions, and applying energy recovery when incineration is applied.

- (49) *The Commission will develop and propose an implementing act for setting End-of-Waste Criteria for textiles, based on the ongoing work of the Joint Research Centre. The End-of-Waste criteria should include criteria for textile, textile-related and footwear products assessed as fit for re-use and recycled textile, textile-related and footwear products.*

- (50) Exports of used ***textile products assessed as fit for re-use*** and waste textiles outside the EU have been steadily increasing with exports representing the greatest share of the re-use market for post-consumer textiles generated in the EU. In view of the significant increase of the collected ***waste textile*** ■ after the introduction of separate collection by 2025 it is important to strengthen the efforts to combat illegal shipments of waste to third countries disguised as non-waste for the purpose of ensuring high environmental protection.
- Building on Regulation .../... [P.O. insert the institutions and serial number, and complete the footnote for the Regulation on the Shipment of waste]¹ and in view of the objective to ensure the sustainable management of post-consumer textiles and tackle illegal shipments of waste, it should be provided that all separately collected used ***textile***, textile-related and footwear products undergo a sorting operation prior to their shipment. Furthermore, it should be provided that all separately collected used textile, textile-related and footwear items are regarded as waste and subject to Union waste legislation, including on the shipments of waste, until they have undergone a sorting operation by a trained sorting for re-use and recycling operator ***that can classify them as fit for re-use***. The sorting should be carried out in accordance with the harmonised sorting requirements that deliver high quality re-usable fraction that meet the needs of the receiving second hand textile markets in the EU and globally and by establishing criteria to distinguish between used goods ***assessed as fit for re-use*** and waste. Shipments of used ***textile***, textile-related and footwear products ***assessed as fit for re-use*** should be accompanied by information demonstrating that those items are the output of a sorting or a preparing for re-use operation, ***as well as information about the company responsible for this operation with a view to increasing transparency and accountability of the process***, and that the items are suitable for re-use. ***Producer responsibility organisations as well as social economy entities should report on the export of waste textile, textile-related and footwear products and on the export of used textile, textile-related and footwear products assessed as fit for re-use, allowing Member States to monitor such exports with the view of understanding better the textile value chain.***

- (51) In order for Member States to achieve the targets set out in this Directive, Member States should revise their food waste prevention programmes to include new measures, ***where appropriate***, involving multiple partners from the public and private sectors ***including producers, distributors, suppliers, retails and food service providers, as well as social economy actors and environmental and consumer organisations***, with coordinated actions tailored to address specific hotspots as well as attitudes and behaviours that lead to food waste. In the preparation of these programmes, Member States could draw inspiration from the recommendations produced by the Citizens' Panel on Food Waste, ***the European Consumer Food Waste Forum's compendium with tools, best practices and recommendations to reduce consumer food waste and from the exchanges in the EU Platform on Food Losses and Food Waste***.
- (52) Clear accountability and governance of food waste prevention measures are essential to ensure effective coordination of action to drive change and reach the targets set out in this Directive. Due to the shared agenda amongst many authorities and the variety of stakeholders engaged in the fight against food waste in Member States, there is a need for a designated competent authority in charge of overall coordination of actions at national level.

- (53) The granularity of the information on post-consumer municipal textiles management at Union level should be improved to more effectively monitor the re-use of products, including of re-use and ***preparing*** for re-use of textiles, including in view of the potential setting of the performance targets in the future. Re-use and ***preparing*** for re-use data represent key data flows for the monitoring of the decoupling of waste generation from economic growth and the transition towards a sustainable, inclusive and circular economy. Therefore, these data flows should be managed by the European Environmental Agency.
- (54) ***It is crucial that the Commission and Member States continue to develop, support and expand information and education campaigns regarding waste prevention and management. Whilst general awareness across all sectors regarding the importance of waste prevention and proper waste management is improving, additional progress is still necessary.***

- (55) **Commission Delegated Decision (EU) 2019/1597 establishes** a common methodology and minimum quality requirements for the uniform measurement of levels of food waste, ***in accordance with Article 9(8) of Directive 2008/98/EC. With a view to improve the quality, reliability and comparability of data reported by Member States on the levels of food waste, including by further enhancing the consistency of measurement methods used by the Member States, the power to adopt delegated acts set out in that provision should continue to be delegated to the Commission. For the purpose of clarity, that empowerment*** should be moved, with minor adaptations, to a new Article that deals specifically with prevention of food waste generation.

- (56) In order to bring the Combined Nomenclature codes listed in Directive 2008/98/EC in line with the codes listed in Annex 1 to Council Regulation (EEC) No 2658/87, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex IVc to Directive 2008/98/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (57) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission concerning a harmonised format for registration in the register based on the information requirements set out in Article 22b(4), fee modulation criteria for the application of Article 22c(3), point (a) **■** . Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁹.

¹⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

- (58) Directive 2008/98/EC should therefore be amended accordingly.
- (59) *It is important that Member States' implementation of Council Directive 1999/31/EC^{20*} is substantially and rapidly improved to avoid environmental harm in the Union, including cross-border issues, caused by illegal landfilling of waste. As such, it is appropriate for the Commission to evaluate Council Directive 1999/31/EC to assess ways to strengthen its implementation and, where appropriate, present a legislative proposal to amend it. Building on the outcome of the possible update of the EU legislation on waste resulting from the Circular Economy Act, as announced in Communication 'The Clean Industrial Deal: A joint roadmap for competitiveness and decarbonisation' (COM(2025) 85 final), the Commission should evaluate the Directive 2008/98/EC on waste and present a legislative proposal if appropriate. In the context of this evaluation, given the present lack of robust data on waste textile, textile-related and footwear products and on the financing of the related extended producer responsibility schemes to be set up by Member States, the Commission should assess first the possibility of setting waste prevention, collection, preparing for re-use and recycling targets, and second whether national extended producer responsibility schemes for textile, textile-related and footwear products are effectively financed, including if commercial re-use operators could financially contribute to the financing of extended producer responsibility schemes. In addition, the Commission will also assess the possibility for Member States to introduce prior sorting of mixed municipal waste in order to prevent waste, which can be recovered for preparing for re-use, or recycling, from being sent to waste incineration or disposed in landfills.*

²⁰ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

- (60) Since the objectives of this Directive, namely to improve the environmental sustainability of food *waste and used and waste* textile management and to ensure the free movement of used and waste textiles in the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective on subsidiarity,

HAVE ADOPTED THIS DIRECTIVE:

Article 1
Amendments

Directive 2008/98/EC is amended as follows:

- (1) in Article 2(1), point (a) is replaced by the following:
- ‘(a) gaseous effluents emitted into the atmosphere and carbon dioxide captured and transported for the purposes of geological storage and geologically stored in accordance with Directive 2009/31/EC of the European Parliament and of the Council²¹;

²¹ Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).;’

(2) in Article 3, the following paragraphs are inserted:

‘4b. ‘producer of textile, textile-related *or* footwear products listed in Annex IVc’ means any manufacturer, importer or distributor or other natural or legal person excluding those that supply used textile, *textile-related or* footwear products listed in Annex IVc *assessed as fit for re-use* and textile, textile-related *or* footwear products listed in Annex IVc derived from such used or waste products or their parts on the market, **■** and self-employed tailors producing customised products, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council²², either:

- (a) are established in a Member State and *manufacture* textile, textile-related *or* footwear products listed in Annex IVc under their own name or trademark, or have them designed or manufactured and supply them for the first time under their own name or trademark within the territory of that Member State;

²² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304 22.11.2011, p. 64).

- (b) are established in a Member State and resell within the territory of that Member State, under their own name or trademark, textile, textile-related *or* footwear products listed in Annex IVc manufactured by other producers referred to in point (a), on which the name, brand or trademark of the manufacturer does not appear;
 - (c) are established in a Member State and supply for the first time in that Member State on a professional basis, textile, textile-related *or* footwear products listed in Annex IVc from another Member State or from a third country; or
 - (d) sell textile, textile-related *or* footwear products listed in Annex IVc by means of distance communication directly to end-users, including private households or other than private households, in a Member State, and are established in another Member State or in a third country;
- 4c. 'making available on the market' means any supply of a *textile, textile-related or footwear* product for distribution or use on the market *of a Member State* in the course of a commercial activity, whether in return for payment or free of charge;

- 4d. ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of producers;
- 4e. ‘online platform’ means online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065 of the European Parliament and of the Council²³;
- 4ea. ‘fulfilment service provider’ means fulfilment service provider as defined in point (11) of Article 3 of Regulation (EU) 2019/1020 of the European Parliament and of the Council²⁴;**
- 4f. ‘consumer’ means natural persons who are acting for purposes which are outside their trade, business, craft or profession;
- 4g. ‘end user’ means end user as defined in Article 3, paragraph 21 of Regulation (EU) 2019/1020 of the European Parliament and of the Council²⁵;**

²³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).;’

²⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

²⁵ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

4h. ‘social economy entity’ means a private law entity that provides goods or services and that operates in accordance with the following principles:

- (i) the primacy of people as well as social or environmental purpose over profit;**
- (ii) the reinvestment of all or most of the profits and surpluses to further pursue their social or environmental purposes and carry out activities in the interest of their members or users or society at large; and**
- (iii) democratic or participatory governance.**

4i. ‘unsold consumer product’ means unsold consumer product as defined in Article 2 of Regulation .../... (OJp.) [P.O. insert the publication details for the Ecodesign for Sustainable Products Regulation]”

(3) in Article 9, paragraph 1, points (g) and (h), and paragraphs 5, 6 and 8 are deleted.

- (4) the following Article 9a is inserted:

‘Article 9a

Prevention of food waste generation

1. Member States shall take appropriate measures to prevent generation of food waste ***along the entire food supply chain***, in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households. Those measures shall include ***at least*** the following:
 - (a) developing and supporting behavioural change interventions to reduce food waste, and information campaigns to raise awareness about food waste prevention;

- (b) identifying and addressing inefficiencies in the functioning of the food supply chain and support cooperation amongst all actors, while ensuring a fair distribution of costs and benefits of prevention measures, ***which may include: supporting the marketing and use of products for which a derogation from Article 76 of Regulation (EU) No 1308/2013 (Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/200, OJ L 347 20.12.2013, p. 671) was granted pursuant to Article 76(4) thereof, only under the conditions, if any, for which such derogation was granted; and tackling market practices that cause food waste;***
- (c) encouraging, food donation and other redistribution for human consumption, ***ensuring the prioritisation of*** human use over animal feed and the reprocessing into non-food products;

- (d) supporting training and skills development as well as facilitating access to funding opportunities, in particular for small and medium sized enterprises and social economy *entities*.

(da) without prejudice to the Packaging and Packaging Waste Regulation [add specific reference once published in the OJ], and in particular Article 6 thereof, encouraging and promoting innovation and technological solutions which contribute to the prevention of food waste.

Member States shall ensure that all relevant actors in the supply chain are involved proportionately to their capacity and role in preventing the generation of food waste along the food supply chain, with a specific focus on preventing disproportionate impact on small and medium sized enterprises. *Member States shall, after consulting with food banks and other food redistribution organisations, take measures, where appropriate on the basis of any existing national food donation system, to ensure that economic operators having a significant role in the prevention and generation of food waste as identified by the Member States propose donation agreements to food banks and other food redistribution organisations so as to facilitate the donation of unsold food that is safe for human consumption, and at reasonable costs for the economic operators.*

2. Member States shall monitor and assess the implementation of their food waste prevention measures, including compliance with the food **waste** reduction targets referred to in paragraph 4, by measuring the levels of food waste on the basis of the methodology established in accordance with paragraph 3.
3. The Commission is empowered to adopt delegated acts in accordance with Article 38a to supplement this Directive as regards laying down a common methodology and minimum quality requirements for the uniform measurement of food waste levels.
4. Member States shall take the necessary and appropriate measures to achieve, by 31 December 2030, the following food waste reduction targets at national level:
 - (a) reduce the generation of food waste in processing and manufacturing by 10 % in comparison to the amount generated *as an annual average between 2021 and 2023*;
 - (b) reduce the generation of food waste per capita, jointly in retail and other distribution of food, in restaurants and food services and in households, by 30 % in comparison to the amount generated *as an annual average between 2021 and 2023*;

5. Where a Member State can provide data for a reference year prior to **2021**, which have been collected using ***methods set out in the Commission Delegated Decision (EU) 2019/1597 or, for years before 2020***, methods comparable to the methodology and minimum quality requirements for the uniform measurement of levels of food waste as set out ***therein***, an earlier reference year may be used. The Member State shall notify the Commission and the other Member States of its intention to use an earlier reference year within 18 months of the entry into force of this Directive and shall provide the Commission with the data and measurement methods used to collect them ***and make them publicly available***.
- 5a. In order to support Member States in achieving the food waste reduction targets of paragraph 4(b), by [24 months from the date of entry into force of this Directive], the Commission by means of implementing acts, shall adopt a correction factor to account for the increase or decrease in tourism in relation to the reference year. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.***
6. When the Commission considers that the data ***related to a reference year prior to 2020*** do not comply with the conditions set out in paragraph 5, it shall, within 6 months of the receipt of a notification made in accordance with paragraph 5, adopt a decision requesting the Member State to either use 2020 or a year other than that proposed by the Member State as reference year.
7. By 31 December 2027, the Commission shall review the targets to be reached by 2030, laid down in paragraph 4, with a view, if appropriate, to modify and/or extend them to other stages of the food supply chain, and to consider setting new targets beyond 2030.
- This review shall include:***
- (a) an assessment of the extent and causes of food waste and losses in primary production and an identification and an assessment of feasibility of appropriate levers to reduce such waste and losses;***
 - (b) an assessment of the possibility to introduce legally binding targets with respect to Article 9a(4), points (a) and (b) to be reached by 2035; and***

- (c) *an assessment of the impact of changes in production levels on the achievability of food waste reduction targets with respect to Article 9a(4), point (a).*

To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal²⁶.

7a. Member States shall coordinate their actions to prevent food waste and share best practices, including through the EU platform on Food Losses and Food Waste.’

- (5) In Article 11, the following subparagraph is inserted after the third subparagraph²⁶:

‘In view to comply with the objectives of this Article, Member States shall ensure that necessary infrastructure is in place for separate collection of waste, including sufficient material and territorial coverage of separate collection points according to Article 28(3)(cb).’

- (6) in Article 11b, paragraph 1 is replaced by the following:

‘1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the attainment of the targets laid down in Article 9a(4), Article 11(2), points (c), (d), and (e), and Article 11 (3) at the latest three years before each deadline laid down therein.’

²⁶ Note: Due to a technical omission in the course of the interinstitutional technical negotiations, this provision was not included in the previous document submitted to Coreper (5891/25) despite being agreed at the technical level

- (7) the following Articles 22a to 22d are inserted:

Article 22a

Extended producer responsibility scheme for textiles

1. Member States shall ensure that producers have extended producer responsibility for **■** textile, textile-related and footwear products *as listed in Annex IVc* that they make available on the market for the first time within the territory of a Member State, in accordance with Articles 8 and 8a.
- 1a. Member States may set up an extended producer responsibility scheme for the producers of mattresses, who make available on the market for the first time within the territory of a Member States their products.*

1b. Member States shall ensure that a producer as defined in Article 3(4b), point (d), established in another Member State and making textile, textile-related and¹ footwear products as listed in Annex IVc available for the first time on their territory appoints, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory.

Member States may provide that a producer as defined in Article 3(4b), point (d), established in a third country and making textile, textile-related or footwear products as listed in Annex IVc available for the first time on their territory is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory.

1c. Member States shall ensure that, if a producer as defined in Article 3(4b), point (d), so wishes, the obligations under paragraph 1a, if any, can be met, on the producer's behalf, by a producer responsibility organisation appointed by written mandate. Where a producer has appointed a producer responsibility organisation, the obligations under this Article shall be met by that organisation mutatis mutandis unless otherwise specified by the Member State.

2. The Commission is empowered to adopt delegated acts in accordance with Article 38a to amend Annex IVc to this Directive in order to bring the Combined Nomenclature codes listed in Annex IVc to this Directive in line with the codes listed in Annex 1 to Council Regulation (EEC) No 2658/87²⁷.
3. Member States shall *clearly* define *in accordance with Article 8a (1), point (a)*, the roles and responsibilities of relevant actors involved in the implementation, monitoring and verification of the extended producer responsibility scheme referred to in paragraph 1.
- 3a. *Member States shall ensure, in accordance with Article 8a(6), that relevant actors are involved in the implementation of the extended producer responsibility scheme. Those relevant actors shall include at least:*
 - (a) *producers making available products on the market within the territory of the Member State;*
 - (b) *organisations implementing extended producer responsibility obligations on their behalf;*

²⁷ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

- (c) *private or public waste operators;*
 - (d) *local authorities;*
 - (e) *re-use and preparing for re-use operators;*
 - (f) *social economy entities, including local social enterprises.*
4. Member States shall ensure that the producers of textile, textile-related **or** footwear products listed in Annex IVc cover the costs of the following:
- (a) collection of used and waste textile, textile-related and footwear products listed in Annex IVc and subsequent waste management that entails the following:
 - (1) the collection of those used products for re-use and the separate collection of waste products for *preparing* for re-use and recycling in accordance with Articles 22c and 22d,
 - (2) transport of collected loads referred to in point (1) for subsequent sorting for re-use, for *preparing* for re-use and for recycling operations in accordance with Article 22d,

- (3) sorting, ***preparing*** for re-use, recycling and other recovery operations and disposal of collected loads referred to in point (1),
- (4) collection, transport and treatment **■** of waste ***resulting from operations (1), (2) and (3)*** by social ***economy entities*** and other ***actors*** that are part of the collection system referred to in Article 22c, paragraphs 5 and 8;
- (b) carrying out compositional survey of collected mixed municipal waste in accordance with Article 22d(6);
- (c) providing information, ***including via appropriate information campaigns***, on sustainable consumption, waste prevention, re-use, preparing for re-use, ***including repair***, recycling, other recovery and disposal of ***textile, textile-related*** and footwear products in accordance with Article 22c(11), (12) and (15);
- (d) data gathering and reporting to the competent authorities in accordance with Article 37;
- (e) support to research and development to improve ***products design for product aspects listed in Article 5 of the ESPR, and waste prevention and management operations in line with the waste hierarchy, with a view to scaling up fibre-to-fibre recycling***, without prejudice to Union state aid rules.

- 4a. *Member States may decide that the producers of textile, textile-related or footwear products listed in Annex IVc shall cover, partially or totally, the costs mentioned in paragraph 4, point (a) of this Article, for waste textile, textile-related and footwear products listed in Annex IVc ending up in mixed municipal waste.*
5. Member States shall ensure that producers of **textile**, textile-related *or* footwear products *as* listed in Annex IVc cover the costs referred to in paragraph 4 of this Article in relation to **■** used and waste **textile**, textile-related and footwear products *as* listed in Annex IVc **that are** deposited at **■** collection points set up in accordance with Article 22c(5) *and* (8), where such products, *including any used and waste textiles that may have been collected through private take-back schemes and later aggregated with textiles collected pursuant to Article 22c(5)*, were made available on the market for the first time within the territory of a Member State after [P.O. *insert date of entry into force of this amending Directive*] *if an extended producer responsibility scheme for textile, textile-related and footwear products as listed in Annex IVc is already established in that Member State in accordance with Articles 8 and 8a on that date.*

5a. Member States shall ensure that producers of textile, textile-related or footwear products as listed in Annex IVc cover the costs referred to in paragraph 4 of this Article in relation to used and waste textile, textile-related and footwear products as listed in Annex IVc that are deposited at collection points set up in accordance with Article 22c(5) and (8), where such products, including any used and waste textiles that may have been collected through private take-back schemes and later aggregated with textiles collected pursuant to Article 22c(5), were made available on the market for the first time within the territory of a Member State after the date on which that Member State brings into force the laws, regulations and administrative provisions necessary to comply with Directive (EU) 2025/... of the European Parliament and of the Council^{28, 29} pursuant to Article 2(1) of that Directive, or, at the latest, after ... [P.O. insert date twenty-four months after the entry into force of this amending Directive], if an extended producer responsibility scheme for textile, textile-related and footwear products as listed in Annex IVc is established in that Member State in accordance with paragraph 1 of this Article after ...[P.O. insert date of entry into force of this Directive].

²⁸ **Directive (EU) 2025/... of the European Parliament and of the Council of ... amending Directive 2008/98/EC on waste (OJ L, ..., ..., ELI: ...).**

²⁹ OJ: please insert in the text the number of the Directive contained in the document PE xx/24 (2023/0234 (COD)) and complete the corresponding footnote.

6. The costs to be covered referred to in paragraph 4 shall not exceed the costs that are necessary to provide the services referred to in that paragraph in a cost-efficient way and shall be established in a transparent way between the actors concerned.
7. For the purpose of compliance with Article 30, paragraph 1, points (d) and (e), of Regulation (EU) 2022/2065, Member States shall ensure that providers of online platforms, falling within the scope of Chapter 3, Section 4 of that regulation, allowing consumers to conclude distance contracts with producers offering textile, textile-related and footwear products listed in Annex IVc to consumers located in the Union, obtain the following information from producers, ***prior to allowing them to use their services***;
- (a) information on the registration in the register of the producers referred to in Article 22b in the Member State where the consumer is located and the registration number(s) of the producer in that register;

- (b) a self-certification by the producer committing itself to only offering textile, textile-related and footwear products listed in Annex IVc with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 4 of this Article and Article 22c(1) are complied with in the Member State where the consumer is located.
8. Member States shall ensure that the extended producer responsibility schemes laid down in paragraph 1 of this Article are established by [P.O insert date thirty months after the entry into force of this amending Directive] in accordance with Articles 8, 8a, 22a to 22d.
9. *Member States shall adopt measures to ensure that producers offering textile, textile-related and footwear products listed in Annex IVc to end users located in the Union provide fulfilment service providers with the information referred to in paragraph 7 at the moment of the conclusion of the contract between the fulfilment service provider and the producer for any of the services referred to in point (11) of Article 3 of Regulation (EU) 2019/1020.*

10. *Member State shall ensure that the fulfilment service provider, upon receiving the information referred to in paragraph 9 and at the moment of the conclusion of the contract between the provider and the producer for any of the services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020, through the use of any freely accessible official online database or online interface made available by a Member State or the Union or through requests to the producer to provide supporting documents from reliable sources, make best efforts to assess whether the information referred to in paragraph 9 is reliable and complete. For the purpose of this Directive, producers shall be liable for the accuracy of the information provided.*

Member States shall ensure that:

- (i) *where the fulfilment service provider obtains sufficient indications or has reason to believe that any item of information referred to in paragraph 9 obtained from the producer concerned is inaccurate, incomplete or not up-to-date, that provider requests that the producer remedies that situation without delay or within the period set by Union and national law, and*

(ii) where the producer fails to correct or complete that information, the fulfilment service provider swiftly suspends the provision of its service to that producer in relation to the offering of textile, textile-related and footwear products listed in Annex IVc to end users located in the Union until the request has been fully complied with. The fulfilment service provider shall provide the producer with the reasons for the suspension.

11. Without prejudice to Article 4 of Regulation (EU) 2019/1150, if a fulfilment service provider suspends the provision of its service pursuant to paragraph 10 of this Article, Member States shall ensure that the producer concerned has the right to challenge the decision of the fulfilment service provider before a court of the Member States where the fulfilment service provider is established.

Textile, textile-related and footwear producer register

1. Member States shall establish a register of producers of textile, textile-related *or* footwear products listed in Annex IVc to monitor compliance of those producers with Article 22a and 22c(1).

The Commission shall establish a website with links to all national registers to facilitate the registration of producers in all Member States. Member States shall inform the Commission about the link to their national registers within 30 days of the launch of the registers. The information on that register shall be easily accessible, publicly available and free of charge, machine readable, sortable and searchable, respecting open standards for third party use. The provision of information under this paragraph shall be without prejudice to preserving the commercial and industrial confidentiality of sensitive information in conformity with the relevant Union and national law.

2. Member States shall ensure that producers are required to register in the register referred to in paragraph 1. To that end, Member States shall require the producers to submit an application for registration in each Member State where they make textile, textile-related and footwear products listed in Annex IVc available on the market for the first time.
3. Member States shall only allow producers to make available on the market for the first time within their territory textile, textile-related and footwear products listed in Annex IVc where they or, in the case of authorisation, their authorised representatives for the extended producer responsibility, are registered in that Member State.
4. The application for registration shall include the following information:
 - (a) name, trademark and brand names, where available, under which the producer operates in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, and name of a single contact point;

- (b) national identification code of the producer, including its trade register number or equivalent official registration number and Union or national tax identification number;
- (c) the Combined Nomenclature codes of the textile, textile-related and footwear products listed in Annex IVc that the producer intends to make available on the market for the first time within the territory of that Member State;
- (d) the name, postal code, place, street and number, country, telephone, web address, e-mail address and national identification code of the producer responsibility organisation, trade register number or an equivalent official registration number, the Union or national tax identification number of the producer responsibility organisation, and the represented producer's mandate;
- (e) a statement by the producer *or, where applicable, the authorised representative for extended producer responsibility* or the producer responsibility organisation, stating that the information provided is true.

5. Member States shall ensure that the obligations under this Article may, on the producer's behalf, be met by a producer responsibility organisation ***by written mandate***.

Where a producer has designated a producer responsibility organisation, the obligations under this Article shall be met by that organisation *mutatis mutandis* unless otherwise specified by the Member State.

6. Member States shall ensure that the competent authority:
- (a) receives applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system the details of which shall be made available on the competent authorities' website;
 - (b) grants registrations and provides a registration number within a maximum period of 12 weeks from the moment that the information laid down in paragraph 4 is provided;
 - (c) may lay down detailed arrangements with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraph 4;

- (d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2.
7. The competent authority may refuse or withdraw the producer's registration where the information outlined in paragraph 4 and related documentary evidence is not provided or is not sufficient or where the producer no longer meets the requirements set out in paragraph 4, point (d).
8. Member States shall require the producer, or, where applicable, *the authorised representative for extended producer responsibility* or the producer responsibility organisation to notify the competent authority without undue delay of any changes to the information contained in the registration in accordance with paragraph 4, point (d), and of any permanent cessation as regards the making available on the market for the first time within the territory of the Member State of the textile, *textile-related* and footwear products referred to in the registration. A producer shall be excluded from the register of producers if it has ceased to exist.

9. Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers *and fulfilment service providers concluding contract for any of the services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020 with producers offering textile, textile-related and footwear products listed in Annex IVc to end users* are granted access, free of charge, to the register.
10. *By [P.O. insert date 18 months after the entry into force of this amending Directive]*, the Commission shall adopt implementing acts establishing the harmonised format for registration in the register based on the information requirements set out in paragraph 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Producer responsibility organisations for textiles

1. Member States shall ensure that producers of textile, textile-related *or* footwear products listed in Annex IVc *entrust* a producer responsibility organisation to fulfil their extended producer responsibility obligations laid down in Article 22a on their behalf.
 2. Member States shall require producer responsibility organisations intending to fulfil the extended producer responsibility obligations on behalf of producers in accordance with Articles 8a(3), 22a, 22b, 22d and this Article to obtain an authorisation by a competent authority.
- 2a. *Member States shall lay down criteria regarding the qualifications that producer responsibility organisations need to have in order to be entrusted to fulfil extended producer responsibility obligations on behalf of producers. In particular, Member States shall require the producer responsibility organisations to demonstrate the necessary expertise in waste management and sustainability.***

- 2b. *Member States may derogate from the obligation in paragraph 2a of this Article, provided that by [insert date of entry into force of this amending Directive] they have already laid down criteria ensuring that a producer responsibility organisation can be entrusted only where it shows its expertise in the field of waste management and those criteria ensure that the organisation will manage the waste in a sustainable manner and limit the impact of waste management on the environment.*
3. *Without prejudice to Article 8a(4),* Member States shall require the producer responsibility organisations to ensure that the financial contributions paid to them by producers of textile, textile-related *or* footwear products listed in Annex IVc:
- (a) are based on the weight *and, where appropriate, quantity* of the products concerned and, for textile, *textile-related and footwear* products listed in **■** Annex IVc, are modulated on the basis of the ecodesign requirements adopted pursuant to the Regulation .../... of the European Parliament and of the Council [P.O. insert the serial number for the Ecodesign for Sustainable Products Regulation when adopted]³⁰ that are most relevant for the prevention of *waste generated from* textile, *textile-related and footwear products* and for *their* treatment **■** in line with the waste hierarchy and the corresponding measurement methodologies for those criteria adopted pursuant to that Regulation or on the basis of other Union law establishing harmonised sustainability criteria and measurement methods for textile, *textile-related and footwear* products, and that ensure the improvement of environmental sustainability and circularity of *these products*;

³⁰ Regulation .../... (OJp.) [P.O. insert the publication details for the Ecodesign for Sustainable Products Regulation];’

- (b) ■ take account of *the* revenues by the producer responsibility organisations from re-use, preparing for re-use or from the value of secondary raw materials from recycled waste textiles;
- (c) ensure equal treatment of producers regardless of their origin or size, without placing disproportionate burden on producers, including small and medium sized enterprises, of small quantities of textile, textile-related and footwear products listed in Annex IVc.

3a. *Where it is appropriate to address ultra-fast and fast fashion practices and related overgeneration of waste from textile, textile-related and footwear products listed in Annex IVc, Member States may require the producer responsibility organisations to modulate the financial contribution based on producers' practices concerning textile, textile-related and footwear products listed in Annex IVc, based on the product life span resulting from such practices, the length of the useful life of the mentioned products beyond the first user, and the contribution to close the loop of the mentioned products, by turning waste textiles into raw materials for new production chains.*

4. Where necessary to avoid distortion of the internal market and ensure consistency with the ecodesign requirements adopted pursuant to Article 4 read in conjunction with Article 5 of Regulation.../... [P.O. insert the serial number for Ecodesign for Sustainable Products Regulation when adopted], the Commission *shall* adopt implementing acts laying down the fee modulation criteria for the application of paragraph 3, point (a), *and paragraph 3a* of this Article. That implementing act shall not concern the precise determination of the level of the contributions and shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.
5. Member States shall ensure that the producer responsibility organisations establish a separate collection system for used and waste textile, textile-related and footwear products listed in Annex IVc, regardless of their nature, material composition, condition, name, brand, trademark or origin, in the territory of a Member State where they make those products available on the market for the first time. The separate collection system shall:

- (a) offer the collection of such used and waste textile, textile-related and footwear products to the **actors** referred to in paragraph 6, point (a), and provide for the necessary practical arrangements for collection and transport of such used and waste textile, textile-related and footwear products, including the provision, free of charge, of suitable collection and transport containers, to the ■ collection points ***which are part of the producer responsibility organisation's collection system***;
- (b) ensure the collection, free of charge, of such used and waste textile, textile-related and footwear products collected at the ■ collection points ***which are part of the producer responsibility organisation's collection system***, with a frequency that is ***adapted*** to the area covered and the volume of such used and waste textile, ***textile-related*** and footwear products usually collected through those collection points;

- (c) ensure the collection, free of charge, of waste generated by social *economy entities* and other *actors* from such textile, textile-related and footwear products collected through the ■ collection points, *which are part of the producer responsibility organisation's collection system, in a coordinated manner between the producer responsibility organisation and social economy entities.*

Any coordination among producer responsibility organisations remains subject to Union competition rules.

- 6. Member States shall ensure that the collection system referred to in paragraph 5:
 - (a) consists of collection points set up by the producer responsibility organisations and waste management operators on their behalf in cooperation with one or more of the following *actors*: social economy entities, *retailers*, public authorities or third parties carrying out collection on their behalf of used and waste textile, textile-related and footwear products listed in Annex IVc, and *operators of* voluntary collection points;

- (b) covers the whole territory of the Member State taking into account population size and density, expected volume of used and waste textile, textile-related and footwear products listed in Annex IVc, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of those products is profitable;
- (c) maintains a sustained *and technically feasible* increase *in* the separate collection *and corresponding decrease in mixed municipal waste collection of used and waste textile, textile-related and footwear products listed in Annex IVc, based on available* good practices.

I

- 7. Member States shall ensure that producer responsibility organisations are not allowed to refuse the participation of *local public authorities as well as of social economy entities* and other re-use operators in the separate collection system established pursuant to paragraph 5.

8. Without prejudice to paragraph 5, points (a) and (b), and paragraph 6, point (a), Member States shall ensure that social ***economy entities*** are allowed to maintain and operate their own separate collection points and that they are given equal or preferential treatment in the location of the separate collection points. Member States shall ensure that social **■** economy entities that are part of the **■** collection ***system*** in accordance with paragraph 6, point (a) are not required to hand over collected used and waste ***textile***, textile-related and footwear products listed in Annex IVc to the producer responsibility organisation.
9. ***Member States shall ensure that social economy entities that operate their own separate collection points in accordance with paragraph 11 submit at least each year to the competent authority information on the quantity by weight of the separately collected used and waste textile, textile-related and footwear products listed in Annex IVc, specifying:***
- (1) ***the quantity by weight assessed as fit for re-use, indicating, where possible, the quantity by weight exported***

- (2) *the quantity by weight destined to preparing for re-use and recycling, where available specifying separately fibre-to-fibre recycling, indicating, where possible, the quantity by weight exported, and;*
 - (3) *the quantity by weight destined to other recovery or disposal;*
10. *By way of derogation from paragraph 9 of this Article, Member States may exempt, partially or totally, social economy entities, from the obligation to submit the information in paragraph 11a, where the fulfilment of such reporting obligations results in a disproportionate administrative burden on such entities.*

■

11. Member States shall ensure that, in addition to the information referred to in Article 8a(2), producer responsibility organisations make available to **end users**, the following information regarding the sustainable consumption **including second hand options**, re-use and end-of-life management of textile and footwear with respect to the textile, textile-related **or** footwear products listed in Annex IVc that the producers make available on the **market for the first time**:
- (a) the role of **end users** in contributing to waste prevention, including any best practices, notably by fostering sustainable consumption patterns and promoting good care of products while in use;

(b) re-use and repair arrangements available for textile and footwear;

(ba) the location of collection points;

(c) the role of *end users in correctly* contributing to the separate collection of used and waste textile, *textile-related* and footwear *products, including through donation*;

(d) the impact on the environment, human health as well as social and human rights of textile production, in particular fast-fashion practices and consumption, recycling and other recovery and disposal and inappropriate discarding of *waste* textile, *textile-related* and footwear *products*, such as littering or discarding in mixed municipal waste *as well as the steps taken to mitigate the impact on the environment and on human health*.

12. Member States shall ensure that the producer responsibility organisation provide the information referred to in paragraph 11 on a regular basis, that the information is up to date and provided by means of:

(a) a website or other means of electronic communication;

- (b) information in public spaces *and at the collection point*;
 - (c) education programmes, *awareness raising* campaigns, *and community engagement activities*;
 - (d) signposting in a language, or languages, which can be easily understood by users and consumers.
13. Where, in a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, Member States shall ensure that they cover the whole territory of the Member State, *with the aim of uniform service quality across the territory* of the separate collection system for used and waste textile, textile-related and footwear products listed in Annex IVc. Member States shall entrust the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligations in coordinated manner and in accordance with the Union competition rules. *Member States in which only one producer responsibility organisation is entrusted may entrust the competent authority or appoint an independent third party to oversee that the producer responsibility organisation fulfils their obligations in accordance with the Union competition rules.*

14. Member States shall require that producer responsibility organisations ensure the confidentiality of the data in their possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives.
15. Member States shall ensure that producer responsibility organisations publish on their websites, in addition to the information referred to in Article 8a(3), point (e):
- (a) at least each year, subject to commercial and industrial confidentiality, the information on:
- (1) *the amount, including the quantity by weight, of products made available on the market for the first time,*
 - (2) *the quantity by weight of separate collection of used and waste textile, textile-related and footwear products listed in Annex IVc, specifying separately such unsold products,*
 - (3) *the rates of re-use, preparing for re-use and recycling, specifying separately the rate of fibre-to-fibre recycling, achieved by the producer responsibility organisation,*

- (4) *the rates of other recovery, and disposal and*
- (5) *the rates of exports of used textile, textile-related and footwear products listed in Annex IVc assessed as fit for re-use and exports of waste textile, textile-related and footwear products listed in Annex IVc;*
- (b) information on the selection procedure for waste management operators selected in accordance with paragraph 18.
16. Member States shall ensure that producer responsibility organisations provide for *a transparent and non-discriminatory selection procedure for waste management operators*, based on transparent award criteria, without placing *any* disproportionate burden on small and medium-sized enterprises (*SMEs*), to procure: *(i)* waste management services from waste management operators referred to in paragraph 6(a); *and (ii)* subsequent waste treatment.

17. Member States shall ensure that producer responsibility organisations ***provide the competent authorities with the information listed in paragraph 15, points (a) and (b), specifying the quantity by weight for (3), (4) and (5) of point (a), required*** from the producers ***of*** the textile, textile-related and footwear products listed in Annex IVc made available ***in*** the market ***for the first time*** on an annual basis.

By way of derogation from the first subparagraph, Member States shall require that, in respect of producers that are enterprises which employ fewer than 10 persons and have the annual turnover and balance sheet the total of which does not exceed EUR 2 million, producer responsibility organisations will request to submit, on an annual basis, only the information listed in paragraph 15, point (a)(1).

In accordance with Article 37(7) and the examination procedure referred to in Article 39(2) of this Directive, the Commission shall amend Commission Implementing Decisions 2019/1004 and 2021/19 to include the information referred to in the first subparagraph. The amended implementing acts shall address:

- (a) information on reporting schedules;***
- (b) specifications concerning the structure and format of data reporting with a view to ensuring uniformity, consistency and ease of data consolidation for producer responsibility organisations.***

Management of textile waste

I

1. Member States shall ensure that the collection, loading and unloading, transportation and storage infrastructure and *as well as other* operations *including* handling of *used and waste* textile **I**, *and* subsequent sorting and treatment *processes, receive* protection from *adverse* weather conditions and *potential* sources of contamination *in order* to prevent damage and cross-contamination of the collected *used and waste* textiles. Separately collected used and waste *textile* shall be subject to a *professional* screening at the separate collection point *or the sorting facility* to identify and remove non-target items or materials or substances that are *potential sources* of contamination.
2. Member States shall ensure that used and waste *textile*, textile-related and footwear products that are separately collected, *including* in accordance with Article 22c(5) *and 22c(8)*, are considered waste upon collection.

With regard to textiles other than the products listed in Annex IVc, as well as ***discarded*** unsold textile, textile-related and footwear products listed in Annex IVc, Member States shall ensure that the different fractions of textiles materials and textiles items are kept separate at the point of waste generation where such separation facilitates subsequent re-use, ***preparing*** for re-use or recycling, including fibre-to-fibre recycling where technological progress allows. ***That separation shall be carried out in a cost efficient way to maximise resource recovery and environmental benefits.***

3. ***By way of derogation from paragraph 2 of this Article, used textile, textile-related and footwear products that are directly handed over by end users and directly professionally assessed as fit for re-use at the collection point by the re-use operator or social economy entities shall not be considered waste upon collection.***
4. Member States shall ensure that used and waste ***textile***, textile-related and footwear products that are separately collected, ***including*** in accordance with Article 22c(5) ***and 22c(8)***, are subject to sorting operations to ensure the treatment in line with the waste hierarchy established in Article 4(1).

5. Member States shall ensure that sorting operations of used and waste textile, textile-related and footwear products that are separately collected, **including** in accordance with Article 22c(5) **and 22c(8)**, comply with the following requirements:
- (a) the sorting operation is to generate **textile, textile-related and footwear products** for re-use **and preparing** for re-use, **prioritising local sorting, where appropriate, and local re-use**;
 - (b) sorting for re-use operations sort textile, **textile-related and footwear products** at an appropriate level of granularity, **allowing from item to item sorting**, separating fractions that are fit for direct re-use from those that are to be subject to further **preparing** for re-use operations, target a specific re-use market applying up-to-date sorting criteria relevant to the receiving market;
 - (c) items that are assessed as not suitable for re-use are sorted for **remanufacturing and recycling including**, where technological progress allows, **■ fibre-to-fibre recycling, with a view to prioritise remanufacturing over recycling**;
 - (d) the output of sorting and subsequent recovery operations destined for re-use meet the criteria for ceasing to be considered as waste, as referred to in Article 6.

6. By **1 January 2026** and every 5 years thereafter, Member States shall carry out a compositional survey of collected mixed municipal waste to determine the share of waste ***textile, textile-related and footwear products, where appropriate, in accordance, with Annex IVc CN codes***. Member States shall ensure that, on the basis of the information obtained, the competent authorities may require the producer responsibility organisations to take corrective action to increase their network of collection points and carry out information campaigns in accordance with Article 22c(11) and (12). ***Member States shall ensure that the results of these surveys are available to the public.***
7. Member States shall ensure that, in order to distinguish between used ***textile, textile-related and footwear products assessed as fit for re-use*** and waste ***textile, textile-related and footwear products, shipments of used textile, textile-related and footwear products assessed as fit for re-use*** suspected of being waste may be inspected by the competent authorities of Member States for compliance with the minimum requirements set out in paragraphs 8 and 9 for the shipments of used textile, ***textile-related*** and footwear products ***assessed as fit for re-use*** and monitored accordingly.

8. Member States shall ensure that shipments arranged on a professional basis of used **textile**, textile-related and footwear products ***assessed as fit for re-use*** comply with the minimum record keeping requirements set out in paragraph 9 and are accompanied by at least the following information:
- (a) a copy of the invoice and contract relating to the sale or transfer of ownership of the textiles, textile-related and footwear products which states that they are destined for direct re-use and that they are fit for direct re-use;
 - (b) evidence of a prior sorting operation ***or direct professional assessment as fit for re-use*** carried out in accordance with this Article and, where available, the criteria adopted pursuant to Article 6(2), in the form of a copy of the records on every bale within the consignment and a protocol containing all record information according to paragraph 9;
 - (c) a declaration made by the natural or legal person in possession of used **textile**, textile-related or footwear products ***assessed as fit for re-use*** that arranges, on a professional basis, the transport of used **textile**, textile-related and footwear products ***assessed as fit for re-use*** that none of the material within the consignment is waste as defined by Article 3(1);

Member States shall ensure that the shipments referred to in the first subparagraph of this paragraph are appropriately protected against damage during transportation, loading and unloading, in particular, through sufficient packaging and appropriate stacking of the load, thereby maintaining the integrity and quality of the textiles for re-use throughout the transport process.

9. Member States shall ensure that shipments of used **textile**, textile-related and footwear products *assessed as fit for re-use* comply with the following minimum record keeping requirements:
 - (a) the record of the sorting, *direct professional assessment as fit for re-use or preparing* for re-use operations shall be fixed securely but not permanently on the packaging;
 - (b) the record shall contain the following information:
 - (1) a description of the item or items present in the bale reflecting the most detailed sorting granularity that the textile items have undergone during the sorting or *preparing* for re-use operations such as type of clothes, size, colour, gender, material composition, *and any other relevant characteristics that contribute to efficient re-use*,

(2) the name and address of the company responsible for the final sorting or *preparing* for re-use.

10. Member States shall ensure that, where the competent authorities *or authorities involved in inspections*, in a Member State establish that an intended shipment of used *textile*, textile-related and footwear *products assessed as fit for re-use is suspected of being* waste, the costs of appropriate analyses, inspections and storage of used *textile*, textile-related *or* footwear *products assessed as fit for re-use* suspected of being waste may be charged to the producers of textile, textile-related and footwear products listed in Annex IVc, to third parties acting on their behalf or to other persons arranging the shipment.

(8) In Article 29, paragraph 2a is *replaced by the following*:

'2a. Member States shall adopt specific food waste prevention programmes which may be presented as part of their waste prevention programmes.'

- (9) the following Article 29a is inserted:

‘Article 29a

Food waste prevention programmes

1. ■ Member States shall *evaluate* and adapt their food waste prevention programmes, with a view of attaining the targets provided for in Article 9a(4). Those programmes shall at least contain the measures laid down in Article 9(1) and 9a(1) ■ and, where relevant, the measures listed in Annexes IV and IVa *and shall be communicated to the Commission by [P.O. insert date of two years after entry into force of this amending Directive]*.
2. Each Member State shall designate the competent authorities responsible for the coordination of the food waste *prevention* measures *referred to in Article 9a(1)* implemented in order to reach the target set out in Article 9a(4) and inform accordingly the Commission by [P.O. insert the date of within three months after the entry into force of this amending Directive]. The Commission shall subsequently publish that information on the relevant EU website.’;

(10) Article 37 is amended as follows:

(a) in paragraph 3, the first sub-paragraph is replaced by the following:

‘Member States shall report the data concerning the implementation of Article 9(4) and the data referred to in point (a) of Article 22c(15), **Article 22c(17) and Article 22c(9)** to the European Environment Agency every year ■ . Member States shall report the data concerning the implementation of Article 9a(2) to the Commission every year.’;

(aa) *in Article 37, a new paragraph 5a is added:*

5a. Member States shall make the quality check reports related to Article 9(5) publicly available, after evaluating whether the disclosure would undermine the protection confidential business information.

(b) paragraph 7 is replaced by the following:

- ‘7. The Commission shall adopt implementing acts laying down the format for reporting the data referred to in paragraphs 1, 3, 4 and 5 of this Article. For the purposes of reporting on the implementation of points (a) and (b) of Article 11(2), Member States shall use the format established in Commission Implementing Decision of 18 April 2012 establishing a questionnaire for Member States reports on the implementation of Directive 2008/98/EC of the European Parliament and of the Council on waste. For the purpose of reporting on food waste, the methodology developed under Article 9a(3) shall be taken into account when developing the format for reporting. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.’

(11) Article **38a** is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

- ‘2. The power to adopt delegated acts referred to in Articles 7(1), 9a(3), 11a(10), 27(1), 27(4), 38(2) and 38(3) shall be conferred on the Commission for a period of five years from 4 July 2018. The power to adopt delegated acts referred to in Article 22a(2) shall be conferred on the Commission for a period of five years from [PO insert date eighteen months after the entry into force of this amending Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 7(1), 9a(3), 11a(10), 22a(2), 27(1), 27(4), 38(2) and 38(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.;

(b) paragraph 6 is replaced by the following:

- ‘6. A delegated act adopted pursuant to Articles 7(1), 9a(3), 11a(10), 22a(2), 27(1), 27(4), 38(2) and 38(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

(12) *In Article 41 the following paragraph is added:*

Articles 22a, 22b, 22c and 22d shall apply to enterprises which employ fewer than 10 persons and the annual turnover and balance sheet total of which does not exceed EUR 2 million from ... [[12+30] months after the entry into force of this amending Directive].

(13) *The following Article is inserted:*

‘Article 41b

Review

By 31 December 2029, the Commission shall evaluate Directive 2008/98/CE and Directive 1999/31/EC on Landfill of waste. The evaluation shall, among others, also assess:

- (a) *the effectiveness of the financial and organisational responsibility of the extended producer responsibility schemes for textile, textile-related and footwear products listed in Annex IVc established pursuant to this Directive to cover the costs arising from the application of the requirements set out in this Directive, including assessing the possibility of requiring a financial contribution from commercial re-use operators, in particular larger ones;*

- (b) *the possibility of setting waste prevention, collection, preparing for re-use and recycling targets for waste textile,*
- (c) *the possibility of introducing prior sorting of mixed municipal waste to prevent waste which can be recovered for preparing for reuse or recycling from being to waste incineration or landfilled.*

The Commission shall present a report on the findings of that evaluation to the European Parliament and to the Council. Where appropriate, the report shall be accompanied by a legislative proposal.'

- (14) Annex IVc is inserted as set out in the Annex to this Directive.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [P.O. insert date **twenty** months after the entry into force of this amending Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 4

Addressees

This Directive is addressed to the Member States.

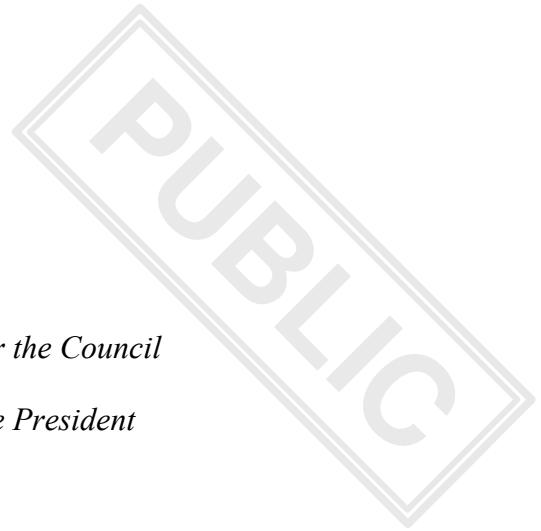
Done at Brussels,

For the European Parliament

The President

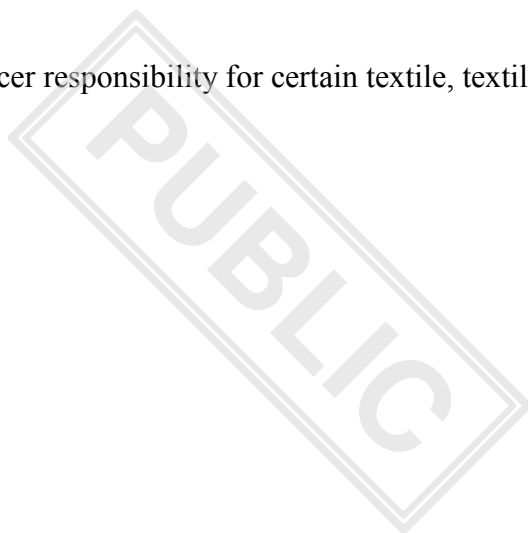
For the Council

The President



Annex IVc

Products that fall within the scope of the extended producer responsibility for certain textile, textile-related and footwear products



Part I

■ Textile products, and textile articles of apparel and clothing accessories *for household use or other uses, where such products are similar in nature and composition to those for household use*, that fall within the scope of Article 22a

CN code	Description
61 – all listed codes within the chapter	Articles of apparel and clothing accessories, knitted or crocheted
62 – all listed codes within the chapter	Articles of apparel and clothing accessories, not knitted or crocheted
6301	Blankets and travelling rugs (except 6301 10 00)
6302	Bed linen, table linen, toilet linen and kitchen linen
6303	Curtains (including drapes) and interior blinds; curtain or bed valances
6304	Other furnishing articles, excluding those of heading 9404
6309	Worn clothing and other worn articles
6504	Hats and other headgear, plaited or made by assembling strips of any material, whether or not lined or trimmed
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hairnets of any material, whether or not lined or trimmed

Part II

Footwear, and articles of apparel and clothing accessories *for household use or other uses, where such products are similar in nature and composition to those for household use*, whose main composition is not textile, *that fall* within the scope of Article 22a

CN code	Description
4203	Articles of apparel and clothing accessories, of leather or composition leather (excl. footwear and headgear and parts thereof, and goods of chapter 95, e.g. shin guards, fencing masks)
6401	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
6402	Other footwear with outer soles and uppers of rubber or plastics
6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather
6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials
6405	Other footwear