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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2008/98/EC on waste
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 5 July 2023, the Commission submitted to the Council and the European Parliament 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. The draft Directive is based on Article 192 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. At the European Parliament, the Committee on the Environment, Public Health and Food Safety (ENVI) was designated as the lead committee for this file. The European Parliament adopted its first-reading position on 13 March 2024.
4. The European Economic and Social Committee delivered its opinion on 25 October 2023.
5. 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 about the targeted amendment. The Council adopted its General Approach on 17 June 2024.
6. Subsequently, two informal political trilogues were held on 22 October 2024 and 18 February 2025, resulting in a provisional agreement between the Council and the European Parliament. On 19 March 2025, the Permanent Representatives Committee confirmed the compromise text as provisionally agreed at the informal trilogue of 18 February 2025.

7. The European Parliament's ENVI Committee voted in favour of the same compromise text on 18 March 2025. Subsequently, the Chair of the ENVI Committee addressed a letter dated 20 March 2025 to the Chair of the Permanent Representatives Committee stating that, if the Council adopted its position at first reading in accordance with the agreed overall provisional agreement, he would recommend to the Plenary that the Council's position be accepted without amendment at Parliament's second reading, subject to legal-linguistic verification.

II. OBJECTIVE

8. The overall objective of the proposed targeted amendment is twofold. One, concerning waste textile, the proposal aims to reduce environmental and climate impacts, increase environment quality and improve public health associated with textiles waste management in line with the waste hierarchy. Two, concerning food waste, the proposal also aims to reduce the environmental and climate impacts of food systems associated with food waste generation and further prevent food waste, and therefore enhance food security.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

9. The Council's position at first reading contains elements, on which an agreement between the co-legislators has been found.
10. Regarding food waste, the co-legislators provisionally agreed on the following main elements:
- i) The food waste reduction targets represent a legally binding instrument to reduce food waste by 2030. Their level for both (a) processing and manufacturing and (b) retail and consumption, including in restaurants, food services and in households, remains at the levels set out in the Commission proposal, 10 % and 30 % respectively. The reference period for setting those targets is the annual average between 2021 and 2023, allowing Member States to exclude 2020, when food waste generation was significantly impacted by the COVID pandemic. However, flexibility to use a pre-2021 year is allowed if representative data and methodology are available. Additionally, a correction factor to account for tourism is introduced to assist Member States with achieving the food waste reduction targets in view of the impact of tourism on food waste generation.

- ii) The review, set for 31 December 2027, shall assess the food waste reduction targets set for 2030. The review clause also includes an assessment of setting further reduction targets specifically for 2035, and of developing a correction factor for changes in food production levels which impact the achievability of those targets. The review shall also assess the role of primary production in reducing food waste.
11. Regarding waste textile, the co-legislators provisionally agreed on the following main elements:
- i) Microenterprises are included in the scope to ensure a level-playing field and increased environmental benefits. Aiming to provide those actors with a sufficient preparatory period, the text 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.
 - ii) The implementation deadline for establishing the Extended Producer Responsibility schemes is set at 30 months after the entry into force. The provisional agreement provides Member States with the possibility to address ultra-fast and fast fashion practices when modulating the fee under Extended Producer Responsibility schemes.
 - iii) The general review clause is set for 31 December 2029 and includes both the Waste Framework and Landfill Directives. The Waste Framework Directive review shall 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, the possibility of setting targets for waste prevention, collection, preparing for re-use and recycling of waste textile, and the possibility of introducing prior sorting of mixed municipal waste.

IV. CONCLUSION

The Council's position builds on the main objective of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.

The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations. Once adopted, the amendment to the Directive will facilitate the reduction of environmental and climate impacts of textile and food sectors in the Union, whilst contributing to a more circular and sustainable economy.
