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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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

DIRECTIVE (EU) 2025/…
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 Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C, C/2024/888, 6.2.2024, ELI: http://data.europa.eu/eli/C/2024/888/oj.

2 Position of the European Parliament of 13 March 2024 (OJ C, C/2025/1033, 27.2.2025, ELI: http://data.europa.eu/eli/C/2025/1033/oj) and position of the Council at first reading of … (not yet published in the Official Journal). Position of the European Parliament of … (not yet published in the Official Journal).

Whereas:

(1) The prevention and management of 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 set out in Directive 2008/98/EC of the European Parliament and of the Council[3] ('waste hierarchy').

(2) The European Green Deal, set out in the Commission communication of 11 December 2019, and the new Circular Economy Action Plan for a cleaner and more competitive Europe, set out in the Commission communication of 11 March 2020, call for reinforced and accelerated Union and Member States' action to ensure environmental and social sustainability of the textile and food sectors, as they represent leading resource-intensive sectors that cause significant negative environmental externalities. In those sectors, financing and technological gaps, amongst other things, impede progress towards the transition to a circular economy and decarbonisation. The food and textile sectors are respectively the first- and fourth-most resource-intensive sectors 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. Those challenges require systemic solutions based on a lifecycle approach, with a particular focus on food and textile products.

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[3] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: http://data.europa.eu/eli/dir/2008/98/oj).

(3) According to the Commission communication of 30 March 2022 on the EU Strategy for Sustainable and Circular Textiles (the 'Strategy'), substantial 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 benefit longer from high-quality affordable textiles. The Strategy underlines the importance of making producers responsible for the waste that their products create and refers to the establishment at Union level of harmonised extended producer responsibility rules for textiles with eco-modulation of fees. It states that the key objective of those rules is to create an economy for collection, sorting, re-use, preparing for re-use, and recycling of textiles, and to incentivise producers to design their products in a manner that respects circularity principles. To that end, it envisages that a significant share of contributions made by producers to extended producer responsibility schemes will be dedicated to waste prevention measures and preparing for re-use. The Strategy also supports the need for strengthened and more innovative approaches to sustainable management of biological resources to increase circularity and valorisation of food waste and re-use of bio-based textiles.

(4) The appropriate collection of textiles will contribute to reducing the presence of waste synthetic textiles in the environment, including in terrestrial and marine ecosystems, by ensuring that textiles are reused, recycled and ultimately given a new life, thereby promoting a circular economy.

(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 United Nations 2030 Agenda for Sustainable Development adopted on 25 September 2015, and in particular UN Sustainable Development Goal (SDG) Target 12.3 to halve per capita global food waste at retail and consumer levels and to reduce food losses along production and supply chains, including post-harvest losses, by 2030. Those measures aim 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 which ran from April 2021 to May 2022, the Commission committed itself to enabling citizens' panels to deliberate and make recommendations ahead of certain key proposals. In that context, a European citizens' panel was convened from December 2022 to February 2023 to prepare a list of recommendations 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. In its final recommendations, the European Citizens' Panel on Food Waste presented three principal lines of action, namely strengthening cooperation in the food value chain, encouraging 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 could serve as a guide to help Member States in achieving the food waste reduction targets.

(7) Directive 2009/31/EC of the European Parliament and of the Council[4] amended Directive 2006/12/EC of the European Parliament and of the Council[5] by excluding from its scope carbon dioxide captured and transported for the purposes of geological storage and geologically stored pursuant to the requirements of Directive 2009/31/EC. That amendment, however, was not, incorporated into Directive 2008/98/EC, which repealed Directive 2006/12/EC. Therefore, in order to ensure legal certainty, this amending Directive incorporates that amendment into Directive 2008/98/EC.

(8) Definitions of 'producer of textile, textile-related or footwear products', 'making available on the market', 'online platform', 'fulfilment service provider', 'social economy entity', 'consumer', 'end user', 'unsold consumer product' and 'producer responsibility organisation' linked to the implementation of the extended producer responsibility for textiles should be included in Directive 2008/98/EC so that the scope of those concepts and linked obligations are clarified.

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[4] 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, ELI: http://data.europa.eu/eli/dir/2009/31/oj).

[5] Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ L 114, 27.4.2006, p. 9, ELI: http://data.europa.eu/eli/dir/2006/12/oj).

(9) Despite the growing awareness of the negative impacts and consequences of food waste, the political commitments made at Union and Member State level, and Union measures implemented following the Commission communication of 2 December 2015 entitled 'Closing the loop – An EU action plan for the Circular Economy', the generation of food waste is not decreasing to the extent necessary for significant progress to be made towards achieving SDG Target 12.3. 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 so that Member States make progress towards achieving that target when implementing this Directive and other appropriate measures to reduce generation of food waste. This Directive therefore sets out areas of intervention where Member States should adapt or adopt measures, as appropriate, for each stage of the food supply chain.

(10) With regard to food waste prevention, Member States have, to a certain extent, developed communication materials and carried out campaigns targeting consumers and food business operators. However, those actions mainly focused on raising awareness rather than fostering behavioural change. In order to reach the full potential for reducing food waste and to ensure progress over time, behavioural change interventions should be developed, tailored to the specific situations and needs in Member States, and fully integrated in national food waste prevention programmes. It is also important to take into account dietary shifts, regional circular solutions, including public-private partnerships and citizen engagement, as well as adaptation to specific regional needs such as in the case of outermost regions or islands.

(11) 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, due to their perishable nature to a greater or lesser extent. Member States should therefore take all appropriate action to ensure that measures taken to implement the food waste reduction targets set out in this Directive 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 of the European Parliament and of the Council[6].

[6] Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: http://data.europa.eu/eli/dir/2019/633/oj).

(12) The European Economic and Social Committee and the European Food Security Crisis preparedness and response Mechanism have recognised the contribution of packaging in reducing food waste and ensuring food supply and security. In that 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) No 1169/2011 of the European Parliament and of the Council[7], thereby contributing to the prevention of unnecessary discarding of food which is still safe for consumption.

(13) 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 accordance with Regulation (EU) No 1169/2011, provide information, including the indication of 'minimum durability' or 'use-by' dates, that is clear and easily understood by consumers.

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[7] Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18, ELI: http://data.europa.eu/eli/reg/2011/1169/oj).

(14) 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 the reduction of generation of food waste, to be achieved by Member States by 2030, should be set.

(15) Having regard to the Union's commitment to the ambition set out in SDG Target 12.3, it is expected that the setting of food waste reduction targets to be achieved by Member States by 2030 would 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 from Member States and tangible progress towards SDG Target 12.3.

(16) 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 for the reduction of the generation of food waste should be set for processing and manufacturing and another target should be set for retail and other distribution of food, for restaurants and food services and for households.

(17) In light of 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, one joint target should be set up for those stages of the food supply chain. Setting separate targets for each of those 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 should take into account the principle of proportionality in setting up measures to reach the joint target.

(18) Demographic changes have a significant impact on the amount of food consumed and food waste generated. A joint food waste reduction target, applying to retail and other distribution of food, restaurants and food services and households, should therefore be expressed as a percentage change in food waste levels per capita in order to take into account population changes. As tourists are not counted as part of the general population and Member States might be confronted with an increase or decrease in tourism in relation to the reference period for the setting of the food waste reduction target expressed per capita for retail and other distribution of food, restaurants and food services and households, taking into account tourism flows, the Commission should adopt a correction factor, so as to support Member States achieve that food waste reduction target.

(19) 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[8]. However, due to protective measures taken during the COVID-19 pandemic, the 2020 data are not considered representative of food waste generated in certain Member States. Similarly, this may be the case for the data collected annually for 2021, 2022 and 2023. It is therefore appropriate to use an annual average between 2021 and 2023 as a reference period for setting food waste reduction targets, while alternatively allowing the use of the data from 2020. For Member States which are able to demonstrate that they performed food waste measurements before 2020 using methods consistent with Delegated Decision (EU) 2019/1597, the use of a year earlier than 2020 should be allowed as the reference period.

[8] Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste (OJ L 248, 27.9.2019, p. 77, ELI: http://data.europa.eu/eli/dec_del/2019/1597/oj).

(20) 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 with a view to strengthening the Union's contribution and achieving 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 identifying appropriate levers to reduce them.

(21) In order to ensure better, more timely and more uniform implementation of the provisions related to food waste prevention, to anticipate any implementation weaknesses, and to allow Member States to take action in advance 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.

(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 within the territory of a Member State certain textile, textile-related or 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 obligations concerning the management of textile, textile-related or footwear products for producers, including 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 Council[9], make available those products on the market within a territory of a Member State for the first time 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 and those producers making available for the first time on the market used textile, textile-related or footwear products assessed as fit for re-use, or textile, textile-related or footwear products derived from such used or waste products or their parts with a view to supporting re-use and a prolonged lifetime thereof, including through repair, refurbishment, upgrading, remanufacturing and upcycling, whereby certain functionalities of the original product are changed, within the Union.

[9] 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, ELI: http://data.europa.eu/eli/dir/2011/83/oj).

(23) In the context of this amending Directive, ‘used textiles’ should be understood as separately collected textiles that are discarded by the end user, whether or not they are discarded with the intention and possibility for them to be re-used. At that stage, used textiles could be either fit for re-use or waste, as they have not been assessed. For that reason, used textiles that are separately collected should be considered to be waste upon collection unless they are directly handed over by end users and directly and 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” should be understood as 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 to be waste textile.

(24) According to the Commission communication of 9 December 2021 entitled 'Building an economy that works for people: an action plan for the social economy', 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 principles 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 that respect, social economy entities can take the form of cooperatives, mutual societies, associations, including charities, foundations and can include religious and church organisations. Social economy entities also include private law entities that are social enterprises as defined in Regulation (EU) 2021/1057 of the European Parliament and of the Council[10].

[10] Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 (OJ L 231, 30.6.2021, p. 21, ELI: http://data.europa.eu/eli/reg/2021/1057/oj).

(25) There are wide disparities as regards the way in which the separate collection of textiles is set up or planned to be set up, whether through extended producer responsibility schemes or other approaches. Where extended producer responsibility schemes are considered, there are also wide disparities, such as with regard to the products falling within their scope, the responsibility of producers, and governance models. The rules on extended producer responsibility laid down in Directive 2008/98/EC should therefore apply to extended producer responsibility schemes for producers of textile, textile-related or footwear products. However, those rules 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 producers, the role of social economy entities and the importance of re-use in increasing the sustainability of the textile value chain. Those rules 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 or treatment, including recycling, of textiles, as well as to provide clear incentives for sustainable textile product design and policies and facilitate the markets of secondary raw materials. In that context, Member States are encouraged to consider authorising multiple producer responsibility organisations, as competition among such producer responsibility organisations can lead to greater consumer benefits, increase innovation, lower costs, improve separate collection of textiles, 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 way. In addition, most textiles are not designed in a manner that respects circularity principles and 78 % of all textile products require disassembling before textile-to-textile recycling. In order to support and drive technological and infrastructural development as well as the push for eco-design of textiles, investments into circular textiles should be promoted for the prevention, collection, sorting, re-use and local reuse, as well as recycling and fibre-to-fibre recycling of textiles. The total amount of waste textiles generated, including 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 as waste.

(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[11], that confidentiality is to be maintained throughout data processing, storage and reporting processes, with robust security measures and data protection standards in place to prevent unauthorised access or potential data breaches.

[11] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).

(28) Household textile and apparel and clothing accessories 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, accessories and footwear that are not primarily composed of textiles. The scope of the established extended producer responsibility scheme should therefore cover textile, textile-related and footwear products for household use or other uses, where such products listed in Annex IVc 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 the obligations of establishing dedicated separate collection schemes and subsequent waste treatment operations for such products for professional uses are already provided for in this amending Directive, under provisions other than those included in Articles relating to extended producer responsibility for textiles and management of waste textiles, or in other relevant Union and national laws. Products for professional use, including military use, that can pose safety, health and hygiene risks or raise security concerns should be excluded from extended producer responsibility schemes 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 (CN) codes pursuant to Annex I to Council Regulation (EEC) No 2658/87[12].

[12] Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tarif (OJ L 256, 7.9.1987, p. 1, ELI: http://data.europa.eu/eli/reg/1987/2658/oj).

(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. In that context, Union legislation on waste is expected to be updated and the Commission will assess the need to amend Articles 8, 8a and 10 of Directive 2008/98/EC with a view to introducing extended producer responsibility for additional waste streams, such as mattresses and carpets, and to further harmonising recovery operations and extended producer responsibility requirements, including for producer registers.

(30) The textile sector is resource-intensive. With regard to the production of raw materials and textiles, most of the pressures and impacts related to the consumption of clothing, footwear and household textiles in the Union occur in third countries. In particular, 73 % of clothes and household textiles consumed in Europe are imported. However, such pressures and impacts also affect the Union due to their global impact on climate and the environment. The prevention, preparing for re-use, and recycling of waste textiles are therefore able to help reduce the global environmental footprint of the sector, including in the Union. In addition, the current resource-inefficient waste management of waste textiles 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.

(31) The purpose of 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 provide incentives for producers to ensure that their products are designed in a manner that respects circularity principles. In order to ensure that the extended producer responsibility obligations do not apply retroactively and comply with the principle of legal certainty, producers of textile, textile-related or footwear products 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 to be waste that were supplied on the territory of the Member States from the date of entry into force of this amending Directive. Those producers should also finance the costs of: carrying out compositional surveys of collected mixed municipal waste; providing information to end users on the impact and sustainable management of textiles; reporting on separate collection, re-use and other treatment; sorting and recycling technologies; and of supporting research and development for the eco-design of textiles that do not contain substances of concern.

(32) As the financial contributions to be paid by a producer should cover the costs for the waste management of products that that producer makes available on the Union market, Member States should ensure that payments of such contributions in more than one Member State are avoided where products circulate in the Union. A producer should therefore pay the extended producer responsibility contributions for the products it made available on the market of a Member State where such products are likely to become waste, except for those products that have left the territory of that Member State before being sold to end-users or becoming waste.

(33) Pursuant to Article 193 TFEU, protective measures adopted pursuant to Article 192 TFEU do 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, a Member State would be able to maintain an extended producer responsibility scheme for waste textiles on microenterprises which is already in force at the time of entry into force of this amending 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 for 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 to reduce the volumes of textiles 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 to significantly reduce 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 to create new green quality jobs and cost-saving opportunities for citizens. Making producers responsible for the waste that their products create is essential to decouple waste textile generation from growth in the sector. Producers should also be responsible for 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, thereby enabling the recycling of a broader variety of materials and creating a source of raw materials for textile production in the Union. It is also important that producers financially support 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 amending Directive, Member States are to ensure that information and assistance are available to economic operators from the textile sector, especially to SMEs, which should take the form of guidance, financial support, access to finance, specialised management and staff training material, or organisational and technical assistance. If such information and assistance are financed through state resources, including when wholly financed by contributions imposed by a public authority and levied on the undertakings concerned, they may constitute State aid within the meaning of Article 107(1) TFEU. In such cases, Member States are 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 the Hubs for Circularity instrument 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. In light of 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 purposes of the collection network should be to collect 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 investment planning for 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 that has been collected to determine the amount of waste textile, textile-related and footwear products therein. In addition, information on the performance of separate collection systems and the quantity by weight of the separate collection showing a sustained increase should be made publicly available on a yearly basis 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 business models and quality jobs in the Union, in line with the objectives of the Commission communication of 9 December 2021 entitled ‘Building an economy that works for people: an action plan for the social economy’, the introduction of extended producer responsibility schemes should maintain and support the activities of social economy entities involved in used textiles management. Those 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 that regard, social economy entities should also provide information to the competent authority on their collection of textiles and subsequent management of such collected textiles by way of minimum reporting obligations. Member States should be able to exempt, totally or partially, social economy entities from such reporting obligations where their fulfilment would result in a disproportionate administrative burden on such entities.

(38) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular to 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 should include information on the 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 the importance of making informed, responsible and sustainable textile consumption choices and of ensuring an environmentally optimal management of waste textile, textile-related and footwear products. Those 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 Regulations (EU) No 1007/2011[13] and (EU) 2024/1781[14] of the European Parliament and of the Council. The disclosure of information to all end users should make use of modern information technologies. The information should be provided both by conventional 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.

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[13] 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, ELI: http://data.europa.eu/eli/reg/2011/1007/oj).

[14] Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ L, 2024/1781, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1781/oj).

(39) In order to increase the circularity and environmental sustainability of textiles and to reduce the adverse impacts on climate and the environment, Regulation (EU) 2024/1781 provides for the development of binding ecodesign requirements for textile and footwear products, 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. Regulation (EU) 2024/1781 also regulates the presence of substances of concern to allow their minimisation and tracking with a view to 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. Furthermore, the modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable textile design, which in turn will lead to improved design that is in line with circularity principles. 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 on the basis of the most relevant ecodesign parameters to enable the treatment of textiles in line with the waste hierarchy. The modulation of those fees according to the ecodesign criteria should be based on the ecodesign requirements and their measurement methodologies that are adopted pursuant to Regulation (EU) 2024/1781 for textile and footwear products or, only where adopted, pursuant to other Union law establishing harmonised sustainability criteria and measurement methods for textile and footwear products. 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.

(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 becoming waste because of aspects not necessarily linked to its design, and are often based on market segmentation. Such practices could lead to the premature discarding of the product before it reaches the end of its potential lifetime, resulting in the overconsumption of textile products and, consequently, to the overgeneration of waste textile. To better identify those 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 product 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 on the basis of its repair-cost ratio 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 minimise reporting obligations.

(42) In order to monitor that producers meet their financial and organisational obligations in relation to the management of used and waste textile, textile-related and footwear products that they make available on the market for the first time within the territory of a Member State, a register of producers should be established and managed by each Member State and producers should be obliged to register. In order to facilitate that registration, the registration requirements and format should be harmonised across the Union to the greatest extent possible, especially where producers make textile, textile-related or 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 SMEs constitute 99 % of the textile sector, the implementation of an extended producer responsibility scheme for textile, textile-related and footwear products should aim to reduce administrative burdens as much as possible. The fulfilment of the extended producer responsibilities should therefore 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 document, inter alia, that they have the necessary financial means to cover the costs of the extended producer responsibility obligations. In the case of state-run producer responsibility organisations, as there is no represented producer's mandate, the requirements provided for in this Directive concerning such mandate should not apply.

(44) Pursuant to Article 30 of Regulation (EU) 2022/2065 of the European Parliament and of the Council[15], providers of online platforms that allow consumers to conclude distance contracts with traders, are required, prior to allowing a producer to use their services, to obtain certain identification information from the 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 or footwear products made available on the market for the first time to consumers located in the Union should be considered to be traders within the meaning of Article 30 of Regulation (EU) 2022/2065.

[15] 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 (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj).

(45) In order to ensure the effective enforcement of the extended producer responsibility obligations, registration in the textile producer register set up pursuant to this Directive, should be considered to be appropriate information for the purposes of Article 30(1), point (d), of Regulation (EU) 2022/2065. Furthermore, the self-certification referred to in Article 30(1), point (e), of that Regulation should cover the commitment by the producer to offer only textile, textile-related or 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), points (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, or to actively 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 those requirements.

(46) Undesirable situations of free-riding could also occur in relation to fulfilment service providers. This Directive introduces provisions with the aim of preventing such undesirable situations, with an approach similar 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 Regulation (EU) 2022/2065 prohibits the imposition of general monitoring obligations on providers of intermediary services, it sets out clear responsibilities and due diligence obligations on providers of online platforms to combat illegal content available on their services. In particular, pursuant to Section 4 of Chapter III of that Regulation, providers of online platforms that allow consumers to conclude distance contracts with traders can be held liable if they do not comply with their specific obligations as intermediaries in the online sale of goods. The supervision and monitoring of compliance with the obligations set out in that Regulation will support the enforcement of and compliance with Directive 2008/98/EC, in particular by ensuring that the information that those online platforms receive from traders is accurate, complete, up-to-date and available in their online interface. The Commission and competent national authorities should exercise their respective monitoring powers in accordance with Regulation (EU) 2022/2065 and Directive 2008/98/EC, as applicable, and, when required, should act in close cooperation, to ensure compliance by providers of online platforms.

(48) In order to ensure that the treatment of textiles is in line with the waste hierarchy, producer responsibility organisations should ensure that all separately collected textiles and footwear are subject to sorting operations that generate items that are fit for re-use and meet the needs of markets for second-hand textile and for feedstock recycling 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 being re-useable. Those 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 can 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 to be waste. As the end user is not trained to distinguish between re-usable and recyclable items, a professional assessment is needed. A professional assessment 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 persons receiving the used products at the collection point who are provided with trainings or guidelines to ensure an adequate assessment. Where 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 where 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 to destinations outside the Union have been steadily increasing, with exports representing the greatest share of the re-use market for post-consumer textiles generated in the Union. In view of the expected significant increase in collected waste textiles after the introduction of separate collection by 2025, it is important for the purpose of ensuring high environmental protection to strengthen the efforts to combat illegal shipments of waste to third countries disguised as non-waste. Building on Regulation (EU) 2024/1157 of the European Parliament and of the Council[16] and with a view to ensuring the sustainable management of post-consumer textiles and tackling 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 products be regarded as waste and subject to Union waste legislation, including Union legislation on the shipment of waste, until they have undergone a sorting operation by an operator trained in sorting for re-use and recycling who 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 recipient second-hand textile markets in the Union 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 a view to better understanding the textile value chain.

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[16] Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (OJ L, 2024/1157, 30.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1157/oj).

(51) In order for Member States to achieve the targets provided for in this Directive, Member States should evaluate and adapt their food waste prevention programmes to include new measures, where appropriate, involving multiple partners from the public and private sectors including producers, distributors, suppliers, retailers 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 of tools, best practices and recommendations to reduce consumer food waste and 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 Member State 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 to be 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 monitor more effectively the re-use of products, including the re-use and preparing for re-use of textiles, including with a view to potentially setting 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. Those data flows should therefore 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) 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 improving 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 purposes of clarity, that empowerment should be laid down, with minor adaptations, in a new Article that deals specifically with prevention of generation of food waste.

(56) In order to bring the CN codes listed in Directive 2008/98/EC in line with the CN codes listed in Annex 1 to Regulation (EEC) No 2658/87, the power to adopt acts in accordance with Article 290 TFEU 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[17]. 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.

[17] OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(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 of producers of textile, textile-related or footwear products and fee modulation criteria for extended producer responsibility for textiles and a correction factor to account for the increase or decrease in tourism in relation to the reference period regarding the food waste reduction target set out in this Directive for the retail and other distribution of food, for restaurants and food services and for households. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[18].

(58) Directive 2008/98/EC should therefore be amended accordingly.

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[18] 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, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(59) It is important that Member States' implementation of Council Directive 1999/31/EC[19] 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 Directive 1999/31/EC in order to assess ways to strengthen its implementation and present, where appropriate, a legislative proposal to amend it. Furthermore, building on the outcome of the possible update of Union legislation on waste resulting from the upcoming Circular Economy Act, as mentioned in the Commission communication of 26 February 2025 entitled 'The Clean Industrial Deal: A joint roadmap for competitiveness and decarbonisation', the Commission should evaluate Directive 2008/98/EC and present, where appropriate, a legislative proposal. In the context of that evaluation, and 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 should also assess the possibility for Member States to introduce prior sorting of mixed municipal waste in order to prevent waste which could be recovered for preparing for re-use, or recycling, from being sent to waste incineration or disposed in landfills.

[19] Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1, ELI: http://data.europa.eu/eli/dir/1999/31/oj).

(60) Since the objectives of this Directive, namely to improve the environmental sustainability of the management of food waste and of used and waste textiles, 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, be better 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 those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2008/98/EC

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 Council*;

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* 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, ELI: http://data.europa.eu/eli/dir/2009/31/oj).’;

(2) in Article 3, the following points 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, 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 Council*, either:

(a) is established in a Member State and manufactures textile, textile-related or footwear products listed in Annex IVc under its own name or trademark, or has them designed or manufactured and supplies them for the first time under its own name or trademark, within the territory of that Member State;

(b) is established in a Member State and resells within the territory of that Member State, under its own name or trademark, textile, textile-related or footwear products listed in Annex IVc manufactured by other economic operators , on which the name, brand or trademark of such other economic operators does not appear;

(c) is established in a Member State and supplies for the first time within the territory of 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) sells textile, textile-related or footwear products listed in Annex IVc by means of distance contracts directly to end-users, whether or not they are private households, in a Member State, and is established in another Member State or in a third country.

"producer of textile, textile-related or footwear products listed in Annex IVc" does not include manufacturers, importers or distributors or other natural or legal persons that supply used textile, textile-related or footwear products listed in Annex IVc assessed as fit for re-use, or textile, textile-related or footwear products listed in Annex IVc derived from those used or waste products or their parts on the market, or self-employed tailors producing customised products;

4c. "making available on the market" means any supply of a textile, textile-related or footwear product listed in Annex IVc 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 Council**;

4f. “fulfilment service provider” means fulfilment service provider as defined in Article 3, point (11), of Regulation (EU) 2019/1020 of the European Parliament and of the Council[***];

4g. “consumer” means any natural person acting for purposes which are outside their trade, business, craft or profession;

4h. “end user” means end user as defined in Article 3, point (21), of Regulation (EU) 2019/1020;

4i. “social economy entity” means a private law entity that provides goods or services and operates in accordance with the following principles:

(a) the primacy of people as well as social or environmental purpose over profit;

(b) 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

(c) democratic or participatory governance;

4j. “unsold consumer product” means unsold consumer product as defined in Article 2, point 37, of Regulation (EU) 2024/1781 of the European Parliament and of the Council****;

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* 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, ELI: http://data.europa.eu/eli/dir/2011/83/oj).

** 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, ELI: http://data.europa.eu/eli/reg/2022/2065/oj).

*** 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, ELI: http://data.europa.eu/eli/reg/2019/1020/oj).

**** Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ L, 2024/1781, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1781/oj).’;

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

(4) the following article is inserted:

‘*Article 9a*

Prevention of food waste generation

1. Member States shall take appropriate measures to prevent the 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 supporting cooperation amongst all actors, while ensuring a fair distribution of costs and benefits of prevention measures, which may include tackling market practices that cause food waste and supporting the marketing and use of products for which a derogation from Article 76 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council* was granted pursuant to paragraph 4 of that Article, only under the conditions, if any, subject to which such a derogation was granted;

(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;

(e) encouraging and promoting innovation and technological solutions which contribute to the prevention of food waste, without prejudice to Regulation (EU) 2025/40 of the European Parliament and of the Council[**], and in particular Article 6 thereof.

Member States shall ensure that all relevant actors in the food supply chain are involved proportionately to their capacity and role in preventing the generation of food waste along that supply chain, with a specific focus on preventing a 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 identified by Member States as having a significant role in the prevention and generation of food waste, propose donation agreements to food banks and to other food redistribution organisations so as to facilitate the donation of unsold food that is safe for human consumption, and at a reasonable cost to 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) reduction of the generation of food waste in processing and manufacturing by 10 % in comparison to the amount of food waste generated as an annual average between 2021 and 2023;

   (b) reduction of 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 of food waste generated as an annual average between 2021 and 2023.

5. Where, in relation to the food waste reduction targets, a Member State is able to provide data for a year prior to 2021 which have been collected using methods set out in Commission Delegated Decision (EU) 2019/1597*** or, for years before 2020, using methods comparable to the methodology and minimum quality requirements for the uniform measurement of levels of food waste as set out in that Delegated Decision, the Member State may use an earlier year as the reference period. By … [18 months from the date of entry into force of this amending Directive] the Member State shall notify the Commission and the other Member States of its intention to use an earlier year and, for a year prior to 2020, shall provide the Commission with the data and measurement methods used to collect them and make those data and measurement methods publicly available.

6. In order to support Member States to achieve the food waste reduction target provided for in paragraph 4, point (b), by … [24 months from the date of entry into force of this amending Directive], the Commission shall adopt implementing acts establishing a correction factor to account for the increase or decrease in tourism in relation to the reference period for the setting of the food waste reduction target. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

7. When the Commission considers that the data related to a year prior to 2020 do not comply with the conditions set out in paragraph 5, it shall, within six months of receipt of a notification made in accordance with that paragraph, adopt a decision requesting the Member State to use an annual average between 2021 and 2023, 2020, or a year prior to 2020 other than that proposed by that Member State as the reference period.

8. 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 modifying those targets and/or extending targets to other stages of the food supply chain, and to considering setting new targets beyond 2030.

The review referred to in the first subparagraph 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 paragraph 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 target with respect to paragraph 4, point (a).

The Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

9. 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.

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* 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 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj).

** Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: http://data.europa.eu/eli/reg/2025/40/oj).

*** Commission Delegated Decision (EU) 2019/1597 of 3 May 2019 supplementing Directive 2008/98/EC of the European Parliament and of the Council as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste (OJ L 248, 27.9.2019, p. 77, ELI: http://data.europa.eu/eli/dec_del/2019/1597/oj).';

(5) in Article 11, paragraph 1, the following subparagraph is inserted after the third subparagraph:

'In order to comply with the objectives of this Article, Member States shall ensure that the necessary infrastructure is in place for the separate collection of waste, including sufficient material and territorial coverage of separate collection points in accordance with Article 28(3), point (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.';

(7) the following articles 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 or footwear products listed in Annex IVc that they make available on the market for the first time, in accordance with Articles 8 and 8a.

2. Member States may set up an extended producer responsibility scheme for the producers of mattresses in accordance with Articles 8 and 8a.

3. 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 or footwear products 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 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.

4 Member States shall ensure that, if a producer as defined in Article 3(4b), point (d), so wishes, the obligations under paragraph 3 of this Article, if any, can be met, on the producer's behalf, by a producer responsibility organisation appointed by written mandate. Where such 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.

5. 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 (CN) codes listed therein in line with the CN codes listed in Annex 1 to Council Regulation (EEC) No 2658/87*.

6. Member States shall clearly define 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 of this Article, in accordance with Article 8a(1), point (a).

7. 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 products available on the market;

   (b) organisations implementing extended producer responsibility obligations on behalf of producers making products available on the market;

   (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.

8. 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:

(i) the collection of those used products for re-use and the separate collection of waste products for preparing for re-use, and for recycling, in accordance with Articles 22c and 22d,

(ii) transport of collected used and waste products referred to in point (i) for subsequent sorting for re-use, for preparing for re-use, and for recycling operations, in accordance with Article 22d,

(iii) sorting, preparing for re-use, recycling and other recovery operations and disposal of collected used and waste products referred to in point (i),

(iv) collection, transport and treatment of waste resulting from operations referred to in points (i), (ii) and (iii) by social economy entities and other actors that are part of the collection system referred to in Article 22c(8) and (11);

(b) carrying out a 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(14), (15) and (18);

(d) data gathering and reporting to the competent authorities in accordance with Article 37;

(e) support for research and development to improve product design for product aspects listed in Article 5 of Regulation (EU) 2024/1781, 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.

9. Member States may decide that the producers of textile, textile-related or footwear products listed in Annex IVc are to cover, partially or totally, the costs referred to in paragraph 8, point (a), of this Article, for waste textile, textile-related and footwear products listed in Annex IVc ending up in mixed municipal waste.

10. Member States shall ensure that producers of textile, textile-related or footwear products listed in Annex IVc cover the costs referred to in paragraph 8 of this Article in relation to used and waste textile, textile-related and footwear products listed in Annex IVc that are deposited at collection points set up in accordance with Article 22c(8) and (11), where such products, including any used and waste textile, textile-related and footwear products that may have been collected through private take-back schemes and later aggregated with textiles collected pursuant to Article 22c(8), were made available on the market for the first time from … [date of entry into force of this amending Directive] if an extended producer responsibility scheme for textile, textile-related and footwear products listed in Annex IVc is already established in the Member State in question in accordance with Articles 8 and 8a on that date.

11. Member States shall ensure that producers of textile, textile-related or footwear products listed in Annex IVc cover the costs referred to in paragraph 8 of this Article in relation to used and waste textile, textile-related and footwear products listed in Annex IVc that are deposited at collection points set up in accordance with Article 22c(8) and (11), where such products, including any used and waste textile, textile-related and footwear products that may have been collected through private take-back schemes and later aggregated with textiles collected pursuant to Article 22c(8), were made available on the market for the first time:

(a) from 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[**+], pursuant to Article 2(1) of that Directive; or

(b) at the latest, from … [thirty months from the date of entry into force of this amending Directive], if an extended producer responsibility scheme for textile, textile-related and footwear products listed in Annex IVc is established in the Member State in question in accordance with paragraph 1 of this Article from … [date of entry into force of this amending Directive].

+ OJ: please insert in the text the number of the Directive contained in the document PE-CONS …/25 (2023/0234 (COD)) and complete the corresponding footnote.

12. The costs to be covered referred to in paragraph 8 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 relevant actors in accordance with paragraph 7.

13. For the purposes of compliance with Article 30(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 that allow consumers to conclude distance contracts with producers offering textile, textile-related or 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 producers referred to in Article 22b in the Member State where the consumer is located and the registration number or numbers of the producer in that register;

    (b) a self-certification by the producer committing itself to only offering textile, textile-related or footwear products listed in Annex IVc with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 8 of this Article and Article 22c(1) are complied with in the Member State where the consumer is located.

14. Member States shall ensure that the extended producer responsibility schemes laid down in paragraph 1 of this Article are established by … [thirty months from the entry into force of this amending Directive] in accordance with Articles 8, 8a, and 22a to 22d.

15. Member States shall adopt measures to ensure that producers offering textile, textile-related or footwear products listed in Annex IVc to end users located in the Union provide fulfilment service providers with the information referred to in paragraph 13 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 Article 3, point (11), of Regulation (EU) 2019/1020.

16. Member States shall ensure that the fulfilment service provider, upon receiving the information referred to in paragraph 15 and 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 Article 3, point (11), 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, makes best efforts to assess whether the information referred to in paragraph 15 of this Article is reliable and complete. For the purposes of this Directive, producers shall be liable for the accuracy of the information provided.

Member States shall ensure that:

(a) where the fulfilment service provider obtains sufficient indications or has reason to believe that any item of information referred to in paragraph 15 obtained from the producer concerned is inaccurate, incomplete or not up to date, the fulfilment service provider requests that that producer correct, complete or update that information without delay or within the period set by Union and national law, and

(b) where the producer fails to correct, complete or update 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 or 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.

17. Without prejudice to Article 4 of Regulation (EU) 2019/1150 of the European Parliament and of the Council[***], if a fulfilment service provider suspends the provision of its service pursuant to paragraph 16 of this Article, Member States shall ensure that the producer concerned has the right to challenge the suspension of the fulfilment service provider before a court in one of the Member States where the fulfilment service provider is established.

Article 22b

Register of producers of textile, textile-related or footwear products

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

   The Commission shall establish a website with links to all national registers of producers to facilitate the registration of producers in all Member States. Member States shall inform the Commission about the link to their national registers of producers within 30 days of the launch of the registers. The information on each register of producers shall be easily accessible, publicly available and free of charge, machine readable, sortable and searchable, and respect 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 relevant Union and national law.

2. Member States shall ensure that producers are required to register in the register of producers. To that end, Member States shall require the producers to submit an application for registration in each Member State where they make available textile, textile-related or footwear products listed in Annex IVc on the market for the first time.

3. Member States shall only allow producers to make available on the market for the first time textile, textile-related or footwear products listed in Annex IVc where they or, in the case of authorisation, their authorised representatives for extended producer responsibility, are registered in the Member State in question.

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 concerned and address of the producer including postal code and place, street and number and country, telephone, if any, web address and e-mail address, and 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 CN 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;

   (d) the name, postal code, place, street and number, country, telephone, if any, 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 can, 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 authority's website;

(b) grants registrations and provides a registration number within a maximum period of 12 weeks from the date that the information laid down in paragraph 4 is provided;

(c) is able to lay down detailed arrangements with respect to the requirements and process of registration without adding substantive requirements further to those laid down in paragraph 4;

(d) is able to 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 laid down in paragraph 4 and related documentary evidence is not provided or is insufficient 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 of the textile, textile-related or 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 contracts for any of the services referred to in Article 3, point (11), of Regulation (EU) 2019/1020 with producers offering textile, textile-related or footwear products listed in Annex IVc to end users are granted access, free of charge, to the register of producers.

10. By …[18 months from the date of entry into force of this amending Directive], the Commission shall adopt implementing acts establishing the harmonised format for registration in the register of producers 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).

Article 22c

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 Article 8a(3), Articles 22a, 22b and 22d and this Article to obtain an authorisation from a competent authority.

3. 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.

4. Member States may derogate from the obligation in paragraph 3, provided that by … [date of entry into force of this amending Directive] they have already laid down criteria ensuring that a producer responsibility organisation may be entrusted to fulfil extended producer responsibility obligations on behalf of producers only where it shows its expertise in the field of waste management and those criteria ensure that the producer responsibility organisation will manage the waste in a sustainable manner and limit the impact of waste management on the environment.

5. Without prejudice to Article 8a(4), Member States shall require 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, the 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 Regulation (EU) 2024/1781 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 those products;

(b) take account of the revenues by the producer responsibility organisations from re-use, from 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 burdens on producers, including small and medium-sized enterprises, of small quantities of textile, textile-related or footwear products listed in Annex IVc.

6. 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 on the basis of 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 those products beyond the first user, and the contribution to closing the loop of those products, by turning waste textiles into raw materials for new production chains.

7. Where necessary to avoid distortion of the internal market and ensure consistency with the ecodesign requirements adopted pursuant to Article 4 in conjunction with Article 5 of Regulation (EU) 2024/1781, the Commission shall adopt implementing acts laying down the fee modulation criteria for the application of paragraph 5, point (a), and paragraph 6 of this Article. Those implementing acts, which shall not concern the precise determination of the level of the contributions, shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.

8. 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 actors referred to in paragraph 9, point (a), the collection of such used and waste textile, textile-related and footwear products , and provide for the practical arrangements necessary for the 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 through 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 and such other actors.

Any coordination among producer responsibility organisations shall remain subject to Union competition law.

9. Member States shall ensure that the collection system referred to in paragraph 8:

(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 on behalf of those authorities the collection 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, without 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.

10. Member States shall ensure that producer responsibility organisations are not allowed to refuse the participation of local public authorities, social economy entities or other re-use operators in the separate collection system established pursuant to paragraph 8.

11. Without prejudice to paragraph 8, points (a) and (b), and paragraph 9, 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 9, 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.

12. Member States shall ensure that social economy entities that operate their own separate collection points in accordance with paragraph 11 submit at least once a 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:

    (a) the quantity by weight assessed as fit for re-use, indicating, where possible, the quantity by weight exported;

    (b) 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

    (c) the quantity by weight destined to other recovery or disposal.

13. By way of derogation from paragraph 12, Member States may exempt, partially or totally, social economy entities from the obligation to submit the information in paragraph 12, where the fulfilment of such reporting obligations would result in a disproportionate administrative burden on those entities.

14. 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 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, in particular 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;

(c) the location of collection points;

(d) 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;

(e) 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.

15. Member States shall ensure that the producer responsibility organisation provides the information referred to in paragraph 14 on a regular basis, and that the information is up to date and provided by means of:

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

(b) communication 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.

16. Where, in a Member State, multiple producer responsibility organisations are entrusted to fulfil extended producer responsibility obligations on behalf of producers, Member States shall ensure that those producer responsibility organisations cover the whole territory of the Member State, with the aim of providing uniform service quality of the separate collection system across the territory for used and waste textile, textile-related and footwear products listed in Annex IVc.

Member States shall designate the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligations in a coordinated manner and in accordance with Union competition law. Member States in which only one producer responsibility organisation is entrusted to fulfil extended producer responsibility obligations on behalf of producers may designate the competent authority or appoint an independent third party to oversee that the producer responsibility organisation fulfils its obligations in accordance with the Union competition law.

17. 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.

18. 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 once a year, subject to commercial and industrial confidentiality, the information on:

        (i) the amount, including the quantity by weight, of products made available on the market for the first time;

(ii) 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;

(iii) 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;

(iv) the rates of other recovery and disposal; and

(v) 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 19.

19. 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, to procure:

(a) waste management services from waste management operators referred to in paragraph 9, point (a), and

(b) subsequent waste treatment.

20. Member States shall ensure that producer responsibility organisations provide, on an annual basis, the competent authorities with the information referred to in paragraph 18, points (a) and (b), including the relevant information referred to in paragraph 18, point (a), required, on an annual basis, from the producers of the textile, textile-related or footwear products listed in Annex IVc that have been made available on the market for the first time. Member States shall ensure that producer responsibility organisations specify the quantity by weight in respect of the information referred to in paragraph 18, point (a), points (iii), (iv) and (v).

By way of derogation from the first subparagraph of this paragraph, Member States shall require that, in respect of producers that are enterprises that employ fewer than 10 persons and whose annual turnover and annual balance sheet does not exceed EUR 2 million, producer responsibility organisations request those enterprises to submit, on an annual basis, only the information listed in paragraph 18, point (a), point (i).

The Commission shall amend Commission Implementing Decisions (EU) 2019/1004**** and (EU) 2021/19***** to include, in accordance with Article 37(7) of this Directive, 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.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Article 22d

Management of waste textiles

1. Member States shall ensure that the collection, loading and unloading, transportation and storage infrastructure as well as other operations including handling of used and waste textiles, 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(8) and (11), are considered to be 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, 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 to be 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(8) and (11), are subject to sorting operations to ensure the treatment in line with the waste hierarchy.

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(8) and (11), 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) the sorting-for-re-use operations sort textile, textile-related and footwear products at an appropriate level of granularity, allowing for item-to-item sorting which separates fractions that are fit for direct re-use from those that are to be subject to further preparing for re-use operations, and 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 prioritising 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 five 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 the CN codes referred to in Annex IVc. 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(14) and (15). Member States shall ensure that the results of those 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 of this Article;

(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, the direct professional assessment as fit for re-use or the preparing for re-use operations is fixed securely but not permanently on the packaging;

(b) the record contains the following information:

(i) 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;

(ii) 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 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 or footwear products listed in Annex IVc, to third parties acting on their behalf or to other persons arranging the shipment.

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* 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, ELI: http://data.europa.eu/eli/reg/1987/2658/oj).

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

*** Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57, ELI: http://data.europa.eu/eli/reg/2019/1150/oj).

**** Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384 (OJ L 163, 20.6.2019, p. 66, ELI: http://data.europa.eu/eli/dec_impl/2019/1004/oj).

***** Commission Implementing Decision (EU) 2021/19 of 18 December 2020 laying down a common methodology and a format for reporting on reuse in accordance with Directive 2008/98/EC of the European Parliament and of the Council (OJ L 10, 12.1.2021, p. 1, ELI: http://data.europa.eu/eli/dec_impl/2021/19/oj).';

(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 is inserted:

‘*Article 29a*
Food waste prevention programmes

1. Member States shall evaluate and adapt their food waste prevention programmes, with a view to attaining the targets provided for in Article 9a(4). Those programmes shall at least contain the measures laid down in Article 9(1) and Article 9a(1) and, where relevant, the measures listed in Annexes IV and IVa and shall be communicated to the Commission by … [two years from the date of entry into force of this amending Directive].

2. Each Member State shall designate the competent authorities responsible for the coordination of the measures to prevent generation of food waste referred to in Article 9a(1) implemented in order to reach the targets set out in Article 9a(4) and inform accordingly the Commission by … [three months from the date of entry into force of this amending Directive]. The Commission shall subsequently publish that information on the relevant website.’;

(10) Article 37 is amended as follows:

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

‘Member States shall report the data concerning the implementation of Article 9(4) and the data referred to in Article 22c(12), Article 22c(18), point (a), and Article 22c(20) 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.’;

(b) the following paragraph is inserted:

‘5a. Member States shall make the quality check reports related to Article 9a(2) publicly available, after evaluating whether the disclosure would undermine the protection of confidential business information.’;

(c) 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 purpose 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) and (4), 38(2) and (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(5) shall be conferred on the Commission for a period of five years from … [eighteen months from the date of 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(5), 27(1) and(4), 38(2) and (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(5), 27(1),and (4), 38(2) and (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:

‘From … [42 months from the date of entry into force of this amending Directive], Articles 22a, 22b, 22c and 22d shall apply to enterprises which employ fewer than 10 persons and whose annual turnover and annual balance sheet does not exceed EUR 2 million.’;

(13) the following article is inserted:

‘*Article 41a*
Review

By 31 December 2029, the Commission shall evaluate this Directive and Directive 1999/31/EC. The evaluation shall, inter alia, 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 re-use, or recycling from being sent 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) the text set out in the Annex to this Directive is inserted as Annex IVc.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by … [twenty months from the entry into force of this amending Directive] at the latest. They shall immediately inform the Commission thereof.

   When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures 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 …, …

For the European Parliament	*For the Council*
The President	*The President*

ANNEX

‘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

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