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Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL amending Directive 2008/98/EC on waste
- Policy debate

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

2. The Commission presented its legislative proposal and the accompanying impact assessment at the Working Party on the Environment (WPE) on 12 July 2023. The WPE examined the proposal in detail and informed the Presidency's work on compromise texts over the course of another six meetings. Based on these discussions and written comments submitted by delegations, the Presidency is preparing a Council negotiating mandate, to be published before the end of the legislative cycle. To make further progress on the file, two issues requiring political guidance from the Council were identified.
 3. In order to guide the discussion at the forthcoming meeting of the Council (Environment) on 25 March 2024, the Presidency has prepared a background paper and questions, as set out in the Annex to this note.
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**Proposal for a Directive of the European Parliament and of the Council amending Directive
2008/98/EC on waste****- Presidency note with questions for Ministers -**

The Waste Framework Directive amendment, submitted by the Commission on 5 July 2023, focuses on two resource intensive sectors: textiles and food, and aims to enhance the EU's progress under the European Green Deal and the Commission's initiatives such as the new Circular Economy Action Plan, the Farm to Fork Strategy and the EU Strategy for Sustainable and Circular Textiles. The amendment aims to reduce the environmental and climate impacts of textiles waste management and food waste generation and seeks to increase environmental quality and improve public health in these areas, in line with the waste hierarchy, and to contribute to food security.

State of play in the Council

The examination of the proposal is being carried out in the Working Party on the Environment (WPE). Its presentation took place under the Spanish Presidency in the WPE on 12 July 2023. During the Agriculture and Fisheries Council of 23 October 2023, ministers held an exchange of views on the proposal.

The Belgian Presidency dedicated six meetings of the WPE to detailed discussions of the proposal. Member States expressed overall positive reactions towards its objectives, both with regard to food and textile waste. Following the thorough discussion in the WPE meetings, the Presidency put forward a draft of revised text providing both amendments on political and technical aspects, addressing the key issues, clarifying the proposal by adding definitions and ensuring alignment with other pieces of (waste) legislation.

Food waste

The current Waste Framework directive (WFD) already foresees that Member States adopt food waste prevention programmes and lists amongst others the encouraging of food donation as one measure to include. Delegations broadly welcomed the proposed new food waste prevention measures as well as the Presidency suggestion to clarify that the list is a minimal list of measures that Member States shall take up in their Food waste Prevention Programmes (FWPP). Some delegations want to add measures to this list, either in the article, or in the annex IV as examples, some others requested more flexibility as regard to the food waste prevention measures to be taken.

The scope of the proposed legally binding food waste reduction targets covers food processing and manufacturing, retail and other distribution of food, in restaurants and food services as well as in households. More concretely, the following targets are proposed to be achieved by 2030 at national level:

- reduction of the generation of food waste in processing and manufacturing by 10% in comparison to the amount generated in 2020
- 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 generated in 2020

It has been debated that the proposal does not set a reduction target for primary production. The foreseen review by the end of 2027 can look into this issue and extend the targets to other stages of the food supply chain.

Regarding the proposed target levels, the discussions explored potentially increased or decreased target levels upon various calls made by Member States. The issue of non-edible food waste fraction included in the proposed targets, which cannot be easily reduced, represented one of the main discussion points. Progressing on this issue is impossible at this stage due to the lack of an agreed definition of edible food waste and the lack of the relevant data for 2020 and 2021. The amendment at hand should encourage the improvement of measuring methods of the edible fraction of food waste and specify that the 2027 review should look into an edible food fraction target.

Member States have expressed concerns regarding the baseline year given the impact of the CoViD-19 pandemic in 2020. Member States have welcomed the possibilities to use an earlier reference year, if necessary data is available. Member States have also suggested that using a later reference year should be possible.

Technical discussions also explored a possible correction factor that takes into account the impact of tourism on food waste levels.

Waste textile

The amendment introduces an Extended Producer Responsibility (EPR) scheme for textiles, putting an obligation on textile producers to cover the costs of management of textile waste. These schemes will then in turn incentivize the reduction of waste and increase textile product circularity. Member States broadly called to include microenterprises in the EPR schemes, while acknowledging the need and possibility to alleviate disproportionate administrative burden on these producers.

To avoid underfinancing of EPR schemes in Member States receiving high rates of used textiles on their national market, it was suggested that Member States should be able to include commercial reuse operators in the EPR schemes to cover the treatment costs for textile waste. The financing regime of EPR schemes should undergo an assessment by the Commission at a later stage.

One of the aims of the proposal, broadly supported by Member States, is to stop the illegal practice of shipping waste textile under the guise of used textile. For this reason, the proposal stipulates that before the professional sorting stage, all separately collected used and waste textile, textile-related and footwear products ('textile') shall be considered as waste with the exception of used textile professionally assessed as fit for re-use by the re-use operators or social economy entities at the collection point from end-users which should not be considered waste. Professional sorting should allow a clear distinction between the shipments of waste textile and of used textile destined for re-use. The shipments of waste textile (destined for example for recycling or for preparing for re-use, such as further sorting or repair) will remain subject to the Waste Shipment Regulation, while the professional shipment of used textile, which are not waste, and destined for re-use will be subject to the specific provisions of the Waste Framework Directive.

Social economy entities play a key role in the Member States' existing textile collection systems. The proposal recognizes their key role in the existing textile collection systems and aims to maintain and support their activities in used textile management in the context of extended producer responsibility. The Presidency has proposed to clearly define social economy entities so as to avoid loopholes, to protect the activities of social economy entities, and to clarify their obligations with regard to reporting and sorting.

Additional to the already existing obligations for Member States to set up separate collection for textiles by 1 January 2025, the proposal specifies that Member States shall ensure that the collection system established by the producer responsibility organisations maintains a sustained increase of the separate collection rate to achieve technically feasible levels of separate collection, taking into account good practices. Due to the lack of robust data, the proposal does not set any targets for prevention, re-use or recycling of waste textile. A possible review clause by the end of 2028 could mandate the Commission to consider setting waste prevention, collection, preparing for reuse and recycling targets for waste textile.

Questions to ministers

- *Taking into account the scope and available data collected in the recent food waste monitoring, do you agree that the proposed binding targets are adequate and implementable for Member States to help to attain the Sustainable Development Goals target of reducing global food waste at the retail and consumer levels by 50% the per capita and food losses along production and supply chains by 2030?*
 - *With a view to the need to tackle the environmental impact of textile waste, do you consider the proposed extended responsibility of textile producers to be an effective measure based on the waste hierarchy principles, whilst also respecting and strengthening the role of social economy entities?*
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