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Opinion of the European Economic and Social Committee on the proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste

(COM(2023) 420 *final* — 2023/0234 (COD))

(C/2024/888)

(Commission legislative proposal and Executive summary of the impact assessment report)

Rapporteur: **Zsolt KÜKEDI**

Referral	European Parliament, 2.10.2023 Council, 6.10.2023
Legal basis	Articles 192(1) and 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Agriculture, Rural Development and the Environment
Adopted in section	2.10.2023
Adopted at plenary	25.10.2023
Plenary session No	582
Outcome of vote (for/against/abstentions)	169/13/17

I. Policy recommendations

THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC)

1. welcomes the revision of the Waste Framework Directive (WFD) and the application of the polluter-pays principle via extended producer responsibility (EPR) schemes; the EESC proposes that the Circular Economy Stakeholder Platform be consulted in order to align the policies with the current agenda and goals set by the EU for its Member States;
2. supports the mandatory introduction of an extended responsibility scheme for **textile products**, so that the uniform producer responsibility scheme substantially impacts the placing on the market, repair and reuse of durable and high-quality textiles. The fact that a single set of rules will also apply to sellers on online platforms is particularly important and should be supported;
3. with regard to the obligation under EPR to pay fees, suggests reconsidering the position whereby the protection of micro-enterprises takes precedence over the polluter-pays principle. The principle of extended producer responsibility is based on the producer's responsibility for the entire life cycle of the product it produces and should include social conditionalities;
4. calls for a review to ensure that the current legislation can be implemented from a practical point of view. It is not appropriate that the legislative proposal treats used clothes (products) and textile waste uniformly in the provisions of Article 22d;
5. supports the proposed requirement for NUTS 2 level surveys on textile waste — and proposes that a common methodology be established, to have the same rules at Member State level — whereby mixed municipal waste should be used to determine the amount of waste textiles and footwear, and proposes a territorial breakdown of the data currently available;
6. considers it necessary to clarify the legislation on the prevention of textile waste, which allows the deduction from the producer's EPR fee of revenues from the sale of secondary raw materials originating from this waste;

7. draws attention, in relation to **food waste** prevention, to the fact that, in addition to the mandatory targets proposed under the legislation, the prospect of an infringement procedure seems premature for the residential sector, where Member States do not have a legislation and penalties toolkit, while more than half of waste occurs in households. Calls on the European Commission to swiftly present its proposal for a revision of the Food Information to Consumers legislation, including provisions for improving date-marking and its understanding and use by consumers; advocates that the role and contribution of consumer organisations in combating food waste through consumer information and education be recognised;

8. suggests that the concepts and terminology in relation to the prevention of food waste should be revised in order to ensure a uniform interpretation of the law; suggests that the definition of 'food waste' be revised and does not need to cover mature and unharvested food, as it should be a circular part and efficient way to compost/fertilise the soil organically; suggests that farmers should be able to market less perfect but still edible products in line with recommendation No 16 of the European Citizens' Panel on Food Waste;

9. suggests that composting be considered a natural cycle. Organic waste is also generated in our homes; on average, it makes up a third of household waste. The use of organic materials inevitably produces residual organic waste (e.g. vegetable and fruit peelings, coffee grounds, tea, grass, etc.). An environmentally conscious lifestyle should involve proper management and composting of this waste. This possibility is clearly a given for households with a garden, but attention must also be drawn to the importance of community composting in urban environments. The final product of composting is suitable for replenishing nutrients and fertilising, and is a climate-friendly and cost-saving solution. The EESC suggests that the reduction of food waste should apply only to preventable waste and that waste that cannot be prevented should not be included in the waste methodology or in the reduction percentage;

10. emphasises that goods/packaging materials made of biodegradable and compostable plastic are of prime importance in the sustainability of a circular economy⁽¹⁾, as growth in the application of plastic packaging has increased alongside the growth in wood waste. It should be emphasised separately that the shipment of waste from Europe to non-European countries for the purpose of landfilling must be prohibited. This can involve food or textile products, but also the packaging they usually use;

11. calls attention in relation to food waste prevention to the fact that mandatory targets on primary production will be important in the future.

II. Substantiation of the policy recommendations

12. *Application of the polluter-pays principle in the Extended Producer Responsibility (EPR) scheme*

13. The Extended Producer Responsibility (EPR) scheme and the polluter-pays principle are finally making producers and manufacturers responsible for the negative environmental impacts of their products. Producers and manufacturers can also take responsibility for the recovery and recycling of products. This internalises environmental costs into the price of the product, which can lead to better price regulation and more informed purchasing decisions by consumers.

14. The EESC also recommends that the EPR fee support reuse activities in the textile sector, related to job creation.

15. In addition, the EESC draws the Commission's attention to the fact that a significant part of the textile waste produced or distributed in Europe does not become waste in Europe. The EPR scheme should finance textile exports and pollution clean-up costs (in countries of the Global South) and support the role of the Global South in the circular economy.

16. The polluter-pays principle obliges producers to develop products and packaging which are easily recycled or biodegradable in the environment. This will also have an impact on sustainable design and the development of innovative solutions at all stages of the product life cycle.

⁽¹⁾ Opinion of the European Economic and Social Committee on — Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A European Strategy for Plastics in a Circular Economy (COM(2018) 28 final) — Proposal for a Directive of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU (COM(2018) 33 final — 2018/0012 (COD)) (OJ C 283, 10.8.2018, p. 61).

17. Under the EPR scheme, producers and manufacturers can take responsibility for the collection, recycling and proper disposal of products. This reduces waste and cuts the ever-increasing use of resources to make new products.

18. The EESC calls on policymakers to establish eco-modulation criteria that also take broader aspects into consideration, particularly the use phase of products. The fees should be designed to provide meaningful incentives to produce less, while also supporting communities affected by textile exports, removing substances of concern from products and manufacturing, as well as disclosing information about the supply chain and production volumes. The EESC cannot support reward schemes that provide no real incentive to change; on the contrary, the EESC suggests designing incentive/penalty schemes that will inevitably trigger design changes (e.g. an incentive for including production date-marking, an incentive for using reclaimed fabrics or yarn from fibre-to-fibre recycling processes, a penalty for using synthetics or problematic blends, a penalty for products containing substances of concern).

19. Redesigned recycling and waste management processes will create new job opportunities, such as staff at recycling plants and waste treatment facilities, and sustainability expert positions.

20. *Scope of the legislation*

21. A single set of rules should apply to all producers and distributors in the sector. A single set of rules for sellers on online platforms is particularly important and should be welcomed.

22. The primary objective must be to prevent waste and process end-of-life of products in accordance with the waste hierarchy.

23. *Uniform application of the polluter-pays principle*

24. The current wording of the proposal would not incentivise 88 % of manufacturers to be sustainable, but would impose a financial burden on the remaining 12 %; in addition, the financial burden for those producers would be paid not only for their own products but also for those of the other 88 %. The proposal therefore runs counter to the polluter-pays principle.

25. The exclusion of micro-enterprises (e.g. tailors etc.) from the scope of application may cause competition problems, which could push the sector towards the underground economy (restructuring of companies).

26. There is a risk that proposals will be made in the future, including in the context of other extended producer responsibility schemes, to find loopholes that benefit certain producers.

27. *End-of-life textile waste review*

28. In the case of textile waste, preparation for re-use (waste recovery process) requires authorisation and the end-of-waste criteria must be met. The objective of prioritising prevention and ensuring that textile products that can be reused remain in circulation and do not become waste, while maintaining and exploiting the capacities of existing charitable organisations, deserves particular support.

29. The legislation needs to be clarified to ensure that textile garments and footwear do not become waste, but remain in the cycle as products. This is because as soon as they become waste, they are placed under a strictly regulated and complex legal regime governing waste treatment, under which preparation for re-use (e.g. sewing, washing, ironing) can only be carried out if waste management permits are held, which is not realistic.

30. *Proposal to move away from the NUTS 2 geographical breakdown for surveys*

31. In several EU countries, waste management systems operate at national level or at the level of waste management areas, so NUTS 2 regional data are not available.

32. The EESC asks that the geographical breakdown for data collection be defined at Member State level.

33. *Ensuring the survival of charities*

34. At present, in practice, charities often sell clothing prepared for re-use and fund their own operations with the proceeds from these sales. Under the proposed rules, they would no longer benefit from this revenue, which would have to be reinvested in the extended producer responsibility system. This could jeopardise the survival of these organisations.

35. The regulatory proposal provides for the conclusion of a financial settlement between charities and EPR schemes in the event that textiles and footwear donated free of charge to these organisations are not disposed of free of charge by them. The EESC calls for clear criteria to be established when it comes to the governance of producer responsibility organisations (PROs) and how social enterprises will be involved.

36. *Means available to Member States to meet targets on time and avoid infringement proceedings*

37. Awareness-raising and other non-binding tools do not provide sufficient guarantees to Member States that they will achieve the set target at population/household level and avoid infringement procedures.

38. Only once the common methodology and minimum quality requirements for uniform measurement of food waste volumes are known at Member State level and a Commission derogation decision with respect to the 2020 baseline has been obtained will a Member State be able to take account of the actual quantitative baseline data and define the necessary measures to achieve a 30 % reduction compared to this baseline at household level.

39. It seems premature to provide for an infringement procedure, and the EESC proposes that this issue be re-examined as part of the review scheduled for 2027.

40. *Revision of concepts and terminology to ensure uniform interpretation of the law*

41. Some food waste (soups, yoghurt, etc.) is disposed of in toilets or domestic waste water and does not appear in waste data, as it is discharged into waste water. Knowledge of the methodology is essential for setting commitments at Member State level.

42. It is important to emphasise that the reference data for the year 2020 come from data collection in the Member States and take into account the volumes of waste composted (domestic and collective composting) or discharged into waste water, i.e. they in no way reflect the structure of the data that will be collected on the basis of the future methodology, since some of the waste does not leave households (domestic composting) or is disposed of in another way.

43. Knowledge of the methodology is essential for setting commitments at Member State level. The EESC recommends that only municipal solid waste be taken into account in the methodology and that composting be defined as an essential tool for contributing to the circular economy, considering it as a corrective methodological element for the benefit of the Member States.

44. *The reduction of food waste should only apply to preventable waste and should not include non-preventable waste*

45. Based on previous data collection, non-preventable food waste is also included in the waste data reported by Member States.

46. It is important to specify at directive level that some food waste is non-preventable (e.g. coffee grounds, fruit peelings, chicken bones). It is not possible to reduce the volume of these items and they will become waste in any case.

47. The EESC suggests that, when defining the baseline value, both the reference level and the reduction target should only include preventable food waste. Our proposed amendments aim to allow Member States that have separate measurement data for preventable and non-preventable food waste to consider the preventable category as a basis for measurement. Surveys carried out by Member States show that, as far as the non-preventable waste category is concerned, the 30 % reduction target by 2030 will be much more challenging and leaves many question marks for the time being.

48. The EESC also proposes assessing the volumes of food waste composted at home, used to feed animals and discharged into the sewage system, without which it will be impossible to obtain a complete picture of the quantity of household food waste produced and the pathways for its recovery and disposal.

49. The EESC notes that one of the causes of consumer food waste is a lack of correct understanding of the difference between the expiration date ('use by') and the minimum durability date ('best before'). The Commission was due to publish a proposal for a revision of the legislation on Food Information to Consumers by December 2022. This proposal was expected to amend the rules for date-marking to improve its expression and presentation and as such foster improved consumer understanding and use of this information. The EESC is disappointed that this initiative, which could contribute towards the objective of cutting food waste at consumer level, has not yet been published.

50. Consumer organisations can play a key role in combating food waste through raising consumer awareness and providing practical tips supporting consumers in changing behaviour and throwing away less food at home. The EESC recommends that the expertise and role of consumer organisations in educating consumers on food waste and how to reduce it be recognised, including through the facilitation of the 'access to funding opportunities' referred to in Article 9a (1)(d).

III. Amendments to the legislative proposal

Amendment 1

Recital 17 is amended as follows:

Text proposed by the European Commission	Amendment
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 placing on the Union market certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products available on the market for re-use. To implement the polluter-pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council⁽¹⁾, makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark. <i>The scope of the producers covered by the extended producer responsibility should exclude micro enterprises and self-employed tailors producing customised products in view of their reduced role in the textile market as well as those placing on the market used textiles, textile-related and footwear products or such products derived from used or waste of those products in view of supporting re-use, including through repair, refurbishment and upcycling whereby certain functionalities of the original product is changed, within the Union.</i>	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 placing on the Union market certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products available on the market for re-use. To implement the polluter-pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council⁽¹⁾, makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark.
⁽¹⁾ 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).	⁽¹⁾ 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).

Amendment 2

Article 1 Amendment (2) is amended as follows:

Text proposed by the European Commission	Amendment
(2) in Article 3, the following paragraphs are inserted: '4b. 'producer of textile, textile-related and footwear products listed in Annex Ivc' means any manufacturer, importer or distributor or other natural or legal person excluding those that supply used textile and footwear products listed in Annex IVc and textile, textile-related and footwear products listed in Annex IVc derived from such used or waste products or their parts on the market, enterprises which employ fewer than 10 persons and whose annual turnover and balance sheet total does not exceed EUR 2 million and self-employed tailors producing customised products, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council*, either: [...]	(2) in Article 3, the following paragraphs are inserted: '4b. 'producer of textile, textile-related and footwear products listed in Annex Ivc' means any manufacturers, importers or distributors or other natural or legal persons, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council*, either: [...]

Reason for amendments 1 and 2

Linked to recommendation 2. The current wording of the proposal would not incentivise 88 % of manufacturers to be sustainable, but would impose a financial burden on the remaining 12 %; in addition, the financial burden for those producers would be paid not only for their own products but also for those of the other 88 %. The proposal therefore runs counter to the polluter-pays principle.

The exclusion of micro-enterprises (e.g. tailors etc.) from the scope of application may cause competition problems, which could push the sector towards the underground economy (restructuring of companies).

There is a risk that proposals will be made in the future, including in the context of other extended producer responsibility schemes, to find loopholes that benefit certain producers.

Amendment 3

Article 22d is amended as follows:

Text proposed by the European Commission	Amendment
3. Member States shall ensure that used and waste textiles, textile-related and footwear products that are separately collected in accordance with Article 22c(5) are considered waste upon collection.	3. Member States shall ensure that waste textiles, textile-related and footwear products that are separately collected in accordance with Article 22c(5) are considered waste upon collection. <i>Furthermore, Member States shall ensure that used textiles, textile-related and footwear products are not considered waste; the registration and permit requirements of this Directive do not apply to them during preparation for reuse.</i>

Text proposed by the European Commission	Amendment
With regard to textiles other than the products listed in Annex IVc, as well as 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, preparation for re-use or recycling, including fibre-to-fibre recycling where technological progress allows.	With regard to textiles other than the products listed in Annex IVc, as well as 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, preparation for re-use or recycling, including fibre-to-fibre recycling where technological progress allows.

Reason

Linked to recommendation 3. In the case of textile waste, preparation for re-use (waste recovery process) requires authorisation and the end-of-waste criteria must be met. The objective of prioritising prevention and ensuring that textile products that can be reused remain in circulation and do not become waste, while maintaining and exploiting the capacities of existing charitable organisations, deserves particular support.

The legislation needs to be clarified to ensure that textile garments and footwear do not become waste, but remain in the cycle as products. This is because as soon as they become waste, they are placed under a strictly regulated and complex legal regime governing waste treatment, under which preparation for re-use (e.g. sewing, washing, ironing) can only be carried out if waste management permits are held, which is not realistic.

Amendment 4

Recital 24 is amended as follows:

Text proposed by the European Commission	Amendment
[...] In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level should be carried out on mixed municipal waste collected to determine the amount of waste textiles and footwear therein. In addition, information on the performance of the separate collection systems and the attained annual separate collection rate should be calculated and made publicly available annually by the producer responsibility organisations.	[...] 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 — with a common methodology, in order to have the same rules at Member State level — should be carried out on mixed municipal waste collected to determine the amount of waste textiles and footwear therein. In addition, information on the performance of the separate collection systems and the attained annual separate collection rate should be calculated and made publicly available annually by the producer responsibility organisations.

Reason

Linked to recommendation 5. In several EU countries, waste management systems operate at national level or at the level of waste management areas, so NUTS 2 regional data are not available.

Amendment 5

Article 22c is amended as follows:

Text proposed by the European Commission	Amendment
3. Member States shall require the producer responsibility organisations to ensure that the financial contributions paid to them by producers of textile, textile-related and footwear products listed in Annex IVc: [...] (b) are adjusted to take account of any revenues by the producer responsibility organisations from re-use, preparing for re-use or from the value of secondary raw materials from recycled waste textiles; [...]	3. Member States shall require the producer responsibility organisations to ensure that the financial contributions paid to them by producers of textile, textile-related and footwear products listed in Annex IVc: [...] (b) are adjusted to take account of any revenues by the producer responsibility organisations from re-use, preparing for re-use or from the value of secondary raw materials from recycled waste textiles; the exception is if social enterprises generate income from it. [...]

Reason

Linked to recommendation 5. At present, in practice, charities often sell clothing prepared for re-use and fund their own operations with the proceeds from these sales. Under the proposed rules, this revenue which would have to be reinvested in the extended producer responsibility system. This could jeopardise the survival of these organisations.

It is proposed that an exception be made for charitable (non-profit) organisations in relation to this revenue. Thus, a financial settlement will not have to be concluded between extended producer responsibility schemes and charitable organisations where textiles and footwear donated free of charge to these organisations are not passed on by the charitable organisation free of charge.

Amendment 6

Article 9a is amended as follows:

Text proposed by the European Commission	Amendment
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.	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. During the development of the methodology, in order to measure the uniform level of food waste, the Commission must pay attention to the framework of the material scope of the Directive, and composting as a waste utilisation operation is defined as a corrective methodological element for the benefit of the Member States.

Reason

Linked to recommendation 7. Knowledge of the methodology is essential for setting commitments at Member State level. The EESC recommends that only municipal solid waste be taken into account in the methodology and that composting be defined as an essential tool for contributing to the circular economy, considering it as a corrective methodological element for the benefit of the Member States.

Amendment 7

Recital 9 is amended as follows:

Text proposed by the European Commission	Amendment
(9) In order to achieve results in the short term, and to give food business operators, consumers and public authorities the necessary perspective for the longer term, quantified targets for reduction of food waste generation, to be achieved by Member States by 2030, should be set.	(9) In order to achieve results in the short term, and to give food business operators, consumers and public authorities the necessary perspective for the longer term, quantified targets for reduction of avoidable food waste generation, to be achieved by Member States by 2030, should be set.

Amendment 8

Recital 13 is amended as follows:

Text proposed by the European Commission	Amendment
(13) Demographic changes have a significant impact on the amount of food consumed and food waste generated. Therefore, a joint food waste reduction target, applying to retail and other distribution of food, restaurants and food services and households, should be expressed as a percentage change in food waste levels per capita in order to take into account population changes.	(13) Demographic changes have a significant impact on the amount of food consumed and avoidable food waste generated. Therefore, a joint food waste reduction target, applying to retail and other distribution of food, restaurants and food services and households, should be expressed as a percentage change in avoidable food waste levels per capita in order to take into account population changes.

Amendment 9

Recital 36 is amended as follows:

Text proposed by the European Commission	Amendment
(36) The empowerment to adopt delegated acts set out in Article 9(8) of Directive 2008/98/EC as regards a common methodology and minimum quality requirements for the uniform measurement of levels of food waste should be moved, with minor adaptations, to a new Article that deals specifically with prevention of food waste generation.	(36) The empowerment to adopt delegated acts set out in Article 9(8) of Directive 2008/98/EC as regards a common methodology and minimum quality requirements for the uniform measurement of levels of avoidable food waste should be moved, with minor adaptations, to a new Article that deals specifically with prevention of avoidable food waste generation.

Amendment 10

linked to recommendation 9.

Article 9a. is amended as follows:

Text proposed by the European Commission	Amendment
Prevention of food waste generation 1. Member States shall take appropriate measures to prevent generation of 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. Those measures shall include the following: (a) developing and supporting behavioural change interventions to reduce food waste, and information campaigns to raise awareness about food waste prevention; (b) identifying and addressing inefficiencies in the functioning of the food supply chain and support cooperation amongst all actors, while ensuring a fair distribution of costs and benefits of prevention measures; (c) encouraging food donation and other redistribution for human consumption, prioritising 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 actors. Member States shall ensure that all relevant actors in the supply chain are involved proportionately to their capacity and role in preventing the generation of food waste along the food supply chain, with a specific focus on preventing disproportionate impact on small and medium-sized enterprises. 2. Member States shall monitor and assess the implementation of their food waste prevention measures, including compliance with the food 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.	Prevention of food waste generation 1. Member States shall take appropriate measures to prevent generation of avoidable 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. Those measures shall include the following: (a) developing and supporting behavioural change interventions to reduce food waste, and information campaigns to raise awareness about food waste prevention; (b) identifying and addressing inefficiencies in the functioning of the food supply chain and support cooperation amongst all actors, while ensuring a fair distribution of costs and benefits of prevention measures; (c) encouraging food donation and other redistribution for human consumption, prioritising 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 actors. Member States shall ensure that all relevant actors in the supply chain are involved proportionately to their capacity and role in preventing the generation of avoidable food waste along the food supply chain, with a specific focus on preventing disproportionate impact on small and medium-sized enterprises. 2. Member States shall monitor and assess the implementation of their food waste prevention measures, including compliance with the food reduction targets referred to in paragraph 4, by measuring the levels of avoidable food waste on the basis of the methodology established in accordance with paragraph 3.

Text proposed by the European Commission	Amendment
3. The Commission is empowered to adopt delegated acts in accordance with Article 38a to supplement this Directive as regards laying down a common methodology and minimum quality requirements for the uniform measurement of food waste levels. 4. Member States shall take the necessary and appropriate measures to achieve, by 31 December 2030, the following food waste reduction targets at national level: (a) reduce the generation of food waste in processing and manufacturing by 10 % in comparison to the amount generated in 2020; (b) reduce the generation of food waste per capita, jointly in retail and other distribution of food, in restaurants and food services and in households, by 30 % in comparison to the amount generated in 2020. 5. <i>Where a Member State can provide data for a reference year prior to 2020, which have been collected using methods comparable to the methodology and minimum quality requirements for the uniform measurement of levels of food waste as set out in the Commission Delegated Decision (EU) 2019/1597, an earlier reference year may be used. The Member State shall notify the Commission and the other Member States of its intention to use an earlier reference year within 18 months of the entry into force of this Directive and shall provide the Commission with the data and measurement methods used to collect them.</i>	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 avoidable food waste levels. 4. Member States shall take the necessary and appropriate measures to achieve, by 31 December 2030, the following food waste reduction targets at national level: (a) reduce the generation of avoidable food waste in processing and manufacturing by 10 % in comparison to the amount generated in 2020; (b) reduce the generation of avoidable 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. 5. <i>Food waste can comprise items which include parts of food intended to be ingested by humans and parts of food not intended to be ingested by humans. Food waste that is derived from food intended to be ingested by humans is referred to as avoidable food waste. Food waste that is derived from food not intended to be ingested by humans is referred to as unavoidable food waste.</i> <i>For Member States that can demonstrate that they performed distinctive food waste measurement related to the avoidable and unavoidable parts of food waste, the use of avoidable food waste as the measurement unit should be allowed for monitoring the food waste reduction target value, provided that the data has been collected using methods comparable to the methodology and minimum quality requirements for the uniform measurement of levels of food waste as set out in Commission Delegated Decision (EU) 2019/1597. The Member State shall notify the Commission and the other Member States of its intention to use avoidable food waste as the measurement unit within 18 months of the entry into force of this Directive and shall provide the Commission with the data and measurement methods used to collect them.</i> <i>Member States are required to evaluate the amount of food waste composted in households, the amount of food waste given to household animals, and the amount of food discarded as or with wastewater, with an appropriate methodology in compliance with the uniform measurement methodologies set out in Commission Delegated Decision (EU) 2019/1597.</i>

Text proposed by the European Commission	Amendment
6. When the Commission considers that the data do not comply with the conditions set out in paragraph 5, it shall, within 6 months of the receipt of a notification made in accordance with paragraph 5, adopt a decision requesting the Member State to either use 2020 or a year other than that proposed by the Member State as reference year. 7. By 31 December 2027, the Commission shall review the targets to be reached by 2030, laid down in paragraph 4, with a view, if appropriate, to modify and/or extend them to other stages of the food supply chain, and to consider setting new targets beyond 2030. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.’; (5) in Article 11, paragraph 1, the third sentence is replaced by the following: ‘Subject to Article 10(2) and (3), Member States shall set up separate collection at least for paper, metal, plastic and glass.’; (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.’	6. When the Commission considers that the data do not comply with the conditions set out in paragraph 5, it shall, within 6 months of the receipt of a notification made in accordance with paragraph 5, adopt a decision requesting the Member State to either use 2020 or a year other than that proposed by the Member State as reference year. 7. By 31 December 2027, the Commission shall review the targets to be reached by 2030, laid down in paragraph 4, with a view, if appropriate, to modify and/or extend them to other stages of the food supply chain, and to consider setting new targets beyond 2030. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.’; (5) in Article 11, paragraph 1, the third sentence is replaced by the following: ‘Subject to Article 10(2) and (3), Member States shall set up separate collection at least for paper, metal, plastic and glass.’; (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.’

Reason for amendments 7, 8, 9 and 10

Linked to recommendation 8, 9. Based on previous data collection, non-avoidable food waste is included in the Member States’ waste reporting. It is important to state at directive level that part of food waste cannot be prevented (e.g. fruit peelings, chicken bones — this waste is unavoidable, and cannot be prevented, but of course can be used, e.g. by composting). It is not possible to reduce the volume of these items and they will become waste in any case. It is suggested that both the baseline and the reduction target should be set for avoidable food waste only.

Brussels, 25 October 2023.

*The President
of the European Economic and Social Committee*
Oliver RÖPKE

ANNEX

The following amendments, which received at least a quarter of the votes cast, were rejected in the course of the debate (Rule 74(3) of the Rules of Procedure):

AMENDMENT 2
NAT/907 — Revision of the EU waste framework Directive

Point 3
Amend as follows

Section opinion	Amendment
<i>with regard to the obligation under EPR to pay fees, suggests reconsidering the position whereby the protection of micro-enterprises takes precedence over the polluter-pays principle.</i> The principle of extended producer responsibility is based on the producer's responsibility for the entire life cycle of the product it produces and should include social conditionalities;	The principle of extended producer responsibility is based on the producer's responsibility for the entire life cycle of the product it produces and should include social conditionalities;

Reason
The purpose of the amendment is to consistently ensure the principle ‘think small first’ repeatedly highlighted in the opinions of the EESC and which the European Commission has considered in its proposal.

AMENDMENT 3
NAT/907 — Revision of the EU waste framework Directive

Point 23
Delete point

Section opinion	Amendment
<i>Uniform application of the polluter-pays principle</i>	

Reason
The purpose of the amendments is to prevent European MSMEs from being unfairly labelled as disregarding environmental requirements and sustainable development. Also to ensure compliance with the EESC's previously expressed position (MSME should not bear the same burden as big company) which the Committee has advocated in various opinions and to take into account the ‘SME relief package’.

AMENDMENT 4
NAT/907 — Revision of the EU waste framework Directive

Point 24
Delete point

Section opinion	Amendment
<i>The current wording of the proposal would not incentivise 88 % of manufacturers to be sustainable, but would impose a financial burden on the remaining 12 %; in addition, the financial burden for those producers would be paid not only for their own products but also for those of the other 88 %. The proposal therefore runs counter to the polluter-pays principle.</i>	

Reason

The purpose of the amendments is to prevent European MSMEs from being unfairly labelled as disregarding environmental requirements and sustainable development. Also to ensure compliance with the EESC's previously expressed position (MSME should not bear the same burden as big company) which the Committee has advocated in various opinions and to take into account the 'SME relief package'.

AMENDMENT 5
NAT/907 — Revision of the EU waste framework Directive

Point 25
Delete point

Section opinion	Amendment
<i>The exclusion of micro-enterprises (e.g. tailors etc.) from the scope of application may cause competition problems, which could push the sector towards the underground economy (restructuring of companies).</i>	

Reason

The purpose of the amendments is to prevent European MSMEs from being unfairly labelled as disregarding environmental requirements and sustainable development. Also to ensure compliance with the EESC's previously expressed position (MSME should not bear the same burden as big company) which the Committee has advocated in various opinions and to take into account the 'SME relief package'.

AMENDMENT 6

NAT/907 — Revision of the EU waste framework Directive

Point 26

Delete point

Section opinion	Amendment
<i>There is a risk that proposals will be made in the future, including in the context of other extended producer responsibility schemes, to find loopholes that benefit certain producers.</i>	

Reason

The purpose of the amendments is to prevent European MSMEs from being unfairly labelled as disregarding environmental requirements and sustainable development. Also to ensure compliance with the EESC's previously expressed position (MSME should not bear the same burden as big company) which the Committee has advocated in various opinions and to take into account the 'SME relief package'.

AMENDMENT 7

NAT/907 — Revision of the EU waste framework Directive

Chapter III, Amendment 1

Delete Amendment 1

Text proposed by the European Commission
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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 placing on the Union market certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products available on the market for re-use. To implement the polluter-pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council ⁽¹⁾, makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark.

The scope of the producers covered by the extended producer responsibility should exclude micro enterprises and self-employed tailors producing customised products in view of their reduced role in the textile market as well as those placing on the market used textiles, textile-related and footwear products or such products derived from used or waste of those products in view of supporting re-use, including through repair, refurbishment and upcycling whereby certain functionalities of the original product is changed, within the Union.

⁽¹⁾ 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).

Section opinion text	Amendment
<i>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 placing on the Union market certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products available on the market for re-use. To implement the polluter-pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council⁽¹⁾, makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark.</i> ⁽¹⁾ 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).	

Reason

The text proposed by Commission should be unchanged.

AMENDMENT 8

NAT/907 — Revision of the EU waste framework Directive

Chapter III, Amendment 2 and Reason for amendments 1 and 2

Delete Amendment 2 and Reason for amendments 1 and 2

Text proposed by the European Commission
(2) in Article 3, the following paragraphs are inserted: ‘4b. “producer of textile, textile-related and footwear products listed in Annex IVc” means any manufacturer, importer or distributor or other natural or legal person excluding those that supply used textile and footwear products listed in Annex IVc and textile, textile-related and footwear products listed in Annex IVc derived from such used or waste products or their parts on the market, enterprises which employ fewer than 10 persons and whose annual turnover and balance sheet total does not exceed EUR 2 million and self-employed tailors producing customised products, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council*, either: [...]’

Section opinion text	Amendment
(2) in Article 3, the following paragraphs are inserted: ‘4b. “producer of textile, textile-related and footwear products listed in Annex Ivc” means any manufacturer, importer or distributor or other natural or legal person including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council*, either: [...]’ Reason for amendments 1 and 2 Linked to recommendation 2. The current wording of the proposal would not incentivise 88 % of manufacturers to be sustainable, but would impose a financial burden on the remaining 12 %; in addition, the financial burden for those producers would be paid not only for their own products but also for those of the other 88 %. The proposal therefore runs counter to the polluter-pays principle. The exclusion of micro-enterprises (e.g. tailors etc.) from the scope of application may cause competition problems, which could push the sector towards the underground economy (restructuring of companies). There is a risk that proposals will be made in the future, including in the context of other extended producer responsibility schemes, to find loopholes that benefit certain producers.	

Reason

The text proposed by Commission should be unchanged.

Outcome of the vote on the amendments as a block:

In favour: 72

Against: 113

Abstention: 11