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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste - General approach

I. INTRODUCTION

1. On 5 July 2023, the Commission submitted a proposal for a targeted amendment of Directive 2008/98/EC (hereafter: Waste Framework Directive), focusing on 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. In the European Parliament, the file was referred to the Committee on the Environment, Public Health and Food Safety (ENVI), which appointed Anna Zalewska (ECR) as the rapporteur. The ENVI Committee voted on its report on 14 February 2024. The European Parliament adopted its position, with further changes, in plenary on 13 March 2024.

3. The European Economic and Social Committee delivered its opinion on 25 October 2023.

4. The Commission presented its legislative proposal and the accompanying impact assessment at the Working Party on the Environment (WPE) on 12 July 2023 under the Spanish Presidency. The Council (Environment) of 25 March 2024, chaired by the Belgian Presidency, held a policy debate on the abovementioned proposal on the basis of a background document[1] prepared by the Presidency. The examination of the proposal in the WPE continued under the Belgian Presidency, in a total of eight WPE meetings. Two Presidency compromise texts were presented and analysed in the WPE.

5. The revised Presidency compromise text was examined by Coreper during its meeting on 29 May 2024. The Presidency reflected the calls from delegations for technical adjustments of several provisions of the text in preparation of the revised Presidency compromise text for the meeting of the Council (Environment) on 17 June 2024.

6. The latest revised Presidency text is set out in the Annex[2] to this note.

II. MAIN ELEMENTS OF THE PRESIDENCY COMPROMISE PROPOSAL

7. The proposed compromise builds on the ambition to further prevent the generation of food waste and improve data collection, and to achieve a more circular and sustainable management of used textile and waste textile. The Presidency's work focused on clarifying the text to reflect the proposal's intentions and ensuring legal certainty, while facilitating implementation and maintaining flexibility at national level.

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1 7725/24.

2 New additions are marked in **bold underlined**, other changes compared to the Commission proposal are marked in **bold**, deletions of the text included in the Commission proposal are marked by **[…]**.

8. In the provisions related to food waste prevention, the main changes reflecting the discussions among delegations concern the following points:

– Maintaining the level of food waste reduction targets for 2030, set in Article 9a(4), as set out in the Commission proposal: reducing food waste generation by 10 % in processing and manufacturing and by 30 % jointly in retail and other distribution of food, in restaurants and food services and in households, in comparison to the amount generated in 2020;

– Maintaining the original wording of Article 9a(7) with regards to the review of the food waste reduction targets set out in Article 9a(4), by 31 December 2027, and extending the scope of the review clause with the assessment of the feasibility of setting a target for the edible fraction of food waste;

– Further enhancing food waste prevention by establishing the list of mandatory food waste prevention measures in Article 9a(1) as explicitly non-exhaustive;

– Further expanding the flexibility for Member States in relation to the reference year for setting the food waste reduction targets, Member States can use the years 2021, 2022, and 2023 as a reference year, on top of the initially proposed possibility to use a year prior to 2020 in Article 9a(5);

– Introducing two correction factors to support Member States in achieving the food waste reduction targets set for 2030: a tourism correction factor in Article 9a(5a) and a production level correction factor in Article 9a(5b);

– Report by the Commission foreseen for 31 December 2027 as per Article 9a(7a) presenting the outcomes of a study on food waste and losses in primary production, possibly accompanied by a legislative proposal.

9. In the provisions related to waste textile, the main changes reflecting the discussions among delegations concern the following points:

– Inclusion of microenterprises in the scope of the extended producer responsibility in the definition of 'producer' in Article 3(4b), thereby capturing the whole sector;

– Mandating the Commission to consider by 31 December 2028 the setting of waste prevention, collection, preparing for re-use and recycling targets for waste textile in Article 11(6a);

– Introducing flexibility for Member States to request producer responsibility organisations (PROs) to require a contribution from commercial re-use operators, as laid out in Article 22a(6), with the aim of ensuring appropriate financing of EPR schemes in Member States with an above-EU-average share of used textile products assessed as fit for re-use made available on their market for the first time; and at the same time, mandating the Commission to review by 31 December 2028 the sufficiency of EPR schemes' costs coverage in Article 11(6b);

– Alignment of obligations of online platforms with the Digital Services Act[3] in Articles 22a(7) and recital 30 and 30a; and introducing obligations for fulfilment service providers in Article 22a;

– Mandating the Commission to establish an EU-level website containing links to producer registers established by Member States as set out in Article 22b;

– Simplifying the method to assess the performance of the collection systems established by PROs under Article 22c;

[3] 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.

– Clarifying the roles and obligations of social economy entities by introducing a definition of social economy entity and specifying the reporting requirements to ensure the availability of data reported, whilst avoiding unnecessary administrative burden by allowing Member States to exempt specified social economy entities from reporting obligations as laid out in Article 22c(11a) and 22c(11b);

– Maintaining the principle that used and waste textile, textile-related and footwear products that are separately collected are considered waste upon collection, laid out in Article 22d(3), whilst clarifying that products directly handed over by end users and directly professionally assessed as fit for re-use at the collection points by a re-use operator or social economy entity are not to be considered waste upon collection, as specified in Article 22d(3a);

– Introducing an option for Member States to modulate the producers' financial contribution based on criteria that take into account practices that lead to the overproduction and overconsumption of textile products, resulting in an overgeneration of waste textile in Article 22c(3)(a) and recital 27;

– A number of editorial changes ensuring the consistent use of terms, notably 'preparing for re-use', 'textile, textile-related and footwear products', 'social economy entities' and 'waste textile'; and introducing 'used textile products assessed as fit for re-use' to make the distinction with 'used textile products' that are discarded.

10. Finally, the Presidency proposes to extend the transposition period from 18 to 24 months after entry into force of the Directive.

11. Following the discussions in Coreper on 29 May 2024, the Presidency has further adjusted its compromise proposal to accommodate outstanding concerns of technical or legal nature voiced by delegations, notably in Article 22c(3)(a) and recital 27, Article 22a(5) and Article 29a(1).

III. CONCLUSION

12. The Council (Environment) is invited to examine the final compromise text set out in the Annex to this note with a view to reaching a General Approach at its meeting on 17 June 2024.

ANNEX

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

[1] OJ C , , p. .
[2] OJ C , , p. .

Whereas:

(1) The European Green Deal and the Circular Economy Action Plan[3] call for reinforced and accelerated Union and Member State action to ensure environmental and social sustainability of the textiles and food sectors as they represent top resource intensive sectors that cause significant negative environmental externalities. In those sectors, financing and technological gaps impede progress towards the transition to a circular economy and decarbonisation. The food and textiles sectors are the first- and the fourth- most resource-intensive sectors respectively[4] and they do not fully adhere to the fundamental Union waste management principles set out in the waste hierarchy which requires the prioritisation of waste prevention followed by **[…] preparing** for re-use and recycling. These challenges require systemic solutions with a lifecycle approach.

(2) According to the EU Strategy for Sustainable and Circular Textiles[5], important changes are needed to move away from the currently prevailing linear way in which textile products are designed, produced, used and discarded, with a particular need to limit fast fashion. That Strategy considers it important to make producers responsible for the waste that their products create and refers to the establishment of harmonised Union extended producer responsibility rules for textiles with eco-modulation of fees. It provides that the key objective of such rules is to create an economy for collection, sorting, re-use, **[…] preparing** for re-use and recycling, and to incentivise producers to ensure that their products are designed in respect of circularity principles. To that end, it foresees that a notable share of contributions made by producers to extended producer responsibility schemes have to be dedicated to waste prevention measures and **[…] preparing** for re-use. It also supports the need for strengthened and more innovative approaches to sustainable management of biological resources to increase the circularity and valorisation of food waste and re-use of bio-based textiles.

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3 COM(2020)98 final of 11 March 2020.
4 EU Transition Pathways (europa.eu)
5 COM(2022)141 final of 30 March 2022.

(3) Having regard to the negative effects of food waste, Member States committed themselves to taking measures to promote the prevention and reduction of food waste in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations (UN) General Assembly on 25 September 2015, and in particular its target of halving per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses, by 2030. Those measures aimed to prevent and reduce food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households.

(4) As a follow-up to the Conference on the Future of Europe, the Commission committed itself to enabling citizens' panels to deliberate and make recommendations ahead of certain key proposals. In this context, a European Citizens' panel was convened, from December 2022 to February 2023 to elaborate a list of recommendations[6] on how to step-up actions to reduce food waste in the Union. As households account for over half of food waste generated in the Union, citizens' insights on food waste prevention are particularly relevant. Citizens recommended three principal lines of action including strengthening cooperation in the food value chain, food business initiatives and supporting consumer behavioural change. The panel's recommendations will continue to support the Commission's overall work programme related to food waste prevention and may serve as a guide to help Member States in achieving the food waste reduction targets.

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

(5) Directive 2009/31/EC of the European Parliament and of the Council[7] excluded from the scope of Directive 2006/12/EC of the European Parliament and of the Council[8] carbon dioxide captured and transported for the purposes of geological storage and geologically stored pursuant to the requirements of Directive 200**9**/**31**/EC. The provision in Directive 2009/31/EC amending Directive 2006/12/EC was not, however, incorporated in Directive 2008/98/EC of the European Parliament and of the Council[9], which repealed Directive 2006/12/EC. Therefore, for the purposes of ensuring legal certainty, this Directive incorporates the amendments of Directive 2009/31/EC concerning the exclusion of carbon dioxide captured and transported for the purposes of geological storage and geologically stored from the scope of Directive 2008/98/EC.

(6) Definitions of producers of textile products, **making available on the market**, online platforms, **fulfilment service providers, social economy entities, end user, unsold consumer products** and producer responsibility organisations linked to the implementation of the extended producer responsibility for textiles need to be included in Directive 2008/98/EC so that the scope of these concepts and linked obligations is clarified.

(7) Member States have, to a certain extent, developed materials and carried out campaigns targeting food waste prevention for consumers and food business operators; however, these mainly focus on raising awareness rather than eliciting behavioural change. In order to reach the full potential for reducing food waste and ensure progress over time, behavioural change interventions have to be developed, tailored to the specific situations and needs in Member States, and fully integrated in national food waste prevention programmes. Importance should also be given to regional circular solutions, including public-private partnerships and citizen engagement as well adaptation to specific regional needs such as outermost regions or islands.

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7 OJ L 140, 5.6.2009, p. 114.
8 OJ L 114, 27.4.2006, p. 9.
9 OJ L 312, 22.11.2008, p. 3.

(8) Despite the growing awareness of the negative impacts and consequences of food waste, the political commitments made at EU and Member State levels, and Union measures implemented since the 2015 Circular Economy Action Plan, food waste generation is not sufficiently decreasing to make significant progress towards achieving Target 12.3 of the UN Sustainable Development Goal (SDG) 12. In order to ensure significant contribution towards the attainment of SDG Target 12.3, the measures to be taken by Member States should be strengthened to make progress in the implementation of this Directive and of other appropriate measures to reduce food waste generation. **This Directive lists areas of intervention where Member States should adapt or adopt measures for each stage of the food supply chain as appropriate.**

(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.

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

(11) Reducing food waste at the production and consumption stages requires different approaches and measures and involves different stakeholder groups. Therefore, one target should be proposed for the processing and manufacturing stage and another one for the retail and other distribution of food, restaurants and food services and households. **With regards to the primary production stage, the Commission should first conduct a study on food waste and losses during primary production, including all different stages of primary production where food waste and losses occur. This study should evaluate the extent and causes of food waste and losses in primary production and identify appropriate levers to reduce such waste and losses**.

(12) Bearing in mind the interdependence between the distribution and consumption stages in the food supply chain, in particular the influence of retail practices on consumer behaviour and the relation between food consumption in- and out-of-home, it is advisable to set up one joint target for these stages of the food supply chain. Setting separate targets for each of these stages would add unnecessary complexity and would limit Member States' flexibility in focusing on their specific areas of concern. In order to avoid that a joint target results in excessive burden on certain operators, Member States will be advised to consider the principle or proportionality in setting up measures to reach the joint target.

(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. **Taking into account that tourists are not counted in the general population and that Member States might be confronted with an increase or decrease in tourism in relation to the reference year, the Commission should develop a correction factor, so as to support Member States in achieving the food waste reduction target expressed per capita for retail and other distribution of food, restaurants and food services and households, corrected for tourism flows.**

(13a) The food waste reduction target for processing and manufacturing does not consider possible decreases or increases, independent from the Member States' action, of production levels in the industries carrying out those operations. In order to take into account these fluctuations in production levels in the food processing and manufacturing industries, the Commission should develop a correction factor, so as to support Member States in achieving the food waste reduction target for processing and manufacturing, corrected for changes in production levels.

(14) Based on the harmonised methodology set out in Commission Delegated Decision (EU) 2019/1597[10], the first year for which data on food waste levels were collected was 2020. Therefore, the year 2020 should be used as a **[…] reference year** for setting food waste reduction targets. For Member States, which can demonstrate that they performed food waste measurements before 2020, using methods consistent with Delegated Decision (EU) 2019/1597, the use of an earlier **[…] reference year** should be allowed. **Where a Member State assesses that the data collected for 2020 is not representative of the generation of food waste within its territory, due to the CoViD-19 pandemic, it may use 2021, 2022, or 2023 as reference year.**

(15) 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. This would allow for a possible adjustment of the targets in view of strengthening the Union's contribution and further **[…] alignment** with SDG Target 12.3, to be reached by 2030 and providing direction for further progress beyond that date.

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10 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).

(16) In order to ensure better, timelier, and more uniform implementation of the provisions related to food waste prevention, to anticipate any implementation weaknesses, and to allow taking action ahead of the deadlines for meeting the targets, the system of early warning reports, introduced in 2018, should be extended to cover food waste reduction targets.

(17) 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 of a Member State for the first time** certain textile, textile-related and footwear products take responsibility for their management at their end-of life as well as extending their lifetime through making used textile, textile-related and footwear products **assessed as fit for re-use** available on the market for re-use. To implement the polluter pays principle, it is appropriate to lay down the obligations for the management of textile, textile-related and footwear producers, which include any manufacturer, importer or distributor, that, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council[11], makes available those products on the market for the first time within a territory of a Member States on a professional basis under its own name or trademark. The scope of the producers covered by the extended producer responsibility should exclude **[…]** self-employed tailors producing customised products in view of their reduced role in the textile market as well as those **[…] making available for the first time** on the market used textile, textile-related and footwear products **assessed as fit for re-use** or such products derived from used or waste of those products in view of supporting re-use **and a prolonged lifetime,** including through repair, refurbishment, **upgrading, remanufacturing** and upcycling whereby certain functionalities of the original product is changed, within the Union.

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11 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).

(17a) In the context of this amending Directive, "used textiles" refers to separately collected textiles that are discarded by the end user, be it with the intention and possibility for them to be re-used or not. At this stage, these used textile products could be fit for re-use or could be waste, they have not been assessed. For this reason, used textiles that are separately collected are considered waste upon collection, unless they are directly handed over by end users and directly professionally assessed as fit for re-use at the collection point by the re-use operator or social economy entities. "Used textiles assessed as fit for re-use" refers to textiles that have been assessed as fit for re-use after collection, sorting, preparing for re-use or after the direct professional assessment at the collection point. Used textiles assessed as fit for re-use should not be considered waste textile.

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

(18a) In those Member States where there is a higher share compared to the EU average of used textile, textile-related and footwear products assessed as fit for re-use made available on their market for the first time and textile, textile-related and footwear products derived from such used and waste products made available on their market for the first time, the extended producer responsibility fees collected from producers of textile, textile-related and footwear products might not be sufficient to cover the costs for the waste management of those products. Setting appropriate monitoring requirements in the extended producer responsibility schemes to determine the contribution of those products to waste generated in the future will be an important source of data to assist in the possible future decision to consider those products as falling under an extended producer responsibility scheme established pursuant to this Directive. In the meantime, to ensure financial coverage for the costs of waste management to be carried out as part of the extended producer responsibility obligations, Member States with a high share of those products should have the possibility to request producer responsibility organisations to require a contribution from commercial re-use operators that make such products available on their market for the first time. In this regard, the requested contribution from the commercial re-use operators should reflect the waste hierarchy and in particular the need to promote the re-use of textile, textile-related and footwear products. Those contributions are meant to only cover the costs of collection of used and waste textile, textile-related products and subsequent waste management and should in any case be lower than the contribution requested from producers of textile, textile-related and footwear products. In that case and in line with the obligation of Member States to define in a clear way the roles and responsibilities of relevant actors involved in the extended producer responsibility, Member States may include additional obligations for these commercial re-use operators, such as reporting or registration. Commercial re-use operators are to be understood as commercial entities and social economy entities, which make available on the market those products, that have undergone a re-use or preparing for re-use operation (e.g. sorting, repair).

Taking into account the Blue Guide on the implementation of EU products rules[12], a commercial activity is understood as providing goods in a business related context. Non-profit organisations may be considered as carrying out commercial activities if they operate in such a context. This can only be appreciated on a case by case basis taking into account the regularity of the supplies, the characteristics of the product, the intentions of the supplier etc. In principle, occasional supplies by charities or hobbyists are not to be considered as taking place in a business related context.

(19) The household textile and apparel clothing comprise the largest share of Union textile consumption and the biggest contributor to unsustainable patterns of over production and overconsumption. Household textiles and apparel are also the focus of all existing separate collection systems in Member States along with other post-consumer apparel and accessories and footwear that are not primarily composed of textiles. Therefore, the scope of the established extended producer responsibility scheme should cover **[…] textile, textile-related and footwear products for household use or other uses, where such products are similar in nature and composition to those for household use**. In order to ensure the legal certainty for the producers on the products subject to the extended producer responsibility, the products in scope should be identified by reference to the Combined Nomenclature codes pursuant to Annex I to Council Regulation (EEC) No 2658/87[13].

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12 Commission notice The 'Blue Guide' on the implementation of EU product rules 2022 (2022/C 247/01)

13 OJ L 256, 7.9.1987, p. 1.

(20) The textile sector is resource intensive. While, in relation to both 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, they also affect the Union due to their global impact on climate and the environment. Therefore, preventing, preparing for re-use and recycling **[…]** waste **textile** can help reduce the global environmental footprint of the sector, including in the Union. In addition, the current resource-inefficient waste management of **[…]** waste **textile** is not in line with the waste hierarchy and leads to environmental harm both in the Union and in third countries, including through greenhouse gas emissions from incineration and landfilling.

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

(21a) Given the lack of robust data on waste textile and on the financing of the extended producer responsibility schemes to be set up by Member States, the Commission should review this Directive by 31 December 2028 to consider setting waste prevention, collection, preparing for re-use and recycling targets as well as to evaluate whether national extended producer responsibility schemes are under- or overfunded as a result of the exclusion of those that supply used textile, textile-related and footwear products assessed as fit for re-use and textile, textile-related and footwear products derived from such used or waste products or their parts on the market from the producer's definition.

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

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

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

(25) In view of the key role of **[…]** social economy entities in the existing textile collection systems and their potential to create local, sustainable, participatory and inclusive businesses models and quality jobs in the Union, in line with the objectives of the EU Social Economy Action Plan[14], the introduction of extended producer responsibility schemes should maintain and support the activities of **[…]** social economy entities involved in used textiles management. These entities therefore should be regarded as partners in the separate collection systems supporting the scale-up of re-use and repair and creating quality jobs for all and in particular for vulnerable groups. **Given their important role in the textile collection systems both with the producer responsibility organisations and independently, sorting requirements should also apply to the used and waste textile, textile-related and footwear products collected by the social economy entities. In this regard, social economy entities should also report on their textile collection and treatment to the competent authority. Member States may exempt, totally or partially, social economy entities that do not export used or waste textile, textile-related and footwear products from the reporting obligation, where the fulfilment of such reporting obligations would result in a disproportionate administrative burden on such entities. Reporting separately the share of unsold goods received will allow Member States to monitor the impact on the social economy entities of the prohibition of destruction of unsold goods introduced by the Ecodesign for Sustainable Products Regulation[15].**

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

15 *OJ to insert the reference number once adopted.*

(26) Producers and producer responsibility organisations should be actively involved in providing information to end users, in particular consumers, that used and waste textile, **textile-related** and footwear **products** should be collected separately, that collection systems are available and that end users have an important role in ensuring waste prevention and an environmentally optimal management of **[…]** waste **textile**. This information should include availability of re-use arrangements for textiles and footwear and the environmental benefits of sustainable consumption and the environmental, health and social impacts of the textile apparel industry. The end users should also be informed about their important role in making informed, responsible and sustainable textile consumption choices and ensuring an environmentally optimal management of **[…]** waste **textile, textile-related and footwear products**. These information requirements apply in addition to the requirements on the provision of information to end users in relation to the textile products laid down in the Ecodesign for Sustainable Product Regulation[16] and the Regulation (EU) No 1007/2011 of the European Parliament and of the Council[17]. The disclosure of information to all end users should make use of modern information technologies. The information should be provided both by classical means, such as posters both indoors and outdoors and social media campaigns, and by more innovative means, such as electronic access to websites provided by QR codes.

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16 *OJ to insert the reference number once adopted.*

17 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).

(27) In order to increase textiles' circularity and environmental sustainability and to reduce the adverse impacts on climate and the *environment, Regulation …/... [PO insert the serial number and institutions for the Ecodesign for Sustainable Product Regulation, and complete the footnote*][18] will develop binding textile **and footwear** product ecodesign requirements, which will, depending on what the impact assessment will show to be beneficial for increasing textile environmental sustainability, regulate durability, reusability, reparability, and fibre-to-fibre recyclability of textiles, and mandatory recycled fibre content in textiles. It will also regulate the presence of substances of concern to allow their minimisation and tracking in view of reducing waste generation and improving recycling, as well as the prevention and reduction of synthetic fibres shed into the environment to significantly reduce microplastic release. At the same time, modulation of extended producer responsibility fees is an effective economic instrument to incentivise more sustainable textile design leading to improved circular design. In order to provide a strong incentive for ecodesign while taking into account the objectives of the internal market and the composition of the textile sector which is primarily composed of SMEs, it is necessary to harmonise criteria for the modulation of extended producer responsibility fees based on the most relevant ecodesign parameters to enable the treatment of textiles in line with the waste hierarchy. The fee modulation according to the ecodesign criteria should be based on the Ecodesign requirements and their measurement methodologies that are adopted pursuant to the Ecodesign for Sustainable Product Regulation for textile **and footwear** products or to other Union law establishing harmonized sustainability criteria and measurement methods for textile **and footwear** products and only where the latter are adopted. It is appropriate to empower the Commission to adopt harmonised rules for the fee modulation to ensure the alignment of the fee modulation criteria with those product requirements. **Industrial and commercial strategies influence the length of use of the product, <u>namely its extrinsic durability, that can be measured in the likelihood of a product to become waste because of issues not linked to its design,</u> making the intrinsic quality of a textile product now a minority cause of its end-of-life. These strategies lead to the discarding of the product, even before it reaches its potential lifetime, resulting in an overconsumption of textile products and, consequently, an overgeneration of waste textile.**

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18 *OJ to insert the reference number once adopted.*

In line with the polluter pays principle and the principle that waste prevention is the highest level of the waste hierarchy, and in order to combat the overconsumption of textile products and the subsequent overgeneration of waste textile, and to enable better management of their end-of-life, ultimately reducing their environmental impact, Member States may modulate producers' financial contributions on the basis of the practices leading to such overgeneration of waste textile, in particular in relation to industrial and commercial strategies.

(28) In order to monitor that producers meet their obligations relating to their financial, and organisational obligations to ensuring the management of used and waste textile, textile-related and footwear products they make available on the market for the first time within the territory of a Member State, it is necessary that a register of producers is established and managed by each Member State and that producers should be obliged to register. The registration requirements and format should be harmonised across the Union to the greatest extent possible so as to facilitate registration in particular where producers make textile, textile-related and footwear products available on the market for the first time in different Member States. The information in the register should be accessible to those entities that play a role in the verification of the compliance with the extended producer responsibility obligations and their enforcement.

(29) Since the textile sector is 99% comprised of small and medium sized enterprises, the implementation of an extended producer responsibility scheme for textile, textile-related and footwear products should aim to reduce as much as possible administrative burdens. Therefore, the fulfilment of the extended producer responsibilities should be exercised collectively by means of producer responsibility organisations**, including state-run producer responsibility organisations if deemed appropriate by the Member State,** taking up the responsibility on their behalf. Producer responsibility organisations should be subject to authorisation by Member States and should document, inter alia, that they have the financial means to cover the costs entailed by the extended producer responsibility and that they fulfil that responsibility. **In the case of state-run producer responsibility organisations, as there is no represented producer's mandate, the requirements provided in this Directive concerning such mandate should not apply.**

(30) Article 30 **[…]** of Regulation (EU) 2022/2065 of the European Parliament and of the Council[19] obliges **[…]** providers of online platforms allowing consumers to conclude distance contracts with […] **traders**, prior to allowing a producer to use its services, to obtain certain identification information from that **[…] trader** and a self-certification by the **[…] trader** committing to only offer products or services that comply with the applicable rules of Union law. **For the purposes of this Directive, producers offering textile, textile-related and footwear products made available on the market for the first time to consumers located in the Union should be considered traders.**

(30a) In order to ensure the effective enforcement of the extended producer responsibility obligations, **[…]** the registration in the textile producer register that Member State**s** are obliged to set up pursuant to this Directive, **[…] should be considered appropriate information for** the **[…] purposes of Article 30 (1), letter (d), of Regulation (EU) 2022/2065. Furthermore,** the **[…]** self-certification **referred to in Article 30(1), letter (e) of that Regulation should cover the commitment** by the producer **[…]** to only offer textile, textile-related and footwear products to which the extended producer responsibility requirements laid down by this Directive apply. **[…] Compliance with the requirements** laid down in **[…] Article 30(1), letters (d) and (e)** of Regulation (EU) 2022/2065 **[…] should not be considered** to **amount to a general obligation to monitor the information which** providers of **[…] online** platforms **[…] allowing consumers to conclude distance contracts with producers transmit or store, nor actively to seek facts or circumstances indicating illegal activity**. **The rules on enforcement laid down in Chapter IV of Regulation (EU) 2022/2065 apply to providers of such platforms in relation to the aforementioned requirements.**

[19] OJ L 277, 27.10.2022, p. 1.

(30b) Similar undesirable situations of free-riding could occur in relation to fulfilment service providers. This Directive includes some provisions to prevent these with a similar approach to that of Regulation (EU) 2022/2065 as regards providers of online platforms.

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

(32) Exports of used **textile products assessed as fit for re-use** and waste textiles outside the EU have been steadily increasing with exports representing the greatest share of the re-use market for post-consumer textiles generated in the EU. In view of the significant increase of the collected **[…]** waste **textile** after the introduction of separate collection by 2025 it is important to strengthen the efforts to combat illegal shipments of waste to third countries disguised as non-waste for the purpose of ensuring high environmental protection. Building on Regulation …/… [*P.O. insert the institutions and serial number, and complete the footnote for the Regulation on the Shipment of waste*][20] and in view of the objective to ensure the sustainable management of post-consumer textiles and tackle illegal shipments of waste, it should be provided that all separately collected used textile, textile-related and footwear products undergo a sorting operation prior to their shipment. Furthermore, it should be provided that all separately collected used textile, textile-related and footwear items are regarded as waste and subject to Union waste legislation, including on the shipments of waste, until they have undergone a sorting operation by a trained sorting for re-use and recycling operator **that can classify them as fit for re-use.** The sorting should be carried out in accordance with the harmonised sorting requirements that deliver high quality re-usable fraction that meet the needs of the receiving second hand textile markets in the EU and globally and by establishing criteria to distinguish between used goods **assessed as fit for re-use** and waste. Shipments of used textile, textile-related and footwear products **assessed as fit for re-use** should be accompanied by information demonstrating that those items are the output of a sorting or a preparing for re-use operation and that the items are suitable for re-use. **Producer responsibilty organisations as well as social economy entities should report on the export of waste textile, textile-related and footwear <u>products</u> and on the export of used textile, textile-related and footwear products assessed as fit for re-use, allowing Member States to monitor such exports with the view of understanding better the textile value chain.**

20 *OJ to insert the reference number once adopted.*

(33) In order for Member States to achieve the targets set out in this Directive, Member States should revise their food waste prevention programmes to include new measures, **where appropriate,** involving multiple partners from the public and private sectors, with coordinated actions tailored to address specific hotspots as well as attitudes and behaviours that lead to food waste. In the preparation of these programmes, Member States could draw inspiration from the recommendations produced by the Citizens' Panel on Food Waste**, the European Consumer Food Waste Forum's compendium with tools, best practices and recommendations to reduce consumer food waste and from the exchanges in the EU Platform on Food Losses and Food Waste**.

(34) Clear accountability and governance of food waste prevention measures are essential to ensure effective coordination of action to drive change and reach the targets set out in this Directive. Due to the shared agenda amongst many authorities and the variety of stakeholders engaged in the fight against food waste in Member States, there is a need for a designated competent authority in charge of overall coordination of actions at national level.

(35) The granularity of the information on post-consumer municipal textiles management at Union level should be improved to more effectively monitor the re-use of products, including of re-use and **[…] preparing** for re-use of textiles, including in view of the potential setting of the performance targets in the future. Re-use and **[…] preparing** for re-use data represent key data flows for the monitoring of the decoupling of waste generation from economic growth and the transition towards a sustainable, inclusive and circular economy. Therefore, these data flows should be managed by the European Environmental Agency.

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

(37) In order to bring the Combined Nomenclature codes listed in Directive 2008/98/EC in line with the codes listed in Annex 1 to Council Regulation (EEC) No 2658/87, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to Annex IVc to Directive 2008/98/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(38) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission concerning a harmonised format for registration in the register based on the information requirements set out in Article 22b(4), fee modulation criteria for the application of Article 22c(3), point (a) **[…]**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[21].

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21 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).

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

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

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments

Directive 2008/98/EC is amended as follows:

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*;

* 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).’;

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**, textile-related** and footwear products listed in Annex IVc **assessed as fit for re-use** and textile, textile-related and footwear products listed in Annex IVc derived from such used or waste products or their parts on the market, **[…]** and self-employed tailors producing customised products, who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU of the European Parliament and of the Council*, either:

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

(b) are established in a Member State and resell within the territory of that Member State, under their own name or trademark, textile, textile-related and footwear products listed in Annex IVc manufactured by other producers referred to in point (a), on which the name, brand or trademark of the manufacturer does not appear;

(c) are established in a Member State and supply for the first time in that Member State on a professional basis, textile, textile-related and footwear products listed in Annex IVc from another Member State or from a third country; or

(d) sell textile, textile-related and footwear products listed in Annex IVc by means of distance communication directly to end users, including private households or other than private households, in a Member State, and are established in another Member State or in a third country;

4c. ‘making available on the market’ means any supply of a product for distribution or use on the **[…] market of a Member State** in the course of a commercial activity, whether in return for payment or free of charge;

4d. ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of producers**;**

4e. ‘online platform’ means online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065 of the European Parliament and of the Council**;

4ea. ‘fulfilment service provider’ means fulfilment service provider as defined in point (11) of Article 3 of Regulation (EU) 2019/1020 of the European Parliament and of the Council*;**

4f. ‘consumer’ means natural persons who are acting for purposes which are outside their trade, business, craft or profession;

4g. ‘end user’ means end user as defined in Article 3, paragraph 21 of Regulation (EU) 2019/1020 of the European Parliament and of the Council*;**

4h. ‘social economy entity’ means a private law entity providing goods and services including cooperatives, mutual societies, associations, charities included, foundations or social enterprises as defined in Article 2, paragraph 1, point (13), of Regulation (EU) 2021/1057 of the European Parliament and of the Council**, that operate in accordance with the following principles:**

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

(ii) the reinvestment of all or most of the profits and surpluses to further pursue their social or environmental purposes and carry out activities in the interest of their members or users or society at large; and

(iii) democratic or participatory governance.

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

* 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).

** 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).

***** 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).**

****** 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)**

(2a) in Article 6, the following paragraph is inserted:

2a. In particular, the Commission shall adopt an implementing act concerning end-of-waste criteria for waste textile, textile-related and footwear products. When adopting this implementing act, the Commission shall include criteria for textile, textile-related and footwear products assessed as fit for re-use and recycled textile, textile-related and footwear products.

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

(4) the following Article 9a is inserted:

'Article 9a

Prevention of food waste generation

1. Member States shall take appropriate measures to prevent generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households. Those measures shall include **at least** the following:

(a) developing and supporting behavioural change interventions to reduce food waste, and information campaigns to raise awareness about food waste prevention;

(b) identifying and addressing inefficiencies in the functioning of the food supply chain and support cooperation amongst all actors, while ensuring a fair distribution of costs and benefits of prevention measures;

(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 **[…] entities**.

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 **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 **with a view to improve the quality, reliability and comparability of data reported by Member States on the levels of food waste, including methods in relation to the measurement of the fraction of food waste composed of parts intended to be ingested by humans.**

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. 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. **Where a Member State assesses that the data collected for 2020 is not representative of the generation of food waste within its territory, due to the Covid-19 pandemic, it may use 2021, 2022, or 2023 as reference year. The Member State shall notify the Commission and the other Member States of its intention to use 2021, 2022, or 2023 as reference year together with the reasons thereof within [18 months of the entry into force of this Directive].**

5a. In order to support Member States in achieving the food waste reduction targets of paragraph 4(b), by [24 months from the date of entry into force of this Directive], the Commission by means of implementing acts, shall adopt a correction factor to account for the increase or decrease in tourism in relation to the reference year. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.

5b. In order to support Member States in achieving the food waste reduction targets of paragraph 4(a), by [24 months from the date of entry into force of this Directive], the Commission by means of implementing acts, shall adopt a correction factor to account for the increase or decrease in production levels in processing and manufacturing in relation to the reference year. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.

6. When the Commission considers that the data **related to a reference year prior to 2020** do not comply with the conditions set out in paragraph 5, it shall, within 6 months of the receipt of a notification made in accordance with paragraph 5, adopt a decision requesting the Member State to either use 2020 or a year other than that proposed by the Member State as reference year.

7. By 31 December 2027, the Commission shall review the targets to be reached by 2030, laid down in paragraph 4, with a view, if appropriate, to modify and/or extend them to other stages of the food supply chain, and to consider setting new targets beyond 2030**, including assessing the feasibility to set a target for the fraction of total food waste composed of parts of food intended to be ingested by humans**. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

7a. The Commission shall conduct a study on food waste and losses during primary production, including all different stages of primary production where food waste and losses occur. This study shall assess the extent and causes of food waste and losses in primary production and identify appropriate levers to reduce such waste and losses. Based on this assessment, the Commission shall submit, by 31 December 2027, a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

[…]

(5a) in Article 11, a new paragraph 6a is inserted:

'6a. By 31 December 2028, the Commission shall consider setting waste prevention, collection, preparing for re-use and recycling targets for waste textile. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.'

(5b) in Article 11, a new paragraph 6b is inserted:

‘6b. By 31 December 2028, the Commission shall carry out a review to assess whether the extended producer responsibility schemes for textile, textile-related and footwear products listed in Annex IVc established pursuant to this Directive cover the costs arising from the transposition of the requirements set out in this Directive. If on the basis of the review the Commission assesses that the financing of the extended producer responsibility schemes is insufficient to cover the costs referred to in Article 22a, the Commission shall, where appropriate, and no later than two years after the end of the review, submit a legislative proposal to ensure full cost recovery in accordance with the polluter pays principle.

(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 22a to 22d are inserted:

‘Article 22a

Extended producer responsibility scheme for textiles

1. Member States shall ensure that producers have extended producer responsibility for **[…] textile, textile-related and footwear products as** listed in Annex IVc **[…]** that they make available on the market for the first time within the territory of a Member State, in accordance with Articles 8 and 8a.

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

2. The Commission is empowered to adopt delegated acts in accordance with Article 38a to amend Annex IVc to this Directive in order to bring the Combined Nomenclature codes listed in Annex IVc to this Directive in line with the codes listed in Annex 1 to Council Regulation (EEC) No 2658/87*.

3. Member States shall define in a clear way 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.

4. Member States shall ensure that the producers of textile, textile-related and footwear products listed in Annex IVc cover **at least** the costs of the following:

(a) collection of used and waste textile, textile-related and footwear products listed in Annex IVc and subsequent waste management that entails the following:

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

(2) transport of collected loads referred to in point (1) for subsequent sorting for re-use, for **[…] preparing** for re-use and for recycling operations in accordance with Article 22d,

(3) sorting, **[…] preparing** for re-use, recycling and other recovery operations and disposal of collected loads referred to in point (1),

(4) collection, transport and treatment **[…]** of waste generated**, following operations (1), (2) and (3)** by **[…] social economy entities** and other **[…] actors** that are part of the collection system referred to in Article 22c, paragraphs 5 and 11;

(b) carrying out compositional survey of collected mixed municipal waste in accordance with Article 22d(6);

(c) providing information 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(13)(14) and (17);

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

(e) support to research and development to improve the sorting and recycling processes, in particular, in view of scaling up fibre-to-fibre recycling, **and to develop durable, reusable and recyclable textiles that do not contain substances of concern**, without prejudice to Union state aid rules.

4a. Member States may decide that the producers of textile, textile-related and footwear products listed in Annex IVc shall cover, partially or totally, the costs mentioned in paragraph 4, point (a) <u>of this Article</u>, for waste textile, textile-related and footwear products listed in Annex IVc ending up in mixed municipal waste.

5. Member States shall ensure that producers of textile, textile-related and footwear products listed in Annex IVc cover the costs referred to in paragraph 4 of this Article in relation to the used and waste textile, textile-related and footwear products listed in Annex IVc deposited at the collection points set up in accordance with Article 22c, points 5 and 11, where such products were made available on the market for the first time within the territory of a Member State **[…]** **not earlier than** [*P.O. insert date of entry into force of this amending Directive*].

6. The costs to be covered referred to in paragraph 4 shall not exceed the costs that are necessary to provide the services referred to in that paragraph in a cost-efficient way and shall be established in a transparent way between the actors concerned. **Where necessary to ensure financial coverage for the costs of waste management, referred to in paragraph 4, point (a), to be carried out as part of the extended producer responsibility obligations, each Member State may request producer responsibility organisations to require a contribution from commercial re-use operators that make available for the first time on its territory used textile, textile-related and footwear products listed in Annex IVc assessed as fit for re-use and textile, textile-related and footwear products listed in Annex IVc derived from such used or waste products. The contribution requested from commercial re-use operators shall in any case be lower than the contribution requested from producers of textile, textile-related and footwear products listed in Annex IVc.**

7. For the purpose of compliance with Article 30, paragraph 1, points (d) and (e), of Regulation (EU) 2022/2065, Member States shall ensure that providers of online platforms, falling within the scope of Chapter 3, Section 4 of that regulation, allowing consumers to conclude distance contracts with producers offering textile, textile-related and footwear products listed in Annex IVc to consumer located in the Union**,** obtain the following information from producers**, prior to allowing them to use their services;**

   (a) information on the registration in the register of the producers referred to in Article 22b in the Member State where the consumer is located and the registration number(s) of the producer in that register;

(b) a self-certification by the producer committing itself to only offering textile, textile-related and footwear products listed in Annex IVc with regard to which the extended producer responsibility requirements referred to in paragraphs 1 and 4 of this Article and Article 22c(1) are complied with in the Member State where the consumer is located.

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

9. Member States shall adopt measures to ensure that producers offering textile, textile-related and footwear products listed in Annex IVc to end users located in the Union provide fulfilment service providers with the information referred to in paragraph 7 at the moment of the conclusion of the contract between the provider and the producer for any of the services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020.

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

Member States shall ensure that:

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

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

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

Article 22b

Textile, textile-related and footwear producer register

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

[…] By **[PO insert date thirty months after the entry into force of this amending Directive] the Commission shall establish a website which contains the links to all […]** national registers to facilitate the registration of producers in all Member States.

2. Member States shall ensure that producers are required to register in the register referred to in paragraph 1. To that end, Member States shall require the producers to submit an application for registration in each Member State where they make textile, textile-related and footwear products listed in Annex IVc available on the market for the first time.

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

4. The application for registration shall include the following information:

(a) name, trademark and brand names, where available, under which the producer operates in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, and name of a single contact point;

(b) national identification code of the producer, including its trade register number or equivalent official registration number and Union or national tax identification number;

(c) the Combined Nomenclature codes of the textile, textile-related and footwear products listed in Annex IVc that the producer intends to make available on the market for the first time within the territory of that Member State**;**

(d) the name, postal code, place, street and number, country, telephone, web address, e-mail address and national identification code of the producer responsibility organisation, trade register number or an equivalent official registration number, the Union or national tax identification number of the producer responsibility organisation, and the represented producer's mandate;

(e) a statement by the producer or**, where applicable, the authorised representative for extended producer responsibility or** the producer responsibility organisation, stating that the information provided is true.

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

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

6. Member States shall ensure that the competent authority:

(a) receives applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system the details of which shall be made available on the competent authorities' website;

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

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

(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2.

7. The competent authority may refuse or withdraw the producer's registration where the information outlined in paragraph 4 and related documentary evidence is not provided or is not sufficient or where the producer no longer meets the requirements set out in paragraph 4, point (d).

8. Member States shall require the producer, or, where applicable**, the authorised representative for extended producer responsibility or** the producer responsibility organisation to notify the competent authority without undue delay of any changes to the information contained in the registration in accordance with paragraph 4, point (d), and of any permanent cessation as regards the making available on the market for the first time within the territory of the Member State of the textile, **textile-related** and footwear products referred to in the registration. A producer shall be excluded from the register of producers if it has ceased to exist.

9. Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers **and fulfilment service providers concluding contract for any of the services mentioned in point (11) of Article 3 of Regulation (EU) 2019/1020 with producers offering textile, textile-related and footwear products listed in Annex IVc to end users** are granted access, free of charge, to the register.

10. **By [P.O insert date 12 months after the entry into force of this amending Directive]**, the Commission shall adopt implementing acts establishing the harmonised format for registration in the register based on the information requirements set out in paragraph 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 39(2).

Article 22c

Producer responsibility organisations for textiles

1. Member States shall ensure that producers of textile, textile-related and footwear products listed in Annex IVc **[…] entrust** a producer responsibility organisation to fulfil their extended producer responsibility obligations laid down in Article 22a on their behalf.

2. Member States shall require producer responsibility organisations intending to fulfil the extended producer responsibility obligations on behalf of producers in accordance with Articles 8a(3), 22a, 22b, 22d and this Article to obtain an authorisation by a competent authority.

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:

(a) are based on the weight **and, where appropriate, quantity** of the products concerned and, for textile**, textile-related and footwear products** listed in **[…]** Annex IVc, are modulated on the basis of the ecodesign requirements adopted pursuant to the Regulation …/... of the European Parliament and of the Council [*P.O. insert the serial number for the Ecodesign for Sustainable Products Regulation when adopted*]** that are most relevant for the prevention of **[…] waste generated from textile, textile-related and footwear products** and for **[…] their** treatment **[…]** in line with the waste hierarchy and the corresponding measurement methodologies for those criteria adopted pursuant to that Regulation or on the basis of other Union law establishing harmonised sustainability criteria and measurement methods for textile**, textile-related and footwear** products, and that ensure the improvement of environmental sustainability and circularity of **[…] these products. In addition to the ecodesign requirements adopted pursuant to the Regulation …/... of the European Parliament and of the Council [*P.O. insert the serial number for the Ecodesign for Sustainable Products Regulation when adopted*]**, Member States may require the producer responsibility organisations to modulate the financial contribution on the basis of criteria that take into account producers' practices that lead to the overproduction and overconsumption of textile, textile-related and footwear products, resulting in the overgeneration of related waste, including the amount of textile reference numbers made available on the market for the first time per producer and per unit of time or the frequency of renewal of textile collections, coupled with the number of items per collection;**

(b) **[…] pursuant to Article 8a, paragraph 4, points (a) to (c),** take **into** account **[…] the** revenues by the producer responsibility organisations from re-use, preparing for re-use or from the value of secondary raw materials from recycled waste textiles;

(c) ensure equal treatment of producers regardless of their origin or size, without placing disproportionate burden on producers, including small and medium sized enterprises**,** of small quantities of textile, textile-related and footwear products listed in Annex IVc.

4. Where necessary to avoid distortion of the internal market and ensure consistency with the ecodesign requirements adopted pursuant to Article 4 read in conjunction with Article 5 of Regulation.../... [P.O. *insert the serial number for Ecodesign for Sustainable Products Regulation when adopted*], the Commission **[…] shall** adopt implementing acts laying down the fee modulation criteria for the application of paragraph 3, point (a), of this Article. That implementing act shall not concern the precise determination of the level of the contributions and shall be adopted in accordance with the examination procedure referred to in Article 39(2) of this Directive.

5. Member States shall ensure that the producer responsibility organisations establish a separate collection system for used and waste textile, textile-related and footwear products listed in Annex IVc, regardless of their nature, material composition, condition, name, brand, trademark or origin, in the territory of a Member State where they make those products available on the market for the first time. The separate collection system shall:

(a) offer the collection of such used and waste textile, textile-related and footwear products to the **[…] actors** referred to in paragraph 6, point **(**a**)**, and provide for the necessary practical arrangements for collection and transport of such used and waste textile, textile-related and footwear products, including the provision, free of charge, of suitable collection and transport containers, to the **[…]** collection points **which are part of the producer responsibility organisation's collection system […]**;

(b) ensure the collection, free of charge, of such used and waste textile, textile-related and footwear products collected at the **[…]**collection points **which are part of the producer responsibility organisation's collection system**, with a frequency that is proportionate 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**.

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

6. Member States shall ensure that the collection system referred to in paragraph 5:

(a) consists of collection points set up by the producer responsibility organisations and waste management operators on their behalf in cooperation with one or more of the following **actors**: **[…]** social economy entities, **[…] retailers**, public authorities **including municipalities** or third parties carrying out collection on their behalf of used and waste textile, textile-related and footwear products listed in Annex IVc, and **[…] operators of** voluntary collection points;

(b) covers the whole territory of the Member State taking into account population size and density, expected volume of used and waste textile, textile-related and footwear products listed in Annex IVc, accessibility and vicinity to end users, not being limited to areas where the collection and subsequent management of those products is profitable;

(c) maintains a sustained **technically feasible** increase of the **quantities by weight of the separately collected used and waste textile, textile-related and footwear products listed in Annex IVc, […]** taking into account good practices, **to which corresponds a proportionate decrease of the quantities by weight of waste textile, textile-related and footwear products listed in Annex IVc in the collected mixed municipal waste.**

7. **[…]**

8. **[…]**

9. **[…]**

10. Member States shall ensure that producer responsibility organisations are not allowed to refuse the participation of social **[…] economy entities** and other re-use operators in the separate collection system established pursuant to paragraph 5.

11. Without prejudice to paragraph 5, points (a) and (b), and paragraph 6, point (a), Member States shall ensure that **[…] social economy entities** are allowed to maintain and operate their own separate collection points and that they are given equal or preferential treatment in the location of the separate collection points. Member States shall ensure that **[...]** social economy entities that are part of the **[…] collection system** in accordance with paragraph 6, point (a) are not required to hand over collected used and waste textile, textile-related and footwear products listed in Annex IVc to the producer responsibility organisation.

11a. Member States shall ensure that social economy entities that operate their own separate collection points in accordance with paragraph 11 submit at least each year to the competent authority the information related to textile, textile-related and footwear products listed in Annex IVc:

(1) on 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

(2) on the quantity by weight of re-use, preparing for re-use and recycling, where available specifying separately fibre-to-fibre recycling, and;

(3) on the quantity by weight of other recovery, disposal and;

(4) on the quantity by weight 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.

11b. By way of derogation from paragraph 11a of this Article, Member States may exempt, partially or totally, social economy entities that do not export used or waste textile, textile-related and footwear products listed in Annex IVc from the obligation to submit the information in paragraph 11a, where the fulfilment of such reporting obligations results in a disproportionate administrative burden on such entities.

12. **[…]**

13. Member States shall ensure that, in addition to the information referred to in Article 8a(2), producer responsibility organisations make available to end users**, […]** the following information regarding the sustainable consumption **including second hand options**, re-use and end-of-life management of textile and footwear with respect to the textile, textile-related and footwear products listed in Annex IVc that the producers make available on the territory of a Member State:

(a) the role of **[…] end users** in contributing to waste prevention, including any best practices, notably by fostering sustainable consumption patterns **including second hand options** and promoting good care of products while in use;

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

(c) the role of **[…] end users** in contributing to the separate collection of used and waste textile, **textile-related** and footwear **products**;

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

14. Member States shall ensure that the producer responsibility organisation provide the information referred to in paragraph 13 on a regular basis, that the information is up to date and provided by means of:

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

(b) information in public spaces;

(c) education programmes and **awareness raising** campaigns;

(d) signposting in a language, or languages, which can be easily understood by users and consumers.

15. Where, in a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, Member States shall ensure that they cover the whole territory of the Member State of the separate collection system for used and waste textile, textile-related and footwear products listed in Annex IVc. Member States shall entrust the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligations in coordinated manner and in accordance with the Union competition rules.

16. 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.

17. Member States shall ensure that producer responsibility organisations publish on their websites, in addition to the information referred to in Article 8a(3), point (e):

(a) at least each year, subject to commercial and industrial confidentiality, the information on**:**

(1) the amount**, including the quantity by weight,** of products **[…] made available** on the market **for the first time**,

(2) the **[…] quantity by weight** of separate collection of used and waste textile, textile-related and footwear products listed in Annex IVc, **[…] specifying separately** such unsold products,

(3) **[…]** the rates of re-use, **[…] preparing** for re-use and recycling, specifying separately the rate of fibre-to-fibre recycling, achieved by the producer responsibility organisation,

(4) **[…]** the rates of other recovery, **and** disposal and

(5) **the rates of** exports **of used textile, textile-related and footwear products listed in Annex IVc assessed as fit for re-use and exports of waste textile, textile-related and footwear products listed in Annex IVc**;

(b) information on the selection procedure for waste management operators selected in accordance with paragraph 18.

17a. Member States shall ensure that producer responsibility organisations also submit the information listed in paragraph 17, points (a) and (b) to the competent authority, together with the quantity by weight for (3), (4) and (5) of point (a).

18. Member States shall ensure that producer responsibility organisations provide for non-discriminatory selection procedure, based on transparent award criteria, without placing disproportionate burden on small and medium-sized enterprises to procure waste management services from waste management operators referred to in paragraph 6(a) and from waste management operators to carry out subsequent waste treatment.

19. Member States shall ensure that producer responsibility organisations require the reporting of data from the producers on the textile, textile-related and footwear products listed in Annex IVc made available on the market on an annual basis.

Article 22d

Management of waste textile […]

1. **[…]**

2. Member States shall ensure that the collection, loading and unloading, transportation and storage infrastructure and operations and other handling of **[…] used and** waste **textile**, including at subsequent sorting and treatment operations, receives protection from weather conditions and other sources of contamination to prevent damage and cross-contamination of the collected textiles. Separately collected used and waste textile shall be subject to a screening at the separate collection point **or the sorting facility** to identify and remove non-target items or materials or substances that are a source of contamination.

3. Member States shall ensure that used and waste textile, textile-related and footwear products that are separately collected, **including** in accordance with Article 22c(5) **and 22c(11), are** considered waste upon collection.

   With regard to textiles other than the products listed in Annex IVc, as well as **discarded** unsold textile, textile-related and footwear products listed in Annex IVc, Member States shall ensure that the different fractions of textiles materials and textiles items are kept separate at the point of waste generation where such separation facilitates subsequent re-use, **[…] preparing** for re-use or recycling, including fibre-to-fibre recycling where technological progress allows.

3a. By way of derogation from paragraph 3 of this Article, used textile, textile-related and footwear products that are directly handed over by end users and directly professionally assessed as fit for re-use at the collection point by the re-use operator or social economy entities shall not be considered waste upon collection.

4. Member States shall ensure that used and waste textile, textile-related and footwear products that are separately collected**, including** in accordance with Article 22c(5) **and 22c(11),** are subject to sorting operations to ensure the treatment in line with the waste hierarchy established in Article 4(1).

5. Member States shall ensure that sorting operations of used and waste textile, textile-related and footwear products that are separately collected**, including** in accordance with Article 22c(5) **and 22c(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, **prioritizing local re-use**;

   (b) sorting for re-use operations sort textile **[…], textile-related and footwear products** at an appropriate level of granularity, separating fractions that are fit for direct re-use from those that are to be subject to further **[…] preparing** for re-use operations, target a specific re-use market applying up-to-date sorting criteria relevant to the receiving market;

   (c) items that are assessed as not suitable for re-use are sorted for recycling and, where technological progress allows, specifically for fibre-to-fibre recycling.

   (d) the output of sorting and subsequent recovery operations destined for re-use meet the criteria for ceasing to be considered as waste, as referred to in Article 6.

6. By **[…] 1 January 2026** and every 5 years thereafter, Member States shall carry out a compositional survey of collected mixed municipal waste to determine the share of waste textile**, textile-related and footwear products** therein. 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(13) and (14).

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 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 textile, textile-related and footwear products which states that they are destined for direct re-use and that they are fit for direct re-use;

   (b) evidence of a prior sorting operation **or direct professional assessment as fit for re-use** carried out in accordance with this Article and, where available, the criteria adopted pursuant to Article 6(2), in the form of a copy of the records on every bale within the consignment and a protocol containing all record information according to paragraph 9;

   (c) a declaration made by the natural or legal person in possession of used textile, textile-related or footwear products **assessed as fit for re-use** that arranges, on a professional basis, the transport of used textile, textile-related and footwear products **assessed as fit for re-use** that none of the material within the consignment is waste as defined by Article 3(1);

   (d) appropriate protection against damage during transportation, loading and unloading, in particular, through sufficient packaging and appropriate stacking of the load.

9. Member States shall ensure that shipments of used textile, textile-related and footwear products **assessed as fit for re-use** comply with the following minimum record keeping requirements:

(a) the record of the sorting, **direct professional assessment as fit for re-use** or **[…] preparing** for re-use operations shall be fixed securely but not permanently on the packaging;

(b) the record shall contain the following information:

(1) a description of the item or items present in the bale reflecting the most detailed sorting granularity that the textile items have undergone during the sorting or **[…] preparing** for re-use operations such as type of clothes, size, colour, gender, material composition,

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

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

* 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).

** Regulation …/… (OJ …..p.) [P.O. insert the publication details for the Ecodesign for Sustainable Products Regulation]';

[…] In Article 29, paragraph 2a is replaced by the following:

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

(9) the following Article 29a is inserted:

'Article 29a

Food waste prevention programmes

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

2. Each Member State shall designate the competent authorities responsible for the coordination of the food waste **[…] prevention** measures **referred to in Article 9a(1)** implemented in order to reach the target set out in Article 9a(4) and inform accordingly the Commission by [*P.O. insert the date of within three months after the entry into force of this amending Directive*]. The Commission shall subsequently publish that information on the relevant EU website.';

(10) Article 37 is amended as follows:

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

'Member States shall report the data concerning the implementation of Article 9(4) and the data referred to in point (a) of Article 22c(17**), Article 22c(17a) and Article 22c(11a)** 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) paragraph 7 is replaced by the following:

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

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

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

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

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

(b) paragraph 6 is replaced by the following:

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

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

Article 2

Transposition

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

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

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

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

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

ANNEX IVc

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

Part 1

[…] 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 2

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