
Joint statement on the revision of the EU Waste Framework Directive [Status: June 2024]

The three organisations Gemeinschaft für textile Zukunft (GftZ) [Future of Textiles Association], the Bundesverband der Deutschen Entsorgungs-, Wasser- und Kreislaufwirtschaft e. V. (BDE) [Federation of the German Waste, Water and Circular Economy Management Industry] and the Bundesverband Sekundärrohstoffe und Entsorgung e.V. (bvse) [German Federal Association for Secondary Raw Materials and Waste Management] welcome the European Commission's approach to amending the EU Waste Framework Directive with regard to the handling of textiles and thank the commission for the opportunity to state their views.

In particular, the extended producer responsibility scheme (EPR) for textiles provided for in the draft is, in the view of the three organisations, the key to achieving a high-quality circular economy in the European textiles industry.

One positive aspect to be noted in this context is that standardised regulations are to apply to the registration of textile producers and that the individual national registers are to be linked with each other. We also welcome the European Commission's efforts to establish standardised and qualitative requirements for the collection, sorting and recycling of used textiles.

It is crucial to achieve the Directive's effectiveness in addressing the current challenges facing the European textiles reuse and recycling sectors. We would therefore like to comment on the following points in more detail, as we believe that there are still some aspects in need of amendment.

1. Personal scope of application

We support the deletion of the exemption for micro-enterprises that was foreseen in the original Commission proposal in Article 3(4b) and recital 17. It is indeed crucial to ensure that all affected stakeholders, regardless of their size, are subject to an EPR for textiles. It is important that the exemption for companies whose annual turnover and annual balance sheet total do not exceed €2 million is also removed, as these companies can also place significant quantities of textiles on the market. Simplified reporting procedures in an adjusted reporting

frequency (e.g. annually and/or with flat-rate information) could be introduced to ease procedures for companies that only place small quantities of textiles on the market.

2. Material scope of application

While we fully support the introduction of an EPR scheme for textiles, we do not support the amendment of the original Commission proposal by the Belgian Presidency in Article 22a (6) and recital 18a. Such a regulation would allow Member States to charge a fee to commercial reuse companies that make **used textiles** which are classified as reusable available on their market for the first time.

We believe that only **new textile products** placed on the market for the first time should fall within the scope of such EPR regulations, as such an additional burden on re-use companies placing used textiles on the market would be unreasonable for the entire sector and also counteract the promotion of a European second-hand market for textiles. In addition, such a measure would also hinder the implementation of the waste hierarchy, which constitutes the fundamental pillar of the EU Waste Framework Directive.

Annex IVc lists the products that fall within the scope of extended producer responsibility. Part 1 also lists used goods under the CN code 6309. These should therefore also be deleted.

With regard to product groups, Annex IVc of the Council proposal clarifies that textiles and footwear from other sources also fall under the scope of extended producer responsibility, provided they are similar in type and composition to textiles from households ("typical household goods"). We welcome this clarification.

We also welcome the Parliament's proposal that extended producer responsibility should also apply to mattresses and carpets. However, we believe that EPR for these products should be implemented solely in a separate EPR system.

The annex does not yet include i.e. bedding, accessories or soft toys. It should thus be made clear that the annex is not an exhaustive list, whereby future interpretation issues should also be prevented at the initial drafting stage.

3. Special status of "social enterprises"

Article 22c lists special preferences for social enterprises, which are accompanied by preferential rights for these organisations. We believe that all actors involved in the collection and treatment of used textiles and textile waste must be treated equally, which means that

they must be licensed according to their activities to ensure environmentally sound management of textiles (including social enterprises).

The preferential treatment of social enterprises includes in particular also the provision that "Member States shall ensure that social enterprises and social economic entities that are part of the connected collection points in accordance with paragraph 6, point (a) are not required to hand over collected used and waste textiles, textile-related and footwear products listed in Annex IVc to the producer responsibility organisation."

We welcome the Council's proposals to amend the Commission proposal of 5 July 2023 to oblige "social economic entities" that operate their own separate collection points to provide the competent authority with information on the collection and sorting of used textiles and textile waste at least once a year (Article 22c (11a)). **However, this addition is by no sufficient**, because if these quantities are not also available to the system operators (at least as a system quantity report), it will not be possible for system operators (producer responsibility organisations (PRO)) to meet reuse and recycling requirements for their entire scope of responsibility.

Explanation: In Germany, almost 30% of the total of around 1 million tonnes of used textiles are collected via charitable collections and predominantly reused. In 2018, around 62% of all used textiles collected in Germany were therefore reused.¹

If these quantities were not available to one (or more) system operators at least as a quantity report and proof of quantity, statutory requirements could not be met.

The situation would be even more dramatic if the used textiles collected via municipal collections (also around 30% of the collection volumes) were also not available to the producer responsibility organisations (system operators) for calculating a quota for reuse and recycling. Parliament introduced a corresponding amendment to Article 22c No. 11 on 13 March 2024.²

In principle, we note that there is also a lack of a uniform and clear EU-wide definition of a "social enterprise" or a social institution in this context.

4. Self-marketing by commercial players

Although social enterprises play an important role in textile collection, the sustainable processing of textile waste at the current industrial level requires highly qualified and experienced professionals as well as specialized companies and businesses. There is a need to

¹ bvse - German Textile Recycling Association (2020): Demand, consumption and reuse of clothing and textiles in Germany.

² European Parliament legislative resolution of 13 March 2024 on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM(2023)0420 - C9-0233/2023 - 2023/0234(COD))

protect the role of commercial waste actors in waste management. It would therefore be important to clarify that self-management by commercial collectors and sorters is still possible, but that the quantities must mandatorily be documented via one (or more) system operators.

5. Prioritising local sorting

In Article 22d No. 5a, the EU Parliament proposed the following addition: "5a. The sorting operation shall follow the principle of proximity, prioritising local sorting and minimising environmental impacts from transportation." (European Parliament legislative resolution of 13 March 2024 on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM (2023)0420 - C9-0233/2023 - 2023/0234 (COD)).

We oppose this addition. As sorting takes place on an industrial scale and therefore in large capacities by companies specialised in these matters, "proximity" (to collection) should not be specified as a general principle. In addition, the term "proximity" is not defined and therefore leaves some room for interpretation, which makes it difficult to harmonise EU-wide EPR requirements. Irrespective of this, "geographical proximity" does neither automatically guarantee a lower carbon footprint nor qualitative sorting.

6. Targets for reuse and recycling

The Commission's draft of 5 July 2023 does not specify any targets or requirements for reuse or recycling. We therefore welcome the proposal made by the President of the Council to add a new paragraph 6a to Article 11 (and recital 21a), which calls on the Commission to assess the setting of targets for waste prevention, collection, preparation for re-use and recycling of textile waste by 31 December 2028 (meeting document WK 4997/ 2024 INIT of 5 April 2024). This review clause is crucial to ensure that reuse and recycling are further promoted in the EU.

7. Implementation deadline

The volume of used textiles poses major challenges for the textile recycling industry. A relevant proportion of textiles can no longer be marketed as second-hand goods in the future, as the available quantities exceed demand and this reduces sales opportunities. The second-hand market and textile recycling industry faces a crisis.³

Extended producer responsibility is urgently needed to promote a high-quality circular economy for textiles. This includes, in particular, the use of recycled fibres as a raw material for the production of new textiles, the expansion of new sorting infrastructure and financial reliability for innovations. We therefore advocate that the implementation period for the introduction of extended producer responsibility at national level should not be 30 months after the entry into force of the new Waste Framework Directive, but a maximum of 18 months; we therefore request that Article 22c (8) be amended accordingly.

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³ EuRIC: Europe's textile sorting industry in crisis; urgent EU action needed", 15 April 2024