

# Targeted revision of the Waste Framework Directive

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# EuRIC Comments on the targeted revision of the Waste Framework Directive

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The Waste Framework Directive is a critical legislative instrument guiding waste management operators across EU Member States. As the EU seeks to continually enhance its environmental policies, the European Recycling Industries Confederation (EuRIC) commends the efforts to partially revise this Directive to address current challenges. EuRIC Textiles, EuRIC's branch dedicated to textiles reuse and recycling, welcomes the focus placed on textile waste.

While EuRIC Textiles supports the overall aim of the revision, we have identified several critical points that require careful consideration to ensure the Directive's effectiveness. In this context, the European Parliament's initiative to expand the partial revision by incorporating illegal landfill provisions and defining the use of inert waste in cement as recycling, is unclear. Consequently, this position paper will concentrate on articles concerning Extended Producer Responsibility (EPR) for textiles.

While we agree that the introduction of an Extended Producer Responsibility framework for textiles is necessary to improve and scale-up sorting and recycling infrastructure within the EU, we do have doubts about the proposed system by the European Commission.

Firstly, we highlight that the ownership of the collected textile waste should remain with all waste operators, regardless of their social status. Furthermore, we stress that all textile products discarded in separate collection points should be classified as waste. We are particularly concerned about the lack of proper and industry harmonised definitions for certain terms (e.g., "social enterprise" or "connected collection points") and the lack of detailed specifications. This deficiency, exemplified by unclear phrases such "an appropriate level of granularity" within Art. 22d (5b)), could create legal uncertainties and contribute to general lack of clarity.

Additionally, we note that the current proposal can be quite difficult to interpret, blurring the lines concerning roles and responsibilities of all actors and stakeholders involved. For example, provisions on fee modulations are intermixed with provisions on collection, subsequent treatment and Producer Responsibility Organization (PRO) responsibilities. We strongly urge the co-legislators to provide more clarity in that regard.

## Scope

First of all, EuRIC Textiles supports the classification of all separately collected textiles, textile-related items, and footwear products as waste from the moment of collection until they undergo sorting by a qualified professional. We firmly believe that this approach will ensure uniform applicability throughout the EU and foster harmonisation. This approach should be maintained throughout the proposal. Specifically, any differentiation for 'used textile products' intended for re-use, as proposed by the European Parliament, should be avoided, as this will not stimulate the re-use of textile products. A quality check performed by a trained professional will always be necessary to determine whether discarded textiles are still re-useable. Furthermore, it is important to highlight that the waste status upon collection can actually be derived from the waste definition as outlined in the existing Waste Framework Directive (Art. 3 1), which implies that everything discarded by a person becomes waste.

Examining the producer definition (Art. 3 (4b)) a contradiction arises. Even though the text explicitly excludes "those that supply used textile and footwear products listed in Annex IVc and textile," the text of Annex IVc may lead to the assumption that used textiles will still fall under the scope of any forthcoming EPR. We insist that the inclusion of CN 6309 in Annex IVc is unnecessary and only creates confusion in the scope of any future EPR scheme. Furthermore, the exclusion of microenterprises from the definition of textile producers raises questions, especially considering that such exclusions have not been implemented in other EU-level EPR schemes like packaging, e-waste, or end-of-life vehicles. We firmly believe that all producers, regardless of their size, should at least be required to register and report the quantities they place on the market.

## Sorting requirements

While EuRIC Textiles supports the concept of introducing requirements for sorting used and waste textiles, textile-related items, and footwear products, we find the stipulations in Art. 22d (5) to be too limited when compared to those in the operational processes of a professional sorting facility. For a detailed overview of the professional sorting process, we refer to our Handling & Sorting Specifications<sup>1</sup>. In a nutshell, the higher-quality fractions which are reusable and sorted at item level must be completely separated from lower-quality recycling fractions as well as any foreign materials such as plastics, metals etc. The non-reusable fractions must primarily be sorted based on the requirements of the subsequent recycling process, for instance according to garment types, such as woven or knits, colour restrictions or fibre composition.

Contrary to the proposed text, which states that the sorting process is intended "to generate textiles for re-use and preparation for re-use", the actual sorting process serves as the preparation for reuse. The output is either textiles for reuse or textiles that have been prepared for recycling.

## Reuse and recycling targets

While we acknowledge that currently, there may not be enough data available to set appropriate targets for preparation for reuse and recycling, we are deeply alarmed by the apparent lack of ambition and flexibility whatsoever in that respect. Upholding the commitment of the EU Strategy for Sustainable and Circular Textiles (COM (2022) 141 final) to set mandatory targets for preparing for reuse and recycling of textile waste, is crucial. To achieve this, we propose the inclusion of a review clause, which would enable the setting of targets, for example two years after entry into force of the amending Directive after having gathered more robust data in particular through the separate collection obligation, and to a lesser extent, the implementation of EPR schemes across some EU countries.

## Ownership of the waste

We regret the lack of clarity regarding the ownership of separately collected used textile, textile-related and footwear products which remains unclear under the proposed Directive and we strongly urge that the ownership of these items remain with the authorised collection and sorting companies.

To ensure treatment of the textile waste in an environmentally sound manner which follows the waste hierarchy, it is important that the free market mechanism can continue to exist. From a business perspective, sorting companies will always prioritise selecting reusable and marketable textiles before recycling because the revenue from reusing items

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<sup>1</sup> <https://euric.org/resource-hub/position-papers/handling-sorting-specifications-for-re-use-and-recycling-of-used-textiles>

is currently covering recycling costs. If a PRO owns the waste, it will inevitably influence the sorting process' interests and the resulting output.

## Equal treatment for all players

Social enterprises play a significant role in the textile collection and sorting industry. However, achieving sustainable processing of textile waste on current industrial levels requires highly trained and experienced professionals. Therefore, EuRIC cautions against a potential preferential treatment, which could jeopardise the high quality of textile waste treatment. Only companies with a valid permit will be able to treat waste in accordance with the applicable waste laws. We therefore stress the need to safeguard the role of commercial waste actors in the waste management process to ensure environmentally sound management of textile waste and level the playing field between social and commercial actors.

Moreover, the provisions intended to safeguard social enterprises should be applied uniformly to all operators involved. Ownership of material should not be an exclusive right of social enterprises but should apply to all authorised waste management operators.

We firmly oppose the exclusion of certain actors to meet the requirements regarding necessary permits and registrations. All actors dealing with the same type of waste should only be allowed to operate when they have obtained proper authorisation. Differentiating between actors will disrupt the market and encourage unprofessional activities.