

Our position

Amendments to the Revision of the Waste Framework Directive

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €3.7 trillion in 2022, directly supports more than 4.9 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

Establishment of EU-wide register

Commission proposal	Proposed amendments	Justification
<p>Article 22b 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).</p> <p>Member States shall ensure that the register provides links to other national registers to facilitate the registration of producers in all Member States.</p> <p>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.</p>	<p>1. Member States The European Commission shall establish an EU-wide register—registry 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).</p> <p>Member States shall ensure that the register provides links to other national registers to facilitate the registration of producers in all Member States.</p> <p>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 the EU-wide registry differentiated by Member State each Member State where they make textile, textile-related and footwear products listed in Annex IVc available on the market for the first time or supplied for further distribution.</p>	<p><i>Replacing separate Member State registration requirements in national databases with one EU-wide database would decrease administrative burden for economic operators placing products on the internal market, as well as increase transparency and harmonisation within the EU. This would also safeguard financing for other elements of the WFD, such as investments in recycling infrastructure.</i></p>

Article 22c, paragraphs 1 and 3

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

...

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:

(...)

1. Member States shall ensure that producers of textile, textile-related and footwear products listed in Annex IVc may designate a producer responsibility organisation to fulfil their extended producer responsibility obligations laid down in Article 22a on their behalf. **Producers may, in addition to a designation of a producer responsible organisation, establish their own voluntary take-back system (e.g., in-store or by package shipment) that includes products offered by the producer itself and may also include products of the same type as those offered by the producer itself, ensuring the level of recycling in accordance with the Waste Framework Directive's requirements for producer responsible organisation.**

(...)

3. Member States shall require the producer responsibility organisations to ensure that the financial contributions paid to them by producers of textile,

This amendment would align the textile extended producer responsibility (EPR) system with existing EPR systems across other product groups. It would also allow economic operators to fulfil their obligations outside a producer responsibility organisation (PRO), which would foster a competitive landscape. Furthermore, it clarifies that economic operators may voluntarily establish their own take-back schemes, thereby increasing the number of collection points and ease for consumers to recycle textiles. The weight of textiles collected by economic operators should be deducted from EPR payments as economic operators manage and otherwise pay double for the handling and recycling of these products. Existing take-back schemes also allow economic operators to invest in and better understand circularity options for their operations.

	<p>textile-related and footwear products listed in Annex IVc:</p> <p>(...)</p> <p><i>(d) take into account the producers' own operations of a voluntary take-back system, and allow the overall weight of products taken back by the producers' own operations of a voluntary take-back system to be deducted from the calculation of fees.</i></p>
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Governance of PROs

Commission proposal	Proposed amendments	Justification
	<p>Article 22c, new paragraph 3a</p> <p>(3a) Member States shall require producer responsibility organisations to establish a robust governance system, ensuring equal treatment of all producers of products, establishing a transparent decision-making process and guaranteeing consultation mechanisms for</p>	<p><i>To achieve a level playing field, the Commission must further clarify the role and responsibilities of relevant actors involved in implementing EPR schemes. Experience from existing EPR schemes shows a wide variety of different approaches to PRO governance across the Union. This amendment would establish a</i></p>

collecting feedback from producers on whose behalf the organisation is managing obligations. *minimum level of harmonised governance principles for EPR PROs.*

Harmonisation

Commission proposal	Proposed amendments	Justification
	<p>New Article 22ab – reporting obligations for companies</p> <p>The European Commission shall develop comprehensive guidelines for textile producers to report back to the Producer Responsibility Organisations under the EPR schemes for textiles as per article 22a(4)(7).</p> <p>The guidelines shall include but not be limited to the following provisions: (a) Specifications for the structure and format of data reporting to ensure uniformity and ease of data consolidation for PROs (b) Clear instructions regarding reporting intervals and deadlines, promoting timely data submission and analysis (c) Harmonisation of the overview of specific</p>	<p><i>To maintain and encourage a harmonised approach across the Single Market, the Commission must more strongly emphasise harmonised reporting rules for companies, including the timing, formatting, frequency, types and level of detail of data and operationalisation. A harmonised reporting mechanism would help save costs, streamline the process and incentivise participation. Additionally, harmonising reporting requirements should further consider the interoperability and alignment of data and digital systems for smooth data exchange between public and private players.</i></p>

information to be included in my report (d) Encouragement for textile producers to adopt common data standards and protocols to facilitate seamless data exchange (e) Encouragement for the adoption of digital reporting methods to streamline data collection and ensure interoperability.

<p>Article 22c – paragraph 3</p>	<p>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 of the products concerned and, for textile products listed in Part 1 of 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 textile waste and for the treatment of textiles in line with the waste hierarchy and the corresponding measurement methodologies for</p>	<p>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 units weight of the products concerned and, for textile products listed in Part 1 of Annex IVc, are eco-modulated on the basis of criteria adopted pursuant to paragraph 4 of this Article ;</p> <p>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 textile waste and for the treatment of textiles in line with the waste hierarchy and the corresponding measurement methodologies for those criteria adopted pursuant to that Regulation or on the</p>	<p><i>Eco-modulation fees can provide a clear financial incentive for more sustainable textile products. To make full use of this mechanism and allow for the scaling of sustainable solutions across the EU, the Commission must set up harmonised criteria at the EU level and in line with other legislation, such as the Ecodesign for Sustainable Product Regulation proposal. The chosen criteria should ensure that compliance is not too burdensome and offer an accessible mode of application for the fee reduction, in line with compliance requirements existing under the ecodesign criteria.</i></p>
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<p>those criteria adopted pursuant to that Regulation or on the basis of other Union law establishing harmonised sustainability criteria and measurement methods for textile products, and that ensure the improvement of environmental sustainability and circularity of textiles;</p>	<p>basis of other Union law establishing harmonised sustainability criteria and measurement methods for textile products, and that ensure the improvement of environmental sustainability and circularity of textiles;</p>
<p>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 may 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</p>	<p>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 may shall adopt implementing acts laying down the fee modulation criteria for the application of paragraph 3, point (a), of this Article 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 textile waste and for the treatment of textiles in line with the waste hierarchy and the corresponding measurement methodologies for those criteria adopted</p> <p><i>Eco-modulation fees can provide a clear financial incentive for more sustainable textile products. To make full use of this mechanism and allow for the scaling of sustainable solutions across the EU, the Commission must set up harmonised criteria at the EU level and in line with other legislation, such as the Ecodesign for Sustainable Product Regulation proposal. The chosen criteria should ensure that compliance is not too burdensome and offer an accessible mode of application for the fee reduction, in line with compliance requirements existing under the ecodesign criteria.</i></p>

<p>procedure referred to in Article 39(2) of this Directive.</p>	<p>pursuant to that Regulation or on the basis of other Union law establishing harmonised sustainability criteria and measurement methods for textile products, and that ensure the improvement of environmental sustainability and circularity of textiles;</p> <p>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.</p>
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Timing

	Commission proposal	Proposed amendments	Justification
<p>Article 22a – paragraph 8</p>	<p>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</p>	<p>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 six months after the entry into force of this amending Directive] in accordance with Articles 8, 8a, 22a to 22d.</p>	<p><i>As drafted, allowing only 12 months to establish EPR schemes after Member State adoption is overly ambitious, as demonstrated by the EPR for packaging. Instead, the revision should require Member State adoption 12 months after the entry into force and the establishment of EPR schemes 36 months after</i></p>

Directive] in accordance with Articles 8, 8a, 22a to 22d. *adoption.*

Consumer communication

	Commission proposal	Proposed amendments	Justification
Article 22c	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, in particular consumers, the following information regarding the sustainable consumption, 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:	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, in particular consumers, the following information regarding the sustainable consumption, 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:	<i>Increasing public knowledge about textile waste, proper sorting and recycling/reuse capacities is crucial for the WFD to succeed as well as to further public trust in EU waste management operations. As drafted, it is important that EPR fees be used to disseminate this information to consumers. PROs should apply their expertise to waste. Other elements of communication campaigns such as around environmental impacts outside of waste treatment should be included under other policy initiatives like the Corporate Sustainability Reporting Directive (CSRD), upcoming product-specific environmental information requirements in the Ecodesign for Sustainable Products Regulation (ESPR) and the Corporate Sustainability Due Diligence Directive (CS3D).</i>

<p>(a) the role of consumers in contributing to waste prevention, including any best practices, notably by fostering sustainable consumption patterns and promoting good care of products while in use;</p>	<p>(a) the role of consumers in contributing to waste prevention, including any best practices, notably by fostering sustainable consumption patterns and promoting good care of products while in use;</p>
<p>(b) re-use and repair arrangements available for textile and footwear;</p>	<p>(b) re-use and repair arrangements available for textile and footwear;</p>
<p>(c) the role of consumers in contributing to the separate collection of used and waste textile and footwear;</p>	<p>(c) the role of consumers in contributing to the separate collection of used and waste textile and footwear;</p>
<p>(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 textile and footwear waste, such as littering</p>	<p>(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 textile and footwear waste, such as littering or discarding in mixed municipal waste.</p>

or discarding in mixed municipal waste.

Article 22c

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, in particular consumers, the following information regarding the sustainable consumption, 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 consumers in contributing to waste prevention, including any best practices, notably by fostering sustainable consumption patterns and promoting good care of products while in use;

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

(c) the role of consumers in contributing to the separate collection of used and waste textile and footwear;

~~(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 textile and footwear waste, such as littering or discarding in mixed municipal waste.~~

Waste shipment rules

	Commission proposal	Proposed amendments	<i>Justification</i>
<p>Article 22d Management of textile waste</p>	<p>10. Member States shall ensure that, where the competent authorities in a Member State establish that an intended shipment of used textiles, textile-related and footwear consists of waste, the costs of appropriate analyses, inspections and storage of used textiles, textile-related and footwear 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.</p>	<p>10. Member States shall ensure that, where the competent authorities in a Member State establish that an intended shipment of used textiles, textile-related and footwear consists of waste, the costs of appropriate analyses, inspections and storage of used textiles, textile-related and footwear suspected of being waste may be charged to the responsible economic operator 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.</p>	<p><i>The proposal should ensure that economic operators responsible for the waste shipment are also responsible for any related illegal actions.</i></p>