Wasted Textile Consortium's response to the proposal for Waste Framework Directive Revision

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Introduction

The Wasted Textile's policy consortium (The Consortium) welcomes the dedicated attention of the European Commission on minimizing the environmental impacts of textiles and the previously published comprehensive Waste Framework Directive revision proposal.

The Consortium has read this proposal in light of the EU's Textile Strategy and with a particular focus on the elimination of the fast-fashion business model, which is a major source of the textile sector's growing environmental and social impacts and the main barrier to implementing sustainable and circular solutions and business models in the sector.

The current feedback concentrates on key concerns that the consortium has on the WFD revision, with a special focus on how the EPR is framed, its implications and how the eco-modulation is being envisioned.

The feedback takes departure from the defined objectives of the Waste Framework Directive in the document "Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/98/EC on waste", which says:

„The overall objective of the WFD revision is to reduce environmental and climate impacts, increase environment quality and improve public health associated with textiles waste management in line with the waste hierarchy"

and

„The specific objectives address two distinct problems: volume of textiles waste is not decreasing in line with the European Green Deal ambitions and textiles waste is not being treated in line with the waste hierarchy."

Our consortium's feedback is summarised in the following three main aspects, followed by supplementary comments on selected text from the proposal:

1. **Main focus on waste management and not prevention.** The current WFD proposal will not meet the overall objective of the WFD and achieve the reduction of waste which is the priority of the waste hierarchy if it only focuses on the improvement of waste management, but not the reduction of what enters the waste systems, meaning the quantities of products put on the market, i.e., production (especially fast fashion). Growth in textile waste is a result of growth in production and a decrease in utilisation. There is currently no evidence to show that decoupling economic growth and resource use in the textile industry is a verified theory [1]. We call for the WFD EPR objectives to be expanded and not to put the main focus on financing waste management of textiles and supporting recycling, but on how to stimulate products that are more easily manageable in the waste streams (less toxic, less mixed fibres, less synthetic blends with natural fibres) and most importantly, fewer products. This, in turn, will in time support circular business models, which are currently struggling as they compete with large volumes of low-cost fast fashion products.

2. **Using PEF and ESPR methodology for EPR fee modulation is problematic.** We are concerned with the proposal to base the EPR fee modulation on ecodesign criteria and their measurement methods (ESPR), as their focus on durability, recyclability and recycled content is limiting. The aspect of durability is particularly problematic, as the current methodology deals with technical durability based on product characteristics, i.e., physical strength. However, research shows that 2/3 of clothing goes out of use for other reasons than wear and tear [2]. Textiles are thrown away with much of their use potential unused, and there is no simple connection between strength and many uses. Several problems occur when applying the current ESPR method to predict product durability and define the EPR fee:

    a) It promotes synthetic fibres (plastic) over natural fibres because synthetic fibres are stronger than natural fibres, as the different test methods for strength (including dimensional stability, tensile strength, tear-resistance and colour fastness) in most cases give better results for synthetic than natural fibres.
    b) Measuring the physical strength of a product does not take into account whether and for how long the product will actually be used, namely the value of the garment *to* the user.
    c) Favouring synthetic fibres is problematic due to the limited recycling capacity on the market and the release of microplastics.
    d) By applying weight as a parameter for the EPR fee modulation a careful assessment needs to be conducted to avoid scenarios where a thin synthetic jacket has a lower fee than a heavy wool jacket.

e) Overall, it supports the plastification of the textile sector and the fast fashion business model, which is largely fuelled by cheap synthetic fibres. Hence, the environmental burden will be increased not decreased.

Our Consortium calls for eco-modulation fees to take into account use and end-of-life data and not only be based on the product characteristics defined by the ESPR.

3. **The proposed EPR fee size is too low to bring the desired impact and its application should be expanded to the global South.** Currently, the proposal for the size of the EPR fee is expected to account for approximately 0.6% of the total cost of the product. Our consortium is seriously concerned, that this level of fee will not have the desired impact on the textile sector and will not meet the objectives set out in the WFD revision documents and the EU Textile Strategy (phasing out fast fashion). The fee should be significantly higher to prevent waste, cover the end-of-life management of used textiles in line with the waste hierarchy, stimulate much-needed circular business models and support waste management systems in Global South. We encourage that the eco-modulated fees take into account the Targeted Producer Responsibility (TPR) approach [3, 4], using data (production year, quality, brand, fibre composition) from waste streams when setting the fee rates. Fees should be designed to incentivise producers to produce products that are easier to manage once they enter the waste streams (e.g., bonus for mono and natural fibres), to produce less and in a transparent way. Those products that are used little (or not at all, such as products with price tags in the waste streams) that quickly become waste and/or have low reuse value and are complicated to recycle (fast fashion), should have a higher fee.

To supplement the above, additional feedback is provided on selected parts of the text that the Consortium wants to highlight:

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2008/98/EC on waste

> *„....Since the consumer is not trained to distinguish between re-usable and recyclable items, the collection systems should, including for logistical efficiency purposes, provide for the collection receptacles that collect both used and waste items together. High collection rates would drive high 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 textiles and footwear therein. In addition, information on the performance of the separate collection systems and the attained annual separate collection rate should be calculated and made publicly available annually by the producer responsibility organisations..." (*Paragraph 24, p. 33)

While our Consortium welcomes such an approach, we emphasise expanding the waste surveys and include data on brand, production year and quality (see further explanation below).

> *„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 preparation for re-use of textiles, including in view of the potential setting of the performance targets in the future. Re-use and preparation 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" (*Paragraph 35, p. 36)

We welcome the Commission's ambition of collecting granular information on post-consumer textiles. We hereby suggest the TPR method to conduct waste analyses and make quality assessments (i.e., reusability and recyclability) based on actual use, and durability assessments based on production year and brands [3, 4].

> *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:*
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> > *(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 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." (*Article 22 c Extended producer responsibility scheme for textiles, p. 41)

While we understand that the EC wants to ensure that future textile products are designed according to ecodesign criteria, we are concerned that basing the financial contributions on the weight of the products is problematic from a fibre perspective, as synthetic fibres are lighter than natural fibres and this may further favour plastification of the textile sector.

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> *In order to verify and improve the effectiveness of the collection network and the information campaigns (addressed below), regular compositional surveys at least at NUTS 2 level[253] should be carried out on mixed municipal waste to determine the amount of waste textiles still collected as residual mixed waste. The cost of these analysis is to be covered by the producers. These surveys may be carried out in the framework of regular compositional analysis being carried out by the competent*

authorities or economic operators for the purposes of national statistical and waste data collection and verification policies. (p. 135)

What the EU here calls compositional analysis 'being carried out by competent authorities or economic operators', is what we call waste audits, which are done today, but without the waste data we suggest that would enable a fair EPR fee where the polluter pays and those who deliver Duration of Service are rewarded. This data is listed above: year of production, brand and level of recyclability/reuse potential (i.e., quality and fibre composition).

"A harmonised EU-wide approach to eco-modulation would be most effective and as such is called for strongly by all stakeholder groups. Since the proposal for the Ecodesign for Sustainable Products Regulation (ESPR) contains textiles in its scope […], it is proposed that the fee modulation under EPR is strictly aligned with those eco design requirements and related performance measurement rules. ESPR ecodesign requirements are going to be minimum requirements to secure that the least performing textiles are not allowed on the market or information requirements that may be based on classes of performance, taking into account a variety of parameters relevant for the assessment of the sustainability of textiles, including at the end-of-life stage."
Mandatory criteria under ESPR should form the minimum criteria and measurement tools, whereas EPR modulated fees can provide significant incentives for businesses to go further and deliver more ambitious results based on the same parameters. By aligning eco-modulation with the umbrella legislation under the ESPR, EPR policies can deliver the strongest possible push on ecodesign, reinforcing the existing and future framework instead of adding new eco-design principles. Where such criteria and measurement methods are not defined in the framework of the ESPR, the EPR schemes should apply a simple fee modulation based on the weight and the costs incurred in the waste management.

The number of criteria applied for the fee modulation also has an impact on the costs of administration both for producers and for the PRO. In view of the composition of producers in this sector, attention should be paid to limit those impacts while ensuring that the fee modulation targets the key criteria that can improve the management of textiles, prioritising reuse and recycling. Therefore, it is proposed that the fee modulation criteria should focus on durability, recyclability and recycled content. These are also key sustainability factors envisaged in Annex I of the ESPR for the development of the delegated acts on eco design for sustainable textiles. These are also factors part of the existing EPR in France. Since certain criteria may pursue different objectives, the eco design criteria will need to weigh their relevance, for example, durability and repair requirements compared to recyclability requirements. Therefore, the criteria may require differentiated application per different product types. As a principle the fees shall be based on the weight of the products placed on the market, modulated by a value reflecting the criteria. This approach reflects the positions of the industry and other stakeholders calling for high level of harmonisation in the fee modulation criteria and the measurement methods underpinning their application. Therefore, this measure envisages that the fee modulation should be applied across the EU following the development of the ESPR delegated act defining the ecodesign requirements for textiles and be based on the measurement methods envisaged therein. (p. 139)

The Consortium agrees that aligning the eco-modulation of fees with the environmental performance of products is key to ensuring that the polluter pays, and that Duration of Service is the most important factor that separates the high-polluting products from the less polluting ones. However, consumption research on textiles shows the fallacies in attempting to predict Duration of Service on the basis of product characteristics such as technical durability and repairability, and the importance of lowering overall production quantities to achieve an overall reduction in impacts [1, 5]. Consumption research further shows that most clothing and textiles are repairable but are not repaired because of low perceived value among users, highlighting the limitations to using intrinsic product qualities as a way to predict repairability [6].

In addition to many durability criteria favouring synthetic textiles as they are stronger, the further proposition to base the fees on weight, will, as mentioned above, again favour synthetic textiles that are lighter, unless these materials, that are problematic, are also penalised. If the proposed regulation is to avoid strengthening fast fashion, which relies heavily on synthetic textile materials (plastics), it should not favour these materials. So far, it is also a problem that there is no methodology suitable for eco-modulation based on textiles' environmental impact, with the current PEF methodology potentially advantaging synthetic materials and lacking real data on the use face (DoS) [7]. Therefore, aligning the models based on the current PEF methodology is also problematic. Instead of using durability, recyclability, and recycled content as the main parameters for ecomodulation, we propose using Duration of Service, and the cost of reuse/recycling. Lowering or eliminating the fee should be based on resale or reuse value.

> *Measure 2.14 – Setting reporting obligations for textiles*
> *"Textile waste operators will be required to collect and report data the on waste fraction that is collected, prepared for reuse, recycled, recovered with energy, otherwise recovered and disposed of"* (p. 142)

The Consortium agrees that good data is important for good regulation. We further argue that the data collected using waste audits both with regard to measures upstream (waste minimisation) and measures downstream (better utilisation), as well as monitoring and enabling the possibility of setting concrete targets for reducing quantities of clothing and other textiles put on the EU market. Such a triple purpose based on thorough research will ensure cost-effective work. We, therefore, propose to adopt a standardized method for data collection, which includes both up- and downstream issues. Using waste audits biannually will result in a solid database, alongside mandating dates on products that go to market, following from above proposal to use waste data to inform eco-modulation.

> *In conclusion, monitoring textile wastes and their adherence to the waste hierarchy would require extending the existing reporting obligation under Article 37 of the WFD for textiles to all textile waste generated and treated. That reporting obligation would then require an amendment to Implementing Decision (EU) 2019/1004/EU. All data would be mandatory rather than voluntary and would address textile wastes:*
> *- Waste generated in tonnes,*
> *- Prepared for reuse in tonnes,*

- *Recycled in tonnes,*
- *Energy recovery in tonnes,*
- *Other recovery in tonnes,*
- *Disposal in tonnes.*

(Measure 2.14, p. 144*)*

The Consortium welcomes the initiative to improve waste reporting and emphasises including quality/condition assessment, brand/producer and year of production to allow the information to inform EPR fees, as described above.

> *Measure 2.9 – Mandating the use of extended producer responsibility for textiles*
> *Commencement of the EPR obligations*
> *Given that the proposed EPR measure would take time to be agreed through the ordinary legislative procedure that would be estimated to be completed by mid-2024 there will be a significant quantity of textile products that have been placed on the market and purchased by consumers that will need to be managed. As EPR funding is based on the fees generated by products placed on the market once the EPR obligations are established no fees will have been collected for this historical group of textiles already on the market. Given the average lifespan of clothes of 5.4 years[1254] and the approximately 5 million tonnes of textiles concerned being discarded per year, approximately 25 million tonnes of non-EPR fee related textiles will be required to be managed by textile waste infrastructure.* (p. 137)

The Consortium agrees with the principle of non-retroactivity of the regulations but proposes to use waste to supplement other statistics as the source for calculating the fee would allow all textiles in the waste stream to provide EPR funding. This will ensure that the products that are in the waste streams finance their own waste management from the start, rather than waiting an average of 5.4 years for the EPR fee-related textiles to enter the waste system. In addition to improving the timing of the EPR funding, this system would also ensure equal treatment regardless of the sales channel (internet, private import, etc.). Furthermore, the waste surveys could provide reliable, empirical data for modulating the EPR fee and ensure knowledge for good processing of the waste. This model also allows for capturing ultra-fast fashion sold via the internet and under toll levels for import, which will be much harder to do with the 'to-market' fee model. As the non-EU ultra-fast-fashion brands that have no resale value at all may also be brands that do not register to pay EPR fees voluntarily in the WFD system, there needs to be an effective way to capture these and make sure they pay their share.

References

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