

# **Draft EU Waste Shipment Regulations**

## **Stakeholder Response**

### **Appendix 1:**

### **Detailed comments on the draft Waste Shipment Regulations**



**The Public Establishment  
HUMANA PEOPLE TO PEOPLE  
BALTIC**

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## Appendix 1: Detailed comments on the draft Waste Shipment Regulations

In the appendix below, key sections of the draft Waste Shipment Regulations are cited followed by our detailed stakeholder response which relate specifically to the treatment of textile products.

### Page 1

***The WSR requires Member States to ensure that shipments of waste and their treatment operations are managed in a manner that protects the environment and human health against any adverse effects that might result from such wastes...The overall objective of the WSR review is to increase the level of protection of the environment and public health from the impacts of unsound transboundary shipments of waste.***

We acknowledge the EU's concern that clothing waste may be mislabelled as second-hand clothing and shipped outside the EU. The European Commission is right to be concerned about waste being exported to countries that do not have the capacity to dispose of the material in an environmentally sustainable manner. It is to be welcomed that the EU will be, 'intensifying its co-operation on issues of common interest related to textile waste shipment...with third countries and regions to increase the sustainability dimension of its trade policy'.<sup>1</sup> Moreover, it is important that there are clear criteria to distinguish between genuine second-hand clothes and waste, given the EU is currently exporting 1.4 million tonnes of textile waste.<sup>2</sup>

The most effective approach to strengthening environmental objectives and circularity in the textiles sector while reducing waste is to maximise the reuse of clothing across Europe, and the globe. Across all of the EU's policies and regulations, we contend that *reuse* must take precedence over recycling. It is important to avoid enacting measures that have unintended consequences, undermining the EU's core goals of sustainability and circularity. Regulations that prevent the export of unsorted clothing from Europe will erode the global capacity for reuse. It is through increasing textile reuse and preventing waste that the EU is most likely to achieve the green transformation. Sorted clothing should continue to be classified as a product rather than waste, even if it is a mixed product.

It is widely anticipated that under the Waste Framework Directive which comes into force in 2025, collection rates for post-consumer textiles will rise significantly. Given the high proportion of reusable content, unsorted clothes (also called 'original clothes') require their own distinctive EU regulatory framework. Having a straightforward system for exporting original clothes outside the EU is essential since there may well be insufficient sorting capacity within Europe given increased collection rates, while sorting outside the EU creates economic opportunities in developing countries. Moreover, there

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<sup>1</sup> [https://environment.ec.europa.eu/publications/textiles-strategy\\_en](https://environment.ec.europa.eu/publications/textiles-strategy_en)

<sup>2</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210420-1>

is a risk that making exporting clothes to third countries more difficult will lead to less reuse, undermining the circularity and sustainability of the EU textiles sector. We argue such clothes should be used again whenever possible rather than having the fibres expensively reprocessed or being discarded.

We argue that unsorted clothing should be treated as a product overseen by a special procedure, even if it is classified as waste for legal purposes by the EU. Sorted clothes should continue to be regarded as a product that can be readily exported into Asia, Africa and other world markets, even if it is comprised of mixed categories. Doing so creates jobs and economic development opportunities in African and Asian countries. Reuse is a sophisticated industry with social and environmental objectives at its heart. Mainstream businesses in the SHC sector have never practised dumping of environmental waste in third countries.

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***Moreover, the European Green Deal and the Industrial Strategy, including its update acknowledged that access to raw materials is of strategic importance and a pre-requisite for Europe to deliver on its green and digital transition. The Critical Raw Materials Action Plan stressed that significant amounts of resources leave Europe in the form of wastes, instead of being recycled into secondary raw materials and thus contributing to the diversification of sources of supply for the industrial ecosystems in the EU.***

While this is true for most waste streams, collected textiles are different because they contain a high percentage of reusable items and are a valuable resource. We strongly believe that access to raw materials for recycling should not rank above reuse. Reuse is significantly better for the environment leading to reduced climate impact. Reuse should be given priority over the manufacturing of new clothing and fibre to fibre recycling, both of which are energy-intensive. SHC businesses ensure that clothes can be reused and sold on efficiently to consumers, operating sustainable business models. If clothes are reused, energy consumption and climate impact is reduced. As such, the reuse sector contributes towards the highest standards of environmental protection in accordance with the EU's aim of preventing the needless generation of waste.

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***The WSR ensures that the EU's comprehensive waste legislation is not circumvented by shipping waste to third countries where waste management standards and performance greatly differ from those in the EU.***

This is a legitimate objective. However, there is a risk that the WSR leads to unintended consequences. It is essential to avoid regulatory changes that have unintended effects, undermining the EU's core aims of increased sustainability and circularity in the textile ecosystem. Enacting measures that prevent the export of unsorted clothing from Europe risks significantly eroding the global capacity for textile reuse. It is precisely through

increasing textile reuse and preventing waste that the EU is most likely to achieve the green transformation.

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***When it comes to the export of wastes, especially non-hazardous wastes, from the EU, a major shortcoming is the insufficient supervision of the conditions under which these wastes are managed in destination countries, especially in developing countries. As a result, the export of some waste from the EU has created environmental and public health challenges in the countries of destination. It also represents a loss of resources for EU recycling industries.***

The SHC and reuse sector has decades of experience in managing infrastructure in non-OECD states to ensure that second-hand clothes are effectively managed in those third countries. The SHC industry provides the infrastructure to collect, sort, process and sell clothes efficiently. The sector is skilled, professional, trained and highly competent. Over the last 40 years, it has created operational infrastructure to maximise clothing reuse throughout the developing world. When clothes are prepared for reuse and sold on directly to consumers, the impact on energy consumption is significantly reduced, contributing to higher standards of environmental protection. Promoting reuse is the best means to reduce waste and achieve a sustainable, circular textile sector throughout Europe.

***Illegal shipments of waste within and from and to the EU also remain a considerable problem due to the general nature of the WSR provisions. This relates in particular to the elements that need to be checked by the competent authorities, for example on the environmentally sound management of waste and on enforcement. However, it is also due to shortcomings in the implementation and enforcement of the WSR.***

The SHC and reuse sector fully supports the effort to reduce the illegal shipment of waste. Mainstream businesses in the SHC and reuse sector have never practised dumping of environmental waste in third countries. However, we would like to see legitimate legal routes to ensure that textile items, both sorted and unsorted, can still be efficiently exported to third countries.

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***They notably highlighted that there might not be enough capacity in the EU to deal with waste that is currently exported from the EU. This view was not shared by some other economic operators, who indicated that such capacity would be available.***

The SHC and reuse sector has the capacity to deal with both clothing items and waste already in place. The SHC sector provides a ready-made textile reuse infrastructure that can deal with waste in an environmentally responsible way while creating a viable business model for future growth. To maximise reuse rates, manual detailed sorting is required and it is likely to be necessary to continue establishing sorting centres outside Europe where surplus quantities of unsorted collected clothes from EU can be exported.

There should be collaboration between enterprises that undertake collection and operate sorting centres in Europe with sorting plants outside Europe, in order to increase the global capacity for reuse.

We believe that this approach will help to strengthen social and environmental benefits while building infrastructure for the circular, green economy around the world. It is important that the EU legislation provides a clear path to sort unsorted collected clothing items outside Europe, maximizing the potential for reuse while guaranteeing the environmental sustainability of the process through certification of sorting facilities, a point we elaborate further below.

***The Commission proposal takes account of the views expressed and presents a proportionate approach to deal with the problems identified in the evaluation. This is particularly the case for the measures relating to export of waste, which do not amount to a blanket ban on export and which will only apply 3 years after the entry into force of the proposed regulation.***

We are concerned that the measures proposed by the Commission are not proportionate and will have negative effects on the reuse sector that were not intended. It is important to avoid regulations that have unintended consequences, undermining the EU's core goals of sustainability and circularity. Enacting policies that would reduce the export of unsorted clothing from Europe would merely undermine the global capacity for reuse. Relying on diverting reusable clothes to fibre-to-fibre recycling is not a solution to the challenge of reducing the climate impact of the textile sector. It is through increasing reuse rates and preventing waste from the outset that the EU is most likely to achieve the green transformation, creating a sustainable textiles ecosystem.

***The table on pages 7-9***

***The table below provides an overview of options 2, 3 and 4, which are alternatives to option 1 (baseline scenario), and the combination of measures in these options.***

- ***1g) Align the WSR provisions with the waste hierarchy.***

The EU's Waste Hierarchy framework gives priority to waste prevention putting reuse before recycling. The SHC sector endorses the EU's core strategy, as outlined in the Waste Hierarchy framework, based on the theory of the circular economy. It defines a five-step hierarchy of how member-states should most effectively deal with waste. The preferable approach is, of course, *waste prevention*. The key concept is to design waste out of the production system altogether. The SHC sector contributes directly to this goal by reusing clothes with minimal reprocessing, reducing the need for recycling while avoiding costly and environmentally unfriendly solutions, namely landfill or incineration.

The sector's business model focused on sorting, processing and reuse drastically reduces waste, while reshaping long-term consumer habits. It is widely anticipated that from 2025 when EU member-states will be required to collect textile waste separately under

the Waste Framework Directive, the collection rate of post-consumer textiles will increase significantly. The EU's Waste Hierarchy emphasises that reuse should always take precedence. A succession of robust scientific studies has concluded that greater economic and environmental benefits accrue from the reuse of clothes.

- ***1i) Ensure alignment with the provisions on end-of-waste and byproducts in the Waste Framework Directive***

The end-of-waste definition should be formulated so that well-functioning value chains are not made unworkable. Sorted mixed clothes such as Humana's Tropical Mix Category (just one of a number of examples) are at risk of being classified as waste under the EU classification system since they contain both men's, women's and children's clothing. Yet Tropical Mix is sorted according to requirements stipulated in African markets, while further sorting required on arrival creates jobs and economic opportunities in those countries. Making it harder to export such items will undermine sustainability. It will lead to more clothes being manufactured; even if clothes are recycled instead, such processes are energy intensive and have an adverse climate impact.

- ***2a) Specify obligations for exporters and public authorities to ensure and verify that waste exported to third countries is managed in an environmentally sound manner.***

Ensuring that waste is dealt with in an environmentally sustainable manner is an important goal, but it needs to be achieved in a non-bureaucratic manner. Checks and audit should be carried out on sorting facilities themselves which means that intervention at the level of the member-state is not required. This approach is a more flexible and less bureaucratic solution to the problem of managing textile waste. A system of EU-led inspection and certification of facilities would ensure that any waste arising from the reuse process was disposed of in an environmentally sensitive and responsible fashion. We would like to contribute towards the creation of a guideline that determines which facilities can be trusted to ensure effective sorting practices, carried out in an environmentally and socially responsible manner, while possessing a proper waste management infrastructure in line with the EU standards.

- ***2b) Task the Commission to set out criteria to differentiate between used goods and waste, for specific waste streams for which export to third countries raises particular challenges***

We welcome that fact that the Commission is seeking to establish criteria to differentiate between used goods and waste. The table on pages 7-9 of the draft regulations states that the aim is 'to combines measures in a mix of far-reaching changes...result(ing) in greater effectiveness, in an efficient and proportionate manner. The preferred option is therefore option 4. The blend of the targeted and structural changes chosen would result in a balanced approach in terms of effectiveness

(achievement of the objectives) and efficiency (cost-effectiveness). It aims to ensure that this Regulation can facilitate intra-EU shipments in line with the circular economy objectives, support the EU's objective to stop exporting its waste challenges to third countries, and contribute to better addressing illegal shipments of waste, without risking excessive costs or disruption. It responds to both (i) the need for new, effective measures to achieve the three objectives, and (ii) the importance attached to them being implementable while not creating excessive burden or undesirable impact'.

We recognize that collected unsorted clothes are technically classified as waste by EU. The EU's definition of waste is "any substance or object which the holder discards or intends or is required to discard". Within existing collection systems, three quarters of the content of collected clothing items are judged to be reusable; a fifth can be recycled; while less than 5 per cent must be incinerated. Original clothes are classified as waste for legal reasons by the EU. But the items are fundamentally different to other recyclable waste streams, since they are of relatively high value while most of the clothes can be reused.

Given the high proportion of reusable content and the valuable nature of the resource, original clothes require their own distinctive EU regulatory framework. Having an efficient system for exporting original clothes outside the EU is essential since there may be insufficient sorting capacity within Europe given increased collection rates. Moreover, there is a risk that making exporting clothes to third countries more difficult, as the draft Waste Shipment Regulations propose, will lead to less reuse, undermining the circularity and sustainability of the EU textile sector.<sup>3</sup>

Where unsorted collected ('original') clothing items are exported as green waste, they cannot be efficiently moved outside the EU under the proposed rules, weakening the global processing system for SHC. Maximising reuse requires careful manual sorting by skilled operatives with detailed market knowledge. As we have seen, proposed EU rules on waste shipments will only permit the export of used textiles to non-OECD countries 'under certain conditions'. As such, there is a risk that it will be more difficult to export SHC products into African and Asian markets, undermining the efficiency of the sorting process leading to less reuse.

The classification system proposed by the EU threatens to hamper necessary movement of unsorted collected clothes to facilities in third countries that already have the capacities and incentives to sort clothes to ensure the highest degree of reuse. Of course, we agree that the environmental impact of the process should be managed so that material which is not reused or recycled is disposed of in an environmentally responsible way. However, we argue that a system of EU-led inspection and certification of facilities operating such processes could fulfil that purpose.

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<sup>3</sup> [https://environment.ec.europa.eu/publications/proposal-new-regulation-waste-shipments\\_en](https://environment.ec.europa.eu/publications/proposal-new-regulation-waste-shipments_en) See pages 73-74 of the draft regulations.

- ***2c) Establish a new framework in which non-OECD countries have to notify the EU of their willingness to import green-listed waste and demonstrate their ability to treat it sustainably according to set criteria x x 2d) Require that the export of green-listed waste from the OECD is subject.***

The draft EU Waste Shipment Regulations propose that for textile waste to be exported, the following conditions must be satisfied:

- The receiving country must be prepared to import the items.
- That country must demonstrate that it has the capacity and infrastructure to handle the waste in accordance with EU standards.
- Those receiving facilities must receive certification from the EU confirming that they operate in accordance with satisfactory waste management protocols.

We support measures that require non-OECD countries to notify the EU of their willingness to import waste items and for them to be treated in accordance with principles of environmental sustainability. However, we believe such goals can be achieved through a more flexible and smart approach to regulation as outlined by our comment related to page 10 below.

***Page 10***

***For those operators shipping waste from the EU, the impact will depend on whether evidence is made available that the exported waste in the destination countries is treated in an environmentally sound manner. It is likely that, as a result, the export to some countries might become more difficult, which would have a negative impact on the companies exporting waste to these countries...Companies exporting waste would also have to set up (or purchase) auditing schemes to verify that facilities in third countries perform waste management activities in a sustainable manner... For companies located in third countries which transport and process waste imported from the EU, the effect would be positive for those performing their activities in an environmentally sound manner, as the audit would consolidate their activities and competitiveness, even though it could also incur some costs for upgrading their infrastructure and standards in the short term.***

To ensure sufficient capacity for the manual sorting of collected clothes which is required to obtain the maximum degree of reuse, we propose a less centralised and bureaucratic procedure to the proposed green waste procedure. The purpose is to allow efficient export of unsorted collected second hand clothes from the EU to facilities in non-OECD countries that sort for reuse. The sending facility and the receiving facility are obliged to operate according to prescribed EU standards and regulations. An EU auditing mechanism would be established to oversee the shipment process and ensure adequate oversight. Checks would be carried out on the sorting facilities themselves, which means there is no need for intervention at the level of the member-state. We believe this is a more flexible and less bureaucratic solution to the problem of managing textile waste.



As such, we propose a simplified procedure by which the EU can permit the importation of original clothes to third countries:

- The receiving facility should be certified to receive original clothing according to EU guidelines and following a procedure approved by the EU. The guideline should be in the line with the proposed audit requirements stated in Annex 10 of the proposal for Waste Shipment Regulation 2021/0367.
- This certification will ensure that the facility sorts clothing according to the principles contained in the Waste Hierarchy. As such, reusable clothes are reused, recycled clothes are recycled, and waste is kept to a minimum, always disposed of in a responsible way.
- The certification will also ensure that the facility maintains reasonable labour conditions following International Labour Organisation (ILO) guidelines.
- The shipments of clothing will be covered by a contract between the exporter and the receiver which will refer to the EU certification.
- The procedure will be simple and clear. There should be no ambiguity. It must be transparent for customs officers and other authorities, both in the EU and the receiving countries.

As a key stakeholder within the European textile ecosystem, we would like to contribute towards the drafting of a guideline that seeks to determine trusted facilities that maintain effective sorting practices, carried out in an environmentally and socially responsible manner, while possessing a proper waste management infrastructure in line with the EU standards.

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***Finally, the perspective that more waste will remain in the EU, together with new targets and obligations under EU law to ensure its recycling, will also represent opportunities for SMEs to develop innovative projects and technologies for recycling waste whose treatment poses particular challenges, such as plastic and textile waste. This preferred option is expected to result in an overall significant positive environmental impact. The measures designed to facilitate the shipment of waste for re-use and recycling in the EU will lead to higher amount of waste treated in better environmental conditions. They would also lead to higher amounts of secondary materials available in the EU, which would replace virgin materials as feedstock for a number of industries based in the EU.***

The draft WSR emphasises the importance of recycling. Applying the Waste Hierarchy framework to textiles, however, reiterates the importance of reuse. While the textile industry and major producers want to emphasise the potential for fibre-to-fibre (F2F)

recycling, there are still major technological and economic barriers, aside from the adverse environmental impact. It is likely that in future fibre-to-fibre recycling will be developed to become more profitable, but the cumulative impact on the environment is likely to remain considerable. The climate effect is the result of both the new clothing production phase and the recycling itself that involves large quantities of water and other energy sources. It is important to recognise that the fibre-to-fibre technology is not yet fully tested, while there is rigorous emerging evidence that the recycling process could have an adverse environmental impact. There are still many textiles that are not easily amenable to recycling. As the EU's circularity strategy itself states: 'Fibres are often blended with others (e.g. polyester with cotton) which makes recycling more difficult due to low availability of technologies to separate textile waste by fibre'.

Fibre-to-fibre recycling is energy intensive, requiring large quantities of water and chemicals. Recycling synthetic fibres remains an extremely expensive process. The EU itself acknowledges that, 'elastane, often added to increase the functionalities of fabrics, can act as a contaminant in almost all textile fibres recycling technologies, impacting the economic feasibility and environmental cost of the recycling process'. Moreover: 'For thermo-mechanical recycling, blending of different types of polyester can also adversely affect the processing of textile waste and the quality of the recycling output'.<sup>4</sup>

The claim that recyclable textiles are necessarily environmentally sustainable is questionable. While the fibres may be recycled, the overall impact of the processing itself may be detrimental to achieving sustainability objectives. Recent innovations such as technological processes that, 'depolymerize and dissolve polyester and cotton in PC textiles to extract these from the polycotton blend, producing cellulose pulp', are likely to remain energy intensive, generating additional carbon emissions.<sup>5</sup>

We argue there is a risk that the EU's core purpose of increased sustainability and circularity will be compromised if there is an excessive focus on recycling in the EU's draft WSR at the expense of reuse. Large clothing corporations – who have an important role to play in the textiles value chain – may nonetheless be able to advertise that their clothing is 'green and sustainable' because the clothes contain a relatively high proportion of used fibres. They can then buy up reusable second hand clothes which would otherwise go to enterprises that sort for reuse, charging consumers for higher costs, or directly use clothes collected in fast fashion stores for recycling - jumping over reuse.

The EU's goal of becoming a 'global trailblazer' in sustainable circular textile value chains will be undermined if large corporations put their own interests first rather than prioritising the framework of the EU waste hierarchy. Because new clothing companies are often reluctant to allow their products to be sold by reuse retail businesses, fearing that the brand's value will be undermined, the sustainability of the textile value chain is

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<sup>4</sup> [https://environment.ec.europa.eu/publications/textiles-strategy\\_en](https://environment.ec.europa.eu/publications/textiles-strategy_en)

<sup>5</sup> <https://www.eionet.europa.eu/etcs/etc-wmge/products/etc-wmge-reports/textiles-and-the-environment-in-a-circular-economy>

further eroded. At the very least, the future viability of SHC businesses across Europe should be recognised as strategically important for achieving the EU's objectives.

We recognise there is still a crucial role for fibre-to-fibre recycling, particularly given that all textile garments eventually reach the end-of-life and cannot be sold on to other consumers. If EU recycling companies had additional capacity and environmentally sound processes, they could purchase end-of-life recyclable clothes from sorting centres in third countries, manually sorted to fit their recycling process. Putting the greatest possible emphasis on clothing reuse will help to deliver the objectives of the strategy to ensure that by 2030, 'textile products placed on the EU market are long-lived...Consumers benefit longer from high quality affordable textiles, fast fashion is out of fashion, and economically profitable re-use and repair services are widely available'.<sup>6</sup> Where unsorted collected ('original') clothing items are exported as green waste, they cannot be efficiently moved outside the EU under the proposed WSR, weakening the global processing system for SHC and reuse.

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***As regards the overall social impact, the measures linked to the export of waste, and to those against illegal shipments of waste, should reduce the negative impact on human health (e.g. respiratory problems, injuries) and labour conditions (e.g. no social benefits, low wages) stemming from the unsustainable management of waste, bringing overall benefits to society both abroad and in the EU. The treatment in the EU of waste that used to be exported should lead to the creation of 9 000-23 000 jobs in EU recycling and re-use sectors. Additional jobs in these areas are likely to be generated as a result of the measures designed to ensure a better functioning of the WSR for shipments of waste in the EU for recycling and reuse. In third countries there might be job losses in the formal or informal waste treatment sectors in case less waste is exported to that country.***

The SHC and reuse sector supports high wage, high skilled, green jobs both in the EU and developing countries. The mandatory collection of used clothes will undoubtedly create many more green jobs in Europe. Because sustainability is at the heart of the sector's operations, SHC jobs are sustainable and green jobs. It has been estimated that in such a growing market, if all discarded clothing in Europe was collected and sorted, a further 120,000 jobs would be created.<sup>7</sup> For every 1000 tonnes of textiles collected for reuse.<sup>8</sup> The EU data indicates that 25-30 jobs are created in the sorting process alone.

Job creation is likely to be maximised if the SHC and reuse sector can operate in the global market, creating employment both in EU member-states and developing countries by exporting unsorted clothing. That approach will far outweigh employment gains through 'treatment in the EU of waste that used to be exported', as proposed in the draft WSR.

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<sup>6</sup> [https://environment.ec.europa.eu/publications/textiles-strategy\\_en](https://environment.ec.europa.eu/publications/textiles-strategy_en)

<sup>7</sup> <https://www.rreuse.org/wp-content/uploads/2015-06-textiles-position-RREUSE.pdf>

<sup>8</sup> [https://www.interregeurope.eu/sites/default/files/2022-05/Textiles\\_Factsheet\\_EC.pdf](https://www.interregeurope.eu/sites/default/files/2022-05/Textiles_Factsheet_EC.pdf)

**Article 28.1, page 64**

***When deciding whether an object or substance resulting from a production process the primary aim of which is not the production of that object or substance shall be considered to be waste, Member States shall base their decision on the conditions laid down in Article 5 of Directive 2008/98/EC. When deciding whether waste which has undergone a recycling or other recovery operation shall be considered to have ceased to be waste, Member States shall base their decision on the conditions laid down in Article 6 of Directive 2008/98/EC....The Commission is also empowered to adopt delegated acts in accordance with Article 76 to supplement this Regulation by establishing criteria to distinguish between used goods and waste, for specific categories of commodities for which this distinction is of particular importance for the export of waste from the Union.***

We refer to our comment on point 2b) in the table on page 7-9 in the WSR proposal.

**Article 37.2, page 72**

***Paragraph 1 shall not apply to exports of waste destined for recovery to a country included in the list of countries established in accordance with Article 38 for the waste specified in that list. Such export may only take place on the condition that the waste is destined to a facility licensed under the domestic legislation of the country concerned, to undertake recovery operations for that waste. In addition, such export shall be subject to the general information requirements laid down in Article 18 or, in case the country concerned so indicates in the request referred to in Article 39, the procedure of prior written notification and consent referred to in Article 35.***

We have no objection to waste products being sent only to sorting facilities that are licensed under EU certification arrangements.

**Article 39.3, page 75**

***The country making the request shall demonstrate that it has put in place and implements all necessary measures to ensure that the waste concerned will be managed in an environmentally sound manner as referred to in Article 56. To this end, the country making the request shall demonstrate that: (a) it has a comprehensive waste management strategy or plan that covers its entire territory and shows its ability and readiness to ensure the environmentally sound management of waste. That strategy or plan shall include at least the following elements: (i) amount of total waste generated in the country on a yearly basis, as well as the amount of waste(s) covered by the scope of this request (“waste concerned by the request”), and estimations on how these amounts would develop in the next 10 years; (ii) an estimation of the country’s current treatment capacity for waste in general, as well as an estimation of the country’s treatment capacity for the waste(s) concerned by the request, and an***

*evaluation of how these capacities would develop in the next 10 years; (iii) the proportion of domestic waste that is separately collected, as well as any objectives and measures to increase this rate in the future; (iv) an indication of the proportion of the domestic waste concerned by the request which is landfilled, as well as any objectives and measures to decrease that proportion in the future;*

*an indication of the proportion of the domestic waste which is recycled, and possible objectives and measures to increase that proportion in the future; (vi) information on the amount of waste which is littered and on measures taken to prevent and clean up litter; (vii) a strategy on how to ensure the environmentally sound management of waste imported into its territory, including the possible impact of such import on the management of waste generated domestically; (viii) information on the methodology used to calculate the data referred to in points (i) to (vi); (b) it has a legal framework for waste management in place, which includes at least the following elements: (i) permitting or licensing systems for waste treatment facilities; (ii) permitting or licensing systems for transport of waste; (iii) provisions designed to ensure that the residual waste generated through the recovery operation for the wastes concerned by the request is managed in an environmentally sound manner as referred to in Article 56; (iv) adequate pollution controls applying to waste management operations, including emission limits for the protection of air, soil and water and measures to reduce the emissions of greenhouse gases from those operations; (v) provisions on enforcement, inspection and penalties designed to ensure the implementation of domestic and international requirements on waste management and waste shipment; (c) it is a Party to the multilateral environmental agreements referred to in Annex VIII, and has taken the necessary measures to implement its obligations under those agreements; (d) it has put in place a strategy for enforcement of domestic legislation on waste management and waste shipment, covering control and monitoring measures, including information on the number of inspections of shipments of waste and of waste management facilities carried out and on penalties imposed in cases of infringements of the relevant domestic rules.*

*Where the country making the request does not provide the additional information within the time limit referred to in paragraph 2 of this Article, or where the provided additional information is still considered to be incomplete or insufficient to demonstrate compliance with the requirements set out in Article 39, the Commission shall inform without undue delay the country making the request that it cannot be included in the list of countries to which exports are authorised and that its request will no longer be processed. In that case, the Commission shall also inform the country making the request of the reasons for that conclusion. This is without prejudice to the possibility of the country making the request to submit a new request pursuant to Article 39.*

Our principal argument is that the regulations for export of unsorted collected clothes which contain a high proportion of reusable items should be simplified and apply to sorting facilities rather than to whole countries or territories. As previously stated, it will

be less bureaucratic and more flexible if sorting facilities in third countries are certified and audited (as we make clear in our comments on page 10 of the draft regulations). The SHC and reuse sector has the experience and expertise to establish and oversee facilities in non-OECD countries ensuring that waste is dealt with in an environmentally responsible manner.

If restrictions are imposed on the export of second-hand clothing to markets outside Europe through categorisation of items as waste without a set of regulations that acknowledge the distinctive position of textiles, reuse rates will continue to decline. Moreover, EU regulatory changes may inadvertently serve to incentivise recycling rather than reuse. As it stands, reuse still accounts for only 25-30 per cent of clothing items collected in Europe. There is a major gap between potential and current performance in the sector.

Boosting the reuse sector in Europe means keeping the global reuse market accessible for European companies, enabling them to partner with sorting centres outside the EU. Export regulations need to be clear and transparent. Categorising unsorted clothing as waste and preventing importation to third countries will damage the reuse sector in Europe, as well as those countries. It is the reuse sector that is best placed to deliver greater environmental sustainability in textiles.