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Client Information

# Amendment to the Waste Framework Directive

Measures against Food Waste and Introduction of Extended Producer Responsibility  
(EPR) for textiles

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Dear clients and interested parties,

On the 26<sup>th</sup> of September 2025 the European Union published the [amendment to the Waste Framework Directive](#) (WFD) in its official journal. This amendment introduces two key changes to combat food and textile waste: mandatory measures against food waste and extended producer responsibility for textiles.

The more significant structural changes affect the textile sector: the amendment to the WFD obliges all Member States to introduce a harmonised system of extended producer responsibility. Manufacturers, importers and other distributors of textiles will therefore have to bear the costs of collecting, sorting, reusing and recycling old textiles, among other things. The EU's goal is to promote durable, repairable and recyclable products and to establish a sustainable circular textile economy.

We hope you find lots of new and useful insights while reading,

Your FRANSSEN NUSSER team

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## A. When will the new provisions WFD come into force?

After its official adoption on 9<sup>th</sup> September 2025 the amendment was published in [the EU Official Journal](#) on the 26<sup>th</sup> of September 2025. Twenty days later, on the 16<sup>th</sup> of October 2025, the revised version of the [Waste Framework Directive](#) (WFD) came into force.

## B. What are the implementation deadlines for Member States?

After the implementations are coming into effect, Member States are given **20 months** to transpose the directive into national law while the time limit for the transposition of the extended producer responsibility for textile waste will be **30 months**.

The 20-month deadline thus ends in **June 2027** and the 30-month deadline for introducing producer responsibility in **April 2028**.

## C. What measures against food waste does the amendment to the WFD include?

To reduce food waste, the EU introduced the new Art. 9a WFD, which regulates that **food waste in processing and manufacturing** must be reduced **by 10%**. Food waste **in retail, distribution, restaurants and private households is to** be reduced **by 30%**. These targets are to be achieved by 31<sup>st</sup> December 2030.

### Why is food waste a problem?

- 59 billion tonnes of food wasted per year in the EU
- Cost to the economy: €132 billion plus €9.3 billion for collection and treatment
- 16% of GHG emissions from the EU food system are caused by food waste
- 2022: 132 kg of food waste per capita in the EU

Noteworthy: These targets fall short of the UN Sustainable Development Goal (SDG) 12.3, which aims to halve global food waste at retail and consumer levels by 2030.

## D. What regulations does the WFD impose regarding textiles?

The biggest change included in the amendment to the WFD is the introduction of a harmonised system of extended producer responsibility (EPR) for textiles.

Each Member State will be required to introduce a corresponding system that obliges manufacturers to bear the costs of collecting, sorting, reusing, preparing for reuse and recycling waste textiles. In addition, extended producer responsibility is intended to promote the development of durable, repairable and recyclable textile products, thereby making a significant contribution to the transformation towards a circular textile economy. Investments in the separate collection, sorting, reuse and recycling of textile waste, as well as in research and development of innovative technologies, are to be promoted. Stronger action is to be taken against illegal exports of textile waste.

### Why is textile waste a problem?

- Textiles are among the top 5 in terms of raw material use and GHG emissions
- 12.6 million tonnes of textile waste per year in the EU (equivalent to 12 kg per person per year)
  - of which 5.2 million tonnes is clothing and footwear
- Only 22% are collected separately while 78% are incinerated or landfilled

## I. What is textile waste? What is used textile?

There is no legal definition of the terms "textile waste" and "used textiles".

The legal classification of textiles as waste is therefore based on the general definition of waste in Art. 3 No. 1 WFD (or § 3 (1) sentence 1 [Circular Economy Act \(Kreislaufwirtschaftsgesetz, KrWG, hereinafter: CEA\)](#)). According to this, materials or objects – including textiles – are considered waste if the owner disposes of them, intends to dispose of them or is required to dispose of them. The term "disposal" is not defined in the WFD. According to the national regulation of § 3 (2) CEA, disposal can be assumed if the owner transfers materials or objects for recycling or disposal or relinquishes actual control over them without any further intention of using them.

Discarded textiles are typically disposed of via collection systems such as containers for used clothing or street collections. According to the jurisdiction of the Federal Administrative Court the textiles in such cases are generally considered waste due to the lack of specific purpose and relinquishment of control.

However, disposal does not occur if textiles are specifically passed on for reuse through donation, sale or conscious donation to charitable institutions such as clothing banks, social department stores or second-hand shops. In these cases, the intended use as clothing is usually retained and the textiles do not become waste.

## II. How should extended producer responsibility for textiles be structured?

The main aspect of the amendment to the Waste Framework Directive is the introduction of extended producer responsibility for textiles. This places new legal, organisational and financial requirements on individuals and companies along the textile value chain.

For the first time, **textile manufacturers, importers and distributors** are systematically required to contribute to the costs and organisation of textile waste management.

The regulations range from the definition of the responsible actors (Art. 3 (4b)) to the product groups covered (Annex IVc) to the specific design of producer responsibility (Art. 22a–22d). They include registration requirements and waste management specifications.

### 1. Who is responsible?

According to Art. 3 (4b) of the revised Waste Framework Directive, responsible persons are **producers, importers, distributors or other persons** who

- are established in a Member State and, in that Member State
  - manufacture or have manufactured textile goods, textile products or footwear listed in Annex IVc under their own name or brand and make them available for the first time under their own name or brand;
  - under their own name or brand, resell textile goods, textile products or footwear listed in Annex IVc that have been manufactured by other manufacturers (without indicating the manufacturer); or
  - make textile products, textile articles or footwear listed in Annex IVc from another Member State or from a third country available for the first time on a commercial basis.
- are established in another Member State or third country and sell textile products, textile articles or footwear listed in Annex IVc directly to end consumers (private individuals or others) in a Member State by means of distance communication.

Suppliers of used textile products, suppliers of textile products that are 'derived' from used textile products or waste and independent tailors who manufacture made-to-measure products are **not** considered responsible persons. These exceptions are justified by the fact that these groups either contribute to extending the life cycle of the products mentioned or that their activities make only a negligible contribution to the generation of textile waste.

It is important to critically examine why the amendment does not provide for an exemption for small and medium-sized enterprises (SME) or micro-enterprises. These enterprises in particular – for example, single-person tailoring businesses that do not exclusively offer made-to-measure products, and other small and medium-sized enterprises – are likely to face particular challenges if they want to meet the requirements of the producer responsibility in the future, as they often lack both the human and financial resources to fulfil the relevant reporting and financing obligations.

Two simplifications apply for **micro-enterprises with fewer than 10 employees and an annual turnover of less than €2 million:**

- Art. 22b (17) WFD reduces the scope of information obligations;
- according to a newly inserted paragraph in Art. 41, the provisions of Artt. 22a, 22b and 22c WFD will apply to micro-enterprises 42 months after the revision comes into force.

It is conceivable that the EU legislative bodies will soon realise that the objectives of extended producer responsibility for textiles can be achieved without micro-enterprises. An exemption would avoid bureaucratic burdens for small businesses and likely increase acceptance of the regulation, as the effort required of them is likely to be disproportionate to their contribution to textile waste prevention.

## 2. Which goods should be subject to extended producer responsibility for textiles?

Extended producer responsibility applies to the textile goods, textile products or footwear listed in Annex IVc WFD. This refers to the following goods:

- Clothing and clothing accessories made of knitted or crocheted fabrics, (artificial) leather,
- blankets, bed linen, table linen, hand and kitchen towels,
- curtains, drapes and other interior furnishings made from textile products (except for upholstered bedding such as quilts, duvets, cushions, bolsters and pillows),
- hats and headgear,
- shoes with rubber or plastic soles and uppers,
- shoes with rubber, plastic or (artificial) leather soles and textile uppers.

Not included are, for example, textile construction products, medical products (e.g. insulation materials, bandages, implants), and components in the automotive and furniture industries such as seat and upholstery covers and carpets.

## 3. Are mattresses covered by extended producer responsibility for textiles under the WFD?

There is no uniform requirement for mattresses to be included in the EPR. Rather, Art. 22a (1a) WFD allows Member States to extend the producer responsibility system to mattresses.

This appears to be systematically inconsistent. There is a lack of sector-specific regulations for mattresses and similar products such as upholstered furniture. In this amendment Mattresses are treated like a side issue to textile waste which does not correspond to their volume and recycling requirements.

## 4. What costs do manufacturers have to bear under the new extended producer responsibility for textiles?

Art. 22a WFD stipulates that manufacturers must bear the **costs of collecting used textile products** and subsequent waste management. This includes the costs of collection for reuse and of separate collection of waste for preparation for reuse and recycling, of transport for sorting, sorting, preparation for reuse, recycling and the costs of any other recovery and disposal.

**The costs of collecting, transporting and treating waste** incurred by social enterprises and other institutions in the collection system must also be borne. The same applies to the costs of providing information on sustainable consumption, waste prevention, preparation for reuse, recycling, recovery and disposal.

Finally, producer responsibility should also cover the **costs of data collection and reporting** to the relevant responsible authorities and they should financially participate in the **promotion of research and development** to improve sorting and recycling processes, especially to expand high-quality fibre-to-fibre recycling.

## 5. What is a producer responsibility organisation and what are their tasks?

The new amendments are set to be implemented through **producer responsibility organisations** which will be regulated in the new Art. 22c WFD. These are responsible for the collective implementation of the extended producer responsibility. The Responsible persons must designate an organisation.

Producer responsibility organisations themselves must fulfil the manufacturer's obligations to bear the costs and modulate the fees to be paid by manufacturers according to the weight of the textile products and eco-design requirements. They organise the separate collection of waste for used textile products without distinction in type, material, condition or brand. The organisations provide collection and transport containers, ensure comprehensive coverage and free collection at appropriate intervals. The aim is to achieve a steady increase in separate collection, with the organisations having to cooperate with social enterprises, distributors, authorities and voluntary collection points to achieve their goals.

The new regulations contradict the Commission's strategy for a simple, seamless and strong single European market from May 2025 (see our [FN-legal blog post](#), currently only in German), which identified the large number of national registrations and new organisations for producer responsibility as one of its biggest obstacles. With that in mind it is important to critically examine whether the new provisions of the WFD will lead to a significant increase in bureaucracy by introducing additional organisational obligations and thus counter the objectives of a strong and efficient single European market.

## 6. Who must be entered in the producer register and what information must be provided?

Following the new Art. 22b WFD Directive, Member States must introduce a **producer register**. The registration requirement applies to the responsible persons in each Member State where textile products are made available for the market for the first time. The products may only be made available after the registration in the respective Member State.

The registration requires information on the name, trade or brand name, contact details, commercial register number, tax ID, CN codes of the textile products and details of the affiliated organisation. It can be carried out by the manufacturer itself or by the commissioned organisation.

Upon receipt of the application, the responsible authority is set to decide within twelve weeks. Missing or incomplete information or failure to fulfil obligations may result in the rejection or revocation of the registration.

## 7. How do you manage waste textiles?

In Art. 22d WFD it is regulated how textile waste must be managed:

- It must be ensured that the **infrastructure** for collection, loading and unloading, transport and storage, as well as other operations, including the handling of textile waste, and the subsequent sorting and treatment processes, are protected from adverse weather conditions and potential sources of contamination in order to prevent damage and contamination of the collected textile waste.
- **Sorting for reuse** must be carried out.
  - Fractions for immediate reuse must be separated from fractions that need preparation for reuse.
  - Items unsuitable for reuse should be sorted for subsequent (fibre-to-fibre) recycling.
- Member States shall establish **minimum criteria and documentation requirements** for commercial shipments of used textile products (not textile waste).
- From 2025 onwards, Member States must determine the proportion of textile waste in collected mixed municipal waste every five years.

## E. What applies to smart textiles and electronic textiles?

The amendment to the WFD and the introduction of producer responsibility for textiles does not address electronic textiles – so-called "smart textiles" or "electronic textiles". Smart textiles or electronic textiles are garments and other textiles with integrated electronic functions such as flashing shoes, heating or cooling textiles and sports shirts that measure heart rate. However, the relationship between the new WFD regulations and smart electronic textiles is likely to play a special role in the future.

These products are currently legally classified as electrical and electronic equipment. This seems appropriate due to their given technical components such as sensors or heating systems. In some cases, smart textiles also contain batteries or rechargeable batteries, which means they fall under the requirements the [EU Battery Regulation \(EU\) 2023/1542](#). According to Art. 11 of this regulation, batteries need to be easily removable and replaceable from February 2027 onwards. For example, in the case flashing shoes, in the future it must be ensured that the built-in battery can be removed without great effort.

To ensure legal certainty and consistency between environmental, product and waste legislation and to avoid regulatory gaps or double obligations, European legislators are now under pressure to regulate the growing market for smart/electronic textiles.

## F. Is there a ban on the destruction of unsold textiles?

In the future, unsold **clothing, clothing accessories and shoes** (consumer products) will be banned from destruction due to the new Ecodesign for Sustainable Products Regulation ([ESPR](#)).

From 19<sup>th</sup> July 2026 the Art. 25 (1) subparagraph 1 will prohibit the destruction of unsold consumer products listed in Annex VII of ESPR. This includes:

- Clothing and clothing accessories made of (artificial) leather,
- Clothing and clothing accessories made of knitted or crocheted fabrics,
- Hats and other headwear,
- Shoes.

**Micro and small enterprises** are initially excluded from this ban (Art. 25 (1) subparagraph 2 ESPR). For **medium-sized enterprises**, the ban will start to apply from 19<sup>th</sup> July 2030 (Art. 25 (1) subparagraph 3 ESPR). Economic operators who are not directly subject to the ban may not destroy unsold consumer products if it is apparent that these were provided to them solely for the purpose of circumventing the destruction ban (Art. 25 (2) ESPR).

### G. How will the EPR for textiles be implemented in Germany?

In Germany, corresponding regulations still need to be created since there currently is no extended producer responsibility for textiles and the management of textile waste. It is unclear exactly how the amendment to the WFD will be implemented into German law.

It is conceivable that Germany could transpose the amendment into national law by changing the German CEA. However, it would be preferable to create a kind of "textile law" to implement the new extended producer responsibility. This kind of approach would be in line with the legislative approach Germany has taken multiple times up to this date, whereby specific product groups are regulated by separate laws. Examples include the [Battery Act](#) (BattG), the [Electrical and Electronic Equipment Act](#) (ElektroG) and the [Packaging Act](#) (VerpackG).

There are also already signs of a legislative initiative regarding the textile sector in Germany. The [2025 coalition agreement between the CDU, CSU and SPD](#) states in line 1223 f. under the heading "Circular Economy":

*"We are introducing extended producer responsibility in the textile sector."*

The [104th Conference of Environment Ministers](#) on 16<sup>th</sup> May 2025 also called for measures to promote the circular economy in the textile sector and to stabilise and further develop the collection of used textiles.

At the state level, the state of Hessen has introduced an initiative via the Bundesrat calling on the federal government to introduce extended producer responsibility for mattresses based on the foreseeable changes to the WFD ([BRat-Drs. 206/1/25](#)). Building on this initiative in Hessen, on 13<sup>th</sup> June 2025 the Bundesrat called on the federal government in a non-legally binding resolution to promote the recycling of mattresses in the future.

Further plans or legislative proposals for the implementation of the revision WFD at federal level are not (yet) publicly known.

**FRANSSEN NUSSER has many years of comprehensive expertise in environmental, product and circular economy law as well as ESG issues. Please feel free to contact us.**



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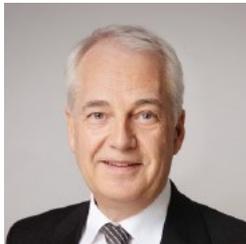
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