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The New EU Rules to Prevent Food Waste and Used Textiles

by

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A Long Row to Hoe

Environmental law moves at a snail's pace. In the 1990s and early 2000s, the EU adopted several sectoral directives with ambitious recycling targets for packaging and packaging waste (Directive 94/62/EC), electrical and electronic waste (Directive 2002/96/EC), and end-of-life vehicles (Directive 2000/53/EC). Waste law made significant progress, but harmonisation stalled in the early 2000s. In the absence of harmonised rules, Member States had to regulate various waste-producing sectors. Bolstered by the European Green Deal of December 2019, the European Commission adopted an action plan on the circular economy on 30 March 2022. A swathe of new regulations on batteries (2023/1542), packaging and packaging waste (2025/40) and cross-border movements of waste (2024/1157) fleshed out this action plan. The latest legislation, namely Directive 2025/1892 of 10 September 2025, amends the Waste Framework Directive 2008/98 to mitigate the environmental and climate impacts of food waste and our throwaway society.

The Environmental Footprint and Economic Costs of Food and Textile Waste

Due to their negative environmental externalities, two resource-intensive sectors have been singled out by the EU institutions. In recent years, an average of 60 million tonnes of food waste (132 kg/person) and 12.6 million tonnes of textile waste (12 kg/person) have been produced annually in the EU. So far only 22% of textile waste is collected separately, with the rest being incinerated or landfilled with other household waste. Needless to say, the fast fashion industry is fueling tomorrow's waste stream. What's more, two thirds of textile waste are exported outside the EU, undermining the principle of self-sufficiency enshrined in the Waste Framework Directive 2008/98 (Article 11(1)(a) Regulation 1013/2006; Article 11(1)(a) iii Regulation (EU) 2024/1157). Furthermore, food waste prevention programmes in place since 2018 have failed to slow down the increase in food waste, which is correlated with economic growth. The climate footprint is considerable. In 2020, the 58 million tonnes of food waste equated to 252 million tonnes of CO_2 emitted for nothing. Accordingly, the waste management hierarchy which prioritised prevention (Article 4 Waste Framework Directive 2008/98), then reuse, recycling, recovery, and finally disposal (like landfill) as the least preferred option, has been overturned.

Aiming at replacing the linear economy, the circular economy should lead to considerable economic gains with respect to these two waste streams. For example, the annual value of the EU's 58 million tonnes of food waste is estimated at €132 billion.

The Most Striking Differences Between the Two Pillars of the Amending Directive

When it comes to food waste, the EU is requiring Member States to meet binding targets by 31 December 2030. The technique is identical to that used in the packaging waste, battery and end-of-life vehicle sectors.

For food processing and manufacturing, producers will have to reduce their waste volume by 10% compared to the volume generated during the period 2021-2023. For food retail and distribution (households, restaurants, etc.), a 30% reduction per capita must be achieved by 2030. These targets are well below the UN Sustainable Development Goal 12.3. Given that the the production, distribution and consumption phases are entangled, the UN plans to halve waste throughout the whole food chain by 2030.

On the other hand, no reuse or recycling targets have been set for textiles. However, by 2028, companies will be subject to an extended producer responsibility scheme, which has already proven its worth over the past 30 years, notably in the packaging sector.

The Extended Producer Responsibility

Unlike traditional waste management systems (such as obligations to collect, sort, reuse, prepare for reuse, or recycle), extended responsibility will require producers of used textiles (clothing, blankets, linens, hats, shoes, etc.) to internalise the costs of the various textile waste treatment operations (recycling, disposal of waste) in the price of their products. Producers will be required to join, and therefore finance, an eco-organism. In a traditional scheme, waste has no economic value. Under this extended responsibility scheme, it should constitute secondary raw materials either recyclable or recoverable (incineration with energy recovery). This is undoubtedly a paradigm shift (De Sadeleer, 2016, pp. 230-236). Since textiles and footwear are largely mixed with household waste, the financing of these operations, which has until now been the task of local authorities, will now shift to the private sector. Upstream, producers will be encouraged to design and refine their products with a view to limiting the production of textile waste downstream and even facilitating its recovery. Around 8% of textiles sold are currently reused in the EU. As a matter of course, applying such responsibility to the numerous actors in the food chain will be impossible.

The Role of NGOs That Collect Food Products, or that of Social Economy Enterprises that Provide Vocational Integration Through the Collection and Sorting of Used Textiles

The current NGO practices do not come to an end. On the one hand, economic operators 'having a significant role in the prevention and generation of food waste' will have to 'propose donation agreements to food banks and to other food redistribution organisations' so as to facilitate the consumption of unsold edible food (Article 9a(1), 2nd indent). Since this obligation is worded awkwardly, it will be up to Member States to clarify its scope.

On the other, social economy enterprises will continue to manage their collection points and to participate in the separate collection scheme set up by eco-organisms (Article 22(c)(10) and (11)). Furthermore, the eco-organisms will have to cover the costs of collection, transport and treatment of waste incurred by these enterprises (Article 22a(8)(a)(iv)). Finally, the amended Directive 2025/1892 establishes that used clothing suitable for reuse by social economy entities should not be considered waste (Article 22(d)(3)). Accordingly, their administrative burden will be reduced, and they will be able to export these products to non-OECD countries.

A Two-Pronged Approach

Unlike battery, packaging waste and end-of-life vehicles, which are subject to specific regulations based on Article 114 TFEU (on the functioning of the internal market) that significantly limit the discretion of national authorities, the food and textile sectors are covered by a framework directive based on Article 192(1) TFEU, the environmental legal basis. The measures outlined above must therefore be transposed, which is likely to increases the discretion of public authorities. In addition, in accordance with Article 193 TFEU, Member States may adopt stricter targets for food waste prevention and set take-back and recycling targets for textile waste. By way of illustration, it will be for national authorities to determine how private operators and municipalities share the tasks and costs associated with the separate

collection, transport, sorting, reuse and recycling of textile waste. In doing so, they will have to comply with both competition law and State aid law.

The Burdens on Small and Medium-Sized Enterprises

SMEs account for 99% of the textile sector. Following the Draghi report on the future of EU competitiveness, the European Commission has embarked on a major administrative simplification initiative, particularly for SMEs. The drafters of Directive 2025/1892 were not indifferent to SMEs' concerns. First, Member States must ensure that 'any disproportionate impact on SMEs is avoided' (Article 9(a)(1), 2nd paragraph). Second, companies employing fewer than ten people and whose annual turnover and annual balance sheet do not exceed 2 million EUR will be required to provide less information to eco-organisms than larger companies. They will only be required to submit information relating to the quantity by weight assessed as fit for re-use, of products they place on the market for the first time (Article 22(c)(20)).

Impacts of the Globalized Economy on the EU Textile Circular Economy

The large-scale export of second-hand clothing to developing countries risks compromising the objectives of circular management in the EU textile sector. Indeed, the majority of post-consumer used textiles are exported outside the EU, and this market continues to grow. The amended waste framework directive requires that separately collected textiles be sorted before export. Waste generated during this sorting process is classified as waste.

While used and waste textile, textile-related and footwear products that are separately collected, are in principle considered waste 'upon collection', those that are 'directly professionally assessed as fit for re-use at the collection point by the re-use operator or social economy entities' are not considered waste from the moment they are collected (Articles 22(d)(2) and (3)). What is more, the shipments of used textile and footwear products must comply with minimum record-keeping requirements that should make it possible to distinguish between waste and reusable products. This ensures that waste cannot be exported to non-OECD countries, while reusable textiles and footwear may be exported (Articles 22(d) (7) and (8)).

Accordingly, operators exporting second-hand clothing must ensure that their textile products do not contain any waste or residues. Regulation 2024/1157 of 11 April 2024 on waste shipments prohibits exports to non-OECD countries of waste intended for disposal.