

Public Consultation on the revision of the Waste Framework Directive

Additional comments from The Netherlands

Introduction

The Netherlands welcomes the opportunity to provide input on sections on the public consultation on the revision of the Waste Framework Directive. In addition, The Netherlands would like to provide some further suggestions related to topics not included in the questionnaire, though in our view are considered relevant for the upcoming revision. We are at the disposal of the Commission to provide any further clarification.

Definition of waste

As already highlighted in the *Call for Evidence*, The Netherlands seeks, not to amend, but to further clarify the definition of waste by providing further clarity regarding the meaning of 'to discard of', as currently included in article 3 WFD. Please find attached further clarification on this topic.

Textiles

The Netherlands has submitted suggestions with regard to textiles in the *Call for Evidence* on the revision of the EU waste framework. In addition to these, which clearly endorses the wish for a European mandatory EPR system for textile products, the Netherlands would furthermore like to underline the following elements.

Introduction of an EPR for textile products in the Netherlands

As of 1 January 2023, an EPR-system for textile products will enter into force in the Netherlands. The Netherlands is always willing to share its experiences and insights with regard to the establishment of the EPR scheme. The Dutch EPR-system is comprised of quantitative objectives (from 2025 onwards) and that is why the Netherlands promotes the creation of a quantitative target scheme at the European level as well.

Eco-modulation

The Netherlands considers it important for the European Commission to clearly put forward how eco-modulation will take shape and to whom which responsibility is assigned - Member States/producer organisation(s), etc. Additionally, the Netherlands is looking forward to the Commission's ideas on supervision and enforcement for the EPR on textile products.

Level playing field

The introduction of an EPR scheme on textiles will create a level-playing-field for producers and waste managers across the EU. Therefore, the introduction of an EU-wide EPR is strongly recommended. However, the Netherlands does not encourage a lower EPR fee for the retailers which provide their own take-back systems for used clothes. This creates potential advantages for larger retailers who have the space and budget to organize their own take-back systems, as compared to smaller players on the textile market. Lastly, in the context of a stronger European textile industry: it is welcome to invest EU-wide in high-value recycling capacities. When the EPR on textiles operates successfully, this will be of immense value.

Prevention and awareness campaigns

From the Dutch point of view, prevention of textile waste serves a twofold purpose: it is both a reduction in textile waste and at the same time an effort to diminish textile consumption. Therefore, awareness campaigns should focus as well on where and how consumers can hand in their textiles.

Hazardous waste

Regarding article 7 WFD, its effectiveness depends on the usefulness of the list of waste, and the homogeneity of the waste streams with so-called 'mirror entries'. Practice teaches us that homogeneous and clearly specified waste streams with mirror entries are more easily detected, and therefore also considered as hazardous waste streams (for instance 05 01 03). This differs from waste streams that are more broadly formulated and therefore also more heterogeneous (for instance 17 06 03). The homogeneity and heterogeneity of waste codes on the list of waste therefore seem to influence the detection rate of waste which should be considered hazardous. The Netherlands therefore is in favor of reviewing the list of waste. In case of the Waste Framework Directive revision, it could be considered how the coming review could already contribute to a future revision of the list of waste.

In addition, article 7 paragraph 2 and 3 WFD are unclear with respect to the mandatory notification requirements. More specifically, it is unclear whether, apart from informing the European Commission, it is also mandatory to notify pursuant to Directive 2015/1535. Further clarification in the coming revision of the WFD would be appreciated.

Waste separation at building and demolition sites

Currently, the majority of waste flows from construction in the Netherlands is recycled. However, in other Member States, a lot is still being landfilled. Applications as secondary materials are often still low-grade, such as the use of stone-like material as a foundation in road construction. For truly circular use of raw materials and for the removal of toxic substances contained in some of the demolition materials, it is important that attention is paid to separate collection of these materials. As already highlighted in the Call for Evidence, The Netherlands therefore advocates improving waste separation at construction and demolition sites, with the aim of facilitating reuse and high-quality recycling. Once again, we would like to stress the importance of this issue.