

Green-listing of B3030 mixtures with footwear and accessories

Feedback on the Draft Delegated Regulation - ARES(2026)7981401

TESS GEIE supports the Commission's objective of resolving the current legal uncertainty around mixtures of textiles, footwear and clothing accessories. However, we **cannot support the draft as currently proposed**.

As drafted, the new entry green-lists these mixtures **only when they are destined for recycling**. It therefore facilitates the lowest applicable step of the waste hierarchy and leaves the highest one burdened. **Simplification should follow the waste hierarchy, not work against it.**

We ask the Commission to set it out as a single narrowly defined entry - in Annex IIIB under Article 79(4), or in Annex IIIA if the Commission is satisfied that it can carry it - covering **mixtures that result from a sorting operation and are destined for preparation-for-reuse or material recycling**. Mixtures shipped before sorting should **continue to be covered by prior written notification and consent**, as they are today.

In short, we ask the Commission to:

1. cover shipments for **both preparation-for-reuse and material recycling**;
2. green-list only mixtures that have **undergone a sorting operation**;
3. leave **unsorted collected mixtures under prior written notification and consent**;
4. make the existing simplified notification mechanisms **more accessible to small and social economy operators**, and ensure that **EPR schemes cover the related administrative costs**;
5. add a review clause **assessing the effects of the new provisions** on local sorting and preparation-for-reuse.

This would **close the legal gap** the Commission has identified while **preserving the incentives for local sorting, preparation-for-reuse, local employment and social-economy activity**.

1. The green-listing should cover both reuse and recycling

As drafted, the amendment specifies that *"In Annex IIIA, Part 1, point 4, the following point (d) is added: '(d) mixtures of wastes classified under entry B3030 and footwear, hats, belts or other accessories.'"*

Point 4 of Annex IIIA begins as follows: ***"For shipments destined for recycling within the Union"***.

The consequence is that a mixture of worn clothing and footwear may be shipped under the general information requirements of Article 18 when it goes to a recycler, but remains subject to prior written notification and consent when it goes to a facility carrying out sorting or preparation-for-reuse.

We also note that recital (8) refers to *"facilitating the collection and recycling"* of these mixtures without stating a condition as to the treatment operation, and that neither the recitals nor the explanatory memorandum mention reuse at any point.

This totally **reverses the mandatory waste hierarchy** set by Article 4 of Directive 2008/98/EC and creates a direct economic incentive to route mixed collected streams containing reusable garments, shoes and accessories towards recycling rather than reuse.

We therefore ask the Commission to ensure that the new entry covers shipments destined for **both preparation-for-reuse and for material recycling**.

What cannot be resolved though the choice of Annex

Article 79(3), cited in the explanatory memorandum as the empowerment for this entry, allows Annex IIIA to receive *"mixtures of two or more wastes listed in Annex III"*. However, footwear and non-textile accessories are not listed in Annex III. The empowerment relied upon does not cover the mixture.

On this basis, Article 79(4) represents a more appropriate approach. It allows the inclusion in Annex IIIB of non-hazardous wastes not listed in Annex III, IV or V where environmentally sound management within the Union is demonstrated.

Placing the entry in Annex IIIB rather than Annex IIIA would also ensure the safeguard mentioned by the Commission itself in the explanatory memorandum, namely that facilitating shipments between Member States *"should not result in increased exports of such waste from the EU"*, since Annex IIIB waste remains subject to the **notification procedure for exports to OECD countries** (Article 44(2)(d)).

However, consignments of textile waste under entry B3030 in Annex III would continue to move under Article 18, creating **asymmetries that run against the waste hierarchy**. We therefore might consider it preferable for the new entry to follow the same shipment regime as the wastes of which it is composed, which means Annex IIIA rather than Annex IIIB.

Regarding **export to other third countries, this would be prohibited for both Annex IIIA and Annex IIIB** as of 21 May 2027 (Article 40(1)(a)). Here, therefore, the choice of Annex makes little difference.

We therefore invite the Commission to decide whether the proposed new entry falls under Annex IIIA or Annex IIIB, provided it can guarantee that **the measures apply consistently across the textile stream rather than to mixed consignments only**. The Commission must ensure that a **mixture destined for preparation-for-reuse is not subject to a more restrictive regime than textile waste destined for recycling**. As currently drafted, the act provides for precisely the opposite.

Moreover, our concern lies with the **conditions attached to the entry**, not the instrument containing it.



2. What we ask: one narrowly defined entry for sorted textile

The regime should follow the treatment operation, not the composition of the bale

Currently, entry B3030 covering "worn clothing and other worn textile articles" moves under **the general information requirements of Article 18**, whether or not it has been sorted, and whether it is destined for sorting, preparation-for-reuse or recycling. Yet, the same consignment, once footwear, hats, belts or accessories are present, **falls under prior written notification and consent**. We understand that this **regime is lighter for pure recycling feedstock than for mixed reuse-bearing**. Therefore, we support closing the legal gap it addresses.

However, we ask that the simplification **do not follow composition by extending to unsorted mixtures containing footwear, hats, belts and accessories**, which today fall under prior written notification and consent. Our request is that the present regime be maintained for those consignments **until they have been sorted**.

Green-listing should apply only after sorting

TESS GEIE supports facilitating cross-border movements of **already sorted textile mixtures**. Once a material has been sorted, its **composition and intended treatment are known** and the destination facility can be identified. This makes a simplified procedure appropriate.

We therefore ask the Commission to create this specific entry in Annex IIIA (under *Point 5*) or Annex IIIB (under *BEU12*):

'Sorted mixtures of textiles, footwear and clothing accessories:

Mixtures of wastes classified under entry B3030 and footwear, hats, belts and other customary clothing accessories comparable in composition and treatment requirements, resulting from a sorting operation, and destined for an authorised facility carrying out preparation-for-reuse or material recycling, provided that:

- a) the mixture is dry, non-hazardous and was collected separately from mixed municipal waste;*
- b) the destination facility is located within the Union, holds a permit or registration under Chapter IV of Directive 2008/98/EC, and is identified before the shipment starts;*
- c) the information accompanying the shipment under Annex VII identifies the origin, the composition, the destination facility and the intended treatment operation;*
- d) the entry does not cover shipments destined for energy recovery, disposal, mere storage, or brokering without an identified final treatment facility;*
- e) residues resulting from sorting or treatment are managed in accordance with the waste hierarchy; and*
- f) the entry applies only to shipments between Member States.'*

3. Unsorted collected textiles should remain subject to notification

TESS GEIE does not support opening a single EU market for unsorted textile waste.

Collection, sorting and reuse of post-consumer textiles are deeply rooted in local communities. In particular, when carried out by social enterprises, these activities provide local employment opportunities, foster social inclusion, and provide affordable access to second-hand clothing.



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If unsorted textile waste were to be opened to a single EU market, these positive impacts would be directly threatened:

First, a liberalised market of textile waste would create **strong economic pressure on local collectors and sorters**, as the cost of sorting and preparation-for-reuse would become a competitive issue at European level. Local collectors and sorters would be put in competition not only with operators in their own countries but across all Europe, and those who depend on human labour would no longer be able to compete with large operators **optimising purely for cost efficiency or disregarding waste hierarchy**. This would inevitably result in the weakening, and in many cases, the disappearance of social enterprises in the textile circularity sector, and consequently the loss of their unique community and environmental contributions.

Also, we are also concerned this could **exacerbate existing market distortions linked to uneven EPR support across Member States**. In some Member States, collectors already benefit from EPR financial support, which allows them to sell unsorted textile waste at a lower price. As a result, certain sorters source cheaper unsorted textiles from abroad, neglecting their own domestic waste streams. This creates unfair competition between Member State, **undermines local circularity efforts**, and could push towards EU-level EPR harmonisation that may itself prove risky for operators.

Moreover, **green-listing would remove the possibility for Member States to assess and object** to the shipments it covers.

Under the notification procedure, Article 12(1) allows the competent authorities of dispatch and destination to raise reasoned objections to a shipment, including where the shipment or recovery operation would not comply with Directive 2008/98/EC and the waste hierarchy set out in Article 4; where the waste would not be treated in accordance with the waste management plans or waste prevention programmes of the countries concerned; or where the destination facility applies lower treatment standards than those applicable in the country of dispatch.

By contrast, for shipments covered by Article 18, competent authorities are informed of the shipment but **do not have the same prior decision-making power to object**.

For a sorted consignment, composition and destination are already established and is provided through Annex VII, so that control is not needed. But for unsorted mixture, this possibility to assess and object to a shipment remains important. **Maintaining prior notification and consent for unsorted consignment therefore provides the competent authorities with a necessary safeguard** before the material leaves the country of collection.

Finally, maintaining strict procedure for unsorted mixtures **preserves the incentive for Member States to develop domestic sorting and preparation-for-reuse capacity**. Where unsorted material can move to the lowest-cost destination without prior control, the pressure to invest in local capacity falls away, and with it the local employment, the social inclusion and the affordable access to clothing that this capacity sustains.

We therefore support that where the **mixture has not been through a sorting operation**, the procedure of prior written notification and consent under **Title II should continue to apply**.

Furthermore, we are aware that requirements regarding the location of sorting fall outside the scope of Regulation (EU) 2024/1157. However, we raise them because the effectiveness of this act depends on them: textile EPR schemes should impose a **minimum level of sorting and preparation-for-reuse in the territory where collection took place**, together with the **corresponding financing and incentives for local sorting and preparation-for-reuse capacity**. We call for this act to be accompanied by a clear signal to this effect within the framework of the Circular Economy Act.



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4. Notification should be made workable, and its cost borne by EPR

TESS GEIE insists that procedures be **made more accessible to small operators**, and that its **cost stop falling on those who carry out collection, sorting and preparation-for-reuse**.

Notification can create a **disproportionate burden for small social economy operators**. The Regulation already provides mechanisms that address this for recurring flows: a general notification may cover several shipments to the same consignee and the same facility (Article 13), and shipments to a pre-consented recovery facility are decided within seven working days instead of thirty (Article 14(14)), with a consent valid for three years instead of one where a general notification is used (Article 14(12)). For an established flow, the administrative cost is therefore a one-off set-up rather than a per-shipment burden.

These instruments are, however, **insufficiently known and insufficiently accessible to small operators**. Rather than removing the procedure, we ask the Commission and the Member States to make them genuinely usable: guidance addressed to social economy collectors, standardised templates, full use of the electronic submission system under Article 27, and above all attention to the financial guarantee under Article 7, which must cover transport, recovery and 90 days of storage and is the real constraint for organisations operating on thin margins.

Furthermore, **controls immobilise material and require administrative capacity** that small social economy operators do not have. Some operators primarily oppose additional controls because the **compliance burden is not financeable at their scale**. Given these compliance burden, the current system penalizes traceability and oversight rather than rewarding them. We note that Article 22d(10) of Directive 2008/98/EC allows **the costs of analyses, inspections and storage of shipments suspected of being waste to be charged to producers**. We ask that it be extended to the traceability and notification obligations attached to waste shipments, given its mandate to fund obligations related to the traceability of textile streams.

5. Assess the effects of the new provisions

The new rules will interact directly with the revised Waste Framework Directive, the development of textile EPR schemes and the forthcoming Circular Economy Act. These instruments should work together to strengthen European capacity for circular textile management, not unintentionally shift material away from the highest levels of the waste hierarchy.

TESS therefore asks the Commission to include a recital explicitly **linking this delegated act to the objectives of Directive (EU) 2025/1892 and the forthcoming Circular Economy Act**, in particular the need to develop sufficient European capacity for the separate collection, sorting, preparation-for-reuse and recycling of textiles.

TESS also asks for a review clause requiring the Commission to **assess the practical effects of the new green-listing provisions after a defined period of implementation**.

The review should assess, in particular, whether the new provisions:

- affect the volumes of textiles sorted and prepared for reuse in the Member State of collection;
- lead to a shift from preparing for re-use towards recycling or lower-value treatment;
- contribute to the development of genuine European recycling and secondary raw material capacity, rather than simply facilitating the movement of waste to existing facilities; and
- create unintended competitive distortions between Member States, including as a result of differences in EPR financing and national waste management systems.



- remain consistent with the waste hierarchy and support the development of adequate collection, sorting and preparation-for-reuse capacity, including capacity operated by social economy enterprises.

The review should draw, where available, on data from the Waste Shipment Regulation reporting and digital systems, Member States' waste management plans and EPR reporting. Where evidence shows that the new entry undermines sorting, preparation-for-reuse or the development of adequate treatment capacity in the Member States of collection, **the Commission should be able to amend or withdraw it.**

This would provide a proportionate safeguard while allowing the simplification to proceed. **Green-listing should remain a means of facilitating the circular economy, not become an objective in itself.**

TESS GEIE stands ready to provide the Commission with further technical and market expertise on the practical implementation of this approach.

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TESS GEIE is a European network of social economy enterprises in textile collection, sorting, and reuse. Together, our members handle annually more than **100,000 tonnes** of clothing, household linen, shoes and leather goods across Belgium, France, Italy, and Spain.

Our mission is to lead the players of the social and solidarity-based economy to meet the challenges of the textile industry concerning the circularity of resources, to ensure an ethical and transparent approach to the recovery of textiles, household linen, shoes and leather goods, and to advocate for a **circular textile economy that respects people and their environment.**



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