

Message 001

Communication from the Commission - TRIS/(2026) 1246

Directive (EU) 2015/1535

Notification: 2026/0224/AT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261246.EN

1. MSG 001 IND 2026 0224 AT EN 05-05-2026 AT NOTIF

2. Austria

3A. Bundesministerium für Wirtschaft, Energie und Tourismus
Abteilung II/8
A-1010 Wien, Stubenring 1
E-Mail: not9834@bmwet.gv.at

3B. Amt der Oö. Landesregierung
Direktion Verfassungsdienst - Oö. Landtagsdirektion
A-4021 Linz, Landhausplatz 1
Telefon +43-732/7720-11171
E-Mail: verfd.post@ooe.gv.at

4. 2026/0224/AT - X30M - Textiles and furnishings

5. Provincial Act with which the Upper Austrian Waste Management Act (AWG) 2009 to be amended (Upper Austrian Waste Management Act Amendment 2026 – Upper Austrian. AWG Amendment 2026)

6. Used textiles to be delivered as scrap and waste

7.

8. In response to the volatility of the used textiles market within the waste management sector, a requirement to deliver used textiles intended as scrap and waste to district waste management associations or towns with their own charters is being enshrined in law, in order to ensure their proper disposal in the long term.

9. In the context of public services, the proper collection, recovery and disposal of used textiles from private households must be ensured. At the same time, coordinated and efficient waste management must also be guaranteed. Therefore, the standardisation of a mandatory delivery scheme for used textiles from private households to district waste management associations or towns with their own charters is intended to ensure that these used textiles are collected and recovered in an orderly manner. The 'Upper Austrian Used Textiles Scheme' [Oö. Alttextilienlösung] not only helps to avoid the problems that regularly arise during collections organised by private collectors and increases the collection rate for separately collected used textiles, but also contributes to protecting the environment and the local landscape.

9a. The provision pursues overriding reasons of public interest, specifically the justification of environmental protection as developed by the Court of Justice of the European Union (beginning with ECJ, 7 February 1985, Case 240/83, Association de défense des brûleurs d'huiles usagées, paragraph 15). This also includes the protection of the urban environment (ECJ, 30 January 2018, Joined Cases C360/15 and C31/16, Visser, paragraph 135).

The provision is further justified by the protection of the townscape, which is likewise recognised by the Court of Justice as an overriding reason of public interest (ECJ, 29 January 2001, Case C17/00, De Coster, paragraph 36).

With regard to the suitability of this measure, it should be noted that the obligation to deliver waste is in any event capable of achieving the objectives set out above, as it ensures the proper collection and recovery of used textiles – regardless of their current market value. It prevents impairments to environmental protection, to the protection of the urban environment, and to the protection of the townscape caused by private collectors, and it is also necessary to ensure the continuity, predictability, and further development of municipal waste management.

Exclusive municipal collection of used textiles guarantees that textiles are collected in a manner that leads to the best possible outcomes for subsequent recovery. Only in this way can reuse and recycling be promoted, targets achieved, and environmentally harmful disposal continuously reduced. In the case of used textile collection exclusively through the municipal collection system, the procedures described above ensure that, at the time of delivery, the textiles meet a certain quality standard (clean, dry, complete, and undamaged), are properly stored, and are recovered or disposed of in an environmentally sound and traceable manner.

9b. In case of textiles from private households, a container collection system through various private operators has developed in Upper Austria alongside the organised collection system carried out by the waste

management associations. In practice, however, this often gives rise to significant problems.

The container collection offered by private companies is often hinders the recovery process. The used textiles deposited by waste holders are often not properly packaged, are incomplete (e.g. single shoes), or – when containers are overfilled – are left next to the collection points without protection from the weather. Wet and soiled textiles cannot be recycled and must be disposed of as residual waste.

In contrast, the collection of used textiles at the waste collection centres operated by district waste management associations and towns with their own charters is a proven, well-established system. Special breathable and transparent bags are provided there for packaging the textiles, allowing a quality check to take place at the point of acceptance or during sorting. The collection of used clothing takes place in a designated, usually covered area, under the supervision of the waste collection centres. Shoes are collected separately.

The collection of used textiles from private households should primarily be carried out through the existing waste collection centres. These centres have the necessary infrastructure and organisational conditions to ensure the orderly, controlled, and high-quality acceptance of used textiles. Other collection methods, in particular collection containers, should be treated as secondary to collection via waste collection centres and should only be provided as a supplementary measure. The legislation deliberately allows district waste management associations and towns with their own charters a degree of flexibility in their arrangements, so that they can respond flexibly to local circumstances.

In urban areas in particular, collection containers for used textiles are regularly overfilled or soiled. Cleaning them and removing the deposited waste is, however, generally difficult, as the private operators are usually not accessible. In practice, the obligation to remove improperly stored waste falls once again on the municipalities. This results in additional costs for them.

In private collection systems, textile waste is in some cases exported to third countries under the pretext of reuse. During this process, parts of the exported unsorted textiles may end up in (illegal) landfills in third countries.

In addition, experience has shown that private companies only operate where economically valuable material streams promise sufficient returns. It has also been shown in the past that collection activities increased significantly during periods when the recovery of used textiles was particularly lucrative. In the context of used textiles, this means in practice that private operators focus on economically viable textile categories (items for the second-hand market, materials suitable for recycling) and only offer collection services where these items are generated. Merely managing economically viable areas and waste streams, and doing so only when it is financially advantageous, leads to a fragmented collection system and gaps in waste disposal services.

9c. The new regulatory framework for used textiles from private households, in the form of an obligation to deliver waste to the municipal system

- is non-discriminatory,
- is justified by overriding reasons in the public interest,
- is suitable for securing the attainment of the objectives pursued, and

- does not go beyond what is necessary to achieve the objectives.

With regard to nondiscrimination, it should be noted that the proposed provisions apply equally to domestic and foreign private collectors. Since the criteria do not relate to other factors that would be easier for domestic companies to meet, there is also no indirect discrimination.

Nor is the provision excessive and it does not go beyond what is necessary to achieve the objective. Private companies are not entirely excluded from the market, as the district waste management associations and towns with their own charters may continue to entrust third parties with carrying out the collection, thereby ensuring their participation in waste management as part of the public service remit. At the same time, the expertise and experience of the district waste management associations and towns with their own charters ensure that only those collection systems are used which guarantee a quality-assured, reliable, continuous and comprehensive collection of used textiles.

It should also be noted that the intended provision covers only the performance of the collection service. The private waste and circular economy companies remain involved in the recovery chain and value creation, as the waste management associations deliver the collected quality-assured fractions to these companies for further treatment and recovery.

In line with the obligation of the municipalities to collect local waste, the obligation to deliver waste to the municipal collection system applies only to the collection of used textiles from private households. Private companies may therefore continue to collect used textiles from commercial enterprises and engage in textile recovery activities (sorting, processing, recovery, and similar activities). They are therefore not excluded from the management of old textiles for the above reasons as well. Only the collection service is assigned as a task to the district waste management associations and towns with their own charters, thereby ensuring that parallel collection structures do not increase the overall economic burden associated with collecting this waste fraction.

10. Reference to the basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu