

KONU	HOLLANDA'DATEKSTİLLER İÇİN GENİŞLETİLMİŞ ÜRETİCİ SORUMLULUĞU: ESKİ GİYSİLERİN TOPLANMASI
HAZIRLAYAN	AŞKIN PEKEL, LAHEY TİCARET MÜŞAVİRLİĞİ
TARİH	22.06.2023

Hollanda'da 1 Temmuz 2023 tarihinden itibaren tekstil ürünler için genişletilmiş üretici sorumluluğu (Uitgebreide Producenten Verantwoordelijkheid, UPV-EPR) yürürlüğe girecektir. Konuya ilişkin mevzuatın İngilizce gayriresmi çevirisi işbu bilgi notunun ek kısmında sunulmaktadır. Düzenlemenin öne çıkan hususları takip eden bölümde takdim kılmıştır.

(1) EPR, üretici ve ithalatçıları Hollanda pazarındaki tekstil ürünlerinin toplanması ve geri dönüştürülmesinden sorumlu kılmaktadır.

Halihazırda belediyeler, kullanım ömrü sona ermiş tekstil ürünlerinin toplanmasından ve yönetim maliyetlerinden sorumludur. EPR ile birlikte sorumluluk üreticiye veya ithalatçuya geçecektir. Bu firmaları atık yönetimi için ödeme yapacaktır. Diğer bir ifadeyle, Hollanda'da yerleşik moda zincirleri, atılan giysilerin toplanmasından ve geri dönüştürülmesinden sorumlu olacaktır. EPR, Hollanda pazarında giysi pazarlayan tüm taraflar için geçerli olacaktır.

(2) Ayrıca, EPR ile tekstil ürünlerinin satışı, yeniden kullanımı ve geri dönüşümü ile ilgili ayrıntıların bildirilmesi yükümlülüğü gerekmektedir.

İlk yükümlülük, Hollanda pazarına ilk defa giyim (iş kıyafeti dahil) veya ev tekstili sunacak firmalarca, 1 Temmuz-12 Ağustos 2023 tarihleri arasındaki 6 haftalık dönemde “Su İdaresi”ne kaydolunmasıdır.

Bir üretici organizasyonuna dahil olunması halinde bildirimin bu organizasyon tarafından firmalar adına yapılması mümkündür. Bu kapsamda, Hollandalı sektör kuruluşları “Inretail” ve “Modint”, “Stichting UPV Textiel”i kurmuştur. Bir vakıf olan bahsekonu kuruluşu katılmaması, UPV gerekliliklerinin basit ve uygun maliyetli bir şekilde karşılanması olanağ sağlamaktadır. Adıgeçen vakfa ilişkin inceleme aşağıdaki bağlantı adresinden gerçekleştirilebilir.

<https://www.stichtingupvtextiel.nl/en/>

Öte yandan, üreticiler her yıl resmi bildirimde bulunmak zorundadır. Bu bildirim, EPR yükümlülüklerinin nasıl yerine getirildiği ve bir önceki takvim yılında piyasaya ne kadar ürün sürüldüğünün yıllık olarak 1 Ağustos tarihinden önce raporlanması gereği anlamına gelmektedir. Düzenlemede hedefler yalnızca 2025 yılından itibaren geçerli olacağından, 2024 ve 2025 (sırasıyla 2023 ve 2024 için) yılı raporlarında sonraki yıllara göre daha dar kapsamında raporlama yapılacaktır. İlk birkaç yılda sadece pazarlanan tekstil ürünlerinin cinsinin ve miktarının bildirmesi gerekecektir. Aşağıda yer alan bağlantı adresinde çevrimiçi raporlama formu yayımlanacaktır. 2023 yılı için bu formun 1 Ağustos 2024 tarihine kadar doldurulması gerekecektir. Sözkonusu forma 1 Temmuz tarihi itibarıyle erişilebilecektir. Ayrıca yukarıda adıgeçen “Su İdaresi”ne kayıt yine aşağıdaki bağlantı adresinden gerçekleştirilebilecektir.

<https://www.afvalcirculair.nl/onderwerpen/afvalregelgeving/producentenverantwoordelijkheid/textiel/>

(3) EPR düzenlemesi ile birlikte yeniden kullanım ve geri dönüşüm için somut hedefler ve yükümlülükler tasarlannmaktadır.

Buna göre üretici, her takvim yılında, bir önceki takvim yılında piyasaya arz ettiği toplam tekstil ürünlerinin belli oranlarda yeniden kullanım veya geri dönüşüm için hazırlanmasını sağlamakla yükümlüdür.

Ayrıca, üretici, her takvim yılında, bir önceki takvim yılında piyasaya arz ettiği toplam tekstil ürünlerinin ağırlıkça belli bir yüzdesinin yeniden kullanım için hazırlanmasını sağlamalıdır.

İlaveten, üretici, her takvim yılında, bir önceki takvim yılında piyasaya arz ettiği toplam tekstil ürünlerinin ağırlıkça belli bir oranını Hollanda içinde yeniden kullanım için hazırlaması gerekmektedir.

Son olarak üretici, her takvim yılında, bir önceki takvim yılında kendisi tarafından piyasaya arz edilen ve geri dönüştürülen toplam tekstil ürünlerinin belli ağırlık oranlarında elyaftan elyaaf geri dönüştürülmesini sağlamalıdır.

'Üretici', tekstil ürününü Hollanda pazarına ilk sunan kişi olarak kabul edilmektedir. Dolayısıyla üretici, Hollanda'da yerleşik üreticiler veya ithalatçılar veya yurt dışından tedarikçiler olabilir. Tekstil ürününün ilk kez kime sunulduğu önemli değildir. Sonuç olarak, birçok ithalatçının 'üretici' olarak yükümlülükleri olacaktır. Doğrudan yurt dışından giyim ve ev tekstili satın alan bir perakendeci de yükümlülüklerle uymak zorunda olacaktır.

Diğer taraftan, mevzuatın doğrudan son kullanıcılarla teslimat yapan Hollanda dışında yerleşik giyim ve ev tekstili üreticilerinin (çevrimiçi sağlayıcılar dahil), Hollanda'da yerleşik bir (tüzel) kişiyi yetkili temsilcisi olarak ataması gerektiğini hükmeye bağlamaktadır. Bu yetkili temsilci 'üretici'nin yükümlülüklerinin yerine getirilmesini takip edecektir.

Tekstil ürünleri ülkemizin Hollanda'ya ihracatında önemli yer almaktadır. Dolayısıyla, Hollandalı firmalar ile ev tekstili, iş kıyafetleri dahil giyim ve tekstil elyafi ürün gruplarında ticareti olan firmaların yeni düzenlemeyi takip ederek sorumluluk altında girecek firmaların 1 Temmuz 2023 tarihi itibariyle kayıt ve bildirim yükümlülüğünü yerine getirmesinde fayda görülmektedir. Hollanda'da ülkemizden alım yapan firmaların yeni düzenlemeyle oluşan sorumlulukları paylaşması yolunu araması beklenebilir. Bu itibarla, yukarıda adı geçen Stichting UPV Textiel vakfının takip edilmesinde yarar bulunmaktadır.

Saygıyla arz olunur.

EK: TEKSTİLLER İÇİN GENİŞLETİLMİŞ ÜRETİCİ SORUMLULUĞU

Decree of 14 April 2023 containing rules for extended producer responsibility for textile products (Decree on extended producer responsibility for textiles)

We Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc. etc. etc.

On the recommendation of the State Secretary for Infrastructure and Water Management of, no. IenW/BSK-, Directorate of Administrative and Legal Affairs;

Having regard to Article 9.5.2, first paragraph, of the Environmental Management Act;

After hearing the Advisory Division of the Council of State (advice of 8 December 2022, no. W17.22.00077/IV);

In view of the further report of the State Secretary for Infrastructure and Water Management of, no. IenW/BSK-, Directorate of Administrative and Legal Affairs;

Have approved and understood:

Article 1 (definitions and scope)

- 1. In this Decree and the provisions based on it, the following definitions apply:

home textiles:

table, bed and household linen falling within Chapter 63, Part I, heading 6302, of Section XI of Part II of Annex I to Regulation (EEC) No 2658/87;

placing on the market:

offering a product on the market in the Netherlands for the first time;

clothing:

consumer and occupational clothing as referred to in Chapters 61 and 62 of Section XI of Part II of Annex I to Regulation (EEC) No 2658/87;

offer to the market:

in the context of a commercial activity, whether or not for payment, providing a product for distribution, consumption or use;

producer:

the person who professionally, regardless of the sales technique used, markets textile products;

textile products:

textile products as referred to in Article 3(1)(a) in conjunction with Article 2(2)(a) of Regulation (EU) No 1007/2011;

textile fiber:

textile fiber as referred to in Article 3(1)(b) in conjunction with Article 5 and Annex I to Regulation (EU) No 1007/2011;

Regulation (EU) No 1007/2011:

Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fiber names and related labeling and marking of the fiber composition of textile products, and repealing Council Directive 73/44/EEC and Directive 96/73/EC and 2008/121/EC of the European Parliament and the Council (PbEU 2011, L 272);

Regulation (EEC) No. 2658/87:

Council Regulation (EEC) No. 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and the Common Customs Tariff as it reads in the calendar year in which the textile products are marketed (PbEU 1987, L 256);

fiber-to-fiber recycling:

recycling in which textile products that have become waste are processed so that the textile fibers can be reused in materials for clothing or household textiles;

- 2. This Decree concerns newly manufactured textile products of the clothing and household textiles categories.

Article 2 (Authorized Representative)

- 1. A producer who is not established in the Netherlands shall designate a legal entity or natural person established in the Netherlands as an authorized representative for the implementation of the producer's obligations in connection with this Decree and the Decree on the Extended Producer Responsibility Scheme.
- 2. The requirements laid down by ministerial regulation apply to the authorized representative.

Article 3 (preparation for re-use and recycling)

Without prejudice to Articles 4 and 5, the producer shall ensure that per calendar year at least the following percentage by weight of the total textile products placed on the market by him in the previous calendar year is prepared for re-use or recycled:

- a.in 2025: 50% by weight;
- b.in 2026: 55% by weight;
- c.in 2027: 60% by weight;
- d.in 2028: 65% by weight;
- e.in 2029: 70% by weight;
- f.from 2030: 75% by weight.

Article 4 (preparation for re-use)

- 1.The producer shall ensure that, per calendar year, of the total textile products placed on the market by him in the previous calendar year, at least the following weight percentage is prepared for reuse:
 - a.in 2025: 20% by weight;
 - b.in 2026: 21% by weight;
 - c.in 2027: 22% by weight;
 - d.in 2028: 23% by weight;
 - e.in 2029: 24% by weight;
 - f.from 2030: 25% by weight.
- 2.The producer shall ensure that, per calendar year, of the total textile products marketed by him in the preceding calendar year, at least the following weight percentage is prepared for reuse in the Netherlands:
 - a.in 2025: 10% by weight;
 - b.in 2026: 11% by weight;
 - c.in 2027: 12% by weight;
 - d.in 2028: 13% by weight;
 - e.in 2029: 14% by weight;
 - f.from 2030: 15% by weight.

Article 5 (fiber-to-fiber recycling)

The producer shall ensure that, per calendar year, of the total textile products placed on the market by him in the previous calendar year that are recycled, at least the following fiber-to-fiber weight percentage is recycled:

- a.in 2025: 25% by weight;
- b.in 2026: 27% by weight;
- c.in 2027: 29% by weight;
- d.in 2028: 31% by weight;
- e.in 2029: 32% by weight;
- f.from 2030: 33% by weight.

Article 6 (application of recycled textile fibres)

The producer takes measures aimed at ensuring that as much as possible recycled textile fibers originating from textile products discarded after use are used in textile products that he markets.

Article 7 (reporting)

- 1.The report referred to in Article 5 of the Extended Producer Responsibility Decree is issued annually before 1 August for the preceding calendar year.
- 2.Contrary to Article 5(1) of the Extended Producer Responsibility Decree, the report for the years 2023 and 2024 will suffice by stating the quantity of textile products placed on the market.

Article 8 (entry into force)

This decision will enter into force on 1 July 2023.

Article 9 (citation title)

This Decree may be cited as: Decree on extended producer responsibility for textiles.

Orders and orders that this decision with the accompanying explanatory memorandum be published in the Official Gazette.

Extended Producer Responsibility Scheme Decree

Article 1. (definitions and scope)

- 1In this Decree and the provisions based on it, the following definitions apply:
 - *placing on the market*: making substances, mixtures or products available on the market for the first time;
 - *producer*: the person who professionally, regardless of the sales technique used, markets substances, mixtures or products in the Netherlands;
 - *producer organisation*: the organization that fulfills obligations under an extended producer responsibility scheme on behalf of producers;
 - *law*: [Environmental Management Act](#) .
- 2This Decree applies when a scheme for extended producer responsibility has been established pursuant to [Article 9.5.2 of the Act](#) , from the time of adoption of that scheme.

Article 2. (producer's obligations)

- 1The producer is responsible for complying with the obligations set out in the extended producer responsibility scheme, including achieving the targets set in that scheme.

- **2**The producer shall ensure appropriate availability of an intake system for the substances, mixtures or products covered by the extended producer responsibility scheme. "Appropriate" means in any case that the intake system:
 - **a.**is available throughout the year and is not limited to areas where the collection and management of the relevant waste is most cost-effective, and
 - **b.**enables the person who intends to dispose of the relevant substances, mixtures or products to hand them in to the intake system free of charge.
- **3**The producer informs waste holders of the substances, mixtures or products that he places on the market and to which the extended producer responsibility scheme applies about waste prevention measures, collection systems, facilities for reuse or recovery and the prevention of litter.

Article 3. (producer's financial obligations)

- **1**The producer has the financial or financial and organizational resources necessary to meet the obligations arising from the extended producer responsibility.
- **2**The producer shall in any event bear the costs of complying with the obligations referred to in [Articles 2 , 4 and 5](#) .
- **3**The producer shall provide an adequate self-management mechanism aimed at guaranteeing the continuity of the financial or financial and organizational resources referred to in paragraph 1 and the quality of the report referred to in Article [5](#) .

Article 4. (notification)

- **1**Within six weeks after a regulation for extended producer responsibility has become applicable to the producer, the producer will notify Our Minister about the fulfillment of the obligations for the implementation of the extended producer responsibility.
- **2**The notification includes in any case:
 - **a.**the name and address of the legal entity making the report;
 - **b.**the date drawing;
 - **c.**a description of the substances, mixtures or products that the producer places on the market and to which the extended producer responsibility scheme applies;
 - **d.**a description of the way in which the obligations, referred to in [Article 2, first paragraph](#) , are fulfilled;

- **e.**a description of the intake system referred to in Article 2, paragraph 2 ;
 - **f.**an overview of the financial or financial and organizational resources, as referred to in Article 3, first paragraph ;
 - **g.**a description of the mechanism of self-management, referred to in Article 3, third paragraph , and
 - **h.**a statement of the manner in which the producer fulfills the information obligation referred to in Article 2, third paragraph .
- **3**When the extended producer responsibility as referred to in Article 6 is jointly implemented , the notification is supplemented with:
 - **a.**a statement of the producers on whose behalf the notification is made;
 - **b.**the amount and method of calculating the financial contributions to the producer organization referred to in Article 6, third paragraph , and
 - **c.**the method of differentiation of the financial contributions to the producer organization, referred to in Article 6, paragraph 4 .
- **4**If the data referred to in the second paragraph under a and c, and third paragraph under a, change significantly, the producer shall notify Our Minister of this change within six weeks.

Article 5. (report)

- **1**Each year, at a time to be determined in the scheme for extended producer responsibility, the producer shall submit a report to Our Minister within a period to be determined therein, containing:
 - **a.**information about compliance with the obligations referred to in Article 2, first paragraph , accompanied by a document enabling the verification of this information;
 - **b.**information about the implementation of the intake system, referred to in Article 2, second paragraph , and
 - **c.**information about the implementation of the information obligation, referred to in Article 2, third paragraph .
- **2**When implementing the extended producer responsibility referred to in Article 6 jointly , the report shall be supplemented by an indication of the producers on whose behalf the report is submitted.
- **3**The producer ensures that the information about the achievement of the objectives set in the extended producer responsibility scheme is in any case made publicly available digitally.

Article 6. (producer organization)

- **1**Producers can jointly implement the obligations referred to in [Articles 2 to 5 inclusive](#) .
- **2**If the first paragraph is implemented, the obligations referred to in that paragraph rest on the producer organization that makes a notification as referred to in [Article 4 on behalf of the producers](#).
- **3**The financial contributions of the producers to the producer organization shall in any case cover the costs necessary for the implementation of the obligations arising from Articles **2** , **4** and **5** , taking into account the income from the reuse, the sale of secondary raw materials of their products and unclaimed deposits.
- **4**The producers' financial contributions to the producer organization shall be differentiated where possible for individual substances, mixtures or products or groups of similar substances, mixtures or products, taking into account the entire life cycle, durability, reparability, reusability and recyclability of the substances, mixtures or products and with the presence of hazardous substances therein.
- **5**The financial contributions of the producers to the producer organization do not exceed what is necessary for the producer organization to properly and cost-effectively implement the obligations to be performed on behalf of the producer.
- **6**The producer organization shall make the following information publicly available digitally:
 - **a.**an overview of the owners and members of the producer organisation;
 - **b.**the financial contributions paid by the producers, and
 - **c.**the selection procedure for the waste managers.

Article 7. (transitional law)

Until 1 January 2023, this Decree does not apply to a regulation, as referred to in [Article 1, second paragraph](#) , that was adopted before 4 July 2018.

Article 8 (entry into force)

This Decree enters into force on the date on which the [Implementation Act for the amendment of the EU Waste Framework Directive](#) comes into force. If the Official Gazette in which this Decree is placed is published after the date referred to in the first sentence, it shall enter into force four weeks after the date of issue of the Official Gazette in which it is placed, and shall be retroactive to the date referred to in the first sentence. full date referred to.

Article 9. (citation title)

This Decree may be cited as: Decree on Regulations for Extended Producer Responsibility.

Kaynak:

Tekstil ürünlerinde genişletilmiş üretici sorumluluğuna ilişkin kararname için:

<https://zoek.officielebekendmakingen.nl/stb-2023-132.html>

Genişletilmiş Üretici Sorumluluğu Programı Kararnamesi için:

<https://wetten.overheid.nl/BWBR0044197/2020-11-09>