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A10-0267/ 001-020

## **AMENDMENTS 001-020**

by the Committee on the Environment, Climate and Food Safety

### **Report**

**Ingeborg Ter Laak**

**A10-0267/2026**

Suspending the application of the rules on extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste (Omnibus VIII on environmental legislation)

Proposal for a directive (COM(2025)0983 – C10-0339/2025 – 2025/0396(COD))

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### **Amendment 1**

#### **Proposal for a directive**

#### **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Producers placing products on the market in several Member States are currently subject to divergent registration procedures, reporting formats and information requirements under extended producer responsibility schemes. Such fragmentation creates unnecessary administrative burdens and compliance costs and could hinder the proper functioning of the internal market. In order to support the free movement of goods while ensuring effective implementation and enforcement of extended producer responsibility obligations, pending the application of the [Circular Economy Act], Member States should facilitate the exchange of information concerning producer registrations, compliance status and enforcement actions. In addition, the***

*Union should take the necessary action to ensure the establishment of interoperable digital systems and common reporting requirements enabling producers to fulfil administrative obligations across the Union through simplified and harmonised procedures.*

## Amendment 2

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

**(4) *In particular, due to that lack of harmonisation, in particular regarding the current provisions in sectoral legislation for the appointment of an authorised representative for extended producer responsibility, the fulfilment of the obligations related to the appointment may result in an unnecessary administrative burden on producers operating in multiple Member States where they are not established. Particularly for small and medium-sized enterprises, the obligation to appoint authorised representatives separately for every Member State where the producer places products on the market poses a significant challenge in terms of costs. With a view to ensuring equal conditions for producers established in the Union, it is important that the rules for appointing an authorised representative for extended producer responsibility in Directives 2008/98/EC<sup>6</sup>, 2012/19/EU<sup>7</sup> and (EU) 2019/904<sup>8</sup> of the European Parliament and of the Council have the same content. The currently fragmented legal framework for different products and the significant administrative burden associated with fulfilling the requirement to appoint an authorised representative for extended producer responsibility in up to 26 Member States is hampering the competitiveness of producers established***

*Amendment*

**(4) *The administrative burden associated with the appointment of authorised representatives for extended producer responsibility obligations can be disproportionately burdensome for micro and small enterprises engaging in cross-border activities within the Union, due to the limited administrative and financial capacity of such enterprises. While such enterprises represent the majority of companies active on the Union market, they account for a comparatively limited share of the overall volume of products put on the market. A targeted and temporary suspension of the obligation to appoint an authorised representative would therefore contribute to reducing unnecessary administrative burdens where they are most significant, while preserving the authorised representatives for larger companies, such as medium and large enterprises.***

*in the Union. It is thus crucial to harmonise the existing rules effectively and promptly, reducing the associated burdens on producers. To this effect, the Commission is currently reviewing the effectiveness, the administrative burden entailed and the unintended barriers for the internal market, of the obligation to appoint authorised representatives as a safeguard for the producers' compliance with the 'polluter pays' principle. This review is likely to lead to alternative solutions which are more effective and less burdensome.*

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<sup>6</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3) ELI:

<http://data.europa.eu/eli/dir/2008/98/oj>

<sup>7</sup> Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE); OJ L 197, 24.7.2012, p. 38, ELI:

<http://data.europa.eu/eli/dir/2012/19/oj>.

<sup>8</sup> Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, OJ L 155, 12.6.2019, p. 1 ELI:

<http://data.europa.eu/eli/dir/2019/904/oj>.

### **Amendment 3**

#### **Proposal for a directive Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) The suspension introduced by this Directive should be limited to the administrative requirement concerning the appointment of an authorised representative and should not affect any*

*other obligations of producers with regards to extended producer responsibility or any environmental objectives set out in Union law.*

#### Amendment 4

##### Proposal for a directive Recital 5

###### *Text proposed by the Commission*

(5) With a view to simplifying requirements **on** producers, and reducing the administrative burden, producers of textile, textile-related or footwear, electrical and electronical equipment and single use plastic products ('producers') should be able to choose whether they appoint an authorised representative for extended producer responsibility when making available products on the market of another Member State where they are not established. Therefore, Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory for producers established in the Union, but the option for producers to appoint an authorised representative for extended producer responsibility at their discretion should be maintained. This allows producers who have already appointed an authorised representative for extended producer responsibility to retain their existing arrangements, while immediately alleviating the costs and administrative burden for producers who wish to not appoint an authorised representative for extended producer responsibility.

###### *Amendment*

(5) With a view to simplifying *the* requirements *for micro and small* producers *established in the Union*, and reducing the administrative burden, *micro and small* producers of textile, textile-related or footwear, electrical and electronical equipment and single use plastic products ('producers') should be able to choose whether they appoint an authorised representative for extended producer responsibility when making available products on the market of another Member State where they are not established. Therefore, Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory for *micro and small* producers established in the Union, but the option for *micro and small* producers to appoint an authorised representative for extended producer responsibility at their discretion should be maintained. This allows producers who have already appointed an authorised representative for extended producer responsibility to retain their existing arrangements, while immediately alleviating the costs and administrative burden for *micro and small* producers who wish to not appoint an authorised representative for extended producer responsibility.

#### Amendment 5

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) Ensuring traceability and enforcement with regards to producers established in third countries is more challenging compared to those operating within the Union, as such producers fall outside the territorial scope of Member States' enforcement powers and are not covered by the Union administrative and judicial cooperation mechanisms that facilitate the enforcement of obligations and judgments within the internal market. Making the appointment of an authorised representative for extended producer responsibility voluntary for producers established in third countries could thus increase the risk of freeriding, where producers do not fulfil their legal obligations such as registration, reporting, providing a guarantee or participating in a collective scheme, and could create loopholes for non-compliant producers established in third countries. Thus, the provision in Directive 2008/98/EC that allows Member States to provide that a producer established in a third country and making textile, textile-related or footwear products available for the first time on their territory by means of distance contracts directly to end-users is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory should remain applicable. ***However, Member States should be allowed to ensure traceability and enforcement with regard to producers established in third countries through alternative means.***

*Amendment*

(6) Ensuring traceability and enforcement with regards to producers established in third countries is more challenging compared to those operating within the Union, as such producers fall outside the territorial scope of Member States' enforcement powers and are not covered by the Union administrative and judicial cooperation mechanisms that facilitate the enforcement of obligations and judgments within the internal market. Making the appointment of an authorised representative for extended producer responsibility voluntary for producers established in third countries could thus increase the risk of freeriding, where producers do not fulfil their legal obligations such as registration, reporting, providing a guarantee or participating in a collective scheme, and could create loopholes for non-compliant producers established in third countries. Thus, the provision in Directive 2008/98/EC that allows Member States to provide that a producer established in a third country and making textile, textile-related or footwear products available for the first time on their territory by means of distance contracts directly to end-users is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory should remain applicable.

**Amendment 6**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 which make the appointment of an authorised representative for extended producer responsibility mandatory should be suspended until 1 January 2035.

*Amendment*

(7) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 which make the appointment of an authorised representative for extended producer responsibility mandatory should be suspended until 1 January 2035 ***or until the date of application of a Union legal act establishing a horizontal framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.***

**Amendment 7**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) The Commission is preparing a legislative proposal for a comprehensive reform of the extended producer responsibility system. The proposal is expected to be tabled by the Commission, in accordance with its Work Programme, in 2026. The legislative proposal will be subject to the ordinary legislative procedure and, if adopted by the European Parliament and by the Council, the Member States and the producers will have to take the necessary measures to align their regulatory and organisational measures, as well as their conduct to the new rules with regard to the extended producer responsibility.

*Amendment*

(8) The Commission is preparing a legislative proposal for a comprehensive reform of the extended producer responsibility system. The proposal is expected to be tabled by the Commission, in accordance with its Work Programme, in 2026 ***[Circular Economy Act]***. The legislative proposal will be subject to the ordinary legislative procedure and, if adopted by the European Parliament and by the Council, the Member States and the producers will have to take the necessary measures to align their regulatory and organisational measures, as well as their conduct to the new rules with regard to the extended producer responsibility.

**Amendment 8**

**Proposal for a directive**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) The simplification measures introduced by this Directive should be temporary, pending the application of forthcoming reform and should not lead to reduced traceability, enforcement capacity, or compliance with extended producer responsibility. Therefore, this Directive should cease to apply once that broader horizontal reform on authorised representatives becomes applicable. in order to provide legal consistency.***

## **Amendment 9**

### **Proposal for a directive Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) It is necessary that the comprehensive reform of the extended producer responsibility system being undertaken by the Commission establish a harmonised framework of the extended producer responsibility system to facilitate cross-border compliance and ensure interoperability of national EPR schemes, by addressing, among other things, the underlying causes of fragmentation. It is necessary that it introduce harmonised definitions, common minimum requirements for EPR schemes, harmonised fee structures, standardised reporting and data formats, and a Union wide digital one-stop shop for producer registration and compliance. In addition, it needs to strengthen Union-wide monitoring, as well as enforcement, including through the assessment of alternative compliance, traceability and enforcement mechanisms.***

## **Amendment 10**

### **Proposal for a directive**

## Recital 9

### *Text proposed by the Commission*

(9) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 that currently set out that Member States are to allow producers established in the Union to appoint an authorised representative for extended producer responsibility leave a margin of discretion to Member States. Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory in their national legislation.

### *Amendment*

(9) The provisions in Directives 2008/98/EC, 2012/19/EU and (EU) 2019/904 that currently set out that Member States are to allow producers established in the Union to appoint an authorised representative for extended producer responsibility leave a margin of discretion to Member States. Member States should not make the appointment of an authorised representative for extended producer responsibility mandatory in their national legislation ***for micro and small enterprises.***

## Amendment 11

### Proposal for a directive

#### Recital 10

### *Text proposed by the Commission*

(10) Suspending the application of the requirement for producers established in a Member State to appoint authorised representatives for extended producer responsibility when selling products in other Member States serves as a preliminary measure to immediately alleviate burdens and costs for producers who wish to not appoint an authorised representative for extended producer responsibility. This approach paves the way for the implementation of a comprehensive reform of the extended producer responsibility system.

### *Amendment*

(10) Suspending the application of the requirement for ***micro and small*** producers established in a Member State to appoint authorised representatives for extended producer responsibility when selling products in other Member States serves as a preliminary measure to immediately alleviate burdens and costs for producers who wish to not appoint an authorised representative for extended producer responsibility. This approach paves the way for the implementation of a comprehensive reform of the extended producer responsibility system.

## Amendment 12

### Proposal for a directive

#### Article 1 – title

### *Text proposed by the Commission*

### *Amendment*

Suspension

Suspension *of Article 22a(3) of Directive 2008/98/EC*

### Amendment 13

#### Proposal for a directive

#### Article 1 – paragraph 1 – introductory part

*Text proposed by the Commission*

The application of *the following provisions* is suspended until 1 January 2035:

*Amendment*

The application of *Article 22a(3) of Directive 2008/98/EC* is suspended, *as regards producers established in the Union qualifying as microenterprises or small enterprises within the meaning of Annex I to Commission Recommendation 2003/361/EC*, until 1 January 2035 *or until the date of application of a Union legal act establishing a horizontal framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.*

### Amendment 14

#### Proposal for a directive

#### Article 1 – paragraph 1 – point a

*Text proposed by the Commission*

*(a) Article 22a(3) of Directive 2008/98/EC.*

*Amendment*

*deleted*

### Amendment 15

#### Proposal for a directive

#### Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

*(b) Member States may either provide that a producer as defined in Article 3(4b), point (d), of that Directive established in a third country and making textile, textile-related or footwear products listed in Annex IVc of that Directive*

*Amendment*

*deleted*

*available for the first time on their territory is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory or ensure traceability and enforcement with regard to producers established in third countries through alternative means;*

#### **Amendment 16**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) Article 17(2) of Directive 2012/19/EU;*

*deleted*

#### **Amendment 17**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) Article 8(7) of Directive (EU) 2019/904.*

*deleted*

#### **Amendment 18**

##### **Proposal for a directive**

##### **Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 1a**

***Suspension of Article 17(2) of Directive 2012/19/EU***

***The application of Article 17(2) of Directive 2012/19/EU is suspended, as regards producers established in the Union qualifying as microenterprises or***

*small enterprises within the meaning of Annex I to Commission Recommendation 2003/361/EC, until 1 January 2035 or until the date of application of a Union legal act establishing a horizontal framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.*

## **Amendment 19**

### **Proposal for a directive Article 1 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 1b**

#### ***Suspension of Article 8(7) of Directive (EU) 2019/904***

*The application of Article 8(7) of Directive (EU) 2019/904 is suspended, as regards producers established in the Union qualifying as microenterprises or small enterprises within the meaning of Annex I to Commission Recommendation 2003/361/EC, until 1 January 2035 or until the date of application of a Union legal act establishing a horizontal framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.*

## **Amendment 20**

### **Proposal for a directive Article 1 c (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 1c**

#### ***Safeguards***

***1. The suspension provided for in this Directive shall be without prejudice to all other obligations of producers under***

*Union law, including registration, reporting, payment of financial contributions, provision of guarantees, participation in extended producer responsibility schemes, and compliance with waste-prevention, collection, reuse and recycling obligations.*

*2. Member States shall ensure that the suspension provided for in this Directive do not apply to producers that split or restructure their activities for the purpose of benefiting from this suspension.*