

Suspending the application of the rules on extended producer responsibility for batteries and waste batteries and packaging and packaging waste (Omnibus VIII on environmental legislation)

2025/0395(COD) - 10/12/2025 - Legislative proposal

PURPOSE: to suspend the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in its Communication on a Strategy for the Single Market, the Commission identified as a barrier to the internal market that businesses face inconsistent national regulations which make it harder to sell, scale or move goods and services across borders. The Commission identified certain features of extended producer responsibility schemes as one of the barriers most frequently reported by companies operating cross-border in the Union.

While extended producer responsibility schemes are derived from Union legislation, a lack of uniformity of principles and requirements has led to a large diversity of extended producer responsibility schemes set up in Member States as well as to regulatory complexity and high administrative burden for companies.

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.

The currently fragmented legal framework for different products and the administrative burden associated with fulfilling the requirement to appoint an authorised representative for extended producer responsibility (EPR) in up to 26 Member States is hampering the competitiveness of producers established in the Union. It is thus crucial to harmonise the existing rules effectively and promptly, reducing the associated burdens on such producers.

CONTENT: this proposed Directive aims to **reduce the administrative burden** for producers established in one Member State of the Union selling their products in other Member States, in relation to the participation of these producers in the **extended producer responsibility schemes** in those other Member States, set up under Regulation (EU) 2023/1542 on batteries and waste batteries and under Regulation (EU) 2025/40 on packaging and packaging waste.

Specifically, the proposal aims to **suspend until 1 January 2035:**

(a) the provision in Regulation (EU) 2023/1542 that makes mandatory the appointment of an authorised representative for extended producer responsibility for producers established in the Union and selling batteries by means of distance contracts directly to end-users in another Member State;

(b) the provision in Regulation (EU) 2025/40 that makes mandatory the appointment of an authorised representative for extended producer responsibility for producers established in the Union and making packaging or packaged products available for the first time on the territory of another Member State, directly to end users.

This proposal would provide **additional flexibility** by allowing producers established in the Union and selling products in another Member State to choose whether they appoint an authorised representative for EPR.

Provisions regarding the appointment of authorised representatives for EPR for producers based in third countries should remain as they currently are contained in sectoral legislation.