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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Regulation of the European Parliament and of the Council suspending 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 - State of play and guidance for further work

I. INTRODUCTION

1. The Omnibus VIII (Environment) proposal was presented on 10 December 2025 with the aim of simplifying legislation in the areas of industrial emissions, the circular economy, environmental assessments and geospatial data. The package includes six legislative proposals, including a Regulation and a Directive suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility (EPR).
2. On 24 April 2026, EU leaders endorsed the One Europe, One Market Roadmap agreed between the Council, the European Parliament, and the Commission, which calls for all Omnibus packages presented in 2025, including the Omnibus VIII package, to be agreed by the co-legislators by the end of 2026.

3. During the Cyprus Presidency, COREPER decided that the examination of the two ‘suspending’ proposals (EPR) should be discontinued. The Committee concluded that EPR systems should be examined comprehensively in the context of the forthcoming Circular Economy Act.

II. STATE OF PLAY

4. At the recent AGS meetings held on 7 and 21 September 2026, in AOB items raised by delegations, several delegations requested to reopen the examination of the Suspending Regulation limited to the application of the obligation to appoint an authorised representative for EPR for small producers under the Packaging and Packaging Waste Regulation (PPWR). A number of delegations supported this suggestion.
5. Delegations argued that small producers should be exempted from the obligation to appoint an authorised representative and that the current requirement under PPWR which entered into application in August this year constitutes a disproportionate administrative and financial burden. It was argued that a targeted solution through the Suspension Regulation could be considered, while ensuring that the PPWR itself is not reopened.
6. Delegations put forward various suggestions to address their concerns. Proposed measures include a *de-minimis* exemption that would suspend the requirement to appoint an authorised representative for operators whose annual packaging volume falls below a threshold to be defined (with suggestions ranging from 600 kg to 10 tonnes per year per producer or based on a percentage share of a given market). Some delegations pointed out that such a suspension should be strictly time-limited, with a mandatory review after a fixed period and a clear pathway to a permanent regime to be defined under the upcoming Circular Economy Act. For others such a solution could also include the possibility for national authorities to re-impose the obligation in cases of non-compliance or circumvention and some advocated that the reintroduction of registration obligations could be made conditional upon the creation of an EU-wide single registration system. A question about the application of such a suspension for packaging producers located within the Union or in third countries was also raised.

7. On the other hand, certain delegations remained of the view that the issues under the PPWR should be examined as part of a comprehensive review of EPR systems in the context of the forthcoming Circular Economy Act.

III. CONCLUSION

8. In light of the above, the Permanent Representatives Committee is invited to provide guidance for further work based on the following questions:
- i. *Does the Committee deem it necessary to resume the examination of the Suspension Regulation to address the impacts of the extended producer responsibility obligation under the PPWR as regards the concerns expressed?*
 - ii. *If so, does the Committee agree that the AGS should be tasked to develop a solution that should be limited in time and scope to small producers under the PPWR, including necessary safeguards? The solution should further ensure broad coherence with the objectives of the PPWR, and either designate a clear pathway to a comprehensive regime to be defined under the upcoming Circular Economy Act or be subject to a mandatory review after a fixed period, or both.*
