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NOTE

From:	General Secretariat of the Council
To:	Delegations
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 (Text with EEA relevance) - Four-column table

Delegations will find in the Annex, for information, the four-column table on the above-mentioned proposal.

ANNEX

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 (Text with EEA relevance)

2025/0395(COD)

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Formula				
1	2025/0395 (COD)	2025/0395 (COD)	2025/0395 (COD)	
Document Stage				
2	Proposal for a	Proposal for a	Proposal for a	
Document Type				
3	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	
Document Purpose				
4	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	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	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	
EEA Relevance				

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5	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)	
Formula				
6	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
7	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192(1) and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192(1) and 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular ~~Articles 192(1) and~~**Article** 114 thereof,	
Citation 2				
8	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
9	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
10	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	
Citation 5				
11	Having regard to the opinion of the Committee of the Regions[1], _____	Having regard to the opinion of the Committee of the Regions[1], _____	Having regard to the opinion of the Committee of the Regions[1], _____	

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	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	
Citation 6				
12	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
13	Whereas:	Whereas:	Whereas:	
Recital 1				
14	(1) The political guidelines for the Commission's 2024-2029 term[1] point to the goal of simplifying, consolidating and codifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the European Green Deal. _____ 1. Europe's Choice, Political Guidelines for the next European Commission 2024−2029, Ursula von der Leyen.	(1) The political guidelines for the Commission's 2024-2029 term[1] point to the goal of simplifying, consolidating and codifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the European Green Deal. _____ 1. Europe's Choice, Political Guidelines for the next European Commission 2024−2029, Ursula von der Leyen.	(1) The political guidelines for the Commission's 2024-2029 term[1] point to the goal of simplifying, consolidating and codifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the European Green Deal. _____ 1. Europe's Choice, Political Guidelines for the next European Commission 2024−2029, Ursula von der Leyen.	
Recital 2				
15	(2) In its Communication entitled 'A simpler and faster Europe: Communication on implementation and simplification',[1] the European Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and	(2) In its Communication entitled 'A simpler and faster Europe: Communication on implementation and simplification',[1] the European Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and	(2) In its Communication entitled 'A simpler and faster Europe: Communication on implementation and simplification',[1] the European Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and	

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	business on the ground. That requires more than an incremental approach and the Union is to take bold action to achieve that goal. The European Parliament, the Council, the Commission, the Member States' authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and implement policies more effectively. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification', COM/2025/47 final.	business on the ground. That requires more than an incremental approach and the Union is to take bold action to achieve that goal. The European Parliament, the Council, the Commission, the Member States' authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and implement policies more effectively. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification', COM/2025/47 final.	business on the ground. That requires more than an incremental approach and the Union is to take bold action to achieve that goal. The European Parliament, the Council, the Commission, the Member States' authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and implement policies more effectively. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification', COM/2025/47 final.	
Recital 3				
16	(3) In its Communication on a Strategy for the Single Market[1], 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 committed to focus on the ten most harmful barriers as a priority. The Communication	(3) In its Communication on a Strategy for the Single Market[1], 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 committed to focus on the ten most harmful barriers as a priority. The Communication	(3) In its Communication on a Strategy for the Single Market[1], 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 committed to focus on the ten most harmful barriers as a priority. The Communication	

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	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. This Regulation is a first stepping stone to more profound simplification of the extended producer responsibility schemes in the area of waste, while the upcoming Circular Economy act should provide for further simplification. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The Single Market: our European home market in an uncertain world A Strategy for making the Single Market simple, seamless and strong', COM(2025) 500 final.	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. This Regulation is a first stepping stone to more profound simplification of the extended producer responsibility schemes in the area of waste, while the upcoming Circular Economy act should provide for further simplification. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The Single Market: our European home market in an uncertain world A Strategy for making the Single Market simple, seamless and strong', COM(2025) 500 final.	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. This Regulation is a first stepping stone to more profound simplification of the extended producer responsibility schemes in the area of waste, while the upcoming Circular Economy act should provide for further simplification. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The Single Market: our European home market in an uncertain world A Strategy for making the Single Market simple, seamless and strong', COM(2025) 500 final.	
Recital 3a				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
16a		***(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 may 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.***		
Recital 4				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
17	(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 in 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 producers are subject to the same rules in all Member States for appointing an authorised representative for extended producer responsibility. The currently fragmented legal framework for different products and the administrative burden associated with fulfilling the requirement to appoint an authorised representative for	(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 in 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 producers are subject to the same rules in all Member States for appointing an authorised representative for extended producer responsibility. The currently fragmented legal framework for different products and*~~ The administrative burden associated with ~~*fulfilling the requirement*~~***the appointment of***	(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~~**a disproportionate** administrative burden on producers operating in multiple Member States where they are not established. ~~Particularly~~ For small and medium-sized enterprises**, in particular micro-enterprises**, the obligation to appoint authorised representatives separately in 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 producers are subject to the same rules in all Member States for appointing an authorised representative for extended producer responsibility. The currently fragmented legal framework for different products and the administrative burden associated with fulfilling the	

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	extended producer responsibility 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. To this effect, the Commission is currently reviewing the effectiveness, the administrative burden 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.	***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 ~~*for extended producer responsibility 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,*~~***would therefore contribute to*** reducing ~~*the associated burdens on such producers. To this effect, the Commission is currently reviewing the effectiveness, the*~~***unnecessary*** administrative ~~*burden and the unintended barriers for the internal*~~	requirement to appoint an authorised representative for extended producer responsibility 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. To this effect, the Commission is currently reviewing the effectiveness, the administrative burden 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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		~~*market, of the obligation to appoint*~~***burdens where they are most significant, while preserving the*** 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*~~***for larger companies such as medium and large enterprises***.		
Recital 4a				
17a		***(4a) The suspension introduced by this Regulation 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.***		
Recital 5				
18	(5) With a view to simplifying requirements on producers, and reducing the administrative burden, battery producers and producers of packaging or packaged products ('packaging producers') should be	(5) With a view to simplifying ***the*** requirements ~~*on*~~***for*** producers~~,~~ ***established in the Union*** and reducing the administrative burden, ***micro and small*** battery producers and ***micro and small*** producers of	(5) With a view to simplifying requirements on producers, and reducing the administrative burden, ~~battery producers and~~ producers of packaging or packaged products ('packaging producers') should be	

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	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, but the appointment should not be mandatory. This allows those 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.	packaging or packaged products ('packaging producers') should***, on a temporary basis,*** 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, but the appointment should not be mandatory. This allows those 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.	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, but the appointment should not be mandatory. This allows those 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.	
Recital 6				
19	(6) Ensuring traceability and enforcement with regard to battery producers and packaging 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	(6) Ensuring traceability and enforcement with regard to battery producers and packaging 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	(6) Ensuring traceability and enforcement with regard to ~~battery producers and~~ packaging 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	

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	covered by the Union administrative and judicial cooperation mechanisms that enable the enforcement of obligations and judgments within the internal market. The existing provisions on the appointment of an authorised representative for extended producer responsibility for producers established in third countries should therefore be maintained in their current form. Thus, the provision in Regulation (EU) 2025/40 of the European Parliament and of the Council[1] which sets out that Member States may provide that producers established in third countries are to appoint an authorised representative for extended producer responsibility when making packaging or packaged products available on their territory for the first time should remain applicable. However, Member States should be allowed to ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means. Similarly, the provision in Regulation (EU) 2023/1542 of the European Parliament and of the	covered by the Union administrative and judicial cooperation mechanisms that enable the enforcement of obligations and judgments within the internal market. The existing provisions on the appointment of an authorised representative for extended producer responsibility for producers established in third countries should therefore be maintained in their current form. Thus, the provision in Regulation (EU) 2025/40 of the European Parliament and of the Council[1] which sets out that Member States may provide that producers established in third countries are to appoint an authorised representative for extended producer responsibility when making packaging or packaged products available on their territory for the first time should remain applicable. ~~*However, Member States should be allowed to ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means.*~~ Similarly, the provision in Regulation (EU) 2023/1542 of the European Parliament and of the	covered by the Union administrative and judicial cooperation mechanisms that enable the enforcement of obligations and judgments within the internal market. The existing provisions on the appointment of an authorised representative for extended producer responsibility for producers established in third countries should therefore be maintained in their current form. Thus, the provision in Regulation (EU) 2025/40 of the European Parliament and of the Council[1] which sets out that Member States may provide that producers established in third countries are to appoint an authorised representative for extended producer responsibility when making packaging or packaged products available on their territory for the first time should remain applicable. ~~However, Member States should be allowed to ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means. Similarly, the provision in Regulation (EU) 2023/1542 of the European Parliament and of the~~	

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	Council[2] which sets out that battery producers that are established in the Union or in third countries and that are making available batteries within the territory of a Member State by means of distance contracts are to appoint an authorised representative should remain applicable to the extent that it covers producers established in third countries. However, Member States should be required to ensure traceability and enforcement with regard to battery producers established in third countries through alternative means. 1. Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: http://data.europa.eu/eli/reg/2025/40/oj). 2. Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC OJ L 191, 28.7.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1542/oj).	Council[2] which sets out that battery producers that are established ~~*in the Union or*~~ in third countries and that are making available batteries within the territory of a Member State by means of distance contracts are to appoint an authorised representative should remain applicable ~~*to the extent that it covers producers established in third countries. However, Member States should be required to ensure traceability and enforcement with regard to battery producers established in third countries through alternative means.*~~. 1. Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: http://data.europa.eu/eli/reg/2025/40/oj). 2. Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC OJ L 191, 28.7.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1542/oj).	~~Council[2] which sets out that battery producers that are established in the Union or in third countries and that are making available batteries within the territory of a Member State by means of distance contracts are to appoint an authorised representative should remain applicable to the extent that it covers producers established in third countries. However, Member States should be required to ensure traceability and enforcement with regard to battery producers established in third countries through alternative means.~~ 1. Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: http://data.europa.eu/eli/reg/2025/40/oj). ~~2. Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC OJ L 191, 28.7.2023, p. 1, ELI: http://data.europa.eu/eli/reg/2023/1542/oj).~~	
Recital 7				

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20	(7) The provision in Regulation (EU) 2023/1542 that makes 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 mandatory should be suspended until 1 January 2035.	(7) The provision in Regulation (EU) 2023/1542 that makes 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 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***.	(7) The provision in Regulation (EU) ~~2023/1542~~**2025/40** that makes 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~~**making packaging or packaged products available for the first time on the territory of** another Member State**, directly to end users,** mandatory should be suspended until 1 January ~~2035~~**2032**.	
Recital 8				
21	(8) The provision in Regulation (EU) 2025/40 that makes 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, mandatory should be suspended until 1 January 2035.	(8) The provision in Regulation (EU) 2025/40 that makes 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, mandatory should be suspended until 1 January 2035 ***or until the date of application of a Union***	(8) The ~~provision in Regulation (EU) 2025/40 that makes the appointment of an authorised representative for~~**suspension should cease to apply where a producer subject to it fails to comply with its** 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,~~	

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		legal act establishing a horizontal framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.	~~mandatory~~**obligations. Decisions to terminate the suspension in case of non-compliance** should be ~~suspended until 1 January 2035~~**taken by the competent authorities, which are responsible for overseeing the implementation of extended producer responsibility obligations**.	
Recital 9				
22	(9) 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 with regard to the extended producer responsibility, as well as their conduct to the new rules.	(9) The Commission is preparing a legislative proposal for a comprehensive reform of the extended producer responsibility system ***[the Circular Economy Act]***. 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 with regard to the extended producer responsibility, as well as their conduct to the new rules. ***The simplification measures***	(9) 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 with regard to the extended producer responsibility, as well as their conduct to the new rules. **In that regard, the duration of the suspension should be**	

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		introduced by this Regulation should therefore remain temporary, pending the application of forthcoming reform and should not lead to reduced traceability, enforcement capacity, or compliance with extended producer responsibility. Therefore, this Regulation should cease to apply once that broader horizontal reform on authorised representatives becomes applicable in order to provide legal consistency. It is necessary that the comprehensive reform 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. The reform needs to 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 and to strengthen Union-wide	**reviewed by 31 December 2030.**	

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		monitoring, as well as enforcement, including through the assessment of alternative compliance, traceability and enforcement mechanisms.		
Recital 10				
23	(10) Suspending the application of the requirement for battery producers and packaging producers established in one of the Member States to appoint authorised representatives for extended producer responsibility when making batteries or packaging or packaged products available in another Member State serves as a preliminary measure to immediately alleviate burdens for producers, paving the way for the implementation of a comprehensive reform of the extended producer responsibility system.	(10) Suspending the application of the requirement for ***micro and small*** battery producers and ***micro and small*** packaging producers established in one of the Member States to appoint authorised representatives for extended producer responsibility when making batteries or packaging or packaged ~~*products*~~***producers*** available in another Member State serves as a preliminary measure to immediately alleviate burdens for ***micro and small*** producers, paving the way for the implementation of a comprehensive reform of the extended producer responsibility system.	(10) Suspending the application of the requirement for ~~battery producers and~~ packaging producers established in one of the Member States to appoint authorised representatives for extended producer responsibility when making ~~batteries or~~ packaging or packaged products available ~~in~~**on the territory of** another Member State **for the first time** serves as a preliminary measure to immediately alleviate burdens for **small** producers, paving the way for the implementation of a comprehensive reform of the extended producer responsibility system.	
Recital 11				
24	(11) Since the objectives of this Regulation, namely to provide flexibility to producers established in the Union as to whether they appoint an authorised representative for extended	(11) Since the objectives of this Regulation, namely to provide flexibility to producers established in the Union as to whether they appoint an authorised representative for extended	(11) Since the objectives of this Regulation, namely to provide flexibility to producers established in the Union as to whether they appoint an authorised representative for extended	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
	producer responsibility, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,	producer responsibility, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,	producer responsibility, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,	
Formula				
25	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Article 1				
26	Article 1 Suspension of Article 56(3) of Regulation (EU) 2023/1542	Article 1 Suspension of Article 56(3) of Regulation (EU) 2023/1542	*deleted*	
Article 1, first paragraph				
27	The application of Article 56(3) of Regulation (EU) 2023/1542 shall be suspended until 1 January 2035.	The application of Article 56(3) of Regulation (EU) 2023/1542 shall be suspended***, as regards producers established in the Union qualifying as microenterprises or small enterprises within the meaning of***	*deleted*	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		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***.		
Article 1, second paragraph				
28	As regards battery producers established in third countries, where Member States do not require the appointment of an authorised representative for extended producer responsibility, they shall ensure traceability and enforcement with regard to battery producers established in third countries through alternative means.	~~*As regards battery producers established in third countries, where Member States do not require the appointment of an authorised representative for extended producer responsibility, they shall ensure traceability and enforcement with regard to battery producers established in third countries through alternative means.*~~***deleted***	*deleted*	
Article 2				
29	Article 2 Suspension of Article 45(3) of Regulation (EU) 2025/40	Article 2 Suspension of Article 45(3) of Regulation (EU) 2025/40	Article 2 Suspension of Article 45(3) of Regulation (EU) 2025/40	
Article 2, first paragraph				
30	The application of Article 45(3) of Regulation (EU) 2025/40 shall be suspended until 1 January 2035.	The application of Article 45(3) of Regulation (EU) 2025/40 shall be suspended***, as regards producers***	The application of Article 45(3) of Regulation (EU) 2025/40 shall be suspended **for a producer**	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
		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***.	**established in a Member State in respect of each other Member State where that producer makes less than 1 tonne of packaging, including packaging of packaged products, available on their territory for the first time in a calendar year,** until 1 January ~~2035~~**2032**.	
Article 2, second paragraph				
31	Member States may either provide that producers established in third countries shall appoint, by written mandate, an authorised representative for the extended producer responsibility when making packaging or packaged products available on their territory for the first time or ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means.	~~*Member States may either provide that producers established in third countries shall appoint, by written mandate, an authorised representative for the extended producer responsibility when making packaging or packaged products available on their territory for the first time or ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means.*~~***deleted***	~~Member States may either provide that producers established in third countries shall~~**By way of derogation from the first subparagraph, where a national competent authority finds that a producer exempted by this Article is in breach of extended producer responsibility obligations according to Regulation (EU) 2025/40 or national implementing provisions, the national competent authority can order this producer to** appoint~~, by written mandate,~~ an authorised representative for the extended	

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
			producer responsibility ~~when making packaging or packaged products available on their territory for the first time or ensure traceability and enforcement with regard to packaging producers established in third countries through alternative means~~.	
Article 2a				
31a		***Article 2a Safeguards***		
Article 2a, paragraph 1				
31b		***1. The suspension provided for in this Regulation 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.***		
Article 2a, paragraph 2				
31c		***2. The suspension provided for in this Regulation shall not apply to producers that split or restructure their activities for the purpose of benefiting from this suspension.***		

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
Article 2a				
31d			**Article 2a** **Review**	
Article 2a, first paragraph				
31e			**By 31 December 2030, the Commission shall review the need to modify the duration of the suspension pursuant to Article 2.**	
Article 3				
32	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	
Article 3, first paragraph				
33	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 3, second paragraph				
34	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
35	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
36	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				

	CLEAN Commission Proposal	VS.EC EP Mandate	VS.EC Council Mandate	VS.EC Draft Agreement
37	The President	The President	The President	
Formula				
38	For the Council	For the Council	For the Council	
Formula				
39	The President	The President	The President	