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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB for the meeting of the Council (Environment) on 17 December 2024 Very large online platforms (VLOPs) – non-compliance with extended producer responsibility and how to address it – Information from Austria

AT is pleased to see that CZ, as an active participant in the TAIEX workshop held in Vienna on 28-29 October 2024, shares its concerns surrounding the deeply problematic issue of non-compliance with EPR obligations. There are an overwhelming number of imported products that are subject to EPR, but that fail to comply with those obligations. While AT supports the information circulated by the Czech delegation as an AOB item, we find it necessary to add the following focal points:

1. There should be a **particular focus on VLOPs** as defined by the list of designated very large online platforms published in the Official Journal of the European Union. Many of those VLOPs allow consumers to conclude distance contracts with producers directly, which adds to difficulties with enforcement. Future legal tools should therefore single out those enablers of free riding in particular.
2. To address this, a **horizontally applicable solution** is needed, because **this issue concerns all EPR product streams – especially textiles** – and not just packaging and batteries. Consequently, an overarching solution is required.

3. The problem has turned into a **matter of survival** for European producers and traders. This free riding is damaging the competitiveness of EU businesses and is having a detrimental effect on the environment. This matter has to be addressed with the **urgency** it deserves and should therefore be taken up **immediately**. Ideally, this could be done as part of the **trilogue on the Waste Framework Directive**.

We ask for support from the Member States as well as the Commission, which has already taken preliminary action. Moving forward, we should focus on compliance with extended producer responsibility.
