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MEETING DOCUMENT

From: To:	General Secretariat of the Council Antici Group (Simplification)
N° Cion doc.:	ST 16753/25 INIT ST 16754/25 INIT
Subject:	Environment Omnibus (STC Regulation and STC Directive): WP meeting on 9 February 2025: Presidency steering note

With a view to the above mentioned meeting, delegations will find attached a steering note prepared by the Presidency.

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Presidency Discussion Paper

For AGS on 9 February 2026

Environmental Omnibus – Suspending proposals

In view of the **Antici Group (Simplification) meeting on 9 February 2026**, building on the previous exchanges on 19 January 2026 and comments submitted by delegations, the Presidency presents a steering note focussing on the **suspending proposals**:

- Suspending Regulation on authorised representative for extended producer responsibility (2025/0395 (COD));
- Suspending Directive on authorised representatives for extended producer responsibility (2025/0396 (COD)).

Section A contains the questions that will steer the discussion of 9 February. **Sections B and C** contain additional legal and policy questions that will possibly be addressed by the Commission as appropriate. Delegations are not requested to address those specific questions.

A. Horizontal aspects of the proposals

The proposals aim to relieve producers of administrative burden and costs associated with the obligation to appoint an authorised representative to fulfil EPR-linked obligations. The proposed measures, including the suspension of application of the respective provisions until 1 January 2035, have raised several questions in Member States:

- **It is not clear how the proposed measures** fit with the upcoming Circular Economy Act (Q3 2026) expected to address EPR obligations in a comprehensive manner;
- The impact on **ensuring compliance** with **and enforcement** of EPR obligations, which would require increased cooperation among Member States' competent authorities;
- A possible need to establish **alternative mechanisms to ensure compliance with EPR obligations** in case producers are no longer required to appoint an authorised representative;
- A possible need to establish **a single EU-wide register for EPR**, prior to the suspension of national obligations, to ensure the registration and identification of producers placing products on the market in one or more Member States;
- The impact on the **competitiveness of EU producers** compared to third country producers, including online sellers, whose compliance is difficult to ensure.

The Presidency suggests **three guiding questions** for the discussion. Before a detailed exchange of views, the Presidency will invite **the Commission to provide further explanations of the main elements of the proposals**, in particular as regards the expected reduction of administrative burden, the impact on existing EPR obligations and their enforceability, including on online sellers, and the level playing field between EU and non-EU producers.

Q1: *In relation to the obligations linked to the authorised representative, what would be lost from the perspective of Member States if the authorised representative is not appointed or if its appointment is postponed? Do delegations consider the specifically suggested suspension period (until 1 January 2035) justified and substantially warranted, especially in view of the upcoming Circular Economy Act?*

Q2: *If obligations linked to the authorised representative are suspended, how should compliance and enforcement be ensured, while also lowering administrative burden on producers and competent authorities? Among the received suggestions, the Presidency noted an obligation of administrative cooperation and information exchange along the Waste from Electrical and Electronic Equipment Directive (Article 18) or a strengthened role for producer responsibility organisations (PRO).*

Q3: *In relation to the possibility to require an appointment of an authorised representative for producers from third countries, how would delegations further specify the "alternative means" referred to in the suspending Regulation Article 1 (Batteries and Waste Batteries Regulation, Article 56(3)) and Article 2 (Packaging and Packaging Waste Regulation, Article 45(3)) and in the suspending Directive Article 1 (Waste Framework Directive, Article 22a(3))?*

B. Suspending Regulation

Specific issues raised by delegations in relation to the proposed Regulation include:

- **Alignment of wording** in Article 1 (Batteries and Waste Batteries Regulation, Article 56(3)) concerning the possibility of establishing the obligation to appoint an authorised representative for third country producers with the clearer provisions in Article 2 (Packaging and Packaging Waste Regulation, Article 45(3));
- **Entry into force** of the Regulation 20 days after its publication.

C. Suspending Directive

Specific issues raised by delegations in relation to the proposed Directive include:

- **Conflicting transposition of Directive 2025/1892 and the suspension,** leading to legal uncertainty;
- **Enforceability of Article 22a(3) of the Waste Framework Directive** vis-à-vis textile producers selling via distance contracts from third countries.
- A possible extension of the **transposition period** from 12 to 18 months.