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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
N° Cion doc.:	ST 16771 2025 INIT + ADD 1-2 ST 16778 2025 INIT
Subject:	Environment Omnibus (Simplification Directive and Simplification Regulation): WP meeting on 23 February 2026: Presidency steering note

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

Presidency Discussion Paper

For AGS on 23 February 2026

Environmental Omnibus – Simplification Directive and Regulation

In view of the **Antici Group (Simplification) meeting on 23 February 2026**, the Presidency puts forward a steering note on the Directive (2025/0394 (COD)) and Regulation (2025/0397 (COD)) on simplification and reduction of administrative burden. The exchange of views aims to build on the previous exchanges in the AGS, the comments submitted by delegations as well as the Commission presentations from 9 February 2026 (WK 2169/2026).

The discussions will focus thematically on (i) simplification of provisions linked to industrial emissions and (ii) simplification of waste-related provisions.

Concerning the structure of the discussion, the Presidency suggests:

- **1st round on industrial emissions (covering questions 1-6)** followed by a Commission intervention addressing the points raised by delegations;
- **2nd round on waste-related provisions on Batteries (covering questions 7-10)** followed by a Commission intervention addressing the points raised by delegations;
- **3rd round on waste-related provisions on the Waste Framework Directive (questions 11-12)** together with any other points delegations wish to raise; followed by a Commission intervention addressing the points raised by delegations.

Section 1: Industrial emissions

Questions to the Commission

The Presidency invites the Commission to elaborate on the proposed amendments to the Industrial Emissions Directive and the Medium Combustion Plants Directive, which support the permitting of (a) hydrogen combustion and (b) oxy-fuel combustion as well as to provide written clarifications on the interplay between the transposition of Directive (EU) 2024/1785 and the proposed amending Directive on simplification.

Questions to Member States

Industrial and Livestock Rearing Emissions Directive (2010/75/EU)

1. **EMS at company-level (Article 14a):** Does the proposed possibility for operators to cover several installations in one Member State with one EMS achieve the objectives of simplification?
2. **Chemical inventory (Article 14a):** Do delegations agree that the removal of the chemicals inventory from the scope of the EMS is justified given that there is a duplication between Article 14a(2)(d) in the Industrial Emissions Directive

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(2010/75/EU) and existing requirements under the Council Directive on the protection of workers from risks related to chemical agents at work (98/24/EC) and Regulation (EC) (1907/2006) of the European Parliament and of the Council on REACH?

3. **Transformation plans (Article 27d):** Is the proposed deletion of Article 27d and of the requirement to include a transformation plan in the EMS according to Article 14a(2)(f) acceptable, given the fact that the plans are indicative, that the Directive includes other provisions aimed at fostering innovation and transformation of industrial installations in scope and that the achievement of the Directive's objectives will be not jeopardised by the proposed deletion?
4. **Inclusion of transitional provisions for Article 14(1)(ab), Article 16(2) and Article 16(3) in Article 82**: In the context of the ongoing transposition of Directive (EU) 2024/1785, do delegations find it useful to include such transitional provisions?
5. **Exempting organic poultry farming (Annex Ia):** Do delegations agree with the proposed exemption of organic poultry farming from the scope of the Industrial Emissions Directive in order to ensure a coherent approach for the organic livestock sector (as organic pig farms are already excluded)?

Industrial Emissions Portal (2024/1244)

6. **Exempting livestock and aquaculture operators from certain reporting obligations (Article 6(9)):** Are the proposed exemptions justified, considering their implications in terms of losing information concerning the use of energy, water and relevant raw materials? Do delegations agree that it is useful to include a possibility for the national authorities to report on the operators' behalf on off-site transfers of waste and pollutants in wastewater, production volume and number of operating hours, as it is currently the case for releases to air, water and land, knowing that Member States may choose not to avail of this possibility?

<u>Section 2: Waste-related provisions</u>

Batteries Regulation (2023/1542)

7. **Definition of 'producer' (Article 3(1)(47)(d)):** Does the amended definition, from the perspective of delegations, ensure that all operators irrespective of the selling technique used are covered under the scope of the Batteries Regulation?
8. **Definition of a 'substance of very high concern' (Article 3(1)(69))**: In view of the proposal's objective to narrow down the group of substances from over 20.000 in the current Batteries Regulation to around 1.300 entries, does the proposed definition provide for sufficient protection of the human health and the environment?

9. **Removability and replaceability of LMT batteries at module-level (Article 11(5)):** Aiming to alleviate safety concerns, is the proposed change from cell- to module-level removability and replaceability of LMT batteries appropriate in view of the envisaged changes on battery remanufacturing and recycling? Could the proposed change send a negative regulatory signal to repairers able to replace individual battery cells?
10. **Reporting to the Commission (Article 76(4))**: Given that the annual reporting obligation for Member States concerning batteries and batteries waste is maintained, what other assurances do Member States consider necessary, if the obligation for the Commission to publish a report is to be removed? Do Member States support the deletion of the obligation for the Commission to publish a report?

Waste Framework Directive (2008/98/EC)

11. **EPR reporting frequency (Article 8a):** From the Member State perspective, does the EPR reporting at a higher than annual frequency pose a burdensome obligation for producers? Do the benefits of the proposed reduction to annual reporting outweigh the potential impacts on compliance, data quality, and burden on competent authorities? Does a higher frequency effectively address the concerns regarding compliance, data quality, and burden for competent authorities?
12. **SCIP database repeal (Article 9):** In light of the Commission's explanations of the SCIP database's current limited usability by waste operators and the possible future use of the existing SCIP data for the Common Data Platform on Chemicals and the digital product passport, is the proposed repeal appropriate to alleviate administrative burden on suppliers of products?