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MEETING DOCUMENT

From: General Secretariat of the Council

To: Antici Group (Simplification)

Subject: Environment Omnibus Package: follow-up to the WP meeting on 19 January 2026
– Commission presentation on waste related measures

Delegations will find attached the presentation on waste related measures that was made by the Commission at the meeting of the Antici Group (Simplification) working party.

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Environment Omnibus Package

Waste related measures

DG Environment

19/01/2026

Amending Directive & Regulation

- Amending Directive concerns:
 - Directive 2008/98/EC on Waste
 - Repeal of the SCIP database for information on Substances of Concern In articles
 - ➔ Annual savings of EUR 225 million
 - Reporting frequency limitation for producers linked to extended producer responsibility (Art 8a)
- Amending Regulation concerns:
 - Regulation (EU) 2023/1542 concerning batteries and waste batteries
 - Amending producer definition for “distance contracts” – all entities selling batteries in the EU wherever producers are established regardless of selling techniques.
 - Changing the removability/replaceability requirement for LMT battery packs from cell level to module level.
 - Labelling of batteries “substances of very high concern”.



SCIP repeal

SCIP database (**S**ubstances of **C**oncern **I**n articles as such or in complex objects/**P**roducts) is proposed to be repealed amending the Waste Framework Directive

- Reporting obligations for economic operators under SCIP terminate.
- ECHA will keep and maintain the data collected so far with the options for future data collection and maintenance under development:
 - *Common Data Platform on Chemicals* under the One Substance, One Assessment (OSOA) legislative package ,
 - *Digital Product Passports (DPPs) under the Ecodesign for Sustainable Products Regulation (ESPR)*.

→ The immediate repeal of the SCIP database is deemed necessary as the cost of the database is disproportionately high, requires complex information and feedback by waste operators (intended audience) shows that they cannot understand or use the data. No delivery to decrease the use of substances of high concern in articles.



SCIP repeal

Belgium, Luxembourg, Austria, questions on temporary measures foreseen before new platforms are in place to accommodate SCIP-related data

- Ø The SCIP database functions will progressively be fulfilled by the EU chemicals legislation under the Common Data Chemicals Platform (CDCP) and the Digital Product Passport (DPP).
- Ø In the meantime, the data already collected will not be deleted but stored temporarily. However, the database will not be updated as no new data will be stored during the transition phase. In the meantime, product, waste and chemicals-related legislation is enforced for substances in waste management operations to ensuring toxic-free waste streams.



SCIP repeal

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Belgium question on when and how will the transfer of information from the SCIP database to other interfaces be technically organised?

➤ This is being developed and will be clarified further in future. Careful planning is needed to deliver interoperable and secure data transfer.



SCIP repeal

PUBLIC

Belgium, Sweden questions on ECHA 'maintaining' the data submitted as per usability of data since the database will not be updated?

➤ The data already collected will not be deleted but stored temporarily. However, the database will not be kept updated hence no new data will be requested during the transition phase. The information will be indeed outdated as no updates will take place until the new structure is defined and put in place.



Reporting frequency limitation

Article 8a(1) of Directive 2008/98/EC: introducing a maximum reporting frequency of once every 12 months

- Article 8a(1)(c) currently sets out that Member States shall ensure that a reporting system is in place to gather data on the products placed on the market of the Member State by the producers of products subject to extended producer responsibility.
- The limitation of the reporting frequency applies to that reporting system on data by producers.
- The reporting frequency of once per year applies to the **reporting to the competent authorities by producer responsibility organisations (PROs) or the producer in the case of individual compliance**, as well as the **reporting to the PRO by their members**, where EPR schemes are established.
- This harmonises and simplifies reporting for producers under EPR schemes, where *leges speciales* do not already regulate such reporting frequency limitation.



Removability/Replaceability of LMT battery packs at module level instead of cell level

- Article 11(5) of Regulation (EU) 2023/1542 requires cell-level removability of LMT battery packs.
 - Cell-level removability enables repair and refurbishing but creates safety issues.
 - Market for LMT batteries is not ready for the legal provision on 18/02/2027
 - There does not seem to be end-user demand for cell-level removability, while safety concerns are increasing.
 - Proposed amendment represents a different trade-off between repairability, consumer empowerment and safety.



Removability/Replaceability of LMT battery packs at module level instead of cell level – MS comments

- What could be the impact on the remanufacturing and recycling of LMT batteries? (DK, FR, NL)
- *For the recycling of waste LMT batteries there should not be any major implications, because this design change does not affect current recycling technologies. The remanufacturing of single module LMT batteries may become more difficult if these batteries are sealed and the individual cells are welded. However, there is not much evidence that the remanufacturing of LMT batteries constitutes a significant market practice.*
- Could the Commission specify which safety risks are related to batteries removable on a cell-level? (NL)
- *The replacement of individual cells in used LMT batteries is not a trivial task and involves certain technical skills. Such operation risks invalidating the safety certificates of the original LMT battery because repairers often do not have the necessary means (training, tools, equipment) to re-certify refurbished batteries. Additionally, poorly refurbished batteries present higher risks of early degradation and even of thermal propagation and fire incidents.*

Definition of Substances of Very High Concern (SVHCs) for the purposes of battery labelling

- Article 13 of Regulation (EU) 2023/1542 requires labelling of hazardous substances
 - Annex VI and Article 3(52) of the Batteries Regulation refer to the definition of hazardous substances in Article 3 of the CLP Regulation => potentially more than 20,000 substances.
 - Article 13 requires the Commission to adopt an implementing act for the harmonized application of labelling requirements. Redefining hazardous substances in the IA is legally not possible.
 - It is proposed to include a new definition of substances of very high concern (*or substances to be labelled*) by referring to **Article 57 of REACH** (candidate list) and **Annex VI to the CLP Regulation** (harmonized substances classified for certain hazards). This would narrow down the scope to ~ 1,300 substances.



Definition of Substances of Very High Concern (SVHCs) for the purposes of battery labelling – MS comments

- La Commission peut-elle préciser la deuxième partie de la définition “any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008” et les classes de dangers concernées? **(FR)**
- *la définition proposée comprend les substances de la liste des substances candidates, ainsi que les substances soumises à un classement harmonisé dans une des catégories suivantes CMR 1A ou 1B, PBT, vPvB ou ED cat 1 (tant pour la santé humaine que pour l’environnement) ou PMT ou vPvM.*
- Why is it necessary to extend the definition of SVHC substances beyond those already identified under the REACH Regulation in this proposal? **(HU, SE)**
- *The expansion of the labelling obligation beyond the substances identified as SVHC (under REACH) is proposed as a compromise between the level of information requirements on substances in articles, required generally under REACH Art. 33 (SVHCs only, i.e., about 250 entries in the Candidate List, corresponding to about 500 substances), and the current provision in the 2023 Batteries Regulation (applying to all hazardous substances, i.e., well over 20,000 substances). The proposed compromise group of substances corresponds to about 1,300 to 1,400 entries, either in the REACH Candidate List, or in Part 3 of Annex VI of the CLP Regulation for equivalent hazards to the Candidate List.*



Suspending Directive & Regulation

- Tackles administrative burden and costs for producers under extended producer responsibility (EPR) schemes
- ‘Authorised representative for extended producer responsibility’ (AR for EPR) means a **natural or legal person established in the Member State** where the producer sells products, when the producer is established in another Member State or third country, and who is **appointed** by the producer **to fulfil the EPR obligations of that producer on the territory of that Member State**
- Propose to **suspend** obligations to appoint authorised representatives for EPR:
 - - for EU producers – optional for the producers
 - - for third country producers – additional flexibility of means
- **All other EPR obligations for producers remain in place** – producers have to comply with them (registration, paying fees, reporting etc.)

 Annual savings of EUR 300 million



Suspending Directive & Regulation

Scope Directive

- Directive 2008/98/EC on waste (WFD)
- Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)
- Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment (SUPD)

Scope Regulation

- Regulation (EU) 2023/1542 on batteries and waste batteries (BR)
- Regulation (EU) 2025/40 on packaging and packaging waste (PPWR)

- Choice of instrument: Provides **immediate** administrative burden and cost relief for producers
- Legal nature: Self-standing act, **does not amend** the underlying legislation, suspends the application of the respective provisions. This entails the need to consequently clarify the remaining applicable obligations
- Suspension until 01 January 2035: Ensures that there is sufficient time to comprehensively assess and potentially revise EPR obligations, including on aspects linked to authorised representative, through e.g. the upcoming Circular Economy Act. The co-legislation of the Circular Economy Act is expected to take time, as the package may comprise several measures



Suspending Directive & Regulation

- Meaning and rationale of “alternative means” for third country producers:
 - MS keep possibility to require appointment of AR for EPR for third country producers
 - Additional margin of discretion to decide on a mechanism, including e.g. cooperation mechanism set up with other Member States, in order to ensure traceability and enforcement; not lowering the ambition
- Enforcement of EPR rules:
 - Most EU operators are compliant
 - Possibility for MS to require appointment of AR for EPR for third countries remains
 - Instruments of civil cooperation and coordination mechanisms between Member States and with third countries at the discretion of MS
- National legislation:
 - MS are encouraged to remove provisions going against the objective of the suspending Regulation/Directive
 - WFD textiles amendments transposition 17 June 2027, deadline for establishing EPR 17 April 2028
 - PPWR Chapter VIII applicable from 12 August 2026

