



TEXTS ADOPTED

P10_TA(2026)0345

Suspending the application of the rules on extended producer responsibility for batteries and waste batteries and packaging and packaging waste (Omnibus VIII on environmental legislation)

Amendments adopted by the European Parliament on 20 October 2026 on the 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 (COM(2025)0982 - C10-0335/2025 - 2025/0395(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

**Proposal for a regulation
Recital 3 a (new)**

Text proposed by the Commission

Amendment

(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

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 60(4), fourth subparagraph (A10-0266/2026).

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.

Amendment 2

Proposal for a regulation Recital 4

Text proposed by the Commission

(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.

Amendment

(4) The administrative burden associated with the appointment of 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

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 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.

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 would therefore contribute to reducing unnecessary administrative burdens where they are most significant, while preserving the authorised representatives for larger companies such as medium and large enterprises.

Amendment 3

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 4

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(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 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

(5) With a view to simplifying **the** requirements **for** producers **established in the Union** and reducing the administrative burden, **micro and small** battery producers and **micro and small** producers of 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

producer responsibility.

for **micro and small** producers who wish to not appoint an authorised representative for extended producer responsibility.

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

(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 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 Council⁶ 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

Amendment

(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 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 Council⁶ 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. Similarly, the provision in Regulation (EU) 2023/1542 of the European Parliament and of the

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 Council⁷ 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.***

⁶ 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>).

⁷ 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>).

Council⁷ which sets out that battery producers that are established 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.

⁶ 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>).

⁷ 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>).

Amendment 6

Proposal for a regulation Recital 7

Text proposed by the Commission

(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.

Amendment

(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.***

Amendment 7

Proposal for a regulation Recital 8

Text proposed by the Commission

(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.

Amendment

(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 legal act establishing a horizontal***

framework for extended producer responsibility, including rules on authorised representatives [Circular Economy Act XXX], whichever is earlier.

Amendment 8

Proposal for a regulation Recital 9

Text proposed by the Commission

(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.

Amendment

(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 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 monitoring, as well as enforcement, including through the assessment of alternative compliance, traceability and enforcement mechanisms.

Amendment 9

Proposal for a regulation Recital 10

Text proposed by the Commission

(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

Amendment

(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 available in another Member

measure to immediately alleviate burdens for producers, paving the way for the implementation of a comprehensive reform of the extended producer responsibility system.

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.

Amendment 10

Proposal for a regulation Article 1 - paragraph 1

Text proposed by the Commission

The application of Article 56(3) of Regulation (EU) 2023/1542 shall be suspended until 1 January 2035.

Amendment

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 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.**

Amendment 11

Proposal for a regulation Article 1 - paragraph 2

Text proposed by the Commission

As regards battery producers established in third countries, where Member States do not require the appointment of an authorised representative for extended producer

Amendment

deleted

responsibility, they shall ensure traceability and enforcement with regard to battery producers established in third countries through alternative means.

Amendment 12

Proposal for a regulation Article 2 - paragraph 1

Text proposed by the Commission

The application of Article 45(3) of Regulation (EU) 2025/40 shall be suspended until 1 January 2035.

Amendment

The application of Article 45(3) of Regulation (EU) 2025/40 shall be suspended, ***as regards producers 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.***

Amendment 13

Proposal for a regulation Article 2 - paragraph 2

Text proposed by the Commission

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

Amendment

deleted

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.

Amendment 14

Proposal for a regulation Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Safeguards

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.

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.