

22 August 2025

BDE Position on the Environmental Omnibus

The BDE Federation of the German Waste-, Water and Circular Economy Management Industry would like to express its gratitude for the opportunity to comment on the reduction of bureaucracy in the environmental sector. The BDE warmly welcomes the EU Commission's efforts to reduce bureaucracy. Companies of the European recycling industry continue to face significant bureaucratic burdens. Given the challenging economic circumstances in which the European recycling sector currently finds itself, measures to reduce bureaucracy are urgently needed in order to cut costs and remove barriers to trade and use for recycled raw materials and products. Not only the repeal of regulations, but also their harmonisation can contribute to this, as it can significantly reduce the administrative burden for companies operating in several Member States.

However, the BDE also urges caution when abolishing reporting requirements. A circular economy will only succeed if compliance with the obligations of economic operators can be verified and traced, and compliance with quotas can only be verified if data is collected. Information on the composition and ingredients of products is important in order to assess their recyclability and to be able to send them for appropriate treatment. In this respect, careful consideration is required when assessing and abolishing information and reporting obligations, and no regulations that are necessary for the implementation of circular economy policy objectives and the obligations required to achieve them should be abolished.

The BDE calls for:

1. Reformation of the SCIP database and its integration with the Digital Product Passport
2. The Digital Product Passport as a “one stop shop”- information tool
3. Creating a Schengen Area for Waste and Enabling the Export of Recoverable Waste to Third Countries
4. Postponement of the effective date of the Packaging and Packaging Waste Regulation to the beginning of 2027
5. Re-evaluation of certain reuse targets in the PPWR through Delegated Act
6. Transparency in reporting on and implementation of Extended Producer Responsibility

1. Position on the future of the SCIP database and its integration with the Digital Product Passport

Access to sufficient and reliable information on substances of concern contained in products is indispensable for efficient waste management. At present, however, there is a significant gap between the intended function of the SCIP database and how it is actually used. The current low level of adoption clearly demonstrates that the database, in its current form, is overly complex and not well suited for practical needs.

In order to address these shortcomings, the SCIP database should not be discontinued outright but rather reformed and integrated into the forthcoming Digital Product Passport (DPP). This integration would avoid duplication, ensure compatibility, and create a system designed for day-to-day use within the waste management sector. Such a system must be efficient, scalable, and deployable at industrial level, thereby enhancing transparency across the entire value chain with regard to materials and potential contaminants.

A complete phase-out of the SCIP database without a functional alternative for communicating the presence of substances of concern in end-of-life articles would risk undermining certain recycling operations. Instead, the solution lies in simplifying information requirements and improving data accessibility through the Digital Product Passport.

2. Digital Product Passport - the “one-stop-shop”-information tool for product and waste information

The Digital Product Passport is a central database, especially for actors within the circular economy to get access on information regarding material composition, hazardous substances and product design.

It will be necessary to integrate the obligation to proof “no significant harm” under the Taxonomy Regulation into this system. We welcome the Delegated Act to reduce the amount of relevant chemicals to be evaluated under the DNSH-principle as it was published under the Omnibus I. The Commission announced that there will be a further Consultation on the Taxonomy Regulation in August 2026. The context of the consultation must be to connect the reporting obligations to the DPP. In this context we also call for an inclusion of “design-for-recycling” activities into Annex II of the Delegated Regulation (2020/852) to cover the whole value chain, which contributes to the circular economy.

3. Creating a Schengen Area for Waste and Enabling the Export of Recoverable Waste to Third Countries

A fully functioning circular economy relies on the unrestricted availability of waste. It is essential to acknowledge that waste and secondary raw material markets extend beyond the EU’s internal and external borders. Waste must be transported swiftly and efficiently to the facilities best equipped to process it in line with the waste hierarchy, including highly specialised recycling plants.

Accordingly, the rules governing waste shipments must be modernized. The BDE advocates for a streamlined and accelerated permitting process under the Waste Shipment Regulation, the relaxation of restrictions on the export of waste for recovery to third countries, and the application of the principle of mutual recognition where end-of-waste criteria for specific materials have not yet been defined on EU-level. If materials are not (or no longer) classified as waste in a Member State involved in the shipment of these materials (whether as the state of dispatch, transit or destination), the materials should also be treated as non-wastes by the other Member States involved in the shipment.

4. Postponement of the effective date of the Packaging and Packaging Waste Regulation to the beginning of 2027

The date of application of the Packaging and Packaging Waste Regulation (PPWR) must be postponed from 12 August 2026 to 1 January 2027. A mid-year change of the regulatory framework would cause serious legal uncertainty and significant structural and financial disruptions within an already highly complex system.

An intra-year enforcement in August 2026 would impose significant bureaucratic and operational burdens on all market participants, potentially destabilizing EPR structures across the EU.

Key concerns include:

- Two legal regimes within one financial year: From 12 August 2026, new EU definitions will apply (including "manufacturer", "producer"), with significant effects on the assignment of obligations in the extended producer responsibility (EPR) system. The obligation for companies to licence packaging is shifting, whereby there is a high probability that previously obligated companies suspend or reduce their payments because it is unclear who is responsible.
- Lack of legal clarity at EU and national level: National packaging legislation will remain partially applicable until the end of 2026. At the same time, e.g. the German PPWR implementation law is not expected to be available until mid-2026. Key questions of interpretation at EU level – for example on quota fractions or packaging categories – have also not yet been answered.
- Blocked planning and contractual certainty: Without clarity regarding definitions and obligations, neither EPR systems nor manufacturers can plan reliably. Annual contracts, volume forecasts and pricing are impossible. Municipalities, in turn, do not know whether and through which dual system services such as waste counselling or container cleaning will continue to be financed.
- Bureaucratic and financial risks with systemic relevance: The changeover during the year requires duplicate contracts, data reports and billing procedures – an enormous amount of additional work with no ecological benefit. At the same time, there is a risk of financing

gaps in system services, including the loss of municipal tasks or the destabilisation of EPR structures.

Given these risks, we urge for a **coordinated EU-wide postponement to 1 January 2027**, aligning with the transition plans of other Member States such as France. This proposal should be considered for **inclusion in an Environmental Omnibus** as a pragmatic measure to ensure a smooth and legally secure implementation. It would help reduce administrative burdens without compromising the objectives of the PPWR.

Nonetheless, the necessary amendment to postpone the date of application of the PPWR must not be used as an opportunity to reopen debate on other provisions of the Regulation.

5. Re-evaluation of certain reuse targets in the PPWR through Delegated Act

In the context of the PPWR, it is urgently necessary to re-evaluate the obligation to reuse 100% of transport packaging used for shipments between companies within a single Member State or for shipments across Member States within the same group of companies (Art. 29(2), (3)) through a Delegated Act (Art. 29(18)). Operators are already warning of economic damage resulting from this obligation, which cannot be offset. Companies would be forced to operate two parallel logistics systems for transport: a reusable system for domestic deliveries and a single-use system for cross-border transport. This creates a significant administrative burden and is practically as well as economically unfeasible and ecologically questionable.

6. Reporting on Extended Producer Responsibility

The recyclability of products lies primarily with producers. One cornerstone of recyclability is the establishment of effective separate collection systems. This can only be achieved through harmonized Extended Producer Responsibility (EPR) schemes, where Producer Responsibility Organizations (PROs) manage collection, receive adequate financing to develop nationwide infrastructure, and provide clear information to consumers on available take-back or collection options.

The overall introduction and framework of EPR should be regulated at the EU level, while the detailed design of EPR schemes should remain the responsibility of the Member States. Member States should also be able to maintain well-functioning existing collection systems, which means that the EU framework for EPR must be compatible with national waste management structures. However, private or state monopolies must be strictly avoided. Competition between PROs should be safeguarded, as it drives innovation and cost efficiency.

The other cornerstone of a truly circular economy is the technical recyclability of waste itself. EPR must therefore be closely linked to eco-design criteria in order to enable fee eco-modulation. This ensures that producers of recycling-friendly appliances and products with high recycled content benefit from financial incentives under the EPR system. Non-recyclable waste must be managed in line with the waste hierarchy, with waste-to-energy serving as the most appropriate option.

The harmonization and simplification of reporting obligations under Extended Producer Responsibility (EPR) is generally to be welcomed, as it strengthens transparency and reduces administrative burdens for producers operating across borders. At the same time, it must be recognised that EPR systems are designed differently across Member States, and that in particular competitive models have specific requirements regarding data reporting.

Any European framework should take this diversity into account. One conceivable option would be the establishment of a European-wide register or central digital platform, where both participation in EPR systems and the relevant volume data could be recorded in a standardised manner. This could help to reduce duplicate reporting and improve comparability.

However, the design of such a system must remain sufficiently flexible to accommodate national specificities – for example with regard to the level of detail required in volume reporting or the linkages to national clearing mechanisms. In competitive systems especially, accurate volume data are essential for the functioning of the competition model.

Therefore, a European reporting system should either allow for the necessary degree of differentiation or provide Member States with sufficient flexibility to safeguard the functioning of their respective systems. Only in this way can harmonisation and competition be effectively reconciled

With regard to the intended harmonization of rules for authorized representatives (AR) under Extended Producer Responsibility (EPR) in each Member State where a producer sells products covered by EPR obligations, as well as the efforts to simplify EPR reporting, the Commission must proceed with caution. Transparency must not be undermined, and it must be ensured that every producer is genuinely working with an EPR scheme.

The AR plays a vital role in the practical enforcement of EPR. However, the current AR framework is fragmented, legally ambiguous, and administratively burdensome undermining the very purpose of EPR and weakening enforcement across Member States.

One of the key challenges is the lack of harmonization across the EU – not only between Member States, but also across different EPR streams such as packaging, electrical equipment, batteries, textiles, and furniture. Definitions, responsibilities, and liability rules for ARs differ from country to country and from one EPR sector to another. In some jurisdictions, the AR is fully liable for compliance failures; in others, liability remains solely with the producer. This legal uncertainty creates compliance risks for companies and hampers enforcement authorities in effectively overseeing producer obligations.

Enforcement gaps are further exacerbated by the absence of a centralized register or tracking mechanism for ARs. Authorities often do not know who is acting as an AR for which producer and for which product group, making it difficult to monitor compliance—especially in the growing context of cross-border e-commerce. Unscrupulous actors can exploit these

loopholes, and compliant producers face unfair competition from those who ignore their obligations entirely.

Moreover, the quality and accountability of ARs are currently unregulated. In most Member States, anyone with a legal presence can act as an AR, regardless of their knowledge, capacity, or reliability. This lack of quality control increases the risk of non-compliance for producers relying on these representatives to handle critical tasks such as registration, reporting, and communication with national authorities.

The administrative burden for appointing ARs is another major concern. Some Member States require formal notarisation or legalization of powers of attorney, even for minor compliance tasks, creating an unnecessary barrier for businesses, especially SMEs. In addition, there is no EU-wide clarity on what constitutes a "legal establishment" for the purpose of appointing an AR—an issue particularly relevant for online sellers and platforms. Furthermore, it should be clarified that a single AR may represent a producer across multiple EPR systems within a Member State, in order to reduce fragmentation and costs.

To strengthen enforcement and improve the effectiveness of EPR, we strongly recommend the following reforms:

- Harmonise the definition, legal role, and liability of ARs across all EPR-relevant areas and Member States through clear EU legislation.
- Establish a centralized, publicly accessible EU register of ARs, clearly linking each representative to their respective producers and EPR schemes.
- Introduce minimum qualification standards and a certification framework for ARs to ensure professionalism and accountability.
- Require professional liability insurance for ARs to safeguard producers and the integrity of the compliance system.
- Simplify the process of appointing ARs by eliminating disproportionate requirements such as notarised powers of attorney or unnecessary formalities.
- Clarify the definition of "establishment" in the context of EPR, especially for digital commerce, to ensure consistent application across the EU.
- Allow and encourage the appointment of a single AR per country for multiple EPR streams to reduce duplication and administrative burden.

In conclusion, the Authorized Representative must be recognised as a central element of effective EPR enforcement—not a mere administrative formality. A harmonised, streamlined, and transparent AR system will significantly improve compliance, close existing enforcement gaps, and support a fair and functioning internal market across the European Union.