

# APPLiA's Position on the Proposed Environmental Omnibus

**A Call for Smarter, Simpler Environmental Laws** – Europe's home appliance industry is ready to lead the green transition, bringing more sustainable and energy-efficient products to market. We cannot do this when stifled by a tangle of complex, overlapping regulations.

APPLiA supports the European Commission's objective to simplify administrative burdens within environmental legislation with the [Environmental Omnibus](#). Today, many manufacturers face overlapping obligations from product legislation, chemicals legislation, waste legislation, national reporting schemes and extended producer responsibility systems. The cumulative effect is not smarter regulation, but administrative overload.

However, while we welcome the European Commission's recognition of the need for an Omnibus to tackle administrative overload, the label of simplification must be matched by the right content, ensuring the relief provided is genuine and not overshadowed by new or disproportionate burdens elsewhere in the proposal.

We believe that simplification is a tool to reach environmental ambitions more intelligently and efficiently without lowering those ambitions. Simplification should not mean weakening environmental ambition. It should mean focusing regulation on outcomes rather than on paperwork, and ensuring that different legislative instruments actually work together rather than against each other. A unified, clear regulatory framework is essential for the home appliance industry to lead the green transition and maintain innovation.

## Key Messages

- **The mandatory appointment of authorised representatives is a critical aspect of Extended Producer Responsibility (EPR).** Without it, the Waste Electrical and Electronic Equipment (WEEE) Directive is weakened, unfairly shifting the burden of waste management from distance sellers to compliant domestic businesses and taxpayers. Any changes to authorised representative obligations should avoid creating loopholes that increase free-riding or destabilise the financing of national EPR schemes.
- **While the proposed clarification of the Batteries Regulation regarding the definition of producers is a positive step, the one regarding the definition of a 'substance of very high concern' is problematic.** To ensure regulatory consistency and avoid industry confusion, 'substances of very high concern' should always be defined in the same way, according to the framework of Substances of Very High Concern (SVHCs) established in the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).



- **We support the removal of the SCIP (Substances of Concern In articles as such or in complex objects (Products)) database, as it creates a disproportionate financial and administrative burden.** By requiring information already covered under REACH Article 33(1), the database lacks practical utility for waste operators and necessitates redundant, costly IT investments. Any repeal must ensure that existing REACH information flows remain unchanged and that there are no additional reporting obligations.
- **While this Omnibus represents a significant first step, unresolved issues remain that pose a direct threat to the advancement of vital green technologies,** like the omission of hafnium from the EU Positive List under the Drinking Water Directive (DWD), the absence of digital-by-default documentation, the absence of guidance for the Packaging and Packaging Waste Regulation (PPWR), the absence of an impact assessment prior to the implementation of the Digital Product Passport (DPP), the inclusion of Substances of Concern (SoCs), a 'one-size-fits-all' ESPR label design and the double legislation of products and their spare parts within the scope of the ESPR (Ecodesign for Sustainable Products Regulation).

## APPLiA's Comments on Key Legislative Proposals & Impacts

### Suspending Mandatory Authorised Representatives

The European Commission proposes to suspend the requirement for producers to appoint an authorised representative in every Member State where they sell products but are not established. This suspension applies until 1 January 2035. This relief applies to Waste (Directive 2008/98/EC), WEEE (Directive 2012/19/EU), Single Used Plastics (Directive 2019/904), Packaging (Regulation 2025/40), and Batteries (Regulation 2023/1542).

Manufacturers can now *choose* whether to appoint a representative or handle EPR obligations directly, depending on which is more cost-effective. Companies with existing representative arrangements may maintain them if preferred. The obligation remains for producers established outside the EU to ensure traceability and enforcement, though Member States may allow alternative means of enforcement.

**The Authorised Representative (AR) responds to a simple operational need:** it serves as a local compliance interface and **operational contact point** for cross-border sales (reachable, identifiable compliance counter-party in the Member State of sale).

The main responsibilities of an AR are:

- **Mandate:** Producers mandate an AR in the Member State of sale to register them into the National Register.



- **Core tasks:** The AR joins a Producer Responsibility Organisation (PRO), reports on "Placed on Market" (PoM) volumes, manages fee payments/financial guarantees, and responds to audits.
- **Jurisdictional anchor:** The AR provides Member State authorities and PROs with a reachable and responsible party within their jurisdiction, which is essential for enforcing obligations, especially for online sales where "free-riding" is a major issue.

**Waste Electrical and Electronic Equipment (WEEE):** Our concern is that the European Commission's attempt at "immediate simplification" to reduce administrative burdens (via this Omnibus) has been proposed without a real impact assessment.

This Omnibus proposal explicitly suspends Article 17(2) of the WEEE Directive (2012/19/EU) regarding the mandatory appointment of authorised representatives for distance sellers.

**Consequences: suspending this article would eliminate national authorities' jurisdictional compliance anchor for cross-border EPR, leading to:**

- **Massive "free-riding":** Non-local producers would legally be able to sell EEE into a market (via e-commerce) without registering, reporting sales, or paying for the recycling costs. They would "free-ride" on the system.
- **Systemic underfunding:** The national WEEE compliance schemes would lose the fees needed to finance the collection and treatment of the products placed on the market by these non-compliant sellers. This would result in an increase of the fees to be paid by duly registered and compliant companies.
- **Failure to meet targets:** Member States would be unable to accurately track the total amount of EEE placed on their market, making it impossible to calculate and meet their legal WEEE collection and recycling targets.
- **Crippled enforcement:** National authorities would lose the local legal contact (the AR) and would struggle to enforce compliance or issue penalties against producers based in other EU countries.
- **Market fragmentation:** Member States will be allowed to legislate in different ways to ensure financial responsibility, creating more fragmentation in the market and therefore higher compliance costs for cross border sales, which undermines the whole purpose of this Omnibus.

*In essence, the mandatory appointment of authorised representatives for distance sellers is vital for making the EPR principle work. Deleting it would undermine the WEEE Directive and shift the financial and environmental burden back onto compliant domestic businesses and taxpayers.*

**What we ask for:**



Simplification should be real and enforceable, not merely symbolic. We want to connect today's Omnibus choices with the upcoming Circular Economy Act (CEA) to ensure that all regulations are consistent in their Extended Producer Responsibility (EPR) asks. APPLiA is actively working on proposing concrete ideas for the revision of the WEEE Directive (expected in Q3 2026) to solve issues like leaking e-waste. The credible way to reduce administrative burden and cut costs for businesses is to replace fragmented national processes with a harmonised, digital compliance architecture under the CEA. Some of the key points we will tackle are:

## **1. One Harmonised EU EPR Data and Registration System**

**Establish an EU-wide harmonised EPR framework with standardised rules for registration and reporting** (common definitions, formats, and reporting frequencies) to ensure a level playing field.

- **Harmonised Reporting:** Implement a single standardised reporting format for producers and PROs so that EPR data is uniform, robust, and verifiable across Member States. Ensuring alignment across all EPR streams (e.g., packaging, WEEE, batteries) under the CEA is a precondition for a well-functioning Single Market for secondary raw materials.
- **Establish an authority-managed central EU digital platform for EPR registration and management:** This platform must be fully interoperable with national registers and national digital platforms, so that base registration data is submitted once, can be reused across Member States, and still supports Member State-level reporting and oversight.

## **2. Addressing E-commerce Free-Riding via Targeted Enforcement and a Unique EPR Identifier**

- **Distance selling (particularly via e-commerce) frequently suffers from "free-riding," where non-local producers evade registration and reporting requirements. To solve this, we propose introducing a unique EPR ID for each producer, used consistently across registration, reporting, and compliance checks.**
- This EPR ID should be mandatorily communicated on every sales document (such as offers and invoices) in both business-to-business and business-to-consumer contexts. Making it the common "key" will enable rapid identification of the responsible party and support automated cross-checks across registers and datasets.
- **Market access must be made conditional on compliance** by requiring key gatekeepers (online marketplaces and, where relevant, retailers and fulfillment actors) to verify the EPR ID and refuse listing or supply when it is missing or invalid.
- This should be complemented by an **EU-level coordination function (a "central EPR clearing house")** financed by competent authorities to support cross-border enforcement, anomaly detection, and anti free-riding cooperation.



## Clarifying the Batteries Regulation

- **Streamlined producer definition:** The legal definition of "producer" is amended to capture *all* distance sellers (including those selling appliances with incorporated batteries) regardless of selling technique. This ensures that manufacturers selling directly to end-users in another Member State are legally recognised as the producer responsible for the battery's end-of-life.
- **Problematic scope of 'substance of very high concern':** Under the proposed changes to the Battery Regulation from this Omnibus, the proposed definition of a 'substance of very high concern' diverges from the established regulatory framework of Substances of Very High Concern (SVHCs) in REACH comprising specific criteria and an identification process that requires detailed information on hazards, risks, and alternatives to justify EU-wide risk management, as well as a stakeholder consultation. Instead, the proposed definition expands its scope through a hazard-based approach, including any substance listed in Annex VI of the Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP) which can be amended by Delegated Acts.

This proposal would therefore bypass the formal SVHC REACH identification process and create a broader category of restricted substances leading to legal uncertainty: with inconsistent definitions across EU Regulations and the impossibility to rely on a single, centralised list for compliance, administrative and regulatory burden increase.

*Proposed clarifications on the definition of producers within the framework of the Batteries Regulation are welcomed. However, the suggested definition of a 'substance of very high concern' does not provide the clarity sought: SVHCs as defined in REACH should be used to benefit from a better identification process, avoid confusion, and align with the objectives of simplification of this Omnibus. Accordingly, the labeling requirement regarding substances present in a battery (other than mercury, cadmium or lead) and set by Point 8 in Part A of Annex VI should be amended to require information specifically on SVHCs as defined in REACH and only when present in a concentration exceeding 0.1% weight by weight.*

## Rationalising Reporting Obligations by Deleting the SCIP Database

The European Commission acknowledges that the SCIP database has been ineffective and costly. The obligation to report data to the SCIP database is proposed to be repealed and data already reported will continue to be maintained by the European Chemicals Agency (ECHA).

*Causing a disproportionately high administrative burden and cost, especially for IT investments, coupled with low usability for waste operators and duplicating information already required under REACH Article 33(1), the proposed deletion of the SCIP database is appreciated. Any repeal must ensure that existing REACH information flows remain unchanged and that there are no additional reporting obligations.*



## Critical Missing Gaps: Market Access & Innovation

While this Omnibus is a first step, urgent gaps remain that threaten key "green" technologies:

- **Hafnium and the DWD:** The omission of hafnium from the EU Positive List remains a critical threat to the availability of enamelled water heaters and heat pumps. Without an urgent amendment to include hafnium, these essential decarbonisation products face a de facto market withdrawal.
- **Digital-by-default documentation:** The paper energy label currently placed inside the product box becomes obsolete for the consumer once the purchase is made and the product is installed. Since paper labels are only essential at the point of sale, introducing a digital energy label option would allow the sector to save millions of euros and significantly decrease the generation of coloured paper waste, but also significantly enhance consumer understanding as it would represent a huge opportunity to combine the label's symbols with national languages. Therefore, we reiterate our request that a digital energy label be introduced as an optional alternative to the current requirement for a mandatory in-box paper energy label.

We also reiterate our call to replace mandatory in-box paper manuals with digital-by-default documentation. Moving to digital manuals would in the same manner save the sector millions of euros and drastically reduce paper waste.

- **Avoid double legislation and promote product-specific rules under the ESPR:** To promote true repair practices and circular models, components and subassemblies of finished goods (including those placed on the market as spare parts) that are already covered by Ecodesign rules mustn't be subject to double regulation through vertical requirements. Furthermore, the concept of SoCs should be removed from the ESPR and left to the appropriate chemical legislation like REACH. Finally, the ESPR should establish product-specific and common methodologies before finalising the layout and design of 'one-size-fits-all' labels, which risk misleading consumers and preventing a level playing field for product competition.
- **Align disclosure of discarded unsold products to the reporting format implementation date:** Despite the recent publication of the Implementing Regulation on reporting details, a significant misalignment exists between two key deadlines. Companies must submit their first disclosure reports for products discarded as of the first full financial year following the ESPR's entry into force. However, the standardised reporting format, defined by the just published Implementing Regulation, will only become applicable from the first full financial year after the Implementing Regulation's application date in March 2027. This gap means companies will need to use non-standardised, self-developed templates for initial reports on discarded consumer products. This situation raises serious concerns regarding the consistency, clarity and comparability of the data reported during the first few years. To ensure the reporting obligation is both credible and efficient, the most effective solution is to align the



application date of the disclosure obligation with the application date of the standardised reporting format.

- **DPP impact assessment:** A proper impact assessment is essential to weigh the environmental costs of the DPP infrastructure against its intended benefits. The manufacturing of necessary servers will deplete stocks of critical raw materials, competing directly with the production of value-added goods within the EU. Moreover, the energy and spatial demands of the data centers required to host the DPP will create a significant climate footprint of their own. We must ensure that the energy used to run these systems does not come at the expense of productive industry or end-user needs, ensuring the DPP does not inadvertently result in a net environmental loss.

## Additional Strategic Recommendations

As this Omnibus moves into negotiations with the European Parliament and the Council of the EU, APPLiA urges:

- **Adequate transition times:** Ensure a minimum of 24 months for companies to adapt to new requirements, avoiding the legal uncertainty of "duly justified" shorter periods.
- **Alignment of data frameworks:** The future DPP must build on existing databases like the European Product Registry for Energy Labelling (EPREL) to avoid duplicating work and protect business-confidential information.
- **Unified EPR standards:** Use the 2026 CEA to harmonise the EPR compliance maze and standardise approaches.

## Concluding Remarks

APPLiA and its Members are committed partners in achieving the EU's environmental and climate goals. We need a regulatory framework that is clear, coherent, and efficient. We urge the European Commission to take bold steps to eliminate redundant reporting, harmonise rules across the Single Market to tackle barriers, and remove instances of double regulation.

APPLiA stands ready to collaborate with the European Commission to implement these changes, ensuring that the EU's environmental goals are met with the clarity and efficiency necessary for innovation and market leadership.



## Annexes

1. [Recommendations for the Next Omnibus Simplification Package \(February 2025\)](#)
2. [Joint Industry letter to the President of the European Commission on the Urgent Need for a Harmonised and Workable Approach to Substances of Concern](#)
3. [APPLiA amendments to STOP double regulation under the Environment Omnibus](#)

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