



**Independent
Retail Europe**

**COMMENTS OF INDEPENDENT RETAIL EUROPE
ON THE AMENDMENTS PROPOSED BY THE EUROPEAN
COMMISSION UNDER THE ENVIRONMENT OMNIBUS**

31 MARCH 2026



EXECUTIVE SUMMARY

- ➔ Independent Retail Europe generally welcomes the European Commission's Communication **COM(2025) 980** on future environmental measures and the proposals under the Environment Omnibus as an important step to further simplify provisions in EU environment legislation in order to reduce administrative and reporting requirements for European businesses.
- ➔ With regard to future proposals for environmental/sustainability legislation foreseen in this Communication, we refer to our [position on levelling the playing field between online and offline](#).
- ➔ We appreciate that some of our suggestions in our statement submitted in the context of the public consultation with regard to the barrier of trade constituted by the EPR requirement on retailers selling cross-border, particularly SME retailers selling small amounts, were taken on board.

Please find below our comments on the proposals for simplification by the European Commission and our suggestions for further measures that can help achieve a reduction of unnecessary/disproportionate burdens.

COMMENTS OF INDEPENDENT RETAIL EUROPE

A. Proposal to suspend until January 2035 the obligation on EU-based producers to appoint an authorized representative for extended producer responsibility (EPR)

Independent Retail Europe

1. **highly welcomes Commission proposals COM(2025) 982 and COM(2025) 983** for a rapid suspension of the obligation on EU-based producers to appoint an authorised representative for EPR purposes in other Member States where they operate/sell to where they are not established. These two legislative proposals (covering 5 product categories: textiles, single-use plastics, packaging, batteries and electric & electronic equipment) will significantly reduce administrative and financial burden for EU-companies operating cross-border, in particular for SMEs.

Indeed, many retailers sell relatively small amounts of packaging cross-border to consumers. The obligation to have to establish an authorised representative for the packaging and the content of such packaging – when relevant products are concerned – is disproportionately burdensome, and therefore a barrier to trade within the Internal Market. Particularly since EU-based operators can easily be traced to their Member State by means of the register, if needed. **This suspension is rapidly required, before the Packaging and Packaging Waste Regulation (PPWR) enters into application this year;**

2. **fully agrees** that non-EU operators should remain obliged to appoint such authorised representative in each Member State that they sell to, also with a view to the enormous number of packages that enter the EU on a daily basis, contributing to a huge amount of packaging waste and waste of other relevant products. Non-EU operators have proven difficult to trace when they fail to comply with their EPR obligations. Requiring non-EU operators to appoint an authorised representative is a first step in levelling the EU/non-EU playing field;
3. **is however very concerned** about the alternative to appointing an authorised representative that is offered to Member States by the wording “or ensure traceability and enforcement with regard to producers established in third countries through alternative means”. We cannot see any other adequate alternative means than appointing a bona-fide EPR representative that could effectively avoid free-riding, and the Commission has not provided any examples in its proposal. Moreover,

different obligations in different Member States is bound to lead to confusion for non-EU producers, and should therefore be scrapped;

4. **observes a lack of legal clarity in Commission proposal COM(2025)983** with regard to the suspension of Article 17(2) of Directive 2012/19/EU (WEEE Regulation). By simply requiring the suspension of Article 17(2), also non-EU producers appear to be excluded from appointing an authorised representative, as Article 17(2) refers to Article 3 (1)(f)(iv), which refers to both EU and non-EU operators. I.e. the precision with regard to non-EU operators that is made for textiles, in regard of the Waste Framework Directive, also needs to be added to the suspension of Article 17(2) of Directive 2012/19/EU (WEEE Regulation), to clarify that this suspension does not apply to non-EU producers.

Key asks:

- ➔ **Rapidly suspend of the obligation to install an authorised representative for EPR purposes for textiles, batteries, packaging, electric & electronic equipment and single use plastic products.**
- ➔ **Oblige non-EU producers to continue to appoint a bona-fide authorised representative in each Member State they sell in.**
- ➔ **Delete the possibility of Member States to ensure traceability and enforcement of the requirements under the national EPR schemes through alternative means.**
- ➔ **Clarify in the amendment to the WEEE that also for electric and electronic equipment non-EU producers need to continue to appoint an authorised representative in each Member State they sell such products in.**
- ➔ **Publish a proposal for an EU-wide database of authorised representatives and a harmonized framework for EPR systems as soon as possible to allow for legal certainty and further simplification.**

Further proposal with regard to authorised representatives for the Circular Economy Act:

- We consider that the appointment of an authorised representative by third country operators is only effective if this is a genuine EU-based representative who has the capacity to assume full legal and financial responsibility.
- We therefore propose that the EU establish an EU-wide database to register all EU-based authorised representatives to enable platforms mediating sales from third countries to check whether the operators selling via their platform are effectively registered and compliant, and to ultimately assume responsibility for EPR payments if an operator fails to comply.
- For more details, please see our [suggestions for levelling the playing field](#).

B. Proposal for a Directive amending multiple existing Directives as regards simplification of certain requirements and reduction of administrative burden

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5. **welcomes** the changes proposed to the Waste Framework Directive 2008/98/EC in Commission proposal **COM(2025)981** as regards the introduction of a harmonized reporting frequency for extended responsibility (EPR) schemes. The introduction of a reporting frequency of once every 12 months will align the reporting of Member States thus facilitating the reporting for operators that operate in more than one Member State;

6. **emphasizes**, however, that the reporting frequency for the extended responsibility (EPR) scheme should be further aligned by setting a fixed date for the annual reporting. This will not only ease the reporting obligation for producers selling in several Member States, but will also make it easier for stakeholders in the waste hierarchy to analyse and compare the data;
7. **also welcomes the repeal of the SCIP-Database** that was supposed to inform waste operators and recyclers about the presence of hazardous substances in products. The usefulness and effectiveness of the database was repeatedly called into question because the information is too complex to be comprehensive for most people. We support the Commission's plan to – instead – introduce a digital product passport that will progressively replace the role of the database by including substances of concern in the passport's scope;
8. **considers that the list of substances that will be included in the Digital Product Passport shall be limited to the substances of very high concern.**

Key asks:

- ➔ **Limit the reporting frequency on EPR schemes;**
- ➔ **Set a fixed date for the annual reporting for each extended responsibility (EPR) scheme;**
- ➔ **Repeal the SCIP database;**
- ➔ **Limit the substances included in the Digital Product Passport to those of very high concern.**

C. Proposal for a Regulation on the speeding-up of environmental assessments

Independent Retail Europe

9. **welcomes** the proposals from the European Commission **COM(2025)984** that will accelerate planning and permit granting procedures:
 - The single points of contact that have to be established by the Member States within 6 months after the entry into force of the regulation (Article 3), will be responsible for facilitating and coordinating all aspects of an environmental assessment. The contact point will thus be a vital partner for companies or local authorities who plan construction projects that will have to undergo an environmental assessment as they will coordinate the submission of all relevant documents and notify the project planner about the outcome of the decision.
 - The obligation of competent authorities to conduct the environmental screening within a period of maximum 60 days (for changes or extension of projects 45 days) followed by a public consultation and to present its final conclusion within maximum 90 days after acknowledgement of completeness (Article 7), provides project planners with swift decisions and legal certainty.
 - In the past, such project plans were often halted or interrupted for many years because of claims by environmental organizations that a project endangers birds or other species. We therefore welcome the clarification that the occasional killing or disturbances of birds shall not be considered as deliberate thus constituting no ground for a negative opinion (Article 8), provided that proportionate mitigation measures are adopted.
 - The digitalisation and publication of all relevant documents and timelines that constitute the ground for the environmental impact assessments (Article 10) will provide for the necessary transparency and thus legitimacy and enable the re-use and sharing of data.

- The objective to waive administrative charges and fees associated with environmental assessments if the project developer falls into the definition of small mid-cap enterprises (Article 11) under the recent recommendation (EU) 2025/1099 or under the definition of small and medium-sized enterprises under recommendation 361/2003/EC is particularly important for our independent retail members;

10. **requires** a correction of the following aspects of these provisions:

- With regard to the establishment of the single point of contact (Article 3), Member States should be able to designate the responsible authority faster than the 6 months that are foreseen in the Commission proposal.
- As for the duration of the screening of environmental assessment, the timeframes provided are inconsistent. If a screening has to be done within 60 days and the competent authority has to issue its final conclusion within 90 days, the public consultation mentioned in Article 7 (d) cannot be done between 30 and 90 days but has to be done within maximum 30 days.
- With regard to the protection of species such as birds, more clarification is needed as regards the mitigation measures that project developers have to conduct (Article 8). Given potential costs involved, those measures have to be outlined before the start of a construction project.
- The simplification of procedures for SMEs and small mid-cap companies lies at the heart of the proposed regulation. The waiving of administrative charges and fees associated with an environmental assessment should therefore be mandatory for Member States. Article 11, which only encourages Member States *to endeavour* to waive administrative charges and fees, should therefore be reformulated.

Key asks:

- ➔ **Member States should be able to designate the responsible authority within 3 months (Article 3).**
- ➔ **The duration of the public consultation that is part of the environmental assessment shall be limited to 30 days (Article 7d).**
- ➔ **Project developers should receive a list with potential mitigation measures for the protection of birds and other species before the start of a project (Article 8).**
- ➔ **The waiving of administrative charges and fees associated with an environmental assessment shall be mandatory (Article 11).**

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*Established in 1963, **Independent Retail Europe** (formerly UGAL – the Union of groups of independent retailers of Europe) is the European association that acts as an umbrella organisation for groups of independent retailers in the food and non-food sectors.*

Independent Retail Europe represents cooperative/associative retail groups which are characterised by the provision of a support network to independent SME retail entrepreneurs; joint purchasing of goods and services to attain efficiencies and economies of scale, as well as respect for the independent character of the individual retailer.

Our members are groups of independent retailers, associations representing them as well as wider service organisations built to support independent retailers.

Independent Retail Europe represents 23 groups and their over 479.000 independent retailers, who manage more than 708.000 sales outlets, with a combined retail turnover of more than 1.446 billion euros and generating a combined wholesale turnover of 657 billion euros. This represents a total employment of more than 6.306.000 persons.

Find more information on [our website](#), on [X](#), and on [LinkedIn](#).