Simplification of administrative burden in environmental legislation

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Plastics Europe is the pan-European association of plastics manufacturers with offices across Europe. Plastics Europe members produce over 90% of all polymers across EU 27+3 (Norway, Switzerland and the UK).

Plastics Europe welcomes the European Commission initiative on enhancing the effectiveness of EU legislation and fostering a regulatory environment that enables businesses to thrive is essential. However, simplification efforts must be carefully designed to avoid undermining the EU's circularity objectives. In this context, mapping the journey of plastics from production through safe use to end-of-life, Plastics Europe has identified the following priority actions to reduce administrative burdens while safeguarding circularity goals:

1. Climate and Production

- Industrial Emissions Directive (IED): The IED must be recognised as the only binding legal framework for regulating industrial permits at company level.
    - The IED 2.0 (EU 2024/1785) introduces a definition for chemical inventories in Article 14a that conflicts with existing REACH and CLP regulations. To reduce legal uncertainty and administrative burden while maintaining environmental protection objectives, the definition should be revised by removing the phrase "*as such, as constituents of other substances or as part of mixtures*." This alignment would allow the use of existing chemical inventories developed for occupational health, permitting, emission control, and wastewater regulations without requiring additional analytical testing for unknown impurities or intermediates.
    - Environmental Management Systems (EMS) should be a general obligation for relevant operators based on facility size and environmental impact, not a permitting requirement. Certification should remain voluntary (Article 14 (a)) and prescribed a Chemicals management System must be avoided.
    - Requiring proof of the lowest achievable emissions in the BAT-AEL[1] range would add complexity and length to the permitting process. A streamlined procedure for applying the lowest achievable emissions within the BAT-emission ranges must be simplified in comparison to asking for derogations outside the BAT-emission ranges. Requirements for Transformation Plans must be aligned with other ESRS policy frameworks, like CSRD, CS3D and ETS[2].
    - To safeguard sensitive and confidential information, as well as the security of manufacturing facilities, the required publication of data online should be kept to a minimum.
    - New requirements, such as environmental performance values, should be reviewed to determine whether they are already addressed by existing legislation like the Energy Efficiency Directive (EED).

[1] Best Available Technique-Associated Emission Level (BAT-AEL)

[2] ESRS: European Sustainability Reporting Standards; CSRD: Corporate Sustainability Reporting Directive; CS3D: Corporate Sustainability Due Diligence Directive; ETS: Emissions Trading Scheme.

  - Keeping the revision of Environmental Quality Standards (EQS) within the ordinary legislative procedure ensures that potential impacts are transparently assessed and subject to open debate.

- Industrial Emissions Portal (IEP): Regulation (EU) 2024/1244 requires detailed environmental data disclosure at the installation level, which raises three major concerns: exposure of trade secrets, increased reporting burden, and unmanageable confidentiality process. The changes below are recommended to help protect strategic business information, reduce compliance costs, streamline administrative procedures, and maintain effective environmental oversight:
  - Delete contextual information from Article 4(1)(e).
  - Delete from Article 6(1)(e): "including production volume and number of operating hours".
  - Modify Article 11 to allow confidentiality requests based on the entirety of a company per country, rather than "each installation".
  - To reduce complexity and improve consistency, removing the following points are recommended: the strict measurement hierarchy in Article 6(3), setting capacity thresholds for onshore oil and gas wells in Annex I, limiting raw material reporting in Annex II, and excluding pollutants lacking established relevance or thresholds.

- European Pollutant Release and Transfer Register (E-PRTR): A unified methodology is needed to define and apply indicators under Article 14 to avoid inconsistencies across Member States. This includes clarifying how environmental performance limits are set, emission reduction requirements, and other conditions needed to ensure the protection of soil, groundwater, surface water and catchment areas.

- Renewable Energy Directive: To boost circularity and industrial symbiosis with biofuel production, all residues from bioeconomy activities should be fully valorised as feedstock. It is proposed to expand Annex IX Part A to include: i) under point (d), also the biodegradable fraction of residues/by-products deriving from production processes that use exclusively biomass-derived raw materials as input; ii) under point (o), in addition to lignin from forestry activities and the wood industry, also lignin from production processes that use exclusively biomass-derived raw materials as input; iii) under point (v), alongside cyanobacteria, the entire category of exhausted bacteria used in fermentation process based on bio-based feedstock for the production of advanced biofuels and bioliquids.

2. Sustainable Use

- Drinking Water Directive: The European Commission should use this omnibus to deliver a targeted revision to Article 11 of the Drinking Water Directive, and provide a mandatory mechanism for cost and data sharing for substances and materials that are subject to assessment prior to inclusion on the European positive list for drinking water contact materials. Unlike the REACH Regulation, the current version of the Drinking Water Directive's Article 11 does not provide a mandatory mechanism for cost and data-sharing of toxicology studies required as part of the assessment of the European Positive List of substances to be used in drinking-water (DW) contact materials. The status quo discourages industry from coming forward to carry out tests (when required) and submit

applications, due to the possibility of free riders. Eventually this would discourage industry from keeping and investing in the production of DW materials, and this might lead to insufficient supply of DW contact materials in general in the Union. We believe that a mandatory cost and data-sharing mechanism should be similar to the precedent established under the REACH Regulation and codified in Commission Implementing Regulation (EU) 2016/9 on the joint submission of data and data-sharing in accordance with REACH.

- Eco-design for Sustainable Product Regulation (ESPR):
    - The Commission should carefully assess the risks related to setting horizontal requirements applying across different products groups rather than product-specific requirements.
    - Time predictability: Ensure clear and predictable timelines by setting a strict 36-month minimum transition period, instead of 18 months (Article 4 (4)) and eliminating the option to shorten it "in duly justified case".
    - Overlaps must be prevented: Packaging should be exclusively handled under the PPWR.
    - Substances of Concern (SoC):
        - The ESPR framework is extensive and risks overlapping with existing legislation, particularly in the area of chemicals regulation, including REACH (Recital 26 and Article 6 (3)). To avoid regulatory duplication and improve legal clarity, it should be explicitly stated that ESPR does not regulate substances based on chemical safety. The option to restrict substances used in production processes (Annex I, point f) should be removed. Finally, the definition of "substances of concern" in Article 2 (27) should require that criteria a (SVHC), b (CLP), and c (POP) are applied in conjunction with criterion d (impact on reuse and recycling), and this last criterion fully accounts for all available recycling technologies. The first three criteria in the definition should be applied in conjunction to the fourth one as eco-design requirements on chemicals under ESPR should only address SoC impeding circularity, considering that the impact that SoC may have on the reuse and recycling of materials depends on the type and maturity of the recycling technology.

- Regulation (EU) 2022/1616 on recycled plastics for food contact materials: When it comes to Recycling of Food Contact Materials (FCM), investment uncertainty remains a major barrier due to the lengthy process leading to a non-binding EFSA[3] opinion, followed by a Commission decision on the suitability of recycling technologies. To address this, the Commission should use its broad discretion under Article 14 to accelerate assessments, without compromising rigour, and issue timely decisions under Article 15. This is particularly important for the first EFSA opinions on novel technologies (NTs), where no assessment guidance currently exists.

[3] The European Food Safety Authority

3. End-of-Life and Circularity

- Packaging and Packaging Waste Regulation (PPWR), the following applies exclusively to secondary legislation:
    - The European Commission should clarify that technical documentation under Article 39 of the PPWR can be submitted solely in English, including the declaration of conformity requiring translation.
    - The quarterly reporting to EPR systems under Article 44 should be replaced with annual reporting, as the effort required is essentially the same but multiplied fourfold.
    - The Commission should introduce a unified digital reporting system for all Member States under Article 44 and Article 31 of PPWR. This system should serve as a single EU-level portal for compliance checks, Extended Producer Responsibility (EPR) declarations, and related reporting obligations. A harmonized format, limited to essential data fields required for EPR compliance, must be mandated, with no scope for Member States to impose additional reporting requirements. Such centralization would significantly reduce economic and administrative burdens on producers, enhance data comparability, and improve enforcement efficiency.
    - Enforcement of definition of producer. Ensure that Member States update their national legislation and introduce the definition of producer in PPWR.

- Urban Waste Water Treatment Directive (UWWTD): Recent proposals have expanded the original EPR concept, focused on take-back obligations at end-of-life, to include responsibility for pollution caused by product use. To address this and complimenting the recommendations below under the “WFD and EPR”, EPR must be clearly defined, with transparent methodologies and scientific criteria for assigning responsibility.

- Waste Framework Directive (WFD) and EPR:
    - A technology-neutral and harmonised end-of-waste (EoW) framework should be established across Europe, recognising all recycling processes, including chemical recycling.
    - As a transitional measure, the introduction of a mutual recognition principle among EU Member States for End-of-Waste (EoW) authorisations is recommended, as defined under Article 23 of the WFD, based on the criteria set out in Article 6.
    - Article 6(1)(d) could be revised to establish clearer compliance assessment parameters, ensuring Member States retain decision-making powers.
    - Substances of Concern in Products (SCIP) database administered by ECHA: Streamline SCIP requirements to reduce administrative burden by removing Article 9(1)(i) due to overlap with REACH, transferring oversight from ECHA, and eliminating fields like “Article Category” to improve data usability.
    - Company representation. EPR systems across EU Member States impose varying requirements, including the appointment of external representatives in countries where companies do not have a physical presence. Allow a single legal entity to represent a company in the EU.
    - A technology neutral (Article 8 (4)) and harmonised EU-wide approach to Extended Producer Responsibility (EPR) is essential, including common criteria for eco-modulated fees based on recyclability and recycled content, as well as a centralised compliance register to reduce administrative burden. The work of European standardisation organisations should be leveraged to develop a harmonised EPR standard that could serve as a reference for Producer

Responsibility Organisations (PROs), helping to reduce disparities among them in a way that remains acceptable to Member States.

- EPR and certified compostable plastics packaging and food services: the inclusion of food-contaminated compostable plastic waste stream into the bio-waste collection and organic recycling systems will enhance the positive contribution of compostable plastic applications on bio-waste recycling and support the achievement of recycling targets for both, the food-contaminated plastic application and organic waste.

- Waste Shipment Regulation (WSR): To support the development of a unified market for recycled plastics within the EU, a simplified procedure for intra-EU waste shipments is essential.
  - To ensure consistency across Member States, a harmonised and feasible threshold for contaminants in waste shipments should be adopted, as national lower limits are often unachievable by suppliers. Additionally, the definition of “contaminants” must be clarified, with specific guidelines provided, given the variability in waste composition depending on its source.