

Joint statement on Authorised Representative for Extended Producer Responsibility (EPR)

At a moment when EU leaders have made regulatory simplification and a stronger Single Market the cornerstone of Europe's competitiveness agenda, the Commission's proposal – as part of the Environmental Omnibus – to temporarily suspend, within the Union, the mandatory appointment of an Authorised Representative (AR) for certain waste streams covered by Extended Producer Responsibility (EPR) represents a constructive and promising first step toward a more workable EU compliance framework.

The undersigned associations, representing a wide range of sectors involved in EPR, wish to express serious concern regarding the opposition to the proposed suspension of national AR requirements for EPR, voiced by several Member States. We fully share the objective of combating free-riding and ensuring effective EPR enforcement. However, we firmly believe that opposing the suspension risks entrenching a patchwork of national requirements at a time when the Commission and EU leaders have called for a more harmonised Single Market. This should be reflected through the upcoming Circular Economy Act, the ambition of which must be preserved ahead of its formal proposal. Consequently, the undersigned associations believe that maintaining fragmented national AR obligations is the wrong instrument to deliver this objective. Such requirements risk undermining the core principles of the Single Market, notably:

- **The mandatory appointment of national AR creates market fragmentation and barriers to scalability**, especially for cross-border companies and sellers, as well as SMEs. The continuation of this obligation runs counter to the EU's stated objective of removing unjustified access barriers and enabling companies to scale seamlessly across borders.
- **The fixed costs¹ associated with national representation discourage cross-border activity**. These costs, which can vary significantly by Member State and product category, frequently exceed the actual EPR fees due on small volumes, placing an unnecessary burden on companies, particularly SMEs and micro-enterprises, and discouraging them from cross-border activity altogether.
- **EPR compliance and enforcement rely primarily on data, reporting, and financial flows**. EU-level compliance mechanisms based on data exchange, reporting and risk-based compliance checks can strengthen enforcement and fee collection without necessitating local representatives.

Efficient enforcement and EPR fee collection can be achieved by prioritising EU-wide, digital, and interoperable compliance tools. The proposed suspension is a pragmatic bridge towards building a more effective EPR compliance and enforcement model. It creates the political space needed to design an EU-wide system that is enforceable and proportionate, in line with the Commission's simplification and Single Market agenda. Therefore, our associations urge the EU Parliament and Council to maintain the temporary suspension of the AR until 1 January 2035 and focus on developing harmonised, EU-level compliance and enforcement mechanisms that are fit for purpose.

¹ Such fixed costs include service fees, costs linked to legal support or local administrative tasks.

Signatories (in alphabetical order):



AIM - European Brands Association



CCIA Europe - Computer & Communications Industry Association



Ecommerce Europe



EURATEX - European Apparel and Textile Confederation



EUROPEN - The European Organisation for Packaging and the Environment



EXPRA - Extended Producer Responsibility Alliance



FESI - Federation of the European Sporting Goods Industry



SMEUnited



TIE - Toy Industries of Europe