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Warsaw, 7 may, 2026
KL/310/84/PM/2026

Simplification of administrative burden in environmental legislation
Common position of the Polish Confederation Lewiatan

The Polish Confederation Lewiatan is a national business federation which brings together over 4,100 companies employing over a million employees. Our organization welcomes any legislative simplifications within the Omnibus packages, incl. the simplifications in environmental legislation. However, taking into consideration the huge number of new regulations in the area i.e., green transitions and sustainable consumption, we strongly encourage European Commission to properly agreed and reasonable timeline for its implementation and application by the business entities. We are aware that new EU-policies (i.e.: Water Resilience Strategy or Chemical Omnibus) provide new opportunities for business, but at the same time, the entrepreneurs are subject to numerous obligations and restrictions, therefore the proper time planning and stakeholders dialog is crucial to deliver simple, smart and streamlined regulations and administrative processes.

We present our key sectoral and general postulates for simplifying the environmental regulatory framework below.

1. Extended Producer Responsibility: EU-wide harmonization and a digital EPR OSS

To prevent further fragmentation of the EPR landscape, there is a strong call for the establishment of a digital, EU-wide One-Stop Shop (OSS) for EPR. This platform should centralize registration and reporting, utilizing harmonized templates and machine-readable formats. Such a system would alleviate the need for businesses to navigate 27 distinct national registries, thereby reducing administrative errors and costs. Therefore, we strongly postulate that the EPR OSS must be established as the strategic cornerstone of the upcoming Circular Economy Act. Moreover, implementing such a system is a direct application of the "once-only" principle featured in the proposed EU Inc. framework, where businesses submit information once through a single interface for the entire Union, significantly bolstering EU competitiveness and removing the friction of 27 national regimes.

The CEA should reaffirm that Extended Producer Responsibility remains a producer-led principle. The establishment of state-owned or state-run PROs should be explicitly prohibited, as such models would risk undermining the accountability logic embedded in Article 8a WFD and reversing progress achieved in recent EU waste legislation reforms. Individual producer responsibility without mandatory system constraints should also remain a permitted compliance route, particularly in business-to-business sectors where direct take-back models are well-established and effective.

The EU-regulations must reinforce the procedural integrity of the authorization process for Producer Responsibility Organisations (PROs) as established under Article 47 of the PPWR. It is critical to ensure that Member States cannot circumvent the objective verification of a PRO's operational capabilities by directly designating a public entity as a PRO through national legislation. Such 'statutory shortcuts' evade the mandatory assessment criteria—including financial guarantees and technical capacity—required by Article 47(3) PPWR and undermine the possibility of revoking authorization in cases of non-compliance, as provided for in Article 47(5) PPWR. The CEA should clarify that every entity performing PRO functions, regardless of its ownership structure, must undergo a formal, application-based administrative procedure to guarantee a level playing field and full accountability. To guarantee a high level of environmental performance and a level playing field, the CEA must ensure that the authorization process for Producer Responsibility Organisations (PROs) remains strictly objective and performance-based.

- Uniform Authorization Procedures: Every entity performing PRO functions must undergo a formal, application-based administrative procedure to verify its technical and financial capacity.
- Prevention of Regulatory Shortcuts: The practice of granting operational status through direct legislative designation should be avoided, as it bypasses the mandatory verification of capacity and compliance measures required under Article 47 of the PPWR.
- Accountability and Revocability: To maintain system integrity, authorities must be able to independently monitor and, where necessary, revoke or amend authorizations if performance standards are not met. A market structure that relies on a single, non-revocable entity risks creating a "compliance lock-in" that undermines the effectiveness of the waste management hierarchy.
- Proportionate Duration and Periodic Review: To ensure that authorizations remain a meaningful regulatory tool and do not become "facade" measures, they must be granted for a limited and proportionate duration. The framework should include mandatory periodic reviews (e.g., every 5–7 years) to confirm that the PRO continues to meet the rigorous technical and financial criteria established during the initial authorization. This prevents the risk of long-term "de facto" monopolies and ensures that the possibility of revoking or amending authorizations remains a functional safeguard.

2. Extension of EUDR against the Environmental Omnibus simplification initiative

In the framework of the European Commission's Environmental Omnibus initiative, aimed at simplifying environmental legislation and reducing regulatory burdens, the recent proposal to expand the scope of the EU Deforestation Regulation (EUDR) raises serious concerns.

The draft Delegated Act amending Annex I to Regulation (EU) 2023/1115 introduces additional downstream products derived from palm oil, notably soaps (CN ex 3401 11 00 and ex 3401 20). This appears inconsistent with the Commission's simplification objectives and Better Regulation principles.

From a business perspective, the proposal expands obligations to finished products, increases compliance complexity across supply chains, and undermines legal certainty.

Importantly, the Commission's own analysis shows that compliance costs exceed environmental benefits:

"The quantitative assessment indicates that the cost of compliance for soap (HS 3401) and surfactants (HS 3402) exceeds the environmental benefits…"

"[…] estimated recurring compliance costs of approximately €43.7 million […] environmental benefits […] €8.0 million."

Despite this, the inclusion is justified mainly by the need to avoid a "fragmented approach" in the palm oil supply chain. This formal argument does not align with the principles of proportionality and evidence-based policymaking.

In line with Article 5 TEU and the Better Regulation Guidelines, EU action should be proportionate and based on robust impact assessment. Extending EUDR despite a negative cost-benefit outcome raises serious concerns in this regard.

This approach is difficult to reconcile with the EU's competitiveness and simplification agenda.

We therefore call for:

- refraining from further expanding the scope of EUDR,
- ensuring alignment with Better Regulation principles,
- prioritising genuine simplification and regulatory predictability.

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3. PPWR simplification

Due to the extremely broad scope of the PPWR and its impact on business operations, we suggest considering a revision of selected provisions of regulation.

Below we introduce our key propositions in this regard:

A. Definition of packaging unit – recycled content (Art. 3, Art. 7(5)(b))

Clarification is needed whether caps, lids and closures are to be treated as part of the packaging unit or as separate components. This interpretation has direct implications for compliance with recycled content obligations. In particular, small plastic elements such as caps may qualify for exemption under the rule excluding plastic parts below 5% of the total packaging weight. Without such clarification, there is a risk of inconsistent application across Member States, creating legal uncertainty and disproportionate requirements for producers.

B. Recyclability of small packaging (Art. 6)

Small packaging (i.e.: lipsticks, eyeliners, mascaras, coffee capsules) should be excluded from the general recyclability requirement if it meets the design-for-recycling criteria. Current sorting technologies (sieves with 4–8 cm meshes) cause these packages to fall into the residual fraction regardless of their design. Forcing changes in size or volume would contradict the objectives of PPWR, as it would increase material use. Recognizing these limits would prevent unnecessary burden on producers while still encouraging recyclable design.

C. Exemptions for food supplements (Arts. 6(11)(e), 7(4)(g), 12(11))

Exemptions that currently apply to medicines, medical devices, infant formula and food for special medical purposes should be extended to food supplements. Supplements are often produced in the same facilities, under the same conditions, and using the same substances as medicines and medical devices. They are subject to strict regulatory control both under EU and national law (in Poland: the Act on food and nutrition safety, with regular inspections by sanitary authorities). Extending the exemption ensures coherence of the regulation and prevents unequal treatment of similar categories.

D. Calculation of recycled content (Art. 7)

The minimum percentage of recycled content should be calculated as an average per company, not per individual plant. Large producers operating multiple sites need flexibility to balance their production flows and optimise use of recycled plastics. A company-level calculation method would avoid inefficiencies, reduce compliance risks, and better reflect the realities of supply chains, while still ensuring that overall recycled content targets are met.

E. Reusable packaging in e-commerce (Art. 11)

The definition of "reusable packaging" should cover cardboard packaging in e-commerce if it can be recycled at scale. Current drafting requires "reconditioning", which is technically impossible for cardboard. Cardboard packaging, however, is frequently reused (for returns, multiple shipments) and recycled efficiently. Recognising such formats would support circular economy solutions in the fast-growing e-commerce sector and ensure consistency between the regulation and market practices.

F. Labelling requirements (Art. 12)

- Packaging already compliant with limits for hazardous substances should be exempt from additional labelling; otherwise, consumers may be misled into perceiving risks where none exist.

- Labelling rules should allow flexibility in color use, typography, and pictograms to avoid unnecessary costs, waste, and consumer confusion. Excessive pictograms risk undermining other key product information (nutrition, allergens, expiry date).

- Transition periods should be extended from 24 to 48 months, with the possibility to sell out non-compliant stock, especially for large companies managing thousands of SKUs.

- Grouped labelling should be allowed where direct labelling is technically impossible (e.g. stretch film, nets, flexible bags).

- Only one digital medium should be required (e.g. QR code), instead of two separate ones, and exemptions should apply for transport packaging and reusable kegs in closed-loop systems.

G. Administrative requirements (Arts. 15, 19, 39, Annex VII)

Conformity assessment and technical documentation should be the responsibility of packaging manufacturers only. Currently, product manufacturers and distributors are also required to duplicate these procedures, even though they are not packaging producers and cannot influence packaging design. This creates unnecessary regulatory burden, duplication of documentation, and risks of non-compliance due to lack of technical expertise. Limiting the obligations to packaging manufacturers would maintain safety and compliance while significantly reducing administrative costs in the value chain.

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H. Legal gap for reusable packaging (Art. 15(9))

Reusable packaging placed on the market after February 2025 but before implementing acts are adopted risks being classified as non-compliant once final rules enter into force. Since bottles placed before that date are exempt, new ones should also be treated equally. Otherwise, millions of indistinguishable bottles in reuse pools would have to be withdrawn, making it practically impossible to operate reuse systems (e.g. 570 million returnable beer bottles in Poland). Extending the exemption ensures continuity, legal certainty, and avoids collapse of reuse infrastructure.

I. E-commerce packaging rules (Art. 24, Annex II)

The 50% maximum empty space ratio should allow exceptions for reusable e-commerce packaging where technical limits prevent perfect optimisation (e.g. returnable boxes with fixed dimensions). Otherwise, companies would need to introduce multiple new formats, raising costs and increasing waste. Packaging materials graded below recyclability class C should be permitted if justified by the need to ensure transport safety and prevent theft. For example, reinforced fibre tapes cannot be classified as recyclable but are essential for shipment security. Forcing replacement could paradoxically increase material use and emissions.

J. Restrictions on packaging formats (Annex V)

The ban on single-use grouped packaging (shrink wrap, multipacks) should exclude beverage multipacks and collective packaging used for safe handling and transport. Shrink film has no viable low-carbon alternative in the short term and is critical for consumer safety (preventing accidents with carbonated cans, ensuring transport stability). Alternatives like cardboard often have higher carbon footprints and require significantly more raw material. Clear definitions (weight threshold ≥1 kg or package number ≥4 units) are needed to ensure legal certainty and protect consumers while supporting circular economy goals.

K. Reuse targets for transport packaging (Art. 29)

The calculation method should reflect the number of transport operations rather than just weight, to account for multiple reuse cycles. Setting a 70% reuse target for 2040 is premature and should be removed until environmental, economic and technological impacts are confirmed. Securing straps should be excluded altogether due to safety risks (material fatigue, loss of load stability) and lack of viable reusable alternatives. Maintaining flexibility will prevent disruptions to logistics chains and ensure safety while still incentivizing reuse.

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L. Draft beer and catering sector (Art. 29)

Draft beer served in reusable kegs should count towards reuse targets. Kegs are one of the most sustainable packaging formats, with a very low carbon footprint per serving, and are central to circular systems in the catering industry. Excluding them would create incoherence in the regulation and undermine one of the best-performing reuse systems already in place in Europe.

M. System Single Serve Units (coffee capsules) (Preamble, Art. 47)

Recyclable coffee capsules are now formally recognized as packaging under PPWR. Producers should only pay Extended Producer Responsibility (EPR) fees for the packaging weight, not for the residual coffee content. This approach is consistent with all other packaging categories, ensures fair treatment, and prevents artificial inflation of EPR costs. At the same time, capsules should be integrated into public collection and recycling infrastructure to ensure that they actually contribute to circularity objectives.

4. Suspension of Authorized Representative (AR) requirement for EU-based producers

The primary request is the suspension of the mandatory appointment of an Authorized Representative (AR) for EU-based producers engaged in distance selling to other Member States. This suspension should remain in effect until January 1, 2035, covering obligations under the Packaging and Packaging Waste Regulation (PPWR), the WEEE Directive, the Battery Regulation, and the SUP Directive. The current requirement to appoint an AR in every individual Member State is disproportionately costly and acts as a significant barrier to the Single Market, particularly for SMEs. By removing this requirement, the EU can take a decisive step toward eliminating regulatory "gold-plating" and ensuring that cross-border trade remains accessible to all entrepreneurs.

5. Urban Wastewater Treatment Directive UWWTD

We regret the absence of the Urban Wastewater Treatment Directive (UWWTD) from the environmental omnibus. The UWWTD Extended Producer Responsibility (EPR) scheme appears disproportionate, targeting only two sectors and relying on uncertain evidence, while failing to account for the impact on high-volume, low-price medicines and their availability. Emerging data also suggest wastewater treatment costs have been underestimated. A pause in implementation, alongside a review of the system, its evidence base, and its impact on access to medicines, is urgently needed.

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6. Harmonized "De Minimis" thresholds and annual reporting

To further protect SMEs and micro-enterprises, we encourage EC to the introduction of standardized EU-wide de minimis thresholds based on annual weight or revenue. Entities placing insignificant amounts of products on the market should be exempt from full documentation and geolocation requirements, which are currently disproportionate to their environmental impact. In parallel, administrative efficiency should be enhanced by limiting the frequency of mandatory "placing on the market" declarations to no more than once every 12 months for a full calendar year.

7. Value chain streamlining and repeal of redundant systems

We also advocate for the "once-only" principle in data collection, where the responsibility for full technical documentation is restricted to the first operator placing a product on the EU market. Downstream actors should only be required to provide a simple statement of compliance, thereby eliminating the inefficient multiplication of documentation across the supply chain. Finally, we support the repeal of the SCIP database reporting requirements, as this system is excessively complex and will be effectively replaced by more efficient digital solutions like the Digital Product Passport (DPP).

8. Competition in public procurement

To prevent the distortion of competition and ensure the sound use of public funds, the EU-regulations should advocate for the introduction of a mandatory 'competition test' in public procurement. Contracting authorities should be required to launch a competitive procurement procedure whenever private operators capable of executing the contract exist in the relevant market. In-house procurement or public-public cooperation should remain a strictly limited exception, applicable only when the competition test confirms the absence of capable private operators. Furthermore, reasons of urgency or emergency should not be used to bypass these competitive requirements, and in-house entities must not act as mere 'pass-throughs' to subcontract tasks to private operators without a transparent tender.

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