
Position Statement

Suspension of the Authorised Representative System Jeopardies EPR Systems

Environmental Omnibus dismantles producer responsibility by suspending the authorised representative system — at the expense of domestic businesses, consumers, and the environment

With the Environmental Omnibus¹, the European Commission intends to reduce bureaucracy and strengthen the economic position of EU Member States. However, with its proposal to suspend the authorised representative system, the Commission will, perhaps inadvertently, weaken extended producer responsibility (EPR) across various regulatory frameworks covering electrical and electronic equipment², batteries³, packaging⁴, single-use products⁵, and textiles⁶. It proposes, for example, to completely suspend the system of authorised representatives for electronic equipment until 2035. This would allow producers based in other EU Member States, as well as producers and distributors from non-EU countries, to sell directly to consumers via online channels without having to register in each Member State into which they sell. **These far-reaching changes would seriously destabilise the entire EPR system, damage the environment, significantly weaken market surveillance, obstruct more advanced regulatory tools such as eco-modulation, and place a heavy burden on domestic companies — for example, up to €34 million per year for German electronic device producers alone**⁷.

Case Study: Impact of Abolishing Authorised Representatives in Germany for Electrical and Electronic Equipment on Domestic Producers and Consumers

At present, around 65,000 producers of electrical equipment are registered in Germany, including 45,000 (70%) through authorised representatives.⁸ In Germany's EPR system for electrical and electronic equipment, abolishing the requirement for authorised representatives would create a substantial financial burden for domestic businesses and consumers: domestic companies would have to absorb disposal costs of up to **€34 million per year that would otherwise be borne by foreign producers**⁹. In addition, around **€6 million in annual EPR fees would be lost**¹⁰, to fund the official body (Stiftung ear) and public information campaigns intended to increase collection rates. Eliminating authorised representatives would set us back a decade, rather than fostering a truly fair and level playing field in the digital age.

The example of Germany clearly illustrates the scale of the problem for electrical and electronic equipment alone. It also shows that currently around 70% of registrations in the electrical equipment sector are linked to foreign producers. Similar proportions can be assumed for other product streams such as batteries, textiles, and packaging, as these products are easily sold via online channels.

Abolishing Authorised Representatives Creates Enforcement Gaps and Market Distortions

Abolishing authorised representatives would effectively allow foreign companies to evade producer obligations. Registration of a producer — or of its authorised representative — is the backbone for all EPR obligations. Only registration in a Member State makes it possible to reach actors legally. It enables effective enforcement of environmental obligations relating to waste products, reporting and distributing disposal and information costs fairly among all producers. It also allows market surveillance authorities to act effectively, thereby helping to reduce the environmental impact of these products. As foreign companies will continue to sell in Member States regardless, the resulting burdens would ultimately be shifted onto domestic companies, public authorities, the environment, and consumers within those Member States.

Suspending authorised representatives jeopardises the circular economy. The system of authorised representatives plays a crucial role in ensuring the traceability of products and materials throughout the entire value chain. Undermining this mechanism increases the likelihood that non-compliant products enter the European market, thereby complicating waste management, enabling the evasion of eco-design obligations, and driving up overall costs within the circular economy.

The removal of authorised representatives fuels unfair price competition at the expense of the environment and domestic businesses. A study by the Swedish Chamber of Commerce shows that non-compliant products can be offered at prices up to 40% lower.¹¹ This would further intensify the downward spiral of product price and quality and place immense pressure on companies that comply with environmental legislation.

Ultimately, further environmental policy instruments such as eco-modulation, producer-financed repair funds, information obligations, and many others would also be evaded by foreign companies, as registration forms the basis for these measures.

A Proposal That Risks EPR System Collapse and Increased Free-Riding

The European Commission's apparent intention to retain the authorised representative system for producers or distributors from non-EU countries — thereby creating a split approach — is not reflected in the actual legal proposal. The split approach would retain the authorised representative system for third-country producers while abolishing it for EU-based producers. Only in the case of textiles has the rule for non-EU traders been adjusted accordingly. For electrical and electronic equipment, by contrast, the provisions on authorised representatives for online sellers are deleted without replacement, meaning that authorised representatives for non-EU traders would also be eliminated.

Even if the Commission were to amend the legal texts, such a split approach would not be enforceable and would ultimately cause the entire authorised representative system to collapse. Even under a split model, massive free-riding would remain possible through shell companies or stolen identities within the EU, as there are no harmonised verification requirements for registration across Member States. This would fundamentally weaken market surveillance and jeopardise promising EPR-compliant instruments such as Germany's requirement for online marketplaces to verify producer registration before sale.

In the worst-case scenario, the current approach by the Commission could mean that no effective measures against free-riding are in place until 2035. Even though the Commission has announced a new approach to product compliance, which has not yet been published, this raises the question of why amendments to the authorised representative system are not being introduced together with this new approach. If the intention of the new approach is to harmonise with and improve the existing authorised representative framework, introducing a new system through the Circular Economy Act (CEA) shortly after suspending the current one through the Omnibus would be highly questionable.

If the abolition of authorised representatives is implemented as currently proposed, existing structures would be dismantled and would impose additional burdens on companies. In practice, removing the authorised representative system would mean that companies currently acting in compliance with the law face increased administrative burdens, while losing any viable legal pathway to sell compliantly in other EU markets. Producers may still be able to register through authorised representatives on a voluntary basis if a Member State adapts accordingly; however, in practice, most companies are unlikely to do so if they have the option to avoid EPR obligations and their fees altogether.

Instead of creating a fair level playing field for all producers with regard to EPR, the European Commission's removal of authorised representatives would ultimately benefit Online Marketplaces such as Amazon, Temu, Shein, and its EPR non-compliant foreign sellers operating through such platforms. Since it would make free-riding in the EU as easy as it was ten years ago — all at the expense of the environment, consumers, and domestic businesses.

Therefore, the EU Commission's proposal in the Environmental Omnibus to suspend the authorised representative system must be strongly rejected. Instead, effective measures, such as due diligence obligations for online marketplaces across EPR-Legislation, should be implemented to ensure product compliance under the Circular Economy Act, the Product Act and a swift reopening of the Digital Services Act.

We therefore urge you to act on this matter swiftly and decisively. Please do not hesitate to contact us should you wish to discuss potential solutions to ensure EPR compliance across Europe.

¹ European Commission (2025): Proposal for an Environmental Omnibus – Simplification of administrative burdens in environmental legislation. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14794-Simplification-of-administrative-burdens-in-environmental-legislation_en

² European Commission (2025): COM(2025) 983 – 2025/0396 (COD)
Suspension until 1 January 2035 of Article 17(2) of Directive 2012/19/EU (WEEE Directive)

³ European Commission (2025): COM(2025) 982 – 2025/0395 (COD)
Suspension until 1 January 2035 of Article 56(3) of Regulation (EU) 2023/1542 (Batteries Regulation)

⁴ European Commission (2025): COM(2025) 982 – 2025/0395 (COD)
Suspension until 1 January 2035 of Article 45(3) of Regulation (EU) 2025/40 (PPWR)

⁵ European Commission (2025): COM(2025) 983 – 2025/0396 (COD)
Suspension until 1 January 2035 of Article 8(7) of Directive (EU) 2019/904 (SUPD)

⁶ European Commission (2025): COM(2025) 983 final – 2025/0396 (COD)
Suspension until 1 January 2035 of Article 22a(3) of Directive 2008/98/EC (Textiles via Waste Framework Directive)

⁷ DUH calculation based on official data from Stiftung ear (Germany), including registrations of producers, registrations of authorised representatives, confirmed pick-up processes per waste category, collected WEEE volumes per category, and average disposal costs based on disposal guarantee data.

⁸ Official data from Stiftung ear (Germany) on registrations of producers, registrations of authorised representatives.

⁹ DUH calculation based on official data from Stiftung ear (Germany), including registrations of producers, registrations of authorised representatives, confirmed pick-up processes per waste category, collected WEEE volumes per category, and average disposal costs based on disposal guarantee data.

¹⁰ DUH calculation based on official data from Stiftung ear (Germany), including registrations of producers, registrations of authorised representatives and EPR fees (quarterly and check up fees)

¹¹ Danish Chamber of Commerce: E-COMMERCE FROM 3rd COUNTRIES The role of online market places. <https://www.danskerhverv.dk/globalassets/nordic-paper-on-e-commerce-from-3.-countries-june-2025.pdf>

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