



**Simplification of administrative burdens in
environmental legislation (Environmental
Omnibus VIII Proposal)
([Link](#))**

Position Paper

**Austrian Federal Economic Chamber (WKO)
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WKO Position Paper on the Simplification of administrative burdens in environmental legislation (Environmental Omnibus)

The Austrian Federal Economic Chamber (WKO) welcomes the simplifications to environmental management systems (EMS) under the Industrial Emissions Directive (IED), the deletion of the Substances of Concern In Products (SCIP) database, the Extended Producer Responsibility (EPR) authorized representative shift in waste dossiers, and sensible adjustments in the area of environmental impact assessment (EIA) approvals.

However, the Environmental Omnibus falls far short of what would be necessary to actually relieve the burden on businesses. It is particularly disappointing that the following environmental dossiers, that are particularly urgent to simplify from an economic perspective, are hardly or not at all addressed in the Environmental Omnibus:

- the **Ecodesign Regulation (ESPR)**
- the **Nature Restoration Regulation (NRR)**
- important legal acts on water (**Water Framework Directive, WFD, and Urban Wastewater Treatment Directive, UWWTD**), as well as
- the **Packaging and Packaging Waste Regulation (PPWR)**.

A “stop-the-clock” rule is urgently needed for these legislative acts as an initial emergency measure. Subsequently, a “practicality test” should be carried out, particularly regarding the international competitiveness of the EU economy and reasonable feasibility for businesses, especially SMEs. If it becomes apparent that EU targets are not passing the test, then changes must also be made to the content to restore investor confidence in the EU economic area and not relinquish the law of action on environmental protection. Further input and details on WKO proposals in the run-up to this Environmental Omnibus can be found on the WKO website at: <https://www.wko.at/oe/news/250909-environmental-omnibus-wko-input.pdf>

Regarding the six legislative proposals of the Environmental Omnibus, we want to highlight the following points:

Batteries Regulation (EU) 2023/1542 - On Proposal COM(2025) 981 (Regulation):

We welcome the Commission's intention to clarify and limit the scope of substances subject to reporting and labeling requirements. However, the proposed definition of “Substances of Very High Concern” (SVHC) in the Battery Regulation would go beyond that in REACH (EC) 1907/2006, a step that would create legal uncertainty and inconsistency in EU legislation on chemicals and products. We therefore call for complete consistency between the definition of SVHC in the Batteries Regulation and in the REACH Regulation. Specifically, we propose the following amendments to the proposal COM(2025)981 - Deletion of the CLP Annex VI addition and the addition of “equal or”:

“(1) Article 3(1) is amended as follows: [...]

(b) the following point (69) is added: substance of very high concern’ means any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation. (deletion of “~~or any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008~~”) [...]

(4) in Annex VI Point 8 in Part A is replaced by the following:

‘8. the substances of very high concern within the meaning of Article 3(1)(69) which are present in the battery, other than mercury, cadmium and lead, with a concentration (deletion of “~~equal or~~”) above 0.1%, weight on weight.’”

Furthermore, we would like to draw attention to **our proposal on the Batteries Regulation Article 74 (5)**, which was not included in the Environmental Omnibus. The necessity of labelling the visible fee as stipulated by this Article makes no sense but simply creates an immense organisational effort for manufacturers and retailers. Therefore, we propose to introduce the **following amendment to the proposal COM(2025) 981** (addition and deletion in *italics* and **bold**):

“Article 1

Amendments to Regulation (EU) 2023/1542

Regulation (EU) 2023/1542 is amended as follows: [...]

(2) (a) In Article 74, point 5 is deleted. (deletion of ‘~~5. The costs covered by the producer under Article 56(4), points (a) to (d), shall be shown separately to the end-user at the point of sale of a new battery.~~’)”

Extended Producer Responsibility - On Proposal COM(2025) 982 (Regulation), EPR for Batteries and Packaging, and COM(2025) 983 (Regulation), EPR for Waste, WEEE, and Single Use Plastic (SUP):

In principle, the simplification proposed in COM(2025)982 (2025/0395 and 2025/0395 (COD)) is to be welcomed. However, we see an increased risk in connection with shipments from third countries to the EU. It must be ensured that the simplification for EU companies is not exploited by large online platforms such as Temu or Shein. Consequently, an additional regulation is needed for large online platforms in order to prevent this circumvention. In this regard, see below for text proposals from the WKO and the Federal Ministry for Environment, Nature Conservation, Protection of Consumers and Consumer Affairs (BMLUK) to include in the Waste Framework Directive (WFD).

Environmental Impact Assessment (EIA) and other Assessments - On Proposal COM(2025) 984 (Regulation):

The Environmental Omnibus on the topic of environmental assessment clearly shows a **change in the position of the EU Commission towards a significant acceleration of procedures**, particularly regarding changes/extensions of projects, the exclusion of the right to appeal in court proceedings if preclusion has occurred in the administrative procedure, or compensation for species protection. The proposals are therefore generally welcome. Regarding some of the specific provisions proposed in regulation COM(2025) 984, we call for the following amendments:

- **Streamlining of environmental assessment procedures (Article 4):** Data or information that project developers are allowed to use should not be limited to a certain time period, especially data that does not change frequently, e.g. geology, flood forecasts, but also data that fulfills the conditions mentioned for other reasons. We therefore propose to **delete “as old as five years” in Article 4 (5) of the proposal COM(2025) 984:**
“[...] When preparing an environmental assessment report, the developer of a project shall be allowed to use data or information (~~deletion of “as old as five years”~~), provided that [...]”
- **Substantial Preclusion (Article 6):** To foster harmonized implementation across Member States and to speed up permitting procedures, substantial preclusion should be made mandatory. We therefore propose to **replace “may” by “shall” in Article 6 of the proposal COM(2025) 984:**
“In the context of judicial proceedings relating to environmental assessments within the meaning of this Regulation, Member States (~~deletion of “may”~~) shall preclude arguments [...]”
- **Online Accessibility of information and digitalization of the environmental assessments (Article 10):** Any data published has to respect limitations with respect to commercial and

industrial confidentiality, including intellectual property and data protection. We therefore propose to make the following **addition to Article 10 (2) (b) of the proposal COM(2025) 984**: *“the progress of the environmental assessments and screening procedures, including the upcoming steps of the procedure and the timeline of those steps, as well as information on dispute settlement, respecting the limitations with regard to commercial and industrial confidentiality, including intellectual property.”*

- **Toolbox for strategic sectors or categories - I. Overriding public interest (Annex):** Concerning project categories that are “only” of public interest and those that have an “overriding public interest”, there should be no freedom of choice to grant overriding public interest to certain projects. Furthermore, Member States should have no freedom of choice to provide an exemption for the restriction of the application of this paragraph in duly justified and specific circumstances. We therefore propose to **delete the following phrases in Annex I. of the proposal COM(2025) 984**:

“For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then, with regard to the environmental assessments and the obligations referred to in Article 4(7) of Directive 2000/60/EC, Article 9(1), point (a), of Directive 2009/147/EC, Articles 6(4) and 16(1) of Directive 92/43/EEC, certain projects developed for strategic sectors or categories shall (~~deletion of “be considered to be of public interest and may”~~) be considered to have an overriding public interest and to serve the interests of public health and safety provided that all conditions set out in those Directives are fulfilled.

When assessing the fulfilment of the conditions referred to in paragraph 1, the strategic nature of the project, shall be given specific consideration. (~~deletion of “In such case, Member States may, in duly justified and specific circumstances, to restrict the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics.”~~)”

Geodata/INSPIRE Directive 2007/2/EC - On Proposal COM(2025) 985 (Directive):

We are critical of the blanket application of the “open-by-default” principle to geological, deposit-related, and infrastructure data from companies, as this jeopardizes investment incentives, competitiveness, and the security of critical energy infrastructure. With this in mind, we would like to propose the following specific textual clarifications and wording suggestions:

- **Sharing of spatial data sets and services - New Recital 14a regarding the deletion of Article 17:**

A clarification should be included in the recitals of the proposal COM(2025) 985 in connection to the deletion of Article 17 in order to avoid misinterpretations of this deletion. Therefore, the following **new Recital 14a** is proposed for clarification (new recital in *italics* and **bold**):

“The deletion of Article 17 of the INSPIRE Directive (Directive 2007/2/EC) should not be interpreted as creating an obligation to make spatial data sets publicly available. In particular, the removal of that provision does not affect the possibility for Member States to restrict access to sensitive location data, critical infrastructure data or proprietary spatial data, which represent a substantial economic value and qualify as intellectual property and business secrets, in accordance with Union and national law, including the possibility to make access to such data subject to appropriate remuneration reflecting their economic value and the investment required for their generation.”

- **Controlled access by competent authorities - New Recital 14b:**
 The permission of use and disclosure should only occur under clearly defined legal conditions, exclusively by qualified experts, and in any case for appropriate remuneration. Therefore, the following addition as Recital 14b to proposal COM(2025) 985 is suggested (new recital in *italics* and **bold**):
“Where access to spatial data is restricted for reasons of security or legitimate economic interests, Member States may ensure that such data are made available exclusively through competent authorities and under controlled conditions, rather than through generally accessible platforms. Access to and reuse of such data should be subject to clearly defined legal conditions and limited to users with the necessary technical, geological, and operational expertise, in order to prevent misuse and mitigate technical, safety-related and security risks. Member States should ensure that access to such data is not provided free of charge but is subject to appropriate remuneration reflecting the economic value of the data and the underlying investment costs.”
- **Definition “Interoperability” - Amendment Article 1 (1):**
 Like several Member State delegations, we stress the importance of maintaining interoperability requirements while avoiding unintended consequences for access rights. For the purposes of Directive 2007/2/EC, “interoperability” means the ability of spatial data sets and spatial data services to be combined and used in a consistent manner. We therefore propose to amend Article 3 (7) of Directive 2007/2/EC instead of deleting it by **amending Article 1 (1) of the proposal COM(2025) 985 as follows** (deletion and amendment in *italics* and **bold**):
 “Article 1
 Amendments
 Directive 2007/2/EC is amended as follows:
 (1) in Article 3, points 5, (~~deletion of 7~~) 8 and 10 are deleted; point 7 is replaced by the following text:
Interoperability requirements relate to technical usability and harmonization and shall not determine or affect the level of access to, or publication of, individual spatial data sets, the proper use of which requires specific geological and operational expertise and may entail technical and safety-related risks if used without appropriate know-how.”
- **Scope/spatial data themes - Addition to Article 1 (2):**
 Spatial data sets fall within the scope of Directive 2007/2/EC, if they relate to one or more of the themes listed in Annexes I, II and III. The following addition to Article 1 (2) of the proposal COM(2025) 985 is proposed (addition/changes in *italics* and **bold**):
 “Article 1
 Amendments [...]

 - (2) Article 4 is amended as follows:
 - (a) In paragraph 1, point (c)(ii) is deleted; (b) paragraph 5 is deleted;
 - (b) paragraph 7 is replaced by the following: [...]
 - (c) **the following paragraph 8 is inserted:**
‘8. The inclusion of spatial data sets within the scope of this Directive shall not predetermine their level of accessibility. In particular, spatial data relating to critical infrastructure or security-sensitive locations must remain subject to access restrictions for security reasons, as the unrestricted publication of precise location information would increase vulnerabilities and undermine the protection of critical energy infrastructure.’”

Waste Framework Directive 2008/98/EC - On Proposal COM(2025) 986 (Directive):

Regarding the text proposals from the WKO and the BMLUK for the Waste Framework Directive 2008/98/EC with respect to VLOPs mentioned above, the introduction of the following three new articles in Directive 2008/98/EC is proposed to ensure that VLOPs do not “free-ride” on EPR schemes. Therefore, the following new Article 1 1a, Article 1 1b and Article 1 2d are proposed for addition in the proposal COM(2025) 985:

“Article 1 1a

The following Article 8 (b) is inserted:

Liability of very large online platforms

(1) The Member States shall ensure that providers of very large online platforms, according to the list of designated very large online platforms published in the Official Journal of the European Union, which allow consumers to conclude distance contracts with producers, shall assume the extended producer responsibilities of the producers utilizing their platforms for products that are subject to the extended producer responsibility scheme. These providers shall obtain the required information to fulfil the extended producer responsibility obligations from producers that offer products that are subject to these obligations.

(2) This obligation does not apply insofar as this platform provider can prove that the producer offering on its platform fulfils the following conditions in the Member State, in which the consumer is located:

- **the producer is registered in the relevant register of producers;**
- **the producer has entrusted a producer responsibility organisation, insofar as this is legally required,**
- **an authorised representative is appointed, insofar as this is legally required,**
- **the products offered and sold on the platform that are subject to extended producer responsibility are disclosed to the provider of the platform by the producer, and sorted by category;**
- **upon request of the competent national authority, all information and documentation necessary on products offered and sold on the platform that are subject to extended producer responsibility shall be made available in a language that can be easily understood by that competent national authority.”**

“Article 1 1b

The following Article 8 (c) is inserted:

Central register of producers

(1) To facilitate the monitoring of compliance with extended producer responsibility a central register of producers shall be established by the Commission. This central register shall include all data as provided by the national registers of producers and it shall be designed to be interoperable.

(2) In order to facilitate the work carried out by customs authorities in the implementation of this Regulation, it is necessary that this central system operated by the Commission is interoperable with the EU Customs Data Hub once it is set up.”

“Article 1 2d

The following Article 33 (a) is inserted:

(1) For the release for free circulation of products that are subject to the extended producer responsibility scheme on the union market designated directly to the consumer the consignor must state:

- a. **the registration number of the producer, of the Member State in which the consumer is located and**

- b. *as legally required the registration number of the authorised representative designated to represent the producer in the Member State, in which the consumer is located.*

(2) The competent authority responsible for monitoring extended producer responsibility may access data stored or otherwise available in the EU Customs Data Hub to the extent necessary for enforcing Union legislation and for cooperating with customs authorities.”

Industrial Emissions Directive 2010/75/EU („IED 2.0“) - On Proposal COM(2025) 986 (Directive):

Although some of our core demands regarding EMS were included in this proposal, it unfortunately does not represent a real simplification of the IED 2.0. There are several aspects the WKO views critically, in particular:

- For one, the elements listed in Article 14a (2) of Directive 2010/75/EU are commonly incorporated in **EMAS and ISO 14001** as well as other systems. In addition, there are **sector-specific EMS in Austria** that are even **audited and certified by EMAS-auditors** and are therefore recognised by the authorities. It must be absolutely clear that these systems are considered an EMS according to the meaning of Article 14a. We therefore propose the following **addition to COM(2025) 986 Article 2 (1) IED Article 14a (2)** (addition in *italics* and **bold**):
“(e) Commonly used and widely understood systems such as ISO 14001 and EMAS as well as sector-specific systems recognised by a Member State are explicitly recognised as an Environmental Management System within the meaning of the present Article 14a.”
- Additionally, it must be made absolutely clear that an EMS is not a prerequisite for a permit per se (whether new or updated), but that the operator shall have to provide it to the authorities within a reasonable time period. We therefore propose the following **addition to COM(2025) 986 Article 2 (1) IED Article 14a** (addition in *italics* and **bold**):
**“The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.
Member States must sure that an EMS for an installation or set of installations under the control of the same company in accordance with paragraph 1 is prepared and implemented within 4 years of a new permit or update of permit. It is not a prerequisite for a permit.”**
- Two of our key demands regarding the IED were also not included in the Environmental Omnibus. First, Article 15 (3) of Directive 2010/75/EU consolidated should only require competent authorities to set emission limit values (ELVs) within the relevant BAT-AEL range in permits to better reflect the local and site-specific conditions of each installation. We therefore propose the following **amendment to COM(2025) 986** (changes to Article 15 (3) of Directive 2010/75/EU consolidated marked in *italics* and **bold**):
**“Article 2 1a
Article 15 (3) is amended as follows:
(3) The competent authority shall set (deletion of “~~the strictest achievable~~”) emission limit values based on the relevant (deletion of “~~by applying~~”) BAT (deletion of “~~in the installation~~”), considering the entire range of the emission levels associated with the best available techniques (“BAT-AELs”) to ensure that, under normal operating conditions, emissions do not exceed the BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). [...]**”
- Secondly, BAT-AEPLs shall remain indicative for all consumption levels (including energy and water consumption) and resource efficiency. Resource efficiency and consumption is dependent on many production and product-specific factors, as well as additional factors often falling outside of the operator’s control (e.g. geographical location, seasonality etc.), which cannot be

considered for the determination of binding ranges. We therefore propose the following **amendment to COM(2025) 986** (changes to Article 15 (4) of Directive 2010/75/EU consolidated marked in *italics* and **bold**)

“Article 2 1b

Article 15 (4) is amended as follows:

(4) Without prejudice to Article 9 (2), the competent authority shall set, for normal operating conditions, indicative (~~deletion of “binding”~~) ranges for environmental performance (~~deletion of “that are not to be exceeded during one or more periods”~~), as laid down in the decisions on BAT conclusions referred to in Article 13(5).”

- The IED 2.0 must be transposed into national law by 1 July 2026. Since it is likely that the Environmental Omnibus (in particular the IED part of COM(2025) 986) will not yet be finalized or implemented by this date, a "stop-the-clock" provision is urgently needed. We therefore propose to **make the following changes to Directive (EU) 2024/1785 Article 4 and COM(2025) 986 Article 5** (additions and deletions in *italics* and **bold**):

Directive (EU) 2024/1785 Article 4: *“(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **31 December 2027** (~~deletion of “1 July 2026”~~). They shall forthwith communicate to the Commission the text of those provisions.”*

COM(2025) 986 Article 5: *“(1) Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **31 December 2027** (~~deletion of “24 months from date of transposition of Directive (EU) 2024/1785”~~) at the latest.”*

Directive on Medium Combustion Plants (EU) 2015/2193 - On Proposal COM(2025) 986 (Directive) and Annex II COM(2025) 986:

Regarding the permitting framework for hydrogen combustion plants, the direction of reform taken by the new Commission proposals is positive in principle, as it recognizes that the existing emission limits set out in the IED and MCPD Directive (EU) 2015/2193 are not designed for the increasing use of hydrogen as a fuel and therefore hinder the decarbonization of industrial processes. However, the specific design of the proposed exemption does not currently meet this requirement. We call for the proposed threshold of 20% hydrogen content to be lowered to 5% to ensure regulatory certainty during early application phases and enable hydrogen projects to proceed to implementation more rapidly. In line with this, we propose the following **two amendments to Annex II COM(2025)986** (additions and deletions in *italics* and **bold**):

- *“1 (a) [...]*
(The emission limit value is not applicable to combustion plants firing gas with more than **5%** (~~deletion of “20%”~~) (by volume) of hydrogen. [...])”*
- *“1 (b) [...]*
(The emission limit value is not applicable to combustion plants firing gas with more than **5%** (~~deletion of “20%”~~) (by volume) of hydrogen. [...])”*

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