

# Feedback on the Environmental Omnibus

Input from the Rethink Plastic alliance on the Commission's initiative to simplify and streamline administrative requirements related to the environment in the areas of waste, products, and industrial emissions.

## About Rethink Plastic

The Rethink Plastic alliance is a coalition of leading European NGOs advocating for ambitious EU policies to tackle the growing crisis of plastic pollution. It brings together the Center for International Environmental Law (CIEL), ClientEarth, the Environmental Investigation Agency (EIA), the European Environment Bureau (EEB), the European Environmental Citizen's Organisation for Standardisation (ECOS), Greenpeace, Seas At Risk, Surfrider Foundation Europe, and Zero Waste Europe. Together, these organisations represent thousands of active groups, supporters and citizens in every EU member State working towards a future free from plastic pollution.

## Summary

The priority for the Rethink Plastic alliance is to ensure that the policy measures devised under this simplification initiative do not undermine the environmental objectives pursued by the legislation in question. We acknowledge and strongly welcome the statement in the Call for Evidence that the goal is not to lower the EU's environmental objectives or the protection of human health granted by EU environmental laws.

However, we are concerned that removing certain databases or reporting obligations would indeed have such a negative impact, and we wish to stress the importance of maintaining existing obligations that meaningfully contribute to the EU's high standards of environmental protection. In this regard, we detail why it is important to maintain reporting obligations related to the SCIP (substances of concern in products) database, under the Waste Framework Directive, and the Waste Shipment Regulation.

At the same time, we are supportive of targeted simplification and harmonisation in cases where it is clear that fragmentation across Member States is resulting in major inefficiencies and when targets have proven to be ineffective. To this end, we make concrete recommendations for targeted simplification of certain EU rules, namely rules related to Extended Producer Responsibility (EPR) and the EU Landfill Directive.

## Section 1: Maintain meaningful transparency rules and reporting obligations

This section focuses on reporting obligations related to two specific pieces of legislation in the area of circular economy and waste management: the SCIP (substances of concern in products) database, established under the Waste Framework Directive, and the Waste Shipment Regulation. The Rethink Plastic alliance considers these reporting obligations to be particularly important tools to foster transparency along the plastic value chain and strongly urges the Commission to maintain them and, where relevant, improve and strengthen their implementation.

### SCIP Database

The Call for Evidence suggests that the Commission is considering the discontinuation of the SCIP database as a potential measure to “rationalise” reporting or notification obligations. Given the prevalence of substances of concern in plastic products, we find this highly concerning and strongly urge the Commission to retain this unique reporting scheme. Below, we lay out how the discontinuation of SCIP would actually contradict the Commission’s aim to simplify matters while it would also undermine the EU’s circular economy objectives. Instead, the appropriate course of action is to address existing implementation weaknesses so that the system fully delivers on its intended purpose.

### Added value of the SCIP database and lack of a functional equivalent

The notification duty tied to the SCIP database relates to the information requirement laid down in Article 33(1) of the REACH Regulation, which stipulates that *“any supplier of an article containing a [Substance of Very High Concern (SVHC)] in a concentration above 0,1 % weight by weight (w/w) shall provide the recipient of the article with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of that substance”*.

Accordingly, REACH aims to ensure that all actors in the professional supply chain – i.e., all parties involved up to the point when an article is delivered to the end customer – are provided with sufficient information on SVHCs<sup>1</sup>. REACH does not require suppliers to make this information publicly available.

In order to ensure the availability of this same information for actors in the value chain that come into play *after* an article’s first consumer service life – such as waste sorters, reuse and refurbishment operators, and recyclers – Article 9 of the Waste Framework Directive (WFD) establishes the obligation to notify that same information to the SCIP database. A major benefit of the SCIP data is that it is publicly accessible. As a result, the information submitted to the SCIP database can be used by a wide range of parties, including:

- consumers, to enable more informed and safer consumption choices;
- regulators, to determine priorities for risk management;
- innovators, to identify needs for the development of safer alternatives to SVHCs;
- investors;

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<sup>1</sup> In addition, Article 33(2) REACH gives consumers a right to request the SVHC information from a supplier. As the supplier is not obliged to provide a response before 45 days have passed, this information lacks practical relevance.

- civil society organisations, to scrutinise the sustainability performance of companies and their products.

From the supplier's perspective, the information to be communicated pursuant to Article 33(1) of REACH and to be notified pursuant to Article 9 of the WFD are, to a large extent, identical. While this may give rise to the perception that suppliers are being subjected to avoidable "double work", we believe that this is a situation that can be tackled by technological means (see below). When assessing potential avenues for rationalising reporting obligations, it is necessary to take into account not only the compliance costs incurred by industry, but also the wider benefits offered to other actors and to society at large. As demonstrated above, the scope and impact of Article 9 of the WFD extend significantly beyond those of Article 33 of REACH. In other words, REACH does not provide a functional equivalent to SCIP.

It should also be stressed that any future reporting obligation under the Ecodesign for Sustainable Products Regulation (ESPR) with respect to Substances of Concern cannot be regarded as a functional equivalent to the SCIP database.

First, the ESPR is to be implemented through delegated acts, adopted incrementally on the basis of a long-term working plan, with each act covering a specific product group. We can therefore expect that any reporting obligation under the ESPR concerning the presence of SVHCs will only apply within this limited product scope<sup>2</sup>. By contrast, the SCIP database applies in a horizontal manner to all products qualifying as articles within the meaning of REACH. In essence, this means that it covers all products apart from products that are chemical mixtures.

Second, the "once an article, always an article" principle applies to the SCIP data. This means that information on SVHCs must be provided not only for the final article supplied to the customer, but also for all articles contained within it (i.e., the component articles of a complex object such as furniture). By contrast, the point of reference for reporting obligations under the ESPR is "*products, their relevant components or spare parts*"<sup>3</sup>, while the REACH concept of an "article" does not apply. It remains unclear whether the notion of a "relevant component" under ESPR will ensure the same level of detail and granularity as the "article" concept under REACH. This uncertainty further highlights why future reporting obligations under ESPR should not be considered an accurate equivalent to the SCIP database.

## Discontinuing SCIP would compromise Circular Economy policy goals

The SCIP provisions were introduced to the WFD with a view to developing "*non-toxic material cycles*", while underlining the necessity "*to ensure that sufficient information about the presence of hazardous substances and especially SVHCs is communicated throughout the whole life cycle of products and materials*"<sup>4</sup>. These objectives are reflected in both the Clean Industrial Deal and the European Chemicals Industry Action Plan, with the latter concluding that "*the industry needs to*

<sup>2</sup> ESPR Article 7(6)(b)

<sup>3</sup> e.g. ESPR, Article 7(6)(b)

<sup>4</sup> [Directive \(EU\) 2018/851](#), Recital 38

*transition to a clean and circular economy model*", thereby continuing the strategic course set by the European Green Deal<sup>5</sup>.

The discontinuation of the SCIP database would jeopardise the above-stated objectives and amount to a tacit acceptance of toxic recycling. It would deprive waste operators of the opportunity to identify and separate SVHCs, thereby exposing waste workers and the environment to risks of toxic contamination, while allowing hazardous substances to persist in materials intended for a second life. This, in turn, would seriously undermine confidence in the quality and safety of secondary raw materials. At a time when the Commission is working on a proposal for a Circular Economy Act to try and boost the demand for secondary raw materials, it seems counterproductive to simultaneously weaken trust in the quality of such materials by discontinuing the key transparency tool that is the SCIP database.

### **Discontinuing SCIP would contradict the simplification objective**

The Call for Evidence stresses that the *"digitalisation of procedures, and data quality and data sharing"* are *"key for accelerating procedures"*. In fact, SCIP reflects this insofar as it constitutes a pivotal contribution to the digitalisation of the REACH information flow. Its public accessibility ensures low-threshold access, thereby facilitating the broad dissemination and use of data.

Moreover, EU institutions reached a political agreement in June 2025 to further strengthen public access to the SCIP data, under the proposed Data Regulation forming part of the One Substance One Assessment (OSOA) package.

Discontinuation of SCIP would not only reverse these advances towards more effective and efficient chemicals data management – urgently needed by supply chain actors as well as businesses engaged in circular economy services – but it would also be manifestly inconsistent with the political commitments made only months earlier.

### **Address implementation weaknesses**

To advance the circular economy while safeguarding a high level of protection of human health and the environment, the focus should be on improving SCIP reporting rather than cutting it.

In their contributions to the Call for Evidence on potential reporting rationalisation, SCIP duty holders did not contest the underlying objective of the database. On the contrary, they stressed the pivotal importance of chemical composition data, noting that *"waste operators must understand the different materials they are handling."* Their concern lies instead in the usability of the system, pointing out that *"the SCIP database is, as far as we understand, not enough and not in a useful format"*<sup>6</sup>.

<sup>5</sup> The objectives set out in Recital 38 of Directive (EU) 2018/851 were re-stated in the [Circular Economy Action Plan](#) (Section 4.2) and the [Chemicals Strategy for Sustainability](#) (Section 2.1.2), and form a key part of the [European Green Deal](#)'s goal for the EU to achieve a *"clean and circular economy"* (Section 2.1.3) while pursuing a *"zero pollution ambition for a toxic-free environment"* (Section 2.1.8).

<sup>6</sup> Call for Evidence concerning the initiative 'Administrative burden – rationalisation of reporting requirements', [Feedback from: Inter IKEA Group](#).

Improvement ideas can be derived, for example, from a 2023 report presenting concrete proposals to enhance the usability of the database considering the feedback from SCIP duty holders, waste operators, and civil society. These proposals include technical and administrative improvements, such as more effective linkage of data to actual waste streams entering treatment installations<sup>7</sup>.

Perceived “double work” can be addressed by effective implementation of the “once-only” principle, as set out in the Commission’s Communication on Implementation and Simplification<sup>8</sup>. Ideally, companies should report their data on chemical uses only once and this information is then used to feed data requirements under EU legislation<sup>9</sup>.

A further major challenge to effective SCIP implementation stems from the flawed design of the underlying communication obligations in REACH. The Commission, in its 2020 review of Article 33 REACH, observed weak implementation of this provision. The lack of clarity surrounding Article 33(1) obligations have been identified as a principal cause of this deficiency<sup>10</sup>.

Accordingly, before contemplating the deletion of this downstream reporting obligation (SCIP), the Commission should first address the weaknesses at the source; namely, the REACH communication requirements from which SCIP data derive. Given the Commission’s commitment to present a legislative proposal for the revision of REACH by the end of 2025, there exists a real and timely opportunity to remedy these shortcomings<sup>11</sup>.

#### Recommendations:

- **Maintain the SCIP database:** The SCIP database has important added value and should not be discontinued. Provisions under REACH or the ESPR are not equivalent to those of SCIP and so these cannot be said to serve an equivalent purpose.
- **Improve the usability of the SCIP database** and address any “double work” by effective implementation of the “once-only” principle.
- Use the upcoming REACH revision to **remedy the shortcomings regarding communication requirements** from which SCIP data derive.

<sup>7</sup> Research group sofia, EEB, ClientEarth (2023) [SCIP report](#).

<sup>8</sup> European Commission (2025), [item 13 Simplification Communication en.pdf](#).

<sup>9</sup> To make such an approach future proof, reporting needs to go beyond SVHCs as per the REACH candidate list, see [Future-Proof and Prospering: How ESPR and Chemicals Traceability Benefit Business and Support the Green Transition | ClientEarth](#).

<sup>10</sup> UBA report [Advancing REACH: Substances in Articles](#) (2020).

<sup>11</sup> For proposals to improve Article 33, see [Demand #2 for REACH reform: No data, no market - from slogan to reality | ClientEarth](#) (2023).

## Waste Shipment Regulation

Plastic is one of the most significant waste streams traded across borders. For decades, the EU has been one of the world's largest exporters of plastic waste, sending millions of tonnes abroad each year. These shipments have frequently ended up in countries lacking the capacity for environmentally sound management, fuelling open dumping, uncontrolled burning and pollution of rivers and seas<sup>12</sup>. Intelligence information and trade data reveal that such exports also fuel organised waste crime and corruption<sup>13</sup>. The Waste Shipment Regulation (WSR) is the EU's primary safeguard against these harms, ensuring that cross-border waste movements are transparent and controlled. Reporting obligations under the WSR are therefore directly linked to preventing plastic pollution within the EU and at a global scale.

While the Commission is considering the "simplification" and "rationalisation" of reporting and notification obligations in the area of waste, we strongly urge the Commission to retain and strengthen the WSR reporting framework, particularly in light of its most recent revision, finalised only eighteen months ago<sup>14</sup>. Far from being an avoidable burden, these reporting and notification obligations are indispensable for transparency, enforcement and policymaking in one of the EU's highest-risk waste streams. We also commend the Commission's hard work in preparation for bringing the *Digital Waste Shipment System* (DIWASS) online, which represents a significant step towards reducing administrative inefficiencies while strengthening oversight.

Still, simplification must not become a pretext for weakening essential controls and, in particular, expanding the scope of "green-listed" wastes that include plastic materials, such as used footwear, or diluting annual reporting obligations to the Commission. Both are critical for fulfilling the EU's international commitments under the Basel Convention, and any dilution would create loopholes that risk increasing illegal shipments and pollution. The appropriate focus should remain on digitalisation, harmonisation and avoiding double reporting, which will be allowed in the near future through the central and inter-operable system DIWASS rather than scaling back the reporting and notification obligations that safeguard against environmental harm.

### No scope for simplification in the absence of a viable alternative for reporting

Reporting under the WSR generates the only comprehensive dataset on EU plastic waste imports and exports. Eurostat statistics, based on WSR notifications and shipment reports, revealed that the EU annually exports significant quantities of plastic waste to countries unable to manage that tonnage. The transparency created through the WSR reporting has clearly demonstrated the harms caused when EU plastic waste is exported to countries lacking the capacity to manage it, underpinning the informed decision to restrict exports of plastic waste to non-OECD countries. No other instrument provides equivalent data on cross-border plastic waste flows, meaning that weakening WSR reporting would create a fundamental information gap, both to implement EU law and comply with international commitments. Indeed, WSR reporting also fulfils the EU's

<sup>12</sup> EIA report [Plastic Waste Power Play: The offshoring and recycling displacement involved in trying to recycle EU plastic waste](#) (2023)

<sup>13</sup> Interpol report [Strategic Report The Nexus between Organized Crime and Pollution Crime](#) (2022)

<sup>14</sup> Regulation (EU) 2024/1157



international obligations under the Basel Convention, which requires Parties to notify and report annually on transboundary waste movements<sup>15</sup>.

### **Minimal reporting burden versus high enforcement costs**

The administrative burden for businesses is minimal compared to the scale and financial value of the trade. Most operators need only submit a notification and a standard shipment document, already harmonised at the EU level. By contrast, the costs of misdeclaration and lack of transparency are substantial: mislabelled shipments of plastic waste often end up dumped or burned, creating pollution and public health risks, while authorities are left to bear the financial burden of investigating, returning or disposing of abandoned containers. In addition to these costs, illegal trade also distorts the market by allowing non-compliant operators to undercut legitimate recyclers. Weakening reporting obligations would therefore shift costs from operators to enforcement agencies, taxpayers and the environment, while making it far more challenging to detect fraud, misclassification or illegal dumping.

DIWASS will replace fragmented national systems with a single EU platform, automating submissions, facilitating the reuse of data, and enabling near real-time information exchange between competent authorities and customs. For operators, this reduces costs and simplifies procedures; for regulators, it enhances the ability to detect illegal or misdeclared plastic waste shipments. DIWASS is therefore a model of how digitalisation can achieve simplification without undermining oversight.

### **Simplification would undermine environmental and international objectives**

Simplifying or curtailing WSR reporting would not only weaken environmental protection and enforcement inside the EU but also jeopardise the EU's ability to comply with its Basel Convention obligations. The Basel regime relies on accurate, detailed reporting of exports, imports and illegal traffic, and the EU has historically set the global standard through the data generated by WSR reporting. Rolling back this framework would leave the EU without the tools to monitor its own exports, reduce accountability for waste ending up in countries least able to handle it, and damage the EU's credibility in global environmental governance.

Equally important, robust reporting is vital to protect EU Member States themselves. When shipments to non-OECD countries are restricted, waste may be redirected within the EU, placing additional pressure on certain Member States with limited capacity to manage these materials. Comprehensive and transparent WSR reporting enables the Commission and national authorities to identify such shifts, monitor whether burdens are being unevenly distributed, and ensure that waste is treated in facilities that can manage it safely and effectively. Strong reporting, therefore, safeguards both international obligations and the integrity of the EU's own internal market by preventing unintended environmental and economic imbalances between Member States.

### **Priority must be given to improving implementation**

The appropriate course of action is not to reduce obligations but to ensure that the WSR system delivers fully on its intended purpose. Priorities include: complete and timely implementation of

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<sup>15</sup> Basel Convention, Article 13

DIWASS across all Member States and connecting it with other international systems; integration of WSR data with other reporting frameworks to avoid duplication; and public access to anonymised shipment data to ensure transparency. These steps would reduce any perceived burden while strengthening both EU enforcement and the fulfilment of international commitments under the Basel Convention.

**Recommendations:**

- **Retain and strengthen WSR reporting obligations**, which are essential for transparency, enforcement, policymaking and compliance with the Basel Convention.
- **Ensure full and timely implementation of DIWASS** as the right model of simplification, reducing burdens for operators while enhancing oversight and enforcement.
- **Do not weaken controls** and avoid expanding the scope of “green-listed” wastes or diluting annual reporting obligations, both of which would create loopholes and undermine EU and international commitments.
- **Prioritise implementation improvements** by integrating WSR reporting with relevant frameworks to reduce duplication and ensure public access to data, safeguarding both international obligations and the integrity of the EU’s internal market.



## Section 2: Suggestions for targeted simplification

This section focuses on areas where the Rethink Plastic alliance would welcome simplifying certain EU rules in order to improve their efficiency and effectiveness. We make concrete suggestions for the harmonisation of EU Extended Producer Responsibility (EPR) systems as well as the simplification of obligations under the EU Landfill Directive.

### EPR Harmonisation: Optimise systems across Member States

Extended Producer Responsibility (EPR) is a key tool to leverage a circular economy in the EU. However, more and more evidence<sup>16</sup> shows that differences across national EPR systems have resulted in a fragmented EPR landscape with significant inefficiencies. Producers, particularly SMEs and cross-border sellers, face high administrative burden due to inconsistent rules, reporting formats, and levels of enforcement. At the same time, existing EPR schemes fail to cover the full cost of waste management, thus leaving municipalities to pick up the tab, while there is also the problem of free-riding, especially from e-commerce. Furthermore, current EPR schemes do not provide sufficient funds for reuse and repair infrastructure nor for waste prevention.

With this in mind, the Rethink Plastic alliance - in line with a recent study by Zero Waste Europe<sup>17</sup> - proposes an approach that combines solutions for simplifying and optimising EPR systems while also enabling EPR to drive circularity through prevention, reuse, and repair. While our recommendations below focus on EPR optimisation, we wish to stress that simplification alone will not be enough to enable the transition to a circular economy.

#### EPR registration & reporting: Single EU registration & standardised reporting

An important measure that would ease compliance for producers, especially SMEs, is the introduction of a central EU-level EPR registry (i.e. a one-stop EU registration portal) that replaces individual country registrations for producer obligations. Such a register should enable full transparency, eliminate duplicative national registries, and combat free-riding, particularly from e-commerce and in countries where there are competing PROs. In case the creation of a central registry poses legal challenges, mutual recognition and alignment between national registers could be a feasible option instead.

Another useful simplification measure would be the creation of standardised reporting formats that are accepted by EPR schemes across the EU, and that include key EPR data (e.g. products placed on the market, material composition, reusability/repairability, recyclability). This information should be aligned with the requirements of the foreseen Digital Product Passport. While harmonisation is important, however, it should certainly not happen to the detriment of more sophisticated national EPR reporting obligations: It is critical to avoid a race to the bottom on this issue. Furthermore, harmonisation efforts should take into account the importance of access to information regarding the environmental performance of the system.

<sup>16</sup> Zero Waste Europe, [Designing EPR to foster the EU's competitiveness and strategic autonomy](#), April 2025 and Eunomia, Extended Producer Responsibility Administrative Burden and OneStop Shops, April 2025

<sup>17</sup> See footnote 11.

## **Work towards the establishment of a unified EU EPR oversight body**

The performance of EPR systems is significantly hampered by a lack of enforcement and free-riding. To tackle this, it would be useful if the Commission's Omnibus proposal facilitated the setting up of an EU EPR oversight authority to coordinate enforcement across Member States and ensure consistent interpretation and compliance. This oversight authority could be responsible for the following objectives:

- Reducing administrative burden through centralised registration and harmonised reporting;
- Fostering compliance through oversight and coordination with customs authorities;
- Providing policy and advisory support;
- Training civil servants and supporting the creation of new PROs;
- Fostering circularity through performance indicators and monitoring;
- Designing efficient systems and channeling investment into circular infrastructure.

Such an authority could be financed with less than 0.5% of current EPR fees, and these costs would be more than compensated for by the substantial benefits from economies of scale across the EU's single market.

## **A risk-based auditing framework that allows for differentiated compliance checks**

Applying a risk-based auditing approach, which is already commonly applied in other regulatory areas such as food safety, is another way to simplify EPR. Practically, this would involve lighter-touch auditing for low-volume or consistently compliant producers, and stricter auditing for higher-risk profiles. Such a risk-based approach could be introduced either by issuing EU-level guidance or via secondary legislation under the Waste Framework Directive.

## **Harmonised definitions and obligations**

Last but not least, there is a need to harmonise EPR principles, definitions, and obligations in order to improve enforcement. Such harmonisation would reduce fragmentation by ensuring consistency and the uniform interpretation of measures across Member States. Key areas for harmonisation include:

- Core operational frameworks: Establish common definitions (e.g. terms like "producer", "producer placing products on the market", or "EPR-covered product"), harmonise calculation methodologies and reporting requirements;
- Financial mechanisms: Harmonise economic incentives, unify the understanding of cost-coverage and make fee structures transparent;
- Governance structures: Harmonise market entry procedures, standardise authorisation requirements and oversight mechanisms;
- Performance standards: Monitor free-riding, establish common quality standards as well as common metrics for prevention, reuse and repair activities and infrastructure;
- Market access rules: Standardise cross-border rules.

**Recommendations:**

- **Single EU registry & reporting:** Establish an EU-level producer registry with standardised reporting formats, aligned with the Digital Product Passport. Include obligations for online platforms to verify compliance and prevent e-commerce free-riding.
- **EU oversight body:** Create a European authority to coordinate enforcement, oversee compliance, support PRO development, and channel investments into circular infrastructure.
- **Risk-based auditing:** Apply lighter checks for low-risk producers and stricter controls for high-risk ones, improving efficiency without weakening oversight.
- **Harmonised framework:** Standardise definitions, financial rules, governance, and performance metrics across Member States to ensure consistent, transparent, and effective EPR systems.

## Landfill Directive: Simplify by removing the 10% landfill target

A stated aim of the Environmental Omnibus proposal is to ensure that environmental policies are easier to implement without compromising the EU's environmental objectives. In line with this, we recommend removing the 10% landfill target from the EU Landfill Directive<sup>18</sup>. We consider this target - which obliges Member States to ensure that the amount of municipal waste landfilled is reduced to 10 % or less of the total amount of municipal waste generated - to be both unnecessary and counterproductive, in that it risks undermining the aim of achieving a decarbonised circular economy. For plastics in particular, the landfill target has had the unintended consequence of becoming a driver of incineration, rather than high-quality recycling, and this has resulted in long-term lock-in and significant fossil CO<sub>2</sub> emissions. The Environmental Omnibus is therefore a good opportunity to simplify the Landfill Directive by removing this ineffective target.

Below, we outline the problems with the landfill target and suggest a concrete alternative.

### No evidence base

The 10% landfill target in the Landfill Directive lacks scientific justification and was not supported by the Ex-Ante Impact Assessment. Its main effect has been to divert waste away from higher-value recycling and into incineration, locking in polluting infrastructure and generating avoidable CO<sub>2</sub> emissions. Instead of driving recycling and waste prevention, the target distorts priorities by encouraging "quick fixes" such as incineration to meet the benchmark. This destroys material value, adds climate burdens, and delays investment in circular solutions.

<sup>18</sup> [Directive \(EU\) 2018/850](#)

## Undermines Circular Economy objectives

Instead of driving recycling and waste prevention, the target distorts priorities by encouraging “quick fixes” such as incineration to meet the benchmark. This destroys material value, adds climate burdens, and delays investment in circular solutions.

## Better alternative: treatment before landfill

The original Landfill Directive’s principle of “treating waste before landfilling” remains a stronger safeguard. Treatment such as biological stabilisation prevents methane and leachate impacts without forcing waste into incineration.

## Smarter regulatory approach

Maintaining the 10% target consumes resources while delivering perverse incentives. Reinforcing treatment requirements would protect the environment and increase the cost of non-recycled waste disposal, thereby encouraging better collection, sorting, and recycling.

### Recommendations:

- **Remove the 10% landfill target** from the Landfill Directive, recognising its negative consequences for recycling and climate objectives.
- **Consider introducing a residual waste cap** instead, which better aligns with the Circular Economy agenda. This would shift the focus to preventing waste from becoming residual waste in the first place, whether they are landfilled or incinerated.
- **Reaffirm the principle of pre-treatment before landfilling** as stipulated in the original Landfill Directive. Give substance to the meaning of “treatment” as per Article 6(a) of the Landfill Directive by amending the definition at Article 2(h), so that it aligns with the interpretation by the EUCJ (Case C-323/13).
- **Strengthen enforcement** through clearer definitions and Waste Acceptance Criteria (WACs), supported by the BREF process where appropriate.