

ECOS response | Call for evidence on the “Simplification of administrative burden in environmental legislation”

Simplification must be about better implementation, not deregulation

ECOS welcomes the opportunity to comment on the European Commission’s call for evidence on the “Simplification of administrative burden in environmental legislation” or the “Environmental Omnibus” initiative. We support the principle of making EU legislation easier to implement, in particular through harmonisation, digitalisation, and the elimination of duplications. However, we are concerned that the omnibus methodology risks becoming a vehicle for deregulation by stealth.

Simplification must not mean weakening environmental ambition or protection. The EU has invested years of technical expertise and democratic process into building a comprehensive acquis to protect nature, climate, and health. Reopening this acquis under the guise of “simplification” introduces legal uncertainty, regulatory stability and visibility, undermines investment in the green transition, and erodes public trust in EU institutions.

Risks of the omnibus methodology

The omnibus approach, by reopening multiple pieces of legislation simultaneously, risks dismantling safeguards that are essential to the Green Deal. This contradicts the Commission’s own **Better Regulation Guidelines**,¹ which require proportionate impact assessments, inclusive consultations, and respect for democratic accountability.

The current process offers none of these safeguards. It enables changes to evolve based on stakeholder feedback, with no clarity on scope or limits. This creates the risk of legislative backsliding without proper scrutiny. Citizens consistently demand stronger environmental action, not weaker protections — deregulation would therefore run counter to public expectations² and the EU’s commitments under the **Paris Agreement** and the **Kunming-Montreal Global Biodiversity Framework**.

We believe that the omnibus methodology, as proposed, presents serious governance risks:

- Lack of proper impact assessment and cost-efficiency analysis.
- Absence of clear scope and safeguards against deregulation.
- Bypassing of legislative scrutiny in Parliament and Council.
- Lack of adequate consultation of all relevant stakeholders.

EU environmental legislation is grounded in the Treaty on the Functioning of the European Union (TFEU). Article 192 obliges the EU to maintain a high level of environmental protection, while Article 114 provides the legal basis for harmonization to ensure the functioning of the internal market. Any simplification initiative must respect these legal obligations and uphold environmental principles such as the precautionary principle, the polluter pays principle, and the principle of prevention (TFEU, Articles 114 & 192; EC, 2021). The omnibus methodology, as currently proposed, risks bypassing these safeguards, potentially weakening protections that are legally required under EU law.

Regulation is key to achieve EU objectives and is good for business

The EU environmental acquis is foundational to achieving climate, nature, and health objectives. These frameworks have already undergone extensive fitness checks and remain essential for delivering the European Green Deal. Weakening or dismantling them would jeopardise climate and biodiversity objectives and compromise the EU's credibility on the global stage.

In May 2024 the Joint Research Centre assessed the progress against the goals and indicators of the EU Biodiversity Strategy for 2030, concluding that, of the indicators which could be assessed, **none of 13 sub-targets could show that the EU was on track for 2030**. Overall, this situation points to a clear diagnosis: rather than going through 'simplification', EU environmental ambition for protecting nature should **increase** to ensure that we achieve targets. Reopening such laws under the omnibus methodology risks **weakening crucial protections at a moment when they are most needed**.

Furthermore, contrary to claims that environmental regulation is a "burden," evidence shows it creates certainty, drives innovation, and levels the playing field. Decades of research, including the well-established Porter hypothesis, demonstrate that **ambitious regulation can increase competitiveness by fostering innovation**.³ For example, studies across European manufacturing sectors have found that stricter regulation stimulates patent activity, reflecting firms' capacity to innovate in order to comply while improving product performance.⁴

The true cost lies in non-implementation. According to the **2022 Environmental Implementation Review**, failure to apply existing EU environmental law costs the Union around **€180 billion annually** in health costs, ecosystem degradation, and missed opportunities for innovation.⁵ Legal uncertainty caused by reopening legislation discourages private investment in the green transition, exactly when Europe must accelerate it. The EU's environmental acquis is not an obstacle but an enabler of sustainable business models.

Implementation, not deregulation, is the solution

The obstacles that exist relate to fragmented implementation, duplicative reporting, or lack of digital tools, **not** to the substance of legislation. Simplification can and should focus on:

- **Harmonisation across Member States:** Ensuring reporting formats and enforcement practices are aligned.⁶
- **Increasing digital integration through the DPP.** Currently, information related to product conformity, chemical safety or ecodesign requirements is fragmented across databases (EPREL, SCIP, CLP), often paper-based, and inaccessible to consumers and surveillance authorities. This creates information failures, enforcement gaps, and generates higher compliance costs. And ultimately, policy objectives underpinning information requirements cannot be reached despite investments from companies in data collection and storage. We support the DPP being used as a model to streamline reporting and reduce duplication.

- On the specific proposal for the discontinuation of the **SCIP database** however, we believe it is critical to keep the only existing mechanism for traceability of substances of concern under the Waste Framework Directive. Its elimination would undermine enforcement, consumer trust, and the EU's circular economy objectives. Instead, reporting requirements for substances of concern via upcoming DPP can eventually be merged and streamlined with the SCIP reporting.
- **Streamlining Extended Producer Responsibility (EPR) schemes:** Aligning some requirements to reduce administrative burdens while maintaining a high level of ambition is possible.⁷ At the same time, it is crucial to ensure that EPR requirements are properly enforced and free-riding is prevented.
- **Robust enforcement against non-compliance:** A key element will be to advance safeguards to deter non-compliance of products entering the EU market particularly for online marketplaces and imports, which often evade obligations. This distorts competition, and disadvantages EU-based businesses, particularly SMEs, while jeopardizing the Union's broader environmental and product safety objectives⁸

These measures would genuinely reduce burdens without compromising environmental ambition. Moreover, some of the identified challenges **should be pursued through existing legislative processes instead of through the omnibus methodology:**

- The forthcoming revision of the **New Legislative Framework (NLF)** - which core principle lays in defining mandatory essential requirements in legislation underpinned by harmonised standards that provide the technical details - aims to improve the internal market for goods and strengthen the conditions for placing a wide range of products on the EU market, could support introducing the DPP as the legally recognised entry point to mandatory product information.
- The ongoing development of the **Circular Economy Act** is also an opportunity to review the rules governing EPR schemes and introducing a general obligation and principle of EPR in EU legislation. The absence of a unified EPR obligation undermines the circular economy objectives of the EU, as producers can place products on the market without guaranteeing their proper end-of-life management. EPR is already a cornerstone in sector-specific laws (WEEE, Batteries, Packaging). Yet, the fragmented approach leads to inconsistencies across sectors, high compliance costs, and loopholes that undermine both environmental objectives and fair competition. The Circular Economy Act would be the appropriate legal instrument to streamline the rules on EPR.

The importance of access to data and reporting

Access to data, information, and reporting is essential for effective EU policy-making. Mandatory reporting and information requirements in EU legislation provide a fundamental source of data to inform policy reviews, identify implementation gaps, and guide future regulation. For example, data collected through product and circular economy legislation form the baseline for assessing environmental performance and improving laws in areas such as chemical transparency, EPR, and waste management.

Simplification should therefore focus on streamlining reporting mechanisms—for instance through harmonisation, digitalisation, and interoperability of databases—**rather than discontinuing existing databases or reducing mandatory reporting requirements.** Technological solutions, including centralised digital platforms and automated data collection tools, can make reporting faster, less burdensome, and more reliable for both companies and public authorities, while maintaining the integrity of the information necessary for evidence-informed policy-making.

Conclusions

Simplification must focus on implementation, harmonisation, and digitalisation — not deregulation. The Commission should:

- Safeguard the environmental acquis from weakening.
- Prioritise enforcement of existing laws and support Member States in implementation.
- Invest in interoperable digital tools and centralised databases to reduce duplication and burdens.
- Ensure democratic accountability by respecting Better Regulation principles.
- Offer long-term visibility and stability to companies that are investing in the green transition.

Europe does not need fewer environmental rules, it needs better implementation. Only by protecting the integrity of the acquis can the EU deliver on its climate, nature, and health commitments while providing certainty for businesses and citizens alike.

References

¹ European Commission, *Better Regulation Guidelines* (SWD(2021) 305 final).

² Eurobarometer 538 (2023), “Attitudes of European citizens towards the environment,” showing overwhelming support for stronger EU environmental action.

³ Porter, M. E., & van der Linde, C. (1995). “Toward a New Conception of the Environment-Competitiveness Relationship.” *Journal of Economic Perspectives*, 9(4), 97–118.

⁴ See: Zhang, W., Zhu, B., Li, Y., & Yan, D. (2024). Revisiting the Porter Hypothesis: A multi-country meta-analysis of the relationship between environmental regulation and green innovation. *Humanities and Social Sciences Communications*, 11(232). <https://doi.org/10.1057/s41599-024-02671-9> and Rubashkina, Y., Galeotti, M., & Verdolini, E. (2014). Environmental Regulation *and* Competitiveness: Empirical Evidence on the Porter Hypothesis from European Manufacturing Sectors. IEFE-Bocconi Working Paper No. 69.

⁵ European Commission, *Environmental Implementation Review 2022* (COM(2022) 438 final).

⁶ OECD (2020), *Administrative Simplification and Regulatory Reform in the European Union*.

⁷ European Commission, *Study on Extended Producer Responsibility (EPR) and the Impact on the Single Market* (2014).

⁸ European Court of Auditors (2020), *EU actions to combat illegal e-commerce of dangerous products*.