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A Strategic Approach to Simplifying EU Environmental Legislation

The Non-ferrous metal sector's input on the call for evidence on the Environmental Omnibus

The European metal industry, a cornerstone of the EU's Green Deal and circular economy, faces significant challenges due to the fragmented and complex nature of existing environmental regulations. These issues, including inconsistent interpretations of EU law, national "gold-plating," and bureaucratic permitting processes, create uncertainty, increase costs, and slow down investment and innovation. To address these challenges, the EU must pursue targeted simplification, harmonisation, and digitalisation. This position paper outlines the specific issues with key EU legislations and proposes solutions to create a more efficient, predictable, and competitive regulatory environment as coherence between the objectives of different EU legislations is essential to avoid conflicting requirements and provide regulatory certainty.

Issues	Proposed solutions
General comment 1: Regulatory asymmetry & gold-plating	
Inconsistent and asymmetric interpretations of environmental laws fragment the single market, creating an unlevelled playing field and regulatory uncertainty. The principle of proportionality is not applied uniformly, resulting in some Member States (and in some cases, regions) exceeding EU requirements while others adopt a more flexible approach *(see examples below)*.	Provide clearer, common technical guidelines on how to apply key principles. These guidelines, when they exist, should be made mandatory for Member States to use, ensuring a level playing field. Transpose and implement core articles of the different directives (e.g., definitions, principles…) to ensure a level playing field and predictability, Establish a one-stop shop or desk at EU level to provide clarification and resolve disputes between Member States regarding the interpretation of regulations
General comment 2: Permitting speed	
The process for obtaining or renewing environmental permits can take many years, slowing down investment and the green transition. Revisions to directives can be too rushed, forcing industries to restart the permitting	Introduce an EU-level requirement for time limits on granting new environmental permits, similar to those in the Critical Raw Materials Act. Extend the review cycles for environmental legislation to give the industry more time to implement new standards (e.g., extending the

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process after a change in law or municipality.	BREF reference documents review from eight to at least ten years)
General Comment 3: Reporting & digitalisation	
Businesses face significant administrative burdens from overlapping and duplicative reporting requirements. Examples include duplicate reporting for CO_2 data under the ETS, IED, and national platforms. Inefficient digital tools for reporting platforms are often not user-friendly, lack interoperability, and still rely on non-exploitable formats like PDFs. The energy and environmental data points required by CSRD are already required by existing environmental legislation such as IED, E-PRTR, ETS and reported on a calendar year basis to competent authorities. Furthermore, pollutant release data and ETS data are publicly available in electronic databases.	Create a "one-stop shop" for environmental reporting in each Member State to prevent over-reporting and increase cooperation. Ensure interoperability between national platforms and EU systems so a single declaration can meet both national and EU requirements. Rationalise reporting obligations to remove double requirements, especially between different directives (e.g., Industrial Emissions Directive (IED), Corporate Sustainability Reporting Directive (CSRD), and ETS Directive). Promote structured digital reporting to replace paper- and PDF-based submissions. The CSRD shall allow companies to directly refer to environmental data reported under environmental legislation in their sustainability reports (even if their financial year differs from the calendar year), without imposing any additional requirements and rules in terms of data points, monitoring, calculation and reporting. This would ensure consistency and reduces the reporting burden.
Waste Framework Directive (2008/98/EC)	
Inconsistent implementation of the WFD across Member States, creating significant legal uncertainty and administrative burdens. Incoherent classification, divergent interpretations of key definitions (e.g. waste, End-of-Waste, by-product), and uneven enforcement undermine the internal market for secondary critical raw materials and hinder progress towards a circularity. Underperforming SCIP Database that has not proven to be useful neither to waste	Harmonise WFD implementation and enforcement of rules (especially key definitions) across all the Member States. Streamline the procedures to avoid circumvention or misuse of e.g. End-of-Waste concept. Discontinue the SCIP Database as it has not achieved its objectives of improving knowledge

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management operators nor to consumers due to its complexity and limited accessibility, while placing a significant administrative burden on companies. Multiplication of the Extended Producers Responsibility (EPR) schemes.	and traceability of hazardous substances in articles and complex objects (products). Conduct a socio-economic assessment before introducing new EPR schemes.
Waste Shipment Regulation (2024/1157)	
Leakage of scrap containing critical raw materials from the EU threatening the EU's ability to meet targets, such as the Critical Raw Materials Act's goal to obtain by 2030 at least 25% of its annual consumption of strategic raw materials from domestic recycling.	Ensure that all metal scrap exported to a third country is classified as waste and it is treated at the destination in a recognised treatment facility and according to the conditions equivalent to the ones in the EU.
Lack of full digitisation of the waste shipment procedure.	Establish the DIgital WAste Shipment System (DIWASS) as foreseen in the Regulation. If effectively operational in all Member States, it will bring useful information on amount and type of waste shipped across the EU and their destinations.
Need to expand the list of green-listed waste to facilitate transition to a Circular Economy.	Include new Green List codes in Annex IIIB of the WSR to facilitate shipments of waste for high-quality recycling.
Prior Informed Consent (PIC) procedure requires approval from every national authority along a shipment's route, but differing requirements – e.g. on contracts, translations, or clerical details - often lead to delays and extra costs. While pre-consented facility status is meant to simplify the process, each transit country still reviews and approves shipments individually, resulting in continued duplication and inefficiencies.	Introduce automatic approval (binding tacit consent) whenever a competent authority fails to respond within 30 days to a complete waste shipment notification submitted under the PIC procedure. Automatically recognize pre-consented facility status across the EU once a single Member State grants it and introduce a fast-track notification procedure.
E-waste shipments under the new Basel Convention regime and the current intra-EU regime for shipping green-listed e-waste.	Maintain the current intra-EU regime for green-listed e-waste shipments beyond 01/01/2027 and expand it to the shipment of e-waste (irrespective of hazardous/non-hazardous classification) if sent to EU-based pre-consented facilities.

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	Prioritise approval of shipments to pre-consented facilities to streamline E-waste shipments for trusted EU recyclers.
Water Framework Directive (2000/60/EC)	
National "gold-plating," where some EU countries impose more stringent requirements than those mandated by EU legislation. This includes the Environmental Quality Standards (EQSs) that can vary significantly between regions of the same Member State, which complicates compliance and environmental permits (specifically in cross boarder rivers). In addition, the selection of some priority substances or the derivation of some EQSs for these substances has not followed the proper prioritisation process or a robust scientific approach. This has resulted in EQSs that are either impossible to measure or comply with, due to background concentrations exceeding these thresholds, for example. The interpretation of the "non-deterioration principle" has also led to new facility permits being denied or significantly delayed.	Address the interface between the Water Framework Directive and the Industrial Emissions Directive to simplify procedures and ensure consistency. Harmonise environmental quality standards (EQSs) by river basin sharing similar phys-chem properties and background concentrations, rather than by Member State using technical guidelines (Guidance Document no. 38). The prioritisation of substances and the derivation of EQSs must follow a pre-approved process, as well as the use of the best available science (e.g. bioavailability modelling) and guidance in doing so. Ensure a risk-based approach to setting environmental quality standards and avoid introducing new EQS where the risk is already well-addressed via national measures. Allow exemptions to the "non-deterioration principle" for facilities that comply with the environmental safeguards criteria listed in Article 4.7 of the Water Framework Directive.
Industrial Emissions Directive (2024/1785)	
"Gold plating" - Currently governments and permit authorities are allowed to go beyond what is achievable under the Best Available Techniques (BATs) to comply with environmental quality standards. This can create substantial problems if industrial operations are asked to achieve emissions limit values that are not achievable with current technologies. Overlapping requirements for companies to put in place transformation plans under IED, ETS, CSRD.	Restrict the ability of Member States to set more stringent emission limit values than what is achievable under BATs. Ensure a sufficient level of flexibility to reflect local conditions by preserving exemptions. Companies should be required to develop only one transformation plan to address alignment with objectives on climate neutrality, zero pollution and circular economy. The IED should remain the main tool for the development of such a plan for non-ferrous metals industries and NFMs should be

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	exempted from similar requirements under other legislation such as CSRD.
Ambient Air Quality Directive (2024/2881)	
The AAQD sets standards for several pollutants, including metals and other pollutants, such as SO_2 to be achieved by 2030. In the case of metals, contributions from natural sources shall be duly considered when assessing compliance. External factors such as unstable meteorological conditions (dry weather, thermal inversion) or local geographical situation also influence the compliance with SO_2 air quality standards. These factors should be considered when developing and implementing plans to improve air quality.	Ensure flexibility when implementing the new limit values for metals to take into account external factors. Article 18 on postponing deadlines to attain some limit values shall apply as well to metals and SO_2. Postponement shall be granted for cases of localised exceedances of limit values due to site-specific conditions. If stricter air quality standards are set, the technological and economic feasibility, and the time required for the industry to adapt must be considered.

The current state of fragmented, complex, and inconsistent environmental legislation poses a significant threat to the competitiveness and strategic autonomy of the European metal industry. By implementing the proposed solutions, such as streamlining permitting, harmonising definitions and standards, and digitalising reporting, the EU can reduce administrative burdens, enable fair competition, and create a predictable regulatory environment that supports the green transition and the achievement of its environmental objectives.

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