Brussels, 23 July 2026

Environmental Omnibus: Response of the Local Authorities of Bavaria and Baden-Württemberg

Local level broadly welcomes the Environmental Omnibus put forward by the European Commission and the simplifications it envisages. The approach of streamlining existing environmental requirements, creating coherence and reducing unnecessary administrative burden is the right one as it reflects the concept of a local relief agenda in the spirit of a "local omnibus" that the local authorities have been calling for in Brussels.

However, the Environmental Omnibus as now proposed must be more systematically geared toward relieving local enforcement and permitting authorities, and must not focus primarily on reducing obligations for businesses. Otherwise, there is a risk that the burden will simply shift from businesses to public authorities. Relief in terms of time, staff and finances is largely absent, and planned guidelines or "guidance" often create additional administrative burdens. Enforcement practice in municipalities, cities, counties, and districts shows that the measures planned so far will not be sufficient to address the actual challenges of implementing European environmental legislation. We therefore call for the Environmental Omnibus to be sharpened, with a clear focus on concrete relief for local enforcement practice:

- **Planned Circular Economy Act: Respecting municipal waste structures**

  We welcome the general commitment to producer responsibility in the proposed Omnibus. However, well-established, functioning structures must not be weakened. For example, the planned removal of national authorised representatives under extended producer responsibility (EPR) for batteries, packaging, electronic equipment, single-use plastics and waste, via COM(2025) 982 and COM(2025) 983, would weaken transparency and enforceability. In further developing circular economy law, producer responsibility must be designed as comprehensive financial responsibility for products and their consequences, without undermining the well-established local responsibility for waste collection. A parallel patchwork of numerous producer-initiated collection systems would be neither administrable nor compatible with existing public infrastructure. An effective circular economy also requires clear regulatory guardrails: strict product standards, a ban on non-recyclable single-use products, and effective measures against the circumvention of customs and market surveillance by products from third-countries that do not comply with EU standards.

  A coherent, enforceable legal framework must also be ensured in the design of delegated acts. The planned delegated act on the Packaging and Packaging Waste Regulation (2025/40) must therefore avoid introducing exemptions that could create additional enforcement and cost risks for local authorities. Instead, it must be ensured that system gaps do not remain with local authorities — for example through inadequate coverage of transport and commercial packaging, which would otherwise indirectly shift costs onto local public services.

  More broadly, the landfill ban for municipal waste should be used consistently as a fast-acting, cost-effective mechanism for reducing CO_2 emissions. Until full material recovery is economically and

practically established, modern thermal waste treatment must be recognised as an indispensable part of the energy and raw materials transition, while public waste management authorities in the Member States need to be strengthened.

A practicable and ecologically effective circular economy also depends on preserving established cross-border disposal arrangements. Against this background, we welcome the exemption granted to Switzerland from the ban on exporting municipal waste under Regulation (EU) 2026/1703. The planned Circular Economy Act likewise urgently needs clear statutory exemptions for established cross-border disposal cooperation with other third countries. The aim must be to keep enabling such cooperation, provided equivalent environmental standards are guaranteed and ecological benefits exist. Further suggestions for a well-designed approach can be found in our policy paper "Circular Economy as a Local Task for the Future."

- **Accelerating permitting must not come at the expense of local authorities**

  We reject the proposed possibilities for "tacit approval" for certain procedural steps, as envisaged in the annex to COM(2025) 984. Shorter deadlines or deemed-approval mechanisms do not speed up procedures as long as substantive review requirements, participation obligations and cross-sectoral coordination remain essentially unchanged. Instead, this would increase time and decision-making pressure on permitting authorities without any reduction in procedural workload. This exacerbates the already strained staffing situation and increases the risk of error-prone and legally vulnerable decisions. Genuine acceleration can only be achieved through a noticeable reduction in substantive requirements. What is needed, in particular, are fewer reporting obligations, reduced evidence and documentation requirements, and a scaling-back of detailed technical steering and regulatory micromanagement. As long as the overall depth of review remains unchanged, new deadline requirements merely add administrative pressure rather than delivering genuine procedural acceleration.

- **Streamlined procedures needed in species and nature conservation legislation**

  Finally, targeted procedural streamlining is also needed in the Birds Directive (2009/147/EC) and the Habitats Directive (92/43/EEC). The Omnibus communication COM(2025) 980 announces a stress test in this regard. Vague assessment thresholds, particularly for Habitats Directive impact assessments under Article 6(3), lead in practice to excessive expert-report requirements and lengthy procedures even for minor projects. Clearer materiality thresholds, simplified assessment procedures for projects with low potential for conflict, and a more practicable design of the derogation provisions under Article 6(4) and Article 16 of the Habitats Directive and Article 9 of the Birds Directive would substantially improve planning certainty. Beyond the scope of Article 6, it would also be helpful to explicitly recognise public services of general interest, urban infill development, and — in areas with housing need — housing construction, as an overriding public interest, analogous to the provisions for renewable energy under the RED III Directive. There is already a need across the EU for more than two million housing units per year. In addition, a shift toward a population-based approach to species protection, as envisaged in the proposed Regulation simplifying environmental assessments (2025/984), is to be welcomed, but requires further development to ensure legal certainty. This approach contributes to greater standardisation and acceleration in planning and permitting procedures by focusing not on the individual animal but on the conservation status of the population as a whole. It should apply not only to the prohibition on killing and disturbance, but should also be explicitly extended to the protection of breeding and resting sites and the related derogation assessment under Article 16 of the Habitats Directive, in order to harmonise assessment standards and reduce the burden of expert reports — particularly in cases where continuous ecological functionality cannot be ensured without disproportionate delay through advance individual measures. The ongoing stress test, and the further handling of the proposed Regulation COM(2025) 984, should therefore clarify that population-based, strategically

managed and state-backed solutions can be enabled with legal certainty under Union law, provided the overall level of ecological protection is maintained. In addition, the monitoring and reporting obligations under Articles 11 and 17 of the Habitats Directive and Article 12 of the Birds Directive should be more closely bundled, and existing municipal data should be recognised, in order to reduce bureaucracy and focus resources on the actual implementation of nature conservation and development goals.

- **Reopening the Water Framework Directive to extend deadlines**

  Any reopening of the Water Framework Directive (2000/60/EC, WFD), as announced in COM(2025) 980, should be limited to extending deadlines; we reject any substantive revision. The Directive has for decades provided a reliable and legally stable framework for municipal water management and forms the basis for all strategic and investment-related water planning at the local level. A substantive reopening would create significant legal uncertainty, call ongoing measures and investments into question, and undermine the planning certainty municipalities urgently need. Given the long-term planning and implementation cycles in water management, a revision offers no technical or practical added value, but does carry the risk of destabilising existing water management concepts.

  Precisely in light of climate change, the continuation of the Water Framework Directive is becoming even more important. At the same time, it is evident across Europe that achieving the objectives within the deadlines set so far is in many cases unrealistic. The reasons for this include multiple pressures on water bodies, the growing impacts of climate change, the large number of measures that must be implemented in parallel, and limited staff, financial and land resources. Against this background, extending implementation deadlines by several further management cycles appears appropriate. One option would be to adjust the deadline-extension provisions under Article 4(4) WFD to allow additional six-year management cycles beyond 2027; alternatively, the existing target date under Article 4(1) WFD could be moved from 2015 to around 2045, creating the flexibility needed for realistic yet ambitious goal achievement.

  Furthermore, a targeted revision should be used to harmonise the timing provisions of the Environmental Quality Standards Directive (EQS Directive) and the Groundwater Directive. The currently differing deadlines for the entry into force and application of new requirements significantly complicate enforcement. This is especially problematic given that some requirements are due to apply from December 2027, while others only take effect 24 months after the amending directives enter into force, creating a risk of practical implementation problems. This is compounded by the fact that publication of the fourth river basin management plan follows immediately afterward and would already need to take the new quality standards into account. Consistent, legally certain deadlines would therefore contribute substantially to enforceability and planning certainty.

- **Demands regarding further EU environmental legislation: the Nature Restoration Regulation and the Urban Wastewater Treatment Directive**

  The fact that the Commission has singled out the Nature Restoration Regulation for individual attention in its proposal is a clear signal that this Regulation needs to be fundamentally reassessed with a view to practicable implementation. The local authorities of Bavaria and Baden-Württemberg have addressed this in a separate position paper.

  At the same time, we firmly reject the demands of the cosmetics and pharmaceutical industries to weaken or even abolish extended producer responsibility under the Urban Wastewater Treatment Directive. Our position on this is set out in more detail in a separate letter.

We explicitly call, in the spirit of a "local omnibus," for these legal acts to be revised to reflect the relief and simplification measures we are requesting: only a consistent revision of all relevant legal acts — one that genuinely relieves local authorities, safeguards their planning and decision-making authority, and creates realistic implementation conditions — can ensure the effective delivery of the EU's climate objectives and environmental standards, while at the same time strengthening the EU's competitiveness.

For further information, please contact the Brussels offices of the Bavarian and Baden-Württemberg Local Authorities.