

To:

The President of the European Commission

The Executive Vice-President for a Clean, Just and Competitive Transition

The Executive Vice-President for Prosperity and Industrial Strategy

The Commissioner for Environment, Water Resilience and a Competitive Circular Economy

The Commissioner for Energy and Housing

Cc:

Director-General, DG for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW)

Director-General, DG for Environment (DG ENV)

Director-General, DG for Energy (DG ENER)

Director-General, Joint Research Centre (JRC)

Senior Advisor, Clean Transition, Cabinet of the President of the European Commission

Member, Environment, Water, Preparedness, Cabinet of the President of the European Commission

Wednesday 10 September 2025

Subject: Urgent Need for a Harmonised and Workable Approach to Substances of Concern

On behalf of a broad coalition of European industries and in light of the European Commission's commitment to delivering regulatory simplification and boosting the competitiveness of European industry, we are writing to express our significant concerns and recommendations on the "Substances of Concern" (SoC) provisions, in particular under the Ecodesign for Sustainable Products Regulation (ESPR), and the Corporate Sustainability Reporting Directive (CSRD) and other legislation.

While we are fully committed to the objectives of enhancing product sustainability and promoting a circular economy, we urge the Commission to ensure that regulatory provisions on substances in products and related information requirements remain targeted, risk-based, and aligned with the existing legal framework on chemicals and waste.

In the context of the upcoming Omnibus packages, we ask the Commission to take into consideration our key concerns and recommendations to ensure that the EU environmental acquis is both environmentally effective and practically implementable.

Use a targeted, feasible and consistent approach: Inconsistent definitions and applications of SoC criteria and comparable substances lists across different EU regulations, such as the Ecodesign for Sustainable Products Regulation (ESPR), the EU-Taxonomy Regulation, the Packaging and Packaging Waste Regulation (PPWR), and the Batteries Regulation, create significant legal uncertainties and therefore compliance burdens. We are especially concerned about the definition of:

- SoC(b)¹, which refers to a huge number of substances classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in various hazard categories and classes: This burden is not justified from an environmental point of view, partly because substances of concern are not harmful to the environment ‘by default’; rather, they can be essential to support the circularity, longevity, safety and sustainability of a product. Also, tracking this large number (several thousands) of substances of concern throughout the life cycle of (complex) articles is not practically feasible.
- SoC(d)², which vaguely references ‘other’ substances that “negatively affect the reuse and recycling of materials in the product in which it is present”, lacks a clear, harmonised methodology and is subject to multiple interpretations and could potentially cover **any** substance: As we understand this was not the intention of the regulators, we recommend the Commission to focus on enforceability of requirements. It should be highlighted that the SoC definition is currently also under consultation in the context of CSRD and ESRS³. In its latest draft, EFRAG⁴ removed the circularity SoC which should have effect on sustainable finance regulations requiring such reporting. Therefore, a harmonisation of the definition is required and this EFRAG change should be taken in consideration in the following discussion between industrial stakeholders and the Commission.

Avoid duplicate information requirements

- SoC(a)⁵: Substances of Very High Concern (SVHC, REACH Candidate List) are already subject to mandatory information obligations according to Article 33 of REACH. Obligations for manufacturers under Article 9 of the Waste Framework Directive (SCIP database) also exist and might be revised under the upcoming Environmental Omnibus proposal. Introducing additional reporting obligations under the ESPR or other legislation offers no added value, but causes increased administrative burden for industry and for authorities. We strongly call for a “One list – One Declaration” principle. Relevant substance information for hazardous chemicals that potentially need further regulation should be provided once in REACH, not multiple times through different channels.
- SoC(c)⁶: Substances already regulated under the POPs Regulation are already subject to established material compliance processes in industry – no further information requirements are needed.

¹ Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products (ESPR). Article 2.27 (b)

² Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products (ESPR). Article 2.27 (d)

³ [Amended ESRS | EFRAG](#)

⁴ [ANNEX II_Aggregated acronyms and glossary of terms_Set1Revision \(clean\)](#)

⁵ Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products (ESPR). Article 2.27 (a)

⁶ Regulation (EU) 2024/1781 establishing a framework for the setting of ecodesign requirements for sustainable products (ESPR). Article 2.27 (c)

Be coherent: The EU already has a comprehensive and effective regulatory framework for the safe management of chemicals and waste in place. Examples include the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation, the Restriction of Hazardous Substances (RoHS) Directive, and the Persistent Organic Pollutants (POPs) Regulation. The ESPR and the SoC concept should complement these frameworks, not duplicate them and must avoid risking the implementation of circularity goals as laid down in CEAP⁷ and the announced CEA⁸. This means substances shall not be banned for chemical safety reasons under the ESPR and thorough assessments shall be made to address possible trade-offs between circularity and non-toxic environment objectives. The overall objective should be to provide manufacturers with an EU regulatory framework which is coherent.

As a conclusion we believe that the existing SoC concept should be abandoned and removed from ESPR and all legal texts in which it is referenced. A better solution would be a uniform concept for the information requirements for substances that require regulation (with clear identification of the substances) along the supply chain, which is implemented in REACH (for example, by adapting the role of the REACH candidate list based on scientific hazard classification and risk assessment, with sufficient stakeholder involvement). At least our proposed adjustments should be taken into account, as they will make the EU regulatory framework more effective and workable to support Europe's circular economy ambitions. This balanced approach will strengthen both sustainability outcomes and the competitiveness of European companies.

We kindly urge the Commission to integrate the above considerations into the Environmental Omnibus. Our industries remain fully committed to advancing Europe's green and circular transition. We stand ready to support a solution-oriented dialogue with you on this topic. Thank you very much for your consideration of our recommendations.

Yours sincerely,

The Undersigned Associations

⁷ Circular Economy Action Plan

⁸ Circular Economy Act





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