



Brussels, 10<sup>th</sup> June 2026

**Dear Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection,**

The undersigned associations support the objectives of Directive (EU) 2024/825 (EmpCo-Directive) to better inform consumers and promote sustainable consumption. This makes it all the more important to ensure an implementation that balances sustainability, resource efficiency, and competitiveness.

**However, with the new requirements taking effect on 27 September 2026, there is a risk that the opposite will be achieved.**

Under the current legal framework, there is a risk that products which have already been manufactured, delivered, and are fully functional may no longer be sold with legal certainty solely due to new labelling or information requirements. This would cause significant losses in value throughout the entire value chain and lead to the destruction of market-ready products, even though they do not suffer from any safety or quality defects. Such an outcome would run counter to the objectives of the circular economy, resource conservation, and waste prevention.

The current state of implementation of the Directive in the EU Member States also demonstrates the urgent need for adequate transitional periods: At the end of April, only three Member States had transposed the Directive into national law, while a further six had published draft implementing legislation. Without a swift solution, there is a risk of a massive imbalance in competition within the single market.

Furthermore, the European Union has set itself the objective of reducing administrative burdens on businesses by 25 percent. This objective must not be undermined by the practical design of new regulatory initiatives. Sustainability and reducing administrative burdens must not become competing policy objectives.

Against this background, a practical and legally secure transitional arrangement is required.

The European Commission has recognised the problem and is considering encouraging national authorities to exercise restraint in imposing sanctions. In Germany and Austria, however, this approach falls short, as enforcement of such violations is predominantly carried out through private enforcement actions by competitors and consumer protection organisations.

Moreover, there are already examples of appropriate solutions at the European level. The guidelines on Regulation (EU) 2025/40 on packaging and packaging waste clarify that packaging which was lawfully placed on the market before the date of application may continue to remain on the market without having to be subsequently adapted, recalled, or withdrawn from the market.

For reasons of legal consistency, a comparable solution should also be provided under the EmpCo Directive.

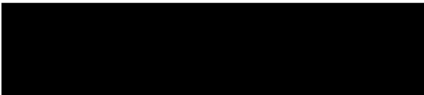
**The undersigned associations therefore call, at a minimum, for the introduction of a 12-month sell-through period for products that were manufactured in compliance with the law before 27 September 2026.**

Such a provision would not weaken the objectives of the EmpCo-Directive but would make its implementation practical and workable. It would prevent unnecessary destruction of goods, conserve resources, provide legal certainty, and at the same time support the European Union's policy objectives in the areas of sustainability, competitiveness, and reducing administrative burdens.

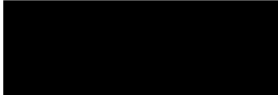
We therefore call on the European Commission to provide a corresponding clarification or transitional arrangement without delay.

Yours sincerely,

The undersigned associations



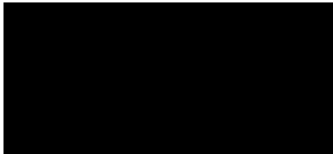
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