

Green Claims Directive

Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims

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Why set requirements on environmental claims?

Protect consumers and companies from **greenwashing**

Enable consumers to make informed purchasing decisions based on **credible environmental claims & labels**

Boost the **competitiveness** of economic operators that make efforts to increase their **environmental sustainability**

Improve legal certainty & **level the playing field** on the **Single Market**



Accelerate the green transition towards a circular, clean & climate neutral economy

Scope of the proposal

- ▶ **Lex specialis to Unfair Commercial Practices Directive** (& Empowering Consumers for the Green Transition)
 - ▶ also covers *business-to-consumer* commercial communication
 - ▶ applies only to **voluntary explicit environmental claims**
- ▶ Definitions aligned with consumer protection framework
- ▶ **Does not apply to environmental claims regulated by other Union rules (existing or future)**

Environmental claim:

Any message or representation, which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication,

which states or implies that a product or trader **has a positive or no impact on the environment or is less damaging to the environment than other products or traders, respectively, or has improved their impact over time.**

— Proposal Empowering consumers for the green transition



Substantiation of environmental claims

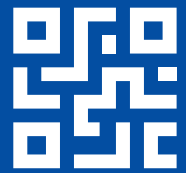
▶ Rules on substantiation of claims:

- ▶ backed by **widely recognised scientific evidence** & takes into account relevant **international standards**
- ▶ demonstrating that the claim addresses **significant** environmental issues from a life-cycle perspective
- ▶ identifying **trade-offs between impacts**
- ▶ transparent on offsets: separate from own reductions, if concern reductions / removals, high integrity & correct accounting of climate impacts
- ▶ use of accurate information: primary data for env impacts/aspects/performance subject to the claim when available to the trader, and representative secondary data
- ▶ identifies if common practice or imposed by law

Exemption for microenterprises from substantiation requirements on claims unless they chose to opt in

Communication of environmental claims

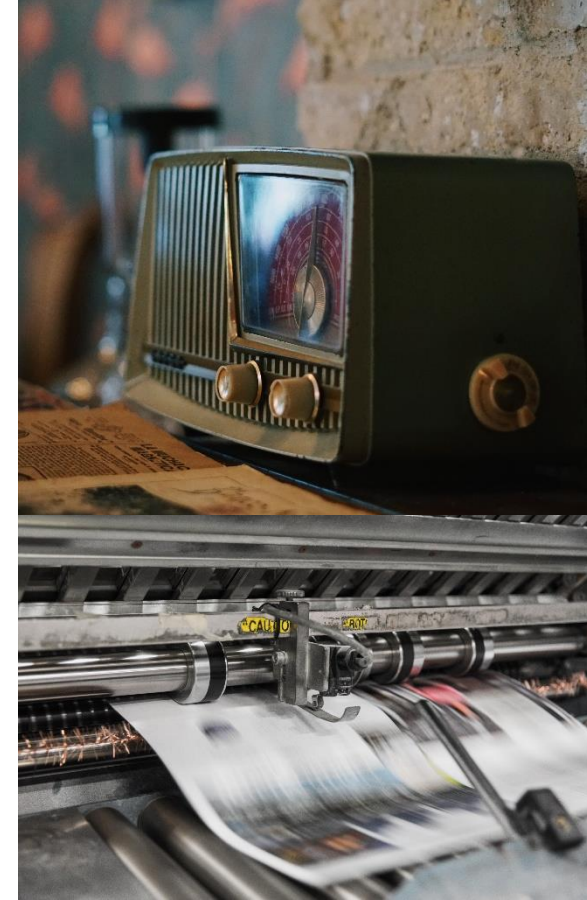
- ▶ Rules are complementary to consumer protection framework
- ▶ Communicate only on what has been substantiated



Information on substantiation to be made available to consumers on product / weblink / QR code



Exemption for microenterprises from communication requirements on claims unless they chose to opt in



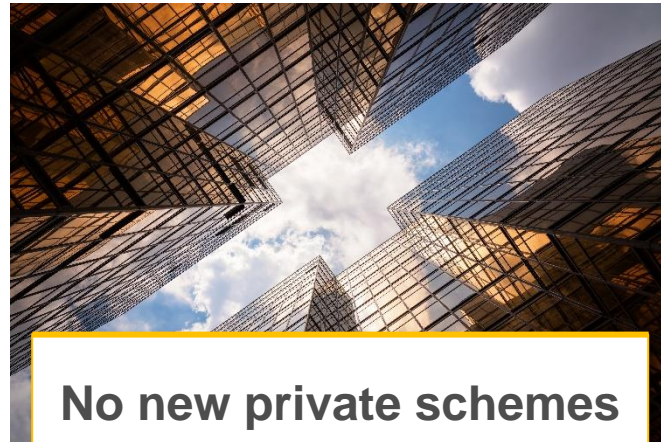
Regime for environmental labelling

- ▶ **Avoid the proliferation of schemes & reinforce the trust in existing ones**
 - ▶ Based on certification schemes with **independent & transparent governance**
 - ▶ **Ban of labels presenting aggregated scoring** of overall impact – to be developed under EU law



**No new public schemes
allowed**

*at regional or national level
only under Union law*



**No new private schemes
allowed**

*only if added value can be
demonstrated
to national authorities*



**No new 3rd country
schemes**

*only if added value can be
demonstrated to EU or
national authorities*

Verification of environmental claims & labels

- ▶ **Ex-ante verification** by independent & accredited verifiers competent to certify that substantiation & labelling schemes meet the requirements
 - ▶ Certificate of conformity recognised across the EU
 - ▶ Microenterprises can opt-in for verification of claims

Support to SMEs

- ▷ **EU to finance** flanking measures & acquisition of high quality data sets (useful to assess value chains)
- ▷ **Member States:**
 - raising awareness of ways to comply
 - financial support
 - access to finance
 - technical assistance



Product Environmental Footprint (PEF) in the Green Claims Directive



Substantiation of environmental claims

- ▶ Reliable claims need credible & proportionate substantiation:
 - ***PEF is an appropriate method to comply with the requirements of the GCD*** (claims on environmental impacts and environmental footprint)
 - ***Recital 17: PEF can support claims that consider the life-cycle*** of the product provided they are complete
 - ***Recital 24: PEF can support claims on specific life-cycle environmental impacts*** covered by the EF methods provided they are complete for the product
 - ***Recital 26: PEF does not assess*** the life-cycle environmental impacts related to the ***release of microplastics, some positive externalities of extensive farming, impacts on depletion of fish stocks.***
 - ***Recital 27: PEF can support comparative claims*** as it ensures that for products with very different raw materials, uses and process chains the most relevant stages of the life-cycle are taken into account.
- ▶ **EC empowered to adopt product category rules via delegated acts (DA)**



Future database

- ▶ **Financial contribution for the development of a database:**
 - The financial fiche accompanying the proposal for the GCD includes **budget for the development of a large database** with a **different intellectual property regime**
 - EC already started working and launched a contract to explore the different ways of this database governance: industry cooperation, IPR regimes, minimum quality requirements for the EF datasets, etc.
 - **Industry should be pro-active in the development of EF compliant datasets** that can be used in a PEFCR

Thank You



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