

Green Claims Directive

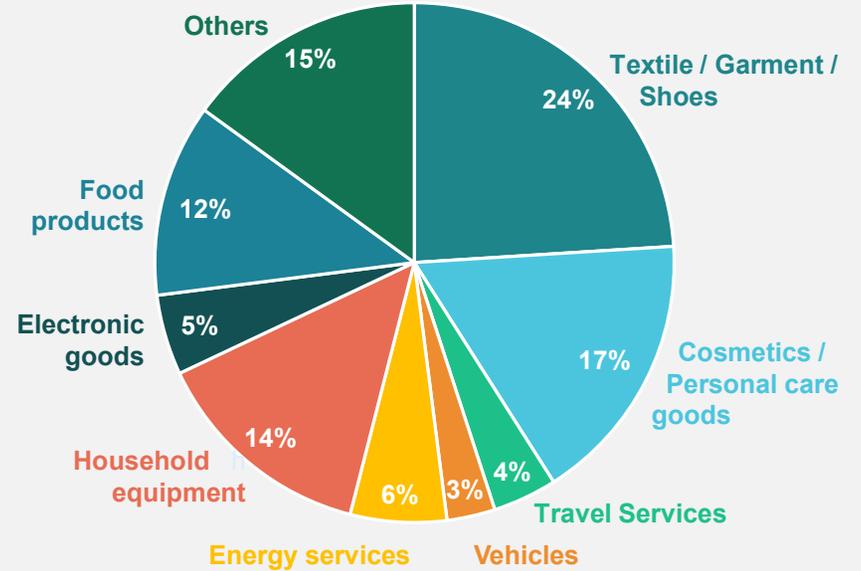
DG Environment

ENV.B1 Circular Economy, sustainable production & consumption

Credibility of environmental claims today



2020 sweep on misleading sustainability claims



What do EU citizens say about green claims?

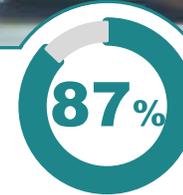
(Source: [Special Eurobarometer 501](#))



“The impact of the product on the **environment is important** when making a purchasing decision.”



“Companies often make **misleading environmental claims**, leading customers to believe that their product or service is environmentally friendly.”



“To be credible, an environmental label needs to be **verified by an independent organization.**”

Why set requirements on environmental claims?

Protect consumers and companies from **greenwashing**

Enable consumers to make informed purchasing decisions

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

- The **Green Claims Directive** - *lex specialis* to **Unfair Commercial Practices Directive** (amended by Empowering Consumers for the Green Transition)
 - ✓ Prescribes how companies should make **environmental claims**.
 - ✓ Covers **business-to-consumer** commercial communication.
 - × Does not apply to environmental claims regulated by **other EU rules**.
- **Definition** of an ‘**environmental claim**’
 - Not mandatory, so only **voluntary and explicit**.
 - Text, pictorial, graphic, symbolic representation (incl. labels; brand/company/product names).
 - **States or implies** positive or no impact on the environment; less damaging to the environment than others; or improved impact over time.



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 GHG offsets: separate from own reductions, clarity if concern reductions / removals, high integrity & correct accounting of climate impacts

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

➤ **Product Environmental Footprint (PEF)** is an appropriate method to comply with the requirements:

✓ To support product / organisational claims on specific environmental impacts and overall environmental footprint provided they are complete for a given product

× Completeness not yet ensured for impacts related to...

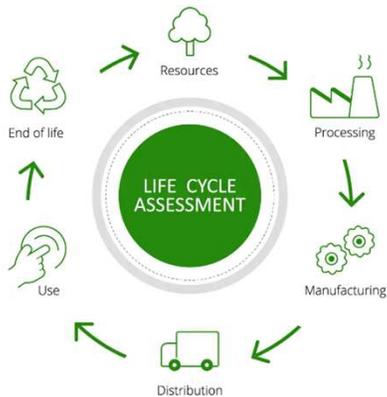
➤ The release of microplastics

➤ Some positive externalities of extensive farming

➤ Impacts on depletion of fish stocks

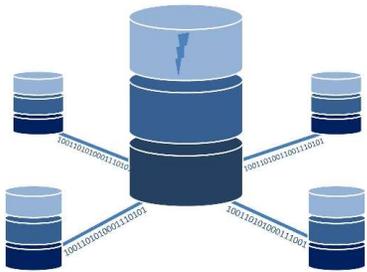
✓ Can support **comparative claims** - includes the most relevant stages of the life-cycle even for products with very different raw materials, uses and process chains

➤ EC is empowered to adopt **PEF Category Rules (PEFCR)** for specific product groups via Delegated Acts (DA)



Future database

- ▶ Financial contribution for the development of a **database**:
 - Financial fiche 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 the database's governance** (i.e. industry cooperation, IPR regimes, minimum quality requirements for the EF datasets, etc.)
 - Industry should be pro-active in the development of datasets that are **compliant and can be used in a PEFCR**



Thank You



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