

Substantiation and communication of explicit environmental claims (Green Claims Directive)

2023/0085(COD) - 23/02/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety and the Committee on the Internal Market and Consumer Protection adopted a joint report by Cyrus ENGERER (S&D, MT) and Andrus ANSIP (Renew, EE) on the proposal for a directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter and scope

The report clarified that the purpose of the proposed Directive is to provide for a high level of consumer and environmental protection, while contributing to the functioning of the internal market, by approximating the laws, regulations and administrative provisions of the Member States related to environmental claims made on or with reference to products made available on the market or to traders making products available on the market. It should apply to explicit environmental claims made by traders about products placed on the market or put into service, including through online platforms or traders and environmental labelling schemes in business-to-consumer commercial practices.

Substantiation of explicit environmental claims

Explicit environmental claims claiming that a product has a neutral, reduced or positive environmental impact based on the use of carbon credits should be prohibited. By 18 months after the entry into force of this Directive, the Commission should provide a report on the use of explicit environmental claims on products or product groups containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR).

Environmental labelling schemes

Environmental labelling schemes established by private operators prior to the date of transposition may continue to award environmental labels, which are to be used on the Union market, provided they meet the requirements of this Directive.

The Commission should publish and keep-up-to date a list of environmental labelling schemes that comply with this Directive and environmental labels that are allowed to be used. This list should be available to the public free of charge and be presented in an understandable manner.

Verification

The verification of explicit environmental claims and environmental labelling schemes should be completed within 30 days. The verifier may decide to extend the period for verification for more than 30 days in duly justified cases. Member States may prioritise the verification of existing environmental claims made before the entry into force of this Directive. The verifier should have adequate resources, in

particular technical capabilities and a sufficient number of suitably qualified and experienced personnel, with experience in life-cycle assessments, where necessary, responsible for carrying out the verification tasks.

Small and medium sized enterprises

To support SMEs, the report suggested that Member States should designate single points of contact for microenterprises and small and medium-sized enterprises from where they can request information on complying with the requirements on explicit environmental claims and on the available support.

Compliance monitoring measures

The competent authorities may decide upon a duly justified request from the trader, in exceptional cases, to grant the trader one extension to the original 30 days, during which the trader will be required to take all appropriate corrective action.

Where the competent authorities of a Member State establish that verifiers have repeatedly issued certificates of conformity for explicit environmental claims that do not comply with the requirements laid down in this Directive, the verifier's accreditation should be withdrawn without undue delay.

Complaint-handling and access to justice

Competent authorities should, as soon as possible and in any case within 30 days from receiving the substantiated concern inform the relevant person or organisation that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it and a description of the further steps and measures it will take.

Consultation forum

A new article proposes that the Commission should establish a green claims consultation forum involving balanced participation of Member States' representatives and all relevant interested parties.

Monitoring

National competent authorities should actively collaborate and regularly exchange best practices regarding the implementation of this Directive.

Evaluation and review

Members considered that the report should assess whether this Directive has achieved its objective, in particular with regard to:

- facilitating transition towards toxic free environment;
- ensuring that traders effectively prioritise emission reductions in their own operations and value chains, by assessing the adequacy of the provisions related to the use of carbon credits;
- further strengthening consumer protection and the functioning of the internal market by considering extending the requirements on substantiation of explicit environmental claims to micro enterprises.

Transposition

Member States may introduce a transitional period, between the date of entry into force and the date of application of this Directive, during which existing environmental claims submitted for verification can be used.