

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

2023/0085(COD) - 12/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 467 votes to 6, with 74 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and scope

The proposed Directive should 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. Examples of environmental claims are 'environmentally friendly', 'eco-friendly', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', 'carbon friendly', 'energy efficient', 'biodegradable', 'biobased' or similar statements that suggest or create the impression of excellent environmental performance.

The Directive 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

Professionals should carry out an assessment to substantiate explicit environmental claims. According to Members, this assessment should:

- be based on **independent, peer-reviewed, widely recognised, robust and verifiable scientific evidence**, use accurate information and take into account relevant European or international standards;
- separate any carbon credits used from greenhouse gas emissions as additional environmental information, specify whether those credits relate to emission reductions or removals;
- indicate, **for the use of carbon credits**, the share of residual emissions expressed as a share of base-year emissions, the share of biogenic and fossil emissions within these residual emissions and the quantity and type of activity underlying the credits used, providing evidence that the credits have been appropriately retired from the registry of the certification scheme, in order to avoid double counting;
- ensure that, for carbon credits used for contribution claims, **no financial contribution is used** to claim an improvement in the climate or environmental impact of the product or trader.

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).

Where the explicit environmental claim is related to **future environmental performance** of a trader, the trader should:

- include a time-bound, science-based and measurable commitment for improvements inside own operations and value chains;
- include an implementation plan containing measurable and verifiable interim targets and other relevant elements necessary to support implementation, such as allocation of resources, a monitoring plan and a reporting plan based on reporting and verifications at regular intervals;
- make publicly available the information referred to above, including the results of reporting.

Environmental labelling

The environmental labelling scheme should have a robust **monitoring and evaluation system** to regularly review its objectives, strategies, performance and impacts, based on the latest best practices, scientific data and evidence, and where relevant, to update its requirements in line with the findings.

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 on the Union market. 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, as well as a complaint and dispute resolution mechanism in place.

Where the competent authorities of a Member State find that a verifier has repeatedly issued certificates of conformity concerning explicit environmental claims which do not comply with the requirements laid down in the Directive, the accreditation of the verifier concerned should be withdrawn immediately.

Small and medium sized enterprises

To support SMEs, Members 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.

Simplified verification system

By 18 months after the entry into force of the Directive, the Commission should establish, by means of a delegated act, a simplified verification system that allows traders to benefit from a simplified procedure, that may include a presumption of conformity, for certain environmental claims.

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.