



2023/0085(COD)

25.1.2024

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety and the
Committee on the Internal Market and Consumer Protection

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)
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

Rapporteur for opinion: Petri Sarvamaa

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SHORT JUSTIFICATION

The Rapporteur welcomes the Commission's initiative to update Union consumer law to ensure consumer protection and to enable them to actively contribute to the green transition by proposing the Directive on the substantiation and communication of explicit environmental claims (Green Claims Directive). The Rapporteur is also of the view to support the commitment to tackle false environmental claims by ensuring that buyers receive reliable, comparable and verifiable information that enables them to make more sustainable decisions and reduce the risk of 'greenwashing'.

The Rapporteur finds it crucial that the information requirements are relevant to the substantiation and that the existing environmental labelling schemes are considered as sufficient information to fulfil requirements set out in the Directive.

The Rapporteur sees that, while this regulation is expected to eliminate misleading or false claims and it could help to ensure proper enforcement, it will impose additional administrative burden and costs on agricultural producers and traders wishing to make such claims. At the same time, the impact on small enterprises is expected to be higher than on larger companies. For this reason, it is of utmost importance to ensure adequate financial and administrative support to all companies, with a special focus on small and medium-sized ones.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety and the Committee on the Internal Market and Consumer Protection, as the committees responsible, to take the following into account:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products. If goods and services offered and purchased on the internal market are not as environmentally friendly **as** presented, this would mislead the consumers, hamper the green transition and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national legislation or private initiatives regulating environmental claims create a

Amendment

(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products. If goods and services offered and purchased on the internal market are not as environmentally friendly **in terms of compliance as** presented, this would mislead the consumers, hamper **the objectives linked to** the green transition and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by

burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.

national legislation or private initiatives regulating environmental claims create a burden ***and uncertainty*** for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy ***and if they ensure compliance.***

Amendment 2

Proposal for a directive Recital 4

Text proposed by the Commission

(4) It is therefore necessary to harmonise further the regulation of environmental claims. Such harmonisation will strengthen the market for more sustainable products and traders by avoiding market fragmentation due to diverging national approaches. It will also set a benchmark that can drive the global transition to a just, climate-neutral, resource-efficient and circular economy⁶⁸.

⁶⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new

Amendment

(4) It is therefore necessary to harmonise further the regulation of environmental claims. Such harmonisation will strengthen the market for more sustainable products and traders by avoiding market fragmentation due to diverging national approaches. It will also set a benchmark that can drive the global transition to a just, climate-neutral, resource-efficient and circular economy⁶⁸. ***The purpose of Europe-wide harmonised regulation is to reduce trade barriers and the costs linked to compliance with different standards. This will make cross-border trade easier and encourage the development of a global market for sustainable products.***

⁶⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new

Amendment 3

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition towards a circular, climate-neutral and clean economy in the Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims.

Amendment

(5) Detailed Union rules ***on*** substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition towards a circular, climate-neutral and clean economy in the Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims. ***However, that new regulatory framework should not lead to a disproportionate additional administrative or financial burden for companies, especially for small and medium-sized enterprises (SMEs).***

Amendment 4

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament

Amendment

(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further, ***ensuring support, for small and medium-sized enterprises in***

and of the Council⁷³, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water⁷⁴. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.

⁷³ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

⁷⁴

https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf.

particular, so that they can contribute to that. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council ⁷³, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water⁷⁴. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.

⁷³ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

⁷⁴

https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf.

Amendment 5

Proposal for a directive Recital 14

Text proposed by the Commission

(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised **excellent** environmental **performance** relevant to the claim. Examples of such generic environmental claims are ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’ and ‘environmentally correct’. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their substantiation, communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive.

Amendment

(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised environmental **standards** relevant to the claim. Examples of such generic environmental claims are ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’ and ‘environmentally correct’. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their substantiation, communication and verification, ***without, however, introducing a disproportionate administrative or financial burden for companies, especially for small and medium-sized enterprises.*** The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive.

Amendment 6

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of ‘greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation

Amendment

(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of ‘greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation

should take into account internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.

should take into account internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, ***it should be based on a cost-benefit impact assessment, focusing in particular on the impact on small and medium-sized enterprises***, and it should result in reliable, transparent, comparable and verifiable information to the consumer.

Amendment 7

Proposal for a directive Recital 16

Text proposed by the Commission

(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product ***or of the overall activities of the trader*** and should not omit any relevant environmental aspects or environmental impacts. The benefits claimed should not result in an unjustified transfer of negative impacts to other stages of the life cycle of a product or ***trader, or*** to the creation or increase of other negative environmental impacts.

Amendment

(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product and should not omit any relevant environmental aspects or environmental impacts, ***while bearing in mind the need to limit the administrative and financial burden on traders as much as possible***. The benefits claimed should not result in an unjustified transfer of negative impacts to other stages of the life cycle of a product or to the creation or increase of other negative environmental impacts.

Amendment 8

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are “climate neutral”, “carbon

Amendment

(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are “climate neutral”, “carbon

neutral”, “100% CO2 compensated”, or will be “net-zero” by a given year, or similar. Such statements are often based on “offsetting” of greenhouse gas emissions through “carbon credits” generated outside the company’s value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in offset credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of relying on offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements.

When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on offsets in a transparent manner.

Therefore, the substantiation of climate-related claims should consider any greenhouse gas emissions offsets used by the traders separately from the trader’s or the product’s greenhouse gas emissions. In addition, this information should also specify the share of total emissions that are addressed through offsetting, whether these offsets relate to emission reductions or removals enhancement, and the methodology applied. The climate-related claims that include the use of offsets have

neutral”, “100% CO2 compensated”, or will be “net-zero” by a given year, or similar. Such statements are often based on “offsetting” of greenhouse gas emissions through “carbon credits” generated outside the company’s value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in offset credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of relying on offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements.

For those reasons, it is particularly important to prohibit claims based on greenhouse gas emissions offsetting, which claim that a product, either a good or service, has a neutral, reduced, or positive impact on the environment in terms of greenhouse gas emissions. Such claims should be prohibited under all circumstances as they mislead consumers into believing that such claims relate to the product itself or the supply and production of that product, or give consumers the false impression that the consumption of that product has no environmental impact when this is not the case. Examples of such claims include ‘climate neutral’, ‘CO2 neutral certified’,

to be substantiated by methodologies that ensure the integrity and correct accounting of these offsets and thus reflect coherently and transparently the resulting impact on the climate.

‘carbon positive’, ‘climate net zero’, ‘climate compensated’, ‘reduced climate impact’, ‘limited CO2 footprint’, among others.

Amendment 9

Proposal for a directive Recital 23

Text proposed by the Commission

(23) The information used to substantiate explicit environmental claims should be science based, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered.

Amendment

(23) The information used to substantiate explicit environmental claims should be science based ***and up-to-date, take into account relevant international standards, such as those established by the International Organization for Standardization***, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered, ***thereby ensuring that environmental claims are based on scientific evidence and that the environmental impact is accurately assessed. Particular attention should be paid to the exhaustive consideration of the total environmental impact for innovative products and activities, namely those subject to Regulation (EU) 2015/2283 of the European Parliament and of the Council*** ^{74a}.

^{74a} ***Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001.***

Amendment 10

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Widely recognised scientific evidence indicates that the assessment of a claim should be based on methodologies, approaches or studies that have been developed in line with best practices in terms of transparency and have been independently peer-reviewed by the scientific community, published in scientific journals and, where available, take account of the existing international standards that are relevant to the claim that is made, such as ISO or CEN/CENELEC standards.

Amendment 11

Proposal for a directive
Recital 30

Text proposed by the Commission

Amendment

(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC⁸⁴, an administrative burden linked to substantiation and verification of environmental claims on the smallest companies could be disproportionate and should be avoided. ***To this end***, microenterprises should be exempted from the requirements on substantiation of Article 3 and 4 unless these enterprises wish to obtain a certificate of conformity of explicit environmental claims that will be recognised by the competent authorities across the Union.

(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC⁸⁴, an administrative burden linked to substantiation and verification of environmental claims on the smallest companies could be disproportionate and should be avoided. ***In order to promote a more flexible approach and support sustainable development among microenterprises***, microenterprises should be exempted from the requirements on substantiation of Article 3 and 4 unless these enterprises wish to obtain a certificate of conformity of explicit environmental claims that will be recognised by the competent authorities across the Union.

⁸⁴ Directive 2005/29/EC of the European

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Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22) as amended.

Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22) as amended.

Amendment 12

Proposal for a directive Recital 32

Text proposed by the Commission

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the

Amendment

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. ***The Commission should consult industry stakeholders in the process of determining the impact categories and associated methodologies to be added to the Product Environmental Footprint.*** For example, as

PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of *extensive* farming *and animal welfare*, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of *different* farming *methods and forest management practices*, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

Amendment 13

Proposal for a directive Recital 35

Text proposed by the Commission

(35) In order to facilitate consumers' choices of more sustainable products and to incentivise efforts of traders to lower their environmental impacts, when the claim communicated relates to future environmental performance, it should as a priority be based on improvements inside trader's own operations and value chains rather than relying on offsetting of greenhouse gas emissions or other environmental impacts.

Amendment

(35) In order to facilitate consumers' choices of more sustainable products and to incentivise efforts of traders to lower their environmental impacts, when the claim communicated relates to future environmental performance, it should as a priority be based on improvements inside trader's own operations and value chains rather than relying on offsetting of greenhouse gas emissions or other environmental impacts. ***This approach ensures a real commitment to sustainability and to reducing reliance on solutions that could be considered as mere corrective or compensatory measures.***

Amendment 14

Proposal for a directive

Recital 43

Text proposed by the Commission

(43) In order to combat misleading explicit environmental claims communicated in the form of environmental labels and increase consumer trust in environmental labels, this Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.

Amendment

(43) In order to combat misleading explicit environmental claims communicated in the form of environmental labels and increase consumer trust in environmental labels, this Directive should establish **common** governance criteria ***that ensure uniformity and clarity and*** that all environmental labelling schemes are to comply with, ***to help consumers make informed decisions, fully aware of the facts,*** complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.

Amendment 15

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) In order not to create unnecessary barriers to international trade and to ensure equal treatment with the public schemes established in the Union, the public authorities outside of the Union setting up new labelling schemes should be allowed to request approval from the Commission for use of the label on the Union market. This approval should be conditional on the scheme's contribution to reaching the objectives of this Directive and provided that the schemes demonstrate added value in terms of environmental ambition, coverage of environmental impacts, product group or sector and meet all the requirements of this Directive.

Amendment

(45) In order not to create unnecessary barriers to international trade, ***to avoid unfair competition practices in the internal market*** and to ensure ***fair competition and*** equal treatment with the public schemes established in the Union, the public authorities outside of the Union setting up new labelling schemes should be allowed to request approval from the Commission for use of the label on the Union market. This approval should be conditional ***on compliance with the rules established under this Directive and*** on the scheme's contribution to reaching the objectives of this Directive and provided that the schemes demonstrate added value in terms of environmental ambition, coverage of environmental impacts, product group or sector and meet all the requirements of this Directive.

Amendment 16

Proposal for a directive Recital 47

Text proposed by the Commission

(47) In order to provide legal certainty and facilitate enforcement of the provisions on new national and regional officially recognised environmental labelling schemes and new private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.

Amendment

(47) In order to provide legal certainty and facilitate enforcement of the provisions on new national and regional officially recognised environmental labelling schemes and new private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market. ***The publication of official lists would ensure clarity for traders and consumers alike, making it easier to access relevant information and removing any ambiguity regarding the recognition and application of different labelling systems.***

Amendment 17

Proposal for a directive Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) Regular revisions of environmental labelling schemes are of fundamental importance in order to ensure their continuous improvement. For this reason, this Directive should ensure that the verification and certification of the substantiation and communication of environmental labelling schemes ensures their continuous improvement.

Amendment 18

Proposal for a directive Recital 49

Text proposed by the Commission

(49) It is essential that explicit environmental claims reflect correctly the environmental performance and environmental impacts covered by the claim, and consider the latest scientific evidence. Member States should therefore ensure that the trader making the claim reviews and updates the substantiation and communication of the claims at least every 5 years to ensure compliance with the requirements of this Directive

Amendment

(49) It is essential that explicit environmental claims reflect correctly the environmental performance and environmental impacts covered by the claim, and consider the latest scientific evidence, ***without, however, introducing disproportionate administrative and financial burden for companies, especially for small and medium-sized enterprises***. Member States should therefore ensure that the trader making the claim reviews and updates the substantiation and communication of the claims at least every 5 years to ensure compliance with the requirements of this Directive.

Amendment 19

**Proposal for a directive
Recital 52**

Text proposed by the Commission

(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be recognised by the competent authorities across the Union. Microenterprises should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition across the Union. The certificate of conformity should however not prejudice the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.

Amendment

(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be ***automatically*** recognised by the competent authorities across the Union. Microenterprises should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition across the Union. The certificate of conformity should however not prejudice the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.

Amendment 20

Proposal for a directive Recital 54

Text proposed by the Commission

(54) Small and medium-sized enterprises (SMEs) should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties with some of the requirements on substantiation and verification of explicit environmental claims. The Member States should provide adequate information and raise awareness of the ways to comply with the requirements of this Directive, ensure targeted and specialised training, and provide specific assistance and support, including financial, to **SMEs** wishing to make explicit environmental claims on their products or as regards their activities. Member States actions **should be taken** in respect of applicable State aid rules.

Amendment

(54) **Micro**, small and medium-sized enterprises (SMEs) should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties **in complying** with some of the requirements on substantiation and verification of explicit environmental claims. The **Commission and** Member States should provide adequate information and raise awareness of the ways to comply with the requirements of this Directive, ensure targeted and specialised training, and provide specific assistance and support, including financial, to **micro, small and medium-sized enterprises** wishing to make explicit environmental claims on their products or as regards their activities. **The Commission should set up a fair system for micro, small and medium-sized enterprises to implement the provisions of this Directive by ensuring technical and financial support, and by helping Member States to take** actions in respect of applicable State aid rules.

Amendment 21

Proposal for a directive Recital 60

Text proposed by the Commission

(60) When competent authorities detect an infringement of requirements of this Directive they should carry out an evaluation and based on its results notify the trader about the infringement detected and require that corrective actions are taken by the trader. To minimise the

Amendment

(60) When competent authorities detect an infringement of requirements of this Directive they should carry out an evaluation and based on its results notify the trader about the infringement detected and require that corrective actions are taken by the trader. To minimise the

misleading effect on consumers of the non-compliant explicit environmental claim or non-compliant environmental labelling scheme, the trader should be required by the competent authorities to take an effective and rapid action to remediate that infringement. The corrective action required should be proportionate to the infringement detected and its ***expected*** harmful effects on the consumers.

misleading effect on consumers of the non-compliant explicit environmental claim or non-compliant environmental labelling scheme, the trader should be required by the competent authorities to take an effective and rapid action to remediate that infringement. The corrective action required should be proportionate to the infringement detected and its ***proven*** harmful effects on the consumers.

Amendment 22

Proposal for a directive Recital 62

Text proposed by the Commission

(62) Competent authorities should also carry out checks of explicit environmental claims on the Union market when in possession of and based on relevant information, including substantiated concerns submitted by third parties. Third parties submitting a concern should be able to demonstrate ***a sufficient interest or maintain*** the impairment of a right.

Amendment

(62) Competent authorities should also carry out checks of explicit environmental claims on the Union market when in possession of and based on relevant information, including substantiated concerns submitted by third parties. Third parties submitting a concern should be able to demonstrate the impairment of a right.

Amendment 23

Proposal for a directive Recital 63

Text proposed by the Commission

(63) In order to ensure that traders are effectively dissuaded from non-compliance with the requirements of this Directive, Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that those rules are implemented. The penalties provided for should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common non-exhaustive criteria for determining the types and levels of

Amendment

(63) In order to ensure that traders are effectively dissuaded from non-compliance with the requirements of this Directive, Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that those rules ***are directly proportionate to the damage caused and that they*** are implemented. The penalties provided for should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common non-

penalties to be imposed in case of infringements. That criteria should include, inter alia, the nature and gravity of the infringement as well as the economic benefits derived from the infringement in order to ensure that those responsible are deprived of those benefits.

exhaustive criteria for determining the types and levels of penalties to be imposed in case of infringements, ***in relation to the damage caused***. That criteria should include, inter alia, the nature and gravity of the infringement, ***the damage caused by the infringement***, as well as the economic benefits derived from the infringement in order to ensure that those responsible are deprived of those benefits.

Amendment 24

Proposal for a directive Recital 65

Text proposed by the Commission

(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, ***including*** at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁸⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁸⁹ OJ L 123, 12.5.2016, p. 1.

Amendment

(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, at expert level ***involving all Member States***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁸⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁸⁹ OJ L 123, 12.5.2016, p. 1.

Amendment 25

Proposal for a directive Recital 66

Text proposed by the Commission

(66) In order to assess the performance of the legislation against the objectives that it pursues, the Commission should carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council. In order to inform an evaluation of this Directive, Member States should regularly collect information on the application of this Directive and provide it to the Commission on an annual basis.

Amendment

(66) In order to assess the performance of the legislation against the objectives that it pursues, the Commission should carry out a ***periodic*** evaluation of this Directive and present a report on the main findings to the European Parliament and the Council. In order to inform an evaluation of this Directive, Member States should regularly collect information on the application of this Directive and provide it to the Commission on an annual basis, ***that being a key part of the continuous monitoring and evaluation of the implementation of the Directive. That approach makes it possible to amend and improve legislation based on practical experiences and developments in the field of environmental and consumer protection.***

Amendment 26

Proposal for a directive

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Directive does not apply to environmental labelling schemes or to explicit environmental claims regulated by or substantiated by rules established in:

Amendment

2. This Directive does not apply to environmental labelling schemes or to explicit environmental claims regulated by or substantiated ***and verified*** by rules established in:

Amendment 27

Proposal for a directive

Article 1 – paragraph 2 – point k

Text proposed by the Commission

(k) ***Directive 94/62/EC*** of the European Parliament and of the Council¹⁰⁵ ;

Amendment

(k) ***Regulation [EU].../...*** of the European Parliament and of the Council ***on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and***

repealing Directive 94/62/EC;

¹⁰⁵ *Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).*

Amendment 28

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘explicit environmental claim’ means an environmental claim that is in textual form or contained in an environmental label;

Amendment

(2) ‘explicit environmental claim’ means an environmental claim that is in textual form, ***symbolic form*** or contained in an environmental label ***or in a form of their digital alternatives;***

Amendment 29

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that traders carry out an assessment to substantiate explicit environmental claims. This assessment shall:

Amendment

1. Member States shall ensure that traders carry out an assessment to substantiate explicit environmental claims. This assessment shall ***be clearly connected and strictly relevant to the substantiation of the respective claim and shall:***

Amendment 30

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) rely on widely recognised scientific evidence, use accurate information and

Amendment

(b) rely on widely recognised ***peer-reviewed*** scientific evidence, ***including***

take into account relevant international standards;

methods assessed and validated by the Commission, use accurate information and take into account relevant international standards;

Amendment 31

Proposal for a directive

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) demonstrate that environmental impacts, environmental aspects or environmental performance that are subject to the claim are significant from a life-cycle perspective;

Amendment

(c) demonstrate that environmental impacts, environmental aspects or environmental performance that are subject to the claim are significant from a life-cycle perspective ***as defined in ISO 14040:2006, taking into consideration long-term business strategies, and other positive externalities of production systems***;

Amendment 32

Proposal for a directive

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to assessing the environmental performance;

Amendment

(d) where a claim is made on environmental performance, take into account all environmental aspects or ***positive or negative*** environmental impacts which are significant to assessing the environmental performance, ***including on the basis of an overall life-cycle assessment of a product ('environmental footprint')***;

Amendment 33

Proposal for a directive

Article 3 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) demonstrate that the claim ***is not equivalent to*** requirements imposed by law ***on products within*** the product ***group, or traders within the sector***;

(e) demonstrate that the claim ***reflects*** requirements imposed by law ***where mirror clauses are not implemented for*** the product ***concerned***;

Amendment 34

Proposal for a directive

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) demonstrate that the claim goes beyond the requirements imposed by law on products within the product group, or traders within the sector; existing PEFCR may be used as benchmark, if available; for agriculture related claims demonstrate that they go beyond standards for good agricultural and environmental condition of land and Statutory management requirement as defined in Regulation (EU) 2021/2115, applicable at the level of operator; requirements relating to eco-schemes in the CAP shall be deemed eligible for environmental claims under this Directive;

Amendment 35

Proposal for a directive

Article 3 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) provide information whether the product or trader which is subject to the claim performs significantly better regarding environmental impacts, environmental aspects or environmental performance which is subject to the claim than what is common practice for products in the relevant product group or traders in

(f) provide information whether the product or trader which is subject to the claim performs significantly better regarding environmental impacts, environmental aspects or environmental performance which is subject to the claim than what is common practice for products in the relevant product group or traders in the relevant sector, ***especially for***

the relevant sector;

innovative products;

Amendment 36

Proposal for a directive

Article 3 – paragraph 1 – point g

Text proposed by the Commission

(g) identify whether improving environmental impacts, environmental aspects or environmental performance subject to the claim ***leads*** to significant harm in relation to environmental impacts on climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, ***biodiversity***, animal welfare and ecosystems;

Amendment

(g) identify whether improving ***the overall environmental footprint, the*** environmental impacts, environmental aspects or environmental performance subject to the claim ***may lead*** to significant harm in relation to environmental impacts on climate change, resource consumption and circularity, ***energy consumption,*** sustainable use and protection of water and marine resources, pollution ***of air, water and soil, sustainable land use,*** animal welfare, ***biodiversity*** and ecosystems;

Amendment 37

Proposal for a directive

Article 3 – paragraph 1 – point i

Text proposed by the Commission

(i) ***include primary information available to the trader for environmental impacts, environmental aspects or environmental performance, which are subject to the claim;***

Amendment

deleted

Amendment 38

Proposal for a directive

Article 3 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

(jb) include information about the methodology used by the trader to calculate the claim;

Amendment 39

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. Where it is demonstrated that significant environmental impacts that are not subject to the claim exist but there is no widely recognised scientific evidence to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another aspect shall take account of available information and, if necessary, update the assessment in accordance with paragraph 1 once widely recognised scientific evidence **is** available.

Amendment

2. Where it is demonstrated that significant environmental impacts that are not subject to the claim exist but there is no widely recognised scientific evidence **or method** to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another aspect shall take account of available information and, if necessary, update the assessment in accordance with paragraph 1 once widely recognised scientific evidence **or methods** are available. ***To support traders in making the assessment referred to in point (c), the Commission shall, by ... [12 months after the entry into force of this Directive] publish the list of methodologies compliant with Article 3 and update it regularly. That shall include methodologies verified in line with Article 10 (2), point (b).***

Amendment 40

Proposal for a directive Article 3 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A trader whose product or service holds a certification from an environmental labelling scheme in line with Article 7 of this Directive, and is based on specific requirements of a scheme, shall be considered compliant with paragraph 1 of this Article. In accordance with the [Directive (EU) .../... Empowering Consumers for the Green Transition], when a product or service is certified with a certification scheme for which the

monitoring of compliance is objective, based on international, Union or national standards and procedures and carried out by a party independent from both the scheme owner and the trader, the trader can assume compliance with paragraph 1 of this Article if the claim is based on specific requirements of that scheme.

Amendment 41

Proposal for a directive Article 3 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Claims, based on greenhouse gas emissions offsetting, made under this Directive, shall be without prejudice to the provisions set out in Annex I to the Directive 2005/29/EC as amended by [Directive (EU) .../... of the European Parliament and of the Council Empowering Consumers for the Green Transition].

Amendment 42

Proposal for a directive Article 3 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Carbon farming sequestration units and carbon farming emission reduction units certified under [Regulation (EU) .../2023 of the European Parliament and of the Council on establishing a Union certification framework for carbon removals] may be used for making claims and claims based on offsets under this Directive, without prejudice to the provisions set out in Annex I to the Directive 2005/29/EC as amended by [Directive (EU) .../... Empowering Consumers for the Green

Transition] and provisions to be set out in the [Regulation (EU) .../2023 of the European Parliament and of the Council on establishing a Union certification framework for carbon removals].

Amendment 43

Proposal for a directive

Article 3 – paragraph 5 – introductory part

Text proposed by the Commission

5. When specifying further the requirements for substantiation of explicit environmental claims in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant consider the following:

Amendment

5. When specifying further the requirements for substantiation of explicit environmental claims in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, ***Union standards included in EU regulations that are higher than international standards,*** and where relevant consider the following:

Amendment 44

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that a trader is required to communicate an explicit environmental claim in accordance with the requirements set out in this Article.

Amendment

1. Member States shall ensure that a trader is required to communicate an explicit environmental claim in accordance with the requirements set out in this Article. ***Member States shall ensure that traders' intellectual property and sensitive business information are protected upon disclosure of the required data.***

Amendment 45

Proposal for a directive

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *An explicit environmental claim made by a trader about one product does not apply to any other product, business-to-consumer commercial practice or communication, or trader's activities or communications in general, and vice versa, without each individual claim being substantiated independently at product or trader level.*

Amendment 46

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation shall be made available together with the claim in a physical form or in the form of a weblink, QR code or equivalent.

Amendment

Information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation shall be made available together with the claim in a physical form or in the form of a weblink, QR code or equivalent. *Existing environmental labelling schemes shall be considered as sufficient information to fulfil requirements set out in this Directive.*

Amendment 47

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 2 – introductory part

Text proposed by the Commission

That information shall include *at least* the following:

Amendment

That information shall include the following:

Amendment 48

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 2 – point c

Text proposed by the Commission

(c) the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, ***without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations***, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943¹¹² ;

¹¹² Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Amendment

(c) the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943¹¹² ;

¹¹² Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Amendment 49

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 2 – point c

Text proposed by the Commission

(c) the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943¹¹² ;

¹¹² Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of

Amendment

(c) the underlying studies or calculations used to assess, measure and monitor ***the overall environmental footprint***, the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943¹¹² ;

¹¹² Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of

undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Amendment 50

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) information on carbon removal certificates and the EU's Carbon Border Adjustment Mechanism, that is in line with the rules of the World Trade Organisation and able to certify reliable claims;

Amendment 51

Proposal for a directive

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Only environmental labels awarded under environmental labelling schemes established under Union law may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader.

2. Only environmental labels awarded under environmental labelling schemes established under Union law may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader. ***This paragraph shall apply to all environmental labels presenting a rating or score of a product or trader, including those run by economic and non-economic operators.***

Amendment 52

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

(1) Environmental labelling scheme

(1) Environmental labelling scheme

means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.

means a certification scheme which certifies that a product, a ***product-related process*** or a trader complies with the requirements for an environmental label.

Amendment 53

Proposal for a directive

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) the requirements for the environmental labelling scheme have been developed by experts that can ensure their scientific robustness and have been submitted for consultation to ***a heterogeneous group of*** stakeholders that ***has*** reviewed them and ensured their relevance from a societal perspective;

Amendment

(d) the requirements for the environmental labelling scheme have been developed by experts that can ensure their scientific robustness and have been submitted for consultation to stakeholders that ***apply or are impacted by the labelling scheme or stakeholder representatives who have*** reviewed them and ensured their relevance from a societal perspective; ***the methodology is made public;***

Amendment 54

Proposal for a directive

Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) the environmental labelling scheme sets out procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of persistent and flagrant non-compliance with the requirements of the scheme.

Amendment

(f) the environmental labelling scheme sets out ***transparent*** procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of persistent and flagrant non-compliance with the requirements of the scheme;

Amendment 55

Proposal for a directive

Article 8 – paragraph 2 – point f a (new)

(fa) the environmental labelling scheme regularly reviews its objectives, its strategies, and the performance of its tools and systems, based on the latest best practices, scientific data and evidence.

Amendment 56

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

From [OP: Please insert the date = the date of transposition of this Directive] no new ***national or*** regional environmental labelling schemes shall be established by public authorities of the Member States. However, national or regional environmental labelling schemes established prior to that date may continue to award the environmental labels on the Union market, provided they meet the requirements of this Directive.

Amendment

From [OP: Please insert the date = the date of transposition of this Directive] no new regional environmental labelling schemes shall be established by public authorities of the Member States. However, national or regional environmental labelling schemes established prior to that date may continue to award the environmental labels on the Union market, provided they meet the requirements of this Directive.
Furthermore, national schemes may be established provided they conform with the standards set under this Directive.

Amendment 57

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that environmental labelling schemes established by private operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including notably their extent of coverage of environmental impacts, environmental aspects or environmental

Amendment

Member States shall ensure that environmental labelling schemes established by private operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including notably their extent of coverage of ***the overall environmental footprint***, the environmental impacts,

performance, or of a certain product group or sector and their ability to support the green transition of SMEs, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive.

environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive.

Amendment 58

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Private environmental labelling schemes established prior to that date may continue to award the environmental labels on the Union market, provided they meet the requirements of this Directive and [Directive (EU) .../... of the European Parliament and of the Council Empowering Consumers for the Green Transition]. Carbon certification schemes established under [Regulation (EU) .../2023 of the European Parliament and of the Council on establishing a Union certification framework for carbon removals] may also be approved as environmental labelling schemes, provided that they comply with the requirements of this Directive and [Directive (EU) .../... of the European Parliament and of the Council Empowering Consumers for the Green Transition].

Amendment 59

Proposal for a directive

Article 8 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

The documents referred to in the first subparagraph shall be submitted to the

The documents referred to in the first subparagraph ***shall be made publicly***

Commission in case of schemes referred to in paragraph 4 or to the Member States' authorities in case of schemes referred to in paragraph 5, together with the certificate of conformity for environmental labelling schemes drawn up in accordance with Article 10.

available and shall be submitted to the Commission in case of schemes referred to in paragraph 4 or to the Member States' authorities in case of schemes referred to in paragraph 5, together with the certificate of conformity for environmental labelling schemes drawn up in accordance with Article 10.

Amendment 60

Proposal for a directive

Article 8 – paragraph 8 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to ensure a uniform application across the Union, the Commission shall adopt implementing acts to:

Amendment

In order to ensure a uniform application across the Union, the Commission shall adopt **by ... [12 months after the entry into force of this Directive]** implementing acts to:

Amendment 61

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the information used for substantiation of explicit environmental claims **is** reviewed and updated by traders **when there are circumstances that may affect the accuracy of a claim, and** no later than 5 years from the date when the information referred to in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.

Amendment

Member States shall ensure that the information, **tools and methodologies** used for substantiation of explicit environmental claims **are** reviewed and updated by traders no later than 5 years from the date when the information referred to in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.

Amendment 62

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes with the requirements set out in Article 8.

Amendment

2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes with the requirements set out in Article 8. ***The Commission shall verify those procedures to guarantee harmonisation in the Union market.***

Amendment 63

Proposal for a directive Article 10 – paragraph 4

Text proposed by the Commission

4. The verification shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the environmental claim is made public or the environmental label is displayed by a trader.

Amendment

4. The verification ***of the information, tools and methodologies*** shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the environmental claim is made public or the environmental label is displayed by a trader.

Amendment 64

Proposal for a directive Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Upon the request of the operator of the environmental labelling scheme, the verifier shall assess the compliance of the scheme with Articles 7 and 8, within 60 days upon reception of all relevant documents defined in implementing acts referred to in paragraph 9 of this Article. Once verified, traders can display the label issued by the scheme without any additional verification steps.

Amendment 65

Proposal for a directive Article 10 – paragraph 9

Text proposed by the Commission

9. The Commission shall adopt implementing acts to set out details regarding the form of the certificate of conformity referred to in paragraph 5 and the technical means for issuing such certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.

Amendment

9. ***By ... [12 months after the entry into force of this Directive]*** the Commission shall adopt implementing acts to set out details regarding the form of the certificate of conformity referred to in paragraph 5 and the technical means for issuing such certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.

Amendment 66

Proposal for a directive Article 10 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. ***By ... [12 months after the entry into force of this Directive], the Commission shall adopt delegated acts to set out details regarding the documents to be provided for the verification of substantiation methods.***

Amendment 67

Proposal for a directive Article 10 – paragraph 9 b (new)

Text proposed by the Commission

Amendment

9b. ***To support traders in carrying out the verification and certification procedure referred to in paragraphs 1 and 2, the Commission shall publish by ... [24 months after the entry into force of the Directive] a list of the accredited verifiers***

and keep it up-to-date.

Amendment 68

Proposal for a directive

Article 11 – paragraph 3 – point e

Text proposed by the Commission

(e) the verifier shall have a sufficient number of suitably qualified and experienced personnel responsible for carrying out the verification tasks;

Amendment

(e) the verifier shall have a sufficient number of suitably qualified and experienced personnel responsible for carrying out the verification tasks; ***including experience in life-cycle assessments and sufficient knowledge of the traders' respective activities;***

Amendment 69

Proposal for a directive

Article 12 – title

Text proposed by the Commission

Small and medium sized enterprises

Amendment

Micro, small and medium-sized enterprises

Amendment 70

Proposal for a directive

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall take appropriate measures to help small and medium sized enterprises apply the requirements set out in this Directive. Those measures shall at least ***include*** guidelines ***or similar mechanisms to raise awareness of ways*** to comply with the requirements on explicit environmental claims. In addition, without prejudice to applicable state aid rules, such measures may include:

Amendment

Member States, ***in cooperation with the Commission***, shall take appropriate measures to help ***micro***, small and medium-sized enterprises ***to*** apply the requirements set out in this Directive. Those measures shall ***include*** at least ***technical assistance and*** guidelines ***with specific examples and procedures*** to comply with the requirements on explicit environmental claims. In addition, without prejudice to applicable state aid rules, such measures may include ***one or more of the***

following:

Amendment 71

Proposal for a directive

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Most small and medium-sized enterprises do not have the expertise or the resources needed to deal with applications for information relating to environmental performance throughout a product's lifecycle and the overall environmental footprint. Member States and industry association should therefore provide continuous support to SMEs.

Amendment 72

Proposal for a directive

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Large cross border businesses

Traders falling within the scope of the proposal for a Council Directive on Business in Europe: Framework for Income Taxation (BEFIT)¹ placing products of the same category on the market in more than one Member State or in both EU and third countries and use environmental claim for any of those products shall comply with the same commitments made in the claim in all markets the product is placed.

Amendment 73

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

1. Member States shall designate one **or more** competent **authorities** as responsible for the application and enforcement of this Directive.

Amendment

1. Member States shall designate one competent **authority** as responsible for the application and enforcement of this Directive.

Amendment 74

Proposal for a directive

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

2. The powers conferred on competent authorities under paragraph 1 shall include **at least** the following:

Amendment

2. The powers conferred on competent authorities under paragraph 1 shall include the following:

Amendment 75

Proposal for a directive

Article 14 – paragraph 2 – point a

Text proposed by the Commission

(a) the power of access to any relevant documents, data or information related to an infringement of this Directive, in any form or format and irrespective of their storage medium, or the place where they are stored, and the power to take or obtain copies thereof;

Amendment

(a) the power of access to any relevant documents, data or information related to an infringement of this Directive, in any form or format and irrespective of their storage medium, or the place where they are stored, ***complying with the rules in force concerning the protection of know-how and trade secrets***, and the power to take or obtain copies thereof;

Amendment 76

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

(3) Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose

Amendment

(3) Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose

of their investigations, irrespective of the format in which or medium on which they are stored.

of their investigations, irrespective of the format in which or medium on which they are stored, ***complying with the rules on the protection of personal data, know-how and trade secrets.***

Amendment 77

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this Directive, they shall notify the trader making the claim about the non-compliance and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard.

Amendment

3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this Directive, they shall notify the trader making the claim about the non-compliance ***prior to publishing the report mentioned in article 15(1)*** and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard.

Amendment 78

Proposal for a directive Article 16 – paragraph 1

Text proposed by the Commission

1. Natural or legal persons or organisations regarded under Union or national law as having a legitimate interest shall be entitled to submit substantiated complaints to competent authorities when

Amendment

1. Natural or legal persons or organisations regarded under Union or national law as having a legitimate interest shall be entitled to submit substantiated complaints to competent authorities ***of a***

they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.

Member State when they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.

Amendment 79

Proposal for a directive Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. National authorities shall retain the ability to decide on the allocation of supervision and resources, and may hence implement this Directive nationally without affecting national administrative and civil processes.

Amendment 80

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of the first subparagraph, non-governmental entities or organisations promoting **human health, environmental or** consumer protection and meeting any requirements under national law shall be deemed to have sufficient interest.

2. For the purposes of the first subparagraph, non-governmental entities or organisations promoting consumer protection and meeting any requirements under national law shall be deemed to have sufficient interest.

Amendment 81

Proposal for a directive Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Consultation Forum

The Commission shall ensure that when it conducts its activities, it observes a

balanced participation of Member States' representatives and all relevant interested parties involved in the development of secondary legislation on explicit environmental claims, such as industry, including SMEs and craft industry, farmers, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. Those parties shall contribute, in particular, to preparing the delegated acts referred to in paragraph 4 of Article 3.

Amendment 82

Proposal for a directive

Article 17 – paragraph 2 – point c

Text proposed by the Commission

(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;

Amendment

(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible, *taking also into account the inability to adapt, particularly for small and medium-sized enterprises, agricultural cooperatives and small farms that lack the expertise and resources needed to deal with applications for information relating to environmental performance throughout a product's lifecycle and the overall environmental footprint;*

Amendment 83

Proposal for a directive

Article 17 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) damage incurred as a result of an infringement

Amendment 84

Proposal for a directive

Article 17 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) fines which effectively deprive those responsible of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;

Amendment

(a) fines which effectively deprive those responsible, ***in whole or in part***, of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;

Amendment 85

Proposal for a directive

Article 17 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) confiscation of revenues gained by the trader from a transaction with the relevant products concerned;

Amendment

deleted

Amendment 86

Proposal for a directive

Article 21 – paragraph 3 – point a

Text proposed by the Commission

(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of ***mandating*** the use of common, and where relevant life-cycle based, method for substantiation of environmental claims;

Amendment

(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of ***indicating*** the use of common and, where relevant, life-cycle based method for substantiation of environmental claims, ***including the overall environmental footprint, where appropriate***;

Amendment 87

Proposal for a directive

Article 21 – paragraph 3 – point b

Text proposed by the Commission

(b) facilitating transition towards toxic free environment by considering introducing a prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society in line with the criteria to be developed by the Commission;

Amendment

(b) facilitating transition towards toxic free environment by considering introducing a prohibition of environmental claims for products containing hazardous substances except where ***the demonstration of safe usage can be established through other existing legal stipulations in Union law, or*** their use is considered essential for the society in line with the criteria to be developed by the Commission;

Amendment 88

**Proposal for a directive
Article 21 – paragraph 3 – point c**

Text proposed by the Commission

(c) further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or impacts such as durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance or sustainability, bio-based elements, biodegradability, biodiversity, waste prevention and reduction.

Amendment

(c) further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or impacts such as durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance ***renewability*** or sustainability, bio-based elements, biodegradability, biodiversity, waste prevention and reduction;

Amendment 89

**Proposal for a directive
Article 21 – paragraph 3 – point c a (new)**

Text proposed by the Commission

Amendment

(ca) as part of the evaluation and review referred to in paragraph 1 of this Article, and to ensure a level playing field among traders, the Commission shall undertake an impact assessment of the measures established for micro, small and

medium-sized enterprises in Articles 4, 5, 10 and 12, and consider their review after the Directive is implemented.

Amendment 90

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish by [OP please insert the date = **18** months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

Amendment

Member States shall adopt and publish by [OP please insert the date = **24** months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

Amendment 91

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall apply those measures from [OP please insert the date = **24** months after the date of entry into force of this Directive].

Amendment

They shall apply those measures from [OP please insert the date = **/36/** months after the date of entry into force of this Directive].

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
AIM - European Brand Association
Lubrizol
Copa-Cogeca
Metsäteollisuus / Finnish Forest Industries Federation
MTK / The Central Union of Agricultural Producers and Forest Owners
Elinkeinoelämän keskusliitto
Ecommerce Europe
Confederation of European Paper Industries
Independent Retail Europe

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Substantiation and communication of explicit environmental claims (Green Claims Directive)	
References	COM(2023)0166 – C9-0116/2023 – 2023/0085(COD)	
Committees responsible Date announced in plenary	ENVI 12.7.2023	IMCO 12.7.2023
Opinion by Date announced in plenary	AGRI 12.7.2023	
Rapporteur for the opinion Date appointed	Petri Sarvamaa 13.7.2023	
Rule 58 – Joint committee procedure Date announced in plenary	12.7.2023	
Discussed in committee	9.10.2023	16.11.2023
Date adopted	24.1.2024	
Result of final vote	+: 30 -: 7 0: 6	
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Benoît Biteau, Franc Bogovič, Daniel Buda, Isabel Carvalhais, Asger Christensen, Dacian Ciolos, Ivan David, Paolo De Castro, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Luke Ming Flanagan, Paola Ghidoni, Dino Giarrusso, Francisco Guerreiro, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Elsi Katainen, Camilla Laureti, Norbert Lins, Colm Markey, Marlene Mortler, Juozas Olekas, Eugenia Rodríguez Palop, Daniela Rondinelli, Bronis Ropė, Katarína Roth Nevedálová, Bert-Jan Ruissen, Petri Sarvamaa, Sarah Wiener, Juan Ignacio Zoido Álvarez	
Substitutes present for the final vote	Asim Ademov, Rosanna Conte, Gabriel Mato, Michaela Šojdrová, Irène Tolleret, Achille Variati	
Substitutes under Rule 209(7) present for the final vote	Eric Minardi, Cláudia Monteiro de Aguiar	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
ECR	Bert-Jan Ruissen
NI	Dino Giarrusso, Katarína Roth Nevedálová
PPE	Asim Ademov, Franc Bogovic, Daniel Buda, Salvatore De Meo, Herbert Dorfmann, Norbert Lins, Colm Markey, Gabriel Mato, Cláudia Monteiro de Aguiar, Marlene Mortler, Petri Sarvamaa, Michaela Šojdrová, Juan Ignacio Zoido Alvarez
Renew	Atidzhe Alieva-Veli, Asger Christensen, Dacian Cioloș, Jérémy Decerle, Martin Hlaváček, Elsi Katainen, Irène Tolleret
S&D	Clara Aguilera, Isabel Carvalhais, Paolo De Castro, Camilla Laureti, Juozas Olekas, Daniela Rondinelli, Achille Variati

7	-
The Left	Luke Ming Flanagan, Eugenia Rodriguez Palop
Vers/ALE	Benoît Biteau, Francisco Guerreiro, Martin Häusling, Bronis Ropé, Sarah Wiener

6	0
ECR	Mazaly Aguilar, Krzysztof Jurgiel
ID	Rosanna Conte, Ivan David, Paola Ghidoni, Eric Minardi

Key to symbols:

+ : in favour

- : against

0 : abstention