



**2023/0085(COD)**

31.10.2023

# **AMENDMENT 12 - 203**

**Draft opinion**

**Petri Sarvamaa**

(PE753.776v01-00)

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

Proposal for a directive

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



**Amendment 12**  
**Daniel Buda**

**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 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.

*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 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*.

Or. ro

**Amendment 13**  
**Daniel Buda**

**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 economy<sup>68</sup>.

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<sup>68</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final.

*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 economy. ***The purpose of Europe-wide harmonised regulations 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.***

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<sup>68</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final.

Or. ro

**Amendment 14**  
**Daniel Buda**

**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

*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.

Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims. ***However, this new regulatory framework should not lead to disproportionate additional administrative or financial burdens for companies, especially for small and medium sized enterprises.***

Or. ro

**Amendment 15**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

(8) The specific needs of individual economic sectors should be recognised and this Directive should therefore apply to voluntary explicit environmental claims and environmental labelling schemes that are not regulated by any other Union act as regards their substantiation or communication, or verification. This Directive should therefore not apply to explicit environmental claims for which the Union legislation lays down specific rules, including on methodological frameworks, assessment or accounting rules related to measuring and calculating environmental impacts, environmental aspects or environmental performance of products or traders, or providing mandatory and non-mandatory information to consumers on the environmental performance of products and traders or sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union rules.

*Amendment*

(8) The specific needs of individual economic sectors should be recognised and this Directive should therefore apply to voluntary explicit environmental claims and environmental labelling schemes that are not regulated by any other Union act as regards their substantiation or communication, or verification. This Directive should therefore not apply to explicit environmental claims for which the Union legislation lays down specific rules, including on methodological frameworks, assessment or accounting rules related to measuring and calculating ***the overall environmental footprint***, the environmental impacts, environmental aspects or environmental performance of products or traders, or providing mandatory and non-mandatory information to consumers on the environmental performance of products and traders or sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union rules.

**Amendment 16****Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton****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 and of the Council<sup>73</sup>, 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 water***<sup>74</sup>. 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

*Amendment*

(9) As regards Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>73</sup>, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, ***unless the comparative explicit claim relates to a product complying with the requirements of Regulation 2018/848 vis-à-vis a like-product which does not fall within the scope of that Regulation.*** 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.

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.

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<sup>73</sup> 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).

<sup>74</sup>

[https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu\\_en\\_1.pdf](https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf)

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<sup>73</sup> 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).

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[https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu\\_en\\_1.pdf](https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf)

Or. en

## Amendment 17

Daniel Buda

### 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 and of the Council<sup>73</sup>, 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

##### *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 particular, so that they can contribute to this***. As regards Regulation (EU) 2018/848 of the European Parliament and of the ***Council***<sup>73</sup>, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to

biodiversity, soil or water<sup>74</sup>. 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.

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<sup>73</sup> 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).

<sup>74</sup> [https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu\\_en\\_1.pdf](https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf).

the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water<sup>74</sup>. 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.

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<sup>73</sup> 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).

<sup>74</sup> [https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu\\_en\\_1.pdf](https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf).

Or. ro

**Amendment 18**  
**Daniel Buda**

**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 disproportionate administrative or financial burdens for companies, especially for small and medium 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.

Or. ro

**Amendment 19**

**Daniel Buda**

**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

*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.

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, ***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.

Or. ro

## **Amendment 20**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

### **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 ***full or partial*** life-cycle of the product or of the overall activities of the trader and should not omit any relevant environmental aspects or environmental impacts, ***taking into consideration long-term business strategies, and all positive externalities of all production systems***. 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.

Or. en

**Amendment 21**  
**Daniel Buda**

**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, **bearing, however, in mind the need to limit administrative and financial burdens 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.

Or. ro

**Amendment 22**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's **or trader's** environmental performance in comparison to the common practice for products in the

*Amendment*

(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's environmental performance in comparison to the common practice for products in the respective

respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product *or trader* has a positive impact or no impact on the environment, or that a product *or a trader* is less damaging to the environment than other products *or traders*. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case majority of products within the product group or majority of traders within the sector perform better than those legal requirements, the minimum legal requirements should not be considered as common practice.

product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product has a positive impact or no impact on the environment, or that a product is less damaging to the environment than other products. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case majority of products within the product group or majority of traders within the sector perform better than those legal requirements, the minimum legal requirements should not be considered as common practice.

Or. ro

### **Amendment 23**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Recital 19**

##### *Text proposed by the Commission*

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and

##### *Amendment*

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and

between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO<sub>2</sub> savings in the stage of manufacturing leading to a notable increase of CO<sub>2</sub> emissions in the use phase. ***For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems or animal welfare.*** An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO<sub>2</sub> savings in the stage of manufacturing leading to a notable increase of CO<sub>2</sub> emissions in the use phase. An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

Or. en

## **Amendment 24**

**Irène Tolleret**

### **Proposal for a directive**

#### **Recital 19**

*Text proposed by the Commission*

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental

*Amendment*

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental

aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO<sub>2</sub> savings in the stage of manufacturing leading to a notable increase of CO<sub>2</sub> emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems *or animal welfare*. An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO<sub>2</sub> savings in the stage of manufacturing leading to a notable increase of CO<sub>2</sub> emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity *and* ecosystems . An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

Or. en

**Amendment 25**  
**Petri Sarvamaa**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) In order for the environmental claim to be considered robust, it should reflect as accurately as possible the environmental performance of the specific product or trader. The information used to substantiate explicit environmental claims therefore needs to include primary, company-specific data for relevant aspects contributing significantly to the environmental performance of the product or trader referred to in the claim. It is necessary to strike the right balance between ensuring relevant and robust information for substantiating environmental claims and the efforts needed to gather primary information. The requirement to use primary information should be considered in the light of the influence the trader making the claim has over the respective process and of the availability of primary information. If the process is not run by the trader making the claim and primary information is not available, accurate secondary information should be able to be used even for processes that contribute significantly to the environmental performance of the product or trader. This is especially relevant to not disadvantage SMEs and to keep the efforts needed to acquire primary data at a proportionate level. Moreover, the relevant environmental aspects are different for each type of environmental claim. For instance, for claims on recycled or bio-based content, the composition of the product should be covered by primary data. For claims on being environmentally less polluting in a certain life cycle stage, information on emissions and environmental impacts related to that life cycle stage should include primary data as well. Both primary data and secondary data, i.e. average data, should show a high

*Amendment*

(20) ***This Directive establishes minimum criteria for substantiation and communication of voluntary environmental claims and environmental labelling in business to consumer commercial practices within the Union. The terminology set out in this Directive is not a standard methodology for substantiation of environmental claims.*** In order for the environmental claim to be considered robust, it should reflect as accurately as possible the environmental performance of the specific product or trader. The information used to substantiate explicit environmental claims therefore needs to include primary, company-specific data for relevant aspects contributing significantly to the environmental performance of the product or trader referred to in the claim. It is necessary to strike the right balance between ensuring relevant and robust information for substantiating environmental claims and the efforts needed to gather primary information. The requirement to use primary information should be considered in the light of the influence the trader making the claim has over the respective process and of the availability of primary information. If the process is not run by the trader making the claim and primary information is not available, accurate secondary information should be able to be used even for processes that contribute significantly to the environmental performance of the product or trader. This is especially relevant to not disadvantage SMEs and to keep the efforts needed to acquire primary data at a proportionate level. Moreover, the relevant environmental aspects are different for each type of environmental claim. For instance, for claims on recycled or bio-based content, the composition of

level of quality and accuracy.

the product should be covered by primary data. For claims on being environmentally less polluting in a certain life cycle stage, information on emissions and environmental impacts related to that life cycle stage should include primary data as well. Both primary data and secondary data, i.e. average data, should show a high level of quality and accuracy.

Or. en

**Amendment 26**  
**Irène Tolleret**

**Proposal for a directive**  
**Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20a) In the case of environmental claims regarding a group of traders, as opposed to an individual trader, the assessment substantiating the claim should take into account the feasibility of gathering data for an important number of traders. No company-specific date shall be required in this specific case.***

Or. en

**Amendment 27**  
**Achille Variati**

**Proposal for a directive**  
**Recital 21**

*Text proposed by the Commission*

*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

(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, claims based on greenhouse gas emissions offsetting, which claim that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions, will be prohibited.***

*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.*

Or. en

## **Amendment 28**

**Claude Gruffat**

on behalf of the Verts/ALE Group

### **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 neutral”, “100% CO<sub>2</sub> 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

##### *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% CO<sub>2</sub> 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 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.*

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. *It is therefore particularly important to prohibit claims based on greenhouse gas emissions offsetting 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', 'carbon positive', 'climate net zero', 'climate compensated', 'reduced climate impact', 'limited CO2 footprint', among others.*

Or. en

## Amendment 29

Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton

### Proposal for a directive

#### Recital 22

##### *Text proposed by the Commission*

(22) Traders are more and more interested in making environmental claims related to future environmental performance of a product or trader, including by joining initiatives that are promoting practices which could be

##### *Amendment*

(22) Traders are more and more interested in making environmental claims related to future environmental performance of a product or trader, including by joining initiatives that are promoting practices which could be

conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims.

conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims ***and may include a time-bound aspiration for improvements inside own operations and value chains.***

Or. en

**Amendment 30**  
**Irène Tolleret**

**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 any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered. ***Particular attention should be paid to the exhaustive consideration of the total environmental impact for innovative products and activities, namely those regulated by Regulation (EU) 2015/2283 of the European Parliament and of the Council***<sup>74a</sup>.

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***<sup>74a</sup> 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***

Or. en

**Amendment 31**  
**Daniel Buda**

**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***, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered.  
***This approach ensures that environmental claims are based on scientific fact and that the environmental impact is accurately assessed.***

Or. ro

**Amendment 32**  
**Achille Variati**

**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 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.***

Or. en

### Amendment 33

Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton

#### Proposal for a directive

##### Recital 28

###### *Text proposed by the Commission*

(28) When setting up the requirements for substantiation and communication of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.

###### *Amendment*

(28) When setting up the requirements for substantiation and communication **and verification** of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.

Or. en

### Amendment 34

Achille Variati

#### Proposal for a directive

##### Recital 28

###### *Text proposed by the Commission*

(28) When setting up the requirements for substantiation **and** communication of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that traders may encounter

###### *Amendment*

(28) When setting up the requirements for substantiation, communication **and verification** of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that

in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.

traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.

Or. en

## **Amendment 35**

### **Daniel Buda**

#### **Proposal for a directive**

#### **Recital 30**

##### *Text proposed by the Commission*

(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC<sup>84</sup>, 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.

##### *Amendment*

(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC<sup>84</sup>, 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.

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<sup>84</sup> Directive 2005/29/EC of the European 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.

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<sup>84</sup> Directive 2005/29/EC of the European 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.

Or. ro

**Amendment 36**  
**Daniel Buda**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, including claims about offsets, “climate neutrality” or similar, recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot

*Amendment*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, including claims about offsets, “climate neutrality” or similar, recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot



contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. ***While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.***

contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information.

Or. ro

**Amendment 37**  
**Achille Variati**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, ***including claims about offsets***, “climate neutrality” or similar, recyclability and recycled content). The Commission should be empowered to further establish rules for

*Amendment*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, “climate neutrality” or similar, recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and

measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. *For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.*

calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available.

Or. en

### **Amendment 38**

**Claude Gruffat**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 31**

#### *Text proposed by the Commission*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission *may* adopt delegated acts to supplement the provisions on substantiation of explicit environmental

#### *Amendment*

(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission *should* adopt delegated acts to supplement the provisions on substantiation of explicit environmental

claims by further specifying the criteria for such substantiation with regard to certain claims (*e.g. climate-related claims, including claims about offsets, “climate neutrality” or similar, recyclability and recycled content*). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.

claims by further specifying the criteria for such substantiation with regard to certain claims. The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.

Or. en

### **Amendment 39**

**Claude Gruffat**

on behalf of the Verts/ALE Group

### **Proposal for a directive**

#### **Recital 32**

*Text proposed by the Commission*

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how

*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. 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 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.

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 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. ***The negative externalities of intensive farming including the use of synthetic pesticides and synthetic fertilisers should be integrated before the adoption of PEFCR.*** As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

Or. en

**Amendment 40**  
**Irène Tolleret**

**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 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

*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 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 extensive farming, should, for example,

of PEFCR could be considered.

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.

Or. en

#### **Amendment 41**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **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 PEFCR should reflect defence and space-specific environmental impact categories,

##### *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. 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 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.

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.

Or. en

**Amendment 42**  
**Anne Sander**

**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,

*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. 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 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.

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 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 *different agricultural and forestry 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.

Or. fr

#### **Amendment 43** **Daniel Buda**

#### **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 dependence on solutions that could be considered as mere corrective or compensation measures.***



#### **Amendment 44**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **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. ***Thus, allowing for communication on long-term business strategies.***

Or. en

#### **Amendment 45**

**Daniel Buda**

#### **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.

Or. ro

## **Amendment 46**

**Daniel Buda**

### **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.

Or. ro

## **Amendment 47**

**Daniel Buda**

### **Proposal for a directive**

#### **Recital 47**

##### *Text proposed by the Commission*

(47) In order to provide legal certainty

##### *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.

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.***

Or. ro

**Amendment 48**  
**Achille Variati**

**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.***

Or. en

**Amendment 49**  
**Daniel Buda**

**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 burdens for companies, especially for small and medium 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

Or. ro

**Amendment 50**  
**Petri Sarvamaa**

**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

*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.

enforce Directive 2005/29/EC.

Or. en

### **Amendment 51**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) With a view to facilitating compliance with all the requirements of this Directive, Member States should provide for simplified procedures for micro-enterprises so as to lighten the associated administrative and bureaucratic burdens.***

Or. it

### **Amendment 52**

**Daniel Buda**

#### **Proposal for a directive**

#### **Recital 54**

*Text proposed by the Commission*

*Amendment*

(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

(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 ***in complying*** with some of the requirements on substantiation and verification of explicit environmental claims. The ***EU 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 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.

make explicit environmental claims on their products or as regards their activities. ***The European Union should set up a fair system for small and medium sized enterprises to put into practice the provisions of this Directive, ensuring technical and financial support, helping*** Member States *to take* actions in respect of applicable State aid rules.

Or. ro

**Amendment 53**  
**Achille Variati**

**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 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 ***micro enterprises*** and 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.

Or. en

**Amendment 54**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Recital 54 a (new)**

*Text proposed by the Commission*

*Amendment*

**(54a) To help micro, small and medium-sized enterprises to apply the rules of this Directive, the European Commission should provide targeted and specialised training, as well as information campaigns to raise companies' awareness of both how to use these instruments and the specific assistance and support available.**

Or. it

**Amendment 55**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Recital 60**

*Text proposed by the Commission*

*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.

(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, **the size of the company** and its expected harmful effects on the consumers.

Or. it

**Amendment 56**  
**Daniel Buda**

**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 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.

*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 *proven* harmful effects on the consumers.

Or. ro

**Amendment 57**  
**Daniel Buda**

**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 58**  
**Daniel Buda**

**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 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.

*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 proportional 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-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.

Or. ro

**Amendment 59**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Recital 64**

*Text proposed by the Commission*

(64) When setting penalties and measures for infringements, the Member

*Amendment*

(64) When setting penalties and measures for infringements, the Member

States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant trader from the economic benefit derived from using the misleading or unsubstantiated explicit environmental claim or non-compliant environmental labelling scheme, including in cases of repeated infringements. The measures for infringements foreseen by the Member States should therefore also include **confiscation** of the **relevant product from the trader** or **revenues gained from the transactions affected by this infringement or a temporary exclusions or prohibitions from placing products or making available services on** the Union market. The gravity of the infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should be dissuasive and set at least at the level of 4% of the trader's total annual turnover in the Member State or Member States concerned in case of widespread infringements with a Union dimension that are subject to coordinated investigation and enforcement measures in accordance with Regulation (EU) 2017/2394<sup>88</sup>.

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<sup>88</sup> Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant trader from the economic benefit derived from using the misleading or unsubstantiated explicit environmental claim or non-compliant environmental labelling scheme, including in cases of repeated infringements. The measures for infringements foreseen by the Member States should therefore also include **temporary exclusions** of the product or **service** from the Union market. The gravity of the infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should be dissuasive and set at least at the level of 4% of the trader's total annual turnover in the Member State or Member States concerned in case of widespread infringements with a Union dimension that are subject to coordinated investigation and enforcement measures in accordance with Regulation (EU) 2017/2394<sup>88</sup>.

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<sup>88</sup> Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

Or. it

**Amendment 60**  
**Daniel Buda**

**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-Making<sup>89</sup>. 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.

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<sup>89</sup> 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-Making<sup>89</sup>. 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.

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<sup>89</sup> OJ L 123, 12.5.2016, p. 1.

Or. ro

**Amendment 61**  
**Daniel Buda**

**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, **this being a key part of the continuous monitoring**

*and evaluation of the Directive's implementation. This approach makes it possible to amend and improve legislation based on practical experiences and developments in the field of environmental and consumer protection.*

Or. ro

**Amendment 62**  
**Claude Gruffat**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – title**

*Text proposed by the Commission*

*Amendment*

Scope

*Subject matter and Scope*

Or. en

**Amendment 63**  
**Claude Gruffat**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 1 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

*-1. The purpose of this Directive is to provide for a high level of consumer and environmental protection 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 available products on the market.*

Or. en

**Amendment 64**  
**Petri Sarvamaa**

**Proposal for a directive**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Directive applies to explicit environmental claims made by traders about products or traders in business-to-consumer commercial practices.

*Amendment*

1. This Directive applies to explicit environmental claims made by traders about products or traders in business-to-consumer commercial practices. ***This Directive does not apply to any business-to-business commercial practices.***

Or. en

**Amendment 65**  
**Achille Variati**

**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:

Or. en

**Amendment 66**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>96</sup>,

*Amendment*

(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>96</sup>, ***unless the comparative explicit claim relates to a product complying with the***

***requirements of Regulation 2018/848 vis-à-vis a like-product which does not fall within the scope of the above-mentioned Regulation.***

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<sup>96</sup> 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).

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<sup>96</sup> 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).

Or. en

### **Amendment 67**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>96</sup>,

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<sup>96</sup> 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).

*Amendment*

(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>96</sup>  
***in respect of the deadlines set out in Annex IV only;***

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<sup>96</sup> 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).

Or. it

### **Amendment 68**

**Martin Hlaváček, Atidzhe Alieva-Veli**

#### **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 Council<sup>105</sup> ;

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<sup>105</sup> **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*

(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;**

Or. en

#### **Amendment 69**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

**Article 1 – paragraph 2 – point o a (new)**

*Text proposed by the Commission*

*Amendment*

**(oa) Regulations (EU) 2021/2115, 2021/2116, 2021/2117 of the European Parliament and of the Council, and legislative acts based on those Regulations;**

Or. en

#### **Amendment 70**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

**Article 1 – paragraph 2 – point o b (new)**

*Text proposed by the Commission*

*Amendment*

**(ob) Directive (EU) 2018/2001 of the European Parliament and of the Council**

109a ;

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**109a Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources**

Or. en

**Amendment 71**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 1 – paragraph 2 – point p**

*Text proposed by the Commission*

(p) other existing or future Union rules setting out the conditions under which certain explicit environmental claims about certain products or traders may be or are to be made or Union rules laying down requirements on the assessment or communication of environmental impacts, environmental aspects or environmental performance of certain products or traders or conditions for environmental labelling schemes.

*Amendment*

(p) other existing or future Union rules setting out the conditions under which certain explicit environmental claims about certain products or traders may be or are to be made or Union rules laying down requirements on the assessment or communication **of the overall environmental footprint**, of environmental impacts, environmental aspects or environmental performance of certain products or traders or conditions for environmental labelling schemes.

Or. el

**Amendment 72**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 1 – paragraph 2 – point p a (new)**

*Text proposed by the Commission*

*Amendment*

**(pa) Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>1 a</sup>;**



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*1<sup>a</sup> Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs*

Or. it

**Amendment 73**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 1a*

*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)<sup>1</sup> placing products of the same category on the market in more than one EU Member States or in both EU and non-EU countries and use environmental claim for any of those products shall comply with the same requirements in all markets.*

Or. en

*Justification*

*This supposed to be new amendment, not 1a*

**Amendment 74**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) ‘environmental **claim**’ means environmental claim as defined in Article 2, point (o), of Directive 2005/29/EC;

*Amendment*

**(1)** ‘environmental **declaration**’ means environmental claim as defined in Article 2, point (o), of Directive 2005/29/EC;

Or. it

**Amendment 75**

**Martin Hlaváček, Atidzhe Alieva-Veli**

**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 or contained in an environmental label **or in a form of their digital alternatives**;

Or. en

**Amendment 76**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**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, **or symbolic form**, or contained in an environmental label;

Or. en

**Amendment 77**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**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 **declaration**’ means an environmental claim that is in textual form or contained in an environmental label;

Or. it

**Amendment 78**  
**Anne Sander**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC;

*Amendment*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC, **excluding cooperatives and professional organisations**;

Or. fr

**Amendment 79**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC;

*Amendment*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC, **excluding cooperatives and trade associations**;

Or. en

**Amendment 80**  
**Irène Tolleret**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC;

*Amendment*

(3) ‘trader’ means trader as defined in Article 2, point (b), of Directive 2005/29/EC, ***excluding cooperatives and trade associations***;

Or. en

**Amendment 81**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘***environmental label***’ means a ***sustainability label covering only or predominantly environmental aspects of a product, a process or a trader***;

*Amendment*

***deleted***

Or. it

**Amendment 82**  
**Claude Gruffat**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘environmental label’ means a sustainability label covering only or predominantly environmental aspects of a product, a process or a trader;

*Amendment*

(8) ‘environmental label’ means a sustainability label covering only or predominantly ***or significant*** environmental aspects of a product, a process or a trader;

**Amendment 83**  
**Petri Sarvamaa**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

(8) ‘environmental label’ means a sustainability label covering **only or predominantly** environmental aspects of a product, a process or a trader;

*Amendment*

(8) ‘environmental label’ means a sustainability label covering **exclusively** environmental aspects of a product, a process or a trader;

**Amendment 84**  
**Martin Hlaváček, Atidzhe Alieva-Veli**

**Proposal for a directive**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

***Rules on the use of carbon farming units***  
***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) .../... of the European Parliament and of the Council [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].*

Or. en

**Amendment 85**  
**Martin Hlaváček**

**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 strictly relevant to the substantiation of the respective claim and shall include:***

Or. en

**Amendment 86**  
**Irène Tolleret**

**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 take into account relevant international standards;

*Amendment*

(b) rely on widely recognised scientific evidence, use accurate information and take into account relevant international standards, ***such as those established by the International Organization for Standardization;***

Or. en

**Amendment 87**  
**Achille Variati**

**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 take into account relevant international standards;

*Amendment*

(b) rely on widely recognised scientific evidence, ***including methods assessed and validated by the European Commission***, use accurate information and take into account relevant international standards;

Or. en

**Amendment 88**  
**Martin Hlaváček, Atidzhe Alieva-Veli**

**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 take into account relevant international standards;

*Amendment*

(b) rely on widely recognised ***peer-reviewed*** scientific evidence, use accurate information and take into account relevant international standards;

Or. en

**Amendment 89**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**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, ***taking into consideration long-term business strategies, and all positive externalities of all production systems***;

**Amendment 90**  
**Petri Sarvamaa**

**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; ***including long-term strategies, and other positive externalities of production systems;***

**Amendment 91**  
**Emmanouil Fragkos**

**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 ***product, service, activity, organisation and business*** life-cycle perspective;

**Amendment 92**  
**Martin Hlaváček**

**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***;

Or. en

**Amendment 93**  
**Achille Variati**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) For product categories which have developed a Product Environmental Footprint Category Rules (PEFCR), existing PEFCR may be used as a benchmark;***

Or. en

**Amendment 94**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(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;

(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, ***based on an overall assessment carried out throughout the life cycle ('environmental footprint')***;

**Amendment 95**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**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 environmental ***positive or negative*** impacts which are significant to assessing the environmental performance;

Or. en

**Amendment 96**

**Martin Hlaváček**

**Proposal for a directive**

**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

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

*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, ***provided that they go further than basic standards applied to imported products or common practices related to those products. When it comes to agriculture related claims, they should demonstrate that they go beyond standards for good agricultural and environmental condition of land (GAECs) and Statutory management requirement (SMR) as defined in Regulation (EU) 2115/2021, applicable at the level of operator. Agricultural practices committed under schemes for the climate, the environment and animal welfare***

*(‘eco-schemes’) under the conditions set out in Regulation (EU) 2115/2021 represent eligible and verifiable claims as set out in this Regulation;*

Or. en

#### **Amendment 97**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

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

*Amendment*

(e) demonstrate that the ***declaration*** is ***related to the*** requirements imposed by law on products ***from*** the product group or ***on operators in*** the sector ***that go beyond the basic standards applied to imported products or common practices for such products;***

Or. it

#### **Amendment 98**

**Achille Variati**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

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

*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. ***Existing PEFCR may be used as benchmark, if available;***

Or. en

#### **Amendment 99**

**Anne Sander**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point e**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 100**  
**Anne Sander**

**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; in particular for practices going beyond GAEC;***

Or. fr

**Amendment 101**  
**Irène Tolleret**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

(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

*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

the relevant sector;

the relevant sector, *especially for innovative products*;

Or. en

### **Amendment 102**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(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;**

**deleted**

Or. it

### **Amendment 103**

**Emmanouil Fragkos**

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(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;

(g) identify whether improving **the overall environmental footprint**, the 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, **lakes and oceans, air, water and soil** pollution, **sustainable land use**,

biodiversity, animal welfare and ecosystems;

Or. el

#### **Amendment 104**

**Irène Tolleret**

#### **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 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, biodiversity and ecosystems;

Or. en

#### **Amendment 105**

**Claude Gruffat**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Article 3 – paragraph 1 – point h**

##### *Text proposed by the Commission*

(h) separate any greenhouse gas emissions offsets used from greenhouse gas emissions as additional environmental information, specify whether those offsets relate to emission reductions or removals, and describe how the offsets relied upon are of **high** integrity and accounted for correctly to reflect the claimed impact on climate;

##### *Amendment*

(h) **strictly and clearly** separate any greenhouse gas emissions offsets used from greenhouse gas emissions as additional environmental information, specify whether those offsets relate to emission reductions or removals, and describe how the offsets relied upon are of **the highest** integrity, **additional and permanent**, and accounted for correctly to reflect the claimed impact on climate; **only**

*offsetting of greenhouse gas emissions through carbon credits generated inside the company's value chain shall be taken into account;*

Or. en

**Amendment 106**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point j**

*Text proposed by the Commission*

(j) include relevant secondary information for environmental impacts, environmental aspects, or environmental performance which is representative of the specific value chain of the product or the trader on which a claim is made, in cases where no primary information is available.

*Amendment*

(j) include relevant secondary information for environmental impacts, environmental aspects, or environmental performance which is representative of the specific value chain of the product or the trader on which a claim is made, in cases where no primary information is available.  
*For product categories and sectors which have developed a PEFCR and/or OEFSR, these may be used when assessing the life cycle;*

Or. en

**Amendment 107**  
**Martin Hlaváček, Irène Tolleret, Atidzhe Alieva-Veli**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point j a (new)**

*Text proposed by the Commission*

*(ja) ensure that the evidence is independently audited and verified and the audit report is made available;*

Or. en

**Amendment 108**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 3 – paragraph 1 – point j b (new)**

*Text proposed by the Commission*

*Amendment*

**(jb) include information on which methodology the trader used to calculate the claim;**

Or. en

**Amendment 109**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

*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 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.

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. ***To support traders in making the assessment referred to in point (c), the European Commission shall, within 12 months from the entry into force of the Directive, publish and regularly update the list of methodologies which are compliant with Article 3. This shall include also methodologies verified in line with Article 10, paragraph 2, point b.***

Or. en



## Amendment 110

Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton

### Proposal for a directive

#### Article 3 – paragraph 3

*Text proposed by the Commission*

3. The requirements set out in paragraphs 1 and 2 shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC<sup>110</sup> unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.

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110

Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

*Amendment*

3. The requirements set out in paragraphs 1 and 2 shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC<sup>110</sup> unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10. ***Micro-enterprises may use, upon request, simplified forms to draw up and submit the explicit environmental declarations referred to in these paragraphs.***

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110

Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. it

## Amendment 111

Claude Gruffat

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Article 3 – paragraph 4 – introductory part

*Text proposed by the Commission*

4. When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the

*Amendment*

4. When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the

absence of requirements for specific claims leads to widespread misleading of consumers, the Commission *may* adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:

absence of requirements for specific claims leads to widespread misleading of consumers, the Commission *shall* adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:

Or. en

**Amendment 112**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 3 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) determining the rules for assessing the environmental aspects, environmental impacts and environmental performance, including by determining the activities, processes, materials, emissions or use of a product, which contribute significantly or cannot contribute to the relevant environmental impacts, environmental aspects or environmental performance;

*Amendment*

(a) determining the rules for assessing ***the overall environmental footprint***, the environmental aspects, environmental impacts and environmental performance, including by determining the activities, processes, materials, emissions or use of a product, which contribute significantly or cannot contribute to the relevant environmental impacts, environmental aspects or environmental performance;

Or. el

**Amendment 113**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**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

*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, and where relevant consider the following:

relevant international standards, *EU standards included in EU regulations that are stricter than international standards* and where relevant consider the following:

Or. it

#### **Amendment 114**

**Martin Hlaváček, Atidzhe Alieva-Veli, Irène Tolleret**

#### **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, *EU standards included in EU regulations that are higher than international standards*, and where relevant consider the following:

Or. en

#### **Amendment 115**

**Anne Sander**

#### **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 *European* standards, and where relevant consider the following:

**Amendment 116**  
**Anne Sander**

**Proposal for a directive**  
**Article 3 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) requirements relating to eco-schemes in the CAP shall be deemed eligible for environmental claims under this Directive;***

**Amendment 117**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The substantiation of explicit environmental claims that state or imply that a product or trader has less environmental impacts or a better environmental performance than other products or traders ('comparative environmental claims') shall, in addition to the requirements set out in Article 3, comply with the following requirements:

1. The substantiation of explicit environmental claims that state or imply that a product or trader has less environmental impacts or a better environmental performance, ***or a smaller overall environmental footprint*** than other products or traders ('comparative environmental claims') shall, in addition to the requirements set out in Article 3, comply with the following requirements:

**Amendment 118**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the information and data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made, are equivalent to the information and data used for assessing the environmental impacts, environmental aspects or environmental performance of the product or trader which is subject to the claim;

*Amendment*

(a) the information and data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made, are equivalent to the information and data used for assessing ***the overall environmental footprint***, the environmental impacts, environmental aspects or environmental performance of the product or trader which is subject to the claim;

Or. el

**Amendment 119**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;

*Amendment*

(b) the data used for assessing ***the overall environmental footprint***, the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;

Or. el

**Amendment 120**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 4 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) the coverage of environmental impacts, environmental aspects or environmental performances is equivalent for the products and traders compared and ensures that the most significant environmental impacts, environmental aspects or environmental performances are taken into account for all products and traders;

*Amendment*

(d) the coverage of ***the overall environmental footprint***, environmental impacts, environmental aspects or environmental performances is equivalent for the products and traders compared and ensures that the most significant environmental impacts, environmental aspects or environmental performances are taken into account for all products and traders;

Or. el

**Amendment 121**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Claims, based on greenhouse gas emissions offsetting, that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions shall not be made.***

Or. en

**Amendment 122**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Claims shall not be made on positive environmental impacts, aspects or performance the achievement of which***

*has led or will lead to significant negative increase of any other environmental impact or aspect, in particular related to climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, biodiversity and ecosystems.*

Or. en

**Amendment 123**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Claims shall not be made on positive environmental impacts, aspects or performance the achievement of which has led or will lead to a significant negative increase of the same environmental impact or aspect in another lifecycle stage of the product or part of the trader.**

Or. en

**Amendment 124**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. Claims shall not be made for a product when a plant protection product containing one or more active substances approved as candidates for substitution in accordance with Article 24 of Regulation (EC) No 1107/2009<sup>110a</sup> of the European**

*Parliament and of the Council,  
containing one or more active substances  
listed in the Annex to the Commission  
Implementing Regulation (EU) 2015/408  
<sup>110b</sup>, has been used.*

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*<sup>110a</sup> Regulation (EC) No 1107/2009 of the  
European Parliament and of the Council  
of 21 October 2009 concerning the  
placing of plant protection products on  
the market and repealing Council  
Directives 79/117/EEC and 91/414/EEC*

*<sup>110b</sup> Commission Implementing  
Regulation (EU) 2015/408 of 11 March  
2015 on implementing Article 80(7) of  
Regulation (EC) No 1107/2009 of the  
European Parliament and of the Council  
concerning the placing of plant protection  
products on the market and establishing a  
list of candidates for substitution Text  
with EEA relevance*

Or. en

**Amendment 125**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2e. Claims shall not be made for a  
product when synthetic fertiliser has been  
used.**

Or. en

**Amendment 126**

**Claude Gruffat**

on behalf of the Verts/ALE Group



**Proposal for a directive**  
**Article 4 – paragraph 2 f (new)**

*Text proposed by the Commission*

*Amendment*

**2f. Where the products contain substances meeting the criteria for the hazard classes laid down in Annex I to Regulation (EC) 1272/2008 of the European Parliament and of the Council<sup>110c</sup>, whether on their own, in mixtures or in an article, such products are not eligible for environmental claims.**

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**<sup>110c</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006**

Or. en

**Amendment 127**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The requirements laid down in this Article shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC<sup>111</sup> unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.

3. The requirements laid down in this Article shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC<sup>111</sup> unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10. ***If they so request, microenterprises may use simplified forms to draw up and submit the comparative explicit environmental declarations referred to in these paragraphs.***

Commission Recommendation 2003/361/E  
C of 6 May 2003 concerning the definition  
of micro, small and medium-sized  
enterprises (OJ L 124, 20.5.2003, p. 36).

Commission Recommendation 2003/361/E  
C of 6 May 2003 concerning the definition  
of micro, small and medium-sized  
enterprises (OJ L 124, 20.5.2003, p. 36).

Or. it

## **Amendment 128** **Martin Hlaváček**

### **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 the disclosure of the required data and information does not interfere with a company's intellectual property or reveal confidential or sensitive business information.***

Or. en

## **Amendment 129** **Petri Sarvamaa**

### **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. ***The Member States shall ensure traders' intellectual property and sensitive***

*business information are protected through the disclosure of the required data.*

Or. en

### Amendment 130

Martin Hlaváček, Irène Tolleret

#### Proposal for a directive

#### Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*2a. Explicit environmental claim made by traders about a single product does not apply to any other product, business-to-consumer commercial practice and communication, or practices and communication of a trader overall and vice versa, without substantiating each of those individual claims at product or trader level independently.*

Or. en

### Amendment 131

Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton

#### Proposal for a directive

#### Article 5 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. *Where the* explicit environmental claim *is* related to future environmental performance of a product or trader *it shall* include a time-bound **commitment** for improvements inside own operations and value chains.

4. Explicit environmental claim related to future environmental performance of a product or trader include a time-bound **aspiration** for improvements inside own operations and value chains.

Or. en

**Amendment 132**  
**Achille Variati**

**Proposal for a directive**  
**Article 5 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Explicit environmental claims based on greenhouse gas emissions offsetting which claim that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions, shall be prohibited.**

Or. en

**Amendment 133**  
**Claude Gruffat**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 5 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only ***on the basis of rules to calculate such aggregated indicator that are established in the Union law.***

5. Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only ***when they are based on environmental labels complying with Article 7.***

Or. en

*Justification*

*based on input from consumer and organics organisations*

**Amendment 134**  
**Martin Hlaváček, Atidzhe Alieva-Veli**

**Proposal for a directive**  
**Article 5 – paragraph 6 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

That information shall include ***at least*** the following:

That information shall include the following:

Or. en

### **Amendment 135**

**Martin Hlaváček, Atidzhe Alieva-Veli**

#### **Proposal for a directive**

#### **Article 5 – paragraph 6 – subparagraph 2 – point c**

*Text proposed by the Commission*

*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, ***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) 2016/943<sup>112</sup> ;

(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) 2016/943<sup>112</sup> ;

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<sup>112</sup> 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).

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<sup>112</sup> 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).

Or. en

### **Amendment 136**

**Emmanouil Fragkos**

#### **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) 2016/943<sup>112</sup> ;

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<sup>112</sup> 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 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) 2016/943<sup>112</sup> ;

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<sup>112</sup> 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).

Or. el

**Amendment 137**  
**Achille Variati**

**Proposal for a directive**  
**Article 5 – paragraph 6 – subparagraph 2 – point f**

*Text proposed by the Commission*

***(f) for climate-related explicit environmental claims that rely on greenhouse gas emission offsets, information to which extent they rely on offsets and whether these relate to emissions reductions or removals;***

*Amendment*

***deleted***

Or. en

## Amendment 138

Claude Gruffat

on behalf of the Verts/ALE Group

### Proposal for a directive

#### Article 5 – paragraph 6 – subparagraph 2 – point f

*Text proposed by the Commission*

(f) for climate-related explicit environmental claims that rely on greenhouse gas emission offsets, information to which extent they rely on offsets and whether these relate to emissions reductions or removals;

*Amendment*

(f) for climate-related explicit environmental claims that rely on greenhouse gas emission offsets ***inside the company's value chain***, information to which extent they rely on ***these limited*** offsets and whether these relate to emissions reductions or removals;

Or. en

## Amendment 139

Emmanouil Fragkos

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

Or. el

## Amendment 140

Emmanouil Fragkos

### Proposal for a directive

#### Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Comparative environmental claims shall

Comparative environmental claims shall

not relate to an improvement of the environmental impacts, environmental aspects or environmental performance of the product that is the subject of the claim compared to the environmental impacts, environmental aspects or environmental performance of another product from the same trader or from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, unless they are based on evidence proving that the improvement is significant and achieved in the last five years.

not relate to an improvement of *the overall environmental footprint*, the environmental impacts, environmental aspects or environmental performance of the product that is the subject of the claim compared to the environmental impacts, environmental aspects or environmental performance of another product from the same trader or from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, unless they are based on evidence proving that the improvement is significant and achieved in the last five years.

Or. el

**Amendment 141**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

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.

*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. ***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.***

Or. en

**Amendment 142**  
**Claude Gruffat**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 7 – paragraph 2**



*Text proposed by the Commission*

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.

*Amendment*

2. Only environmental labels awarded under environmental labelling schemes ***adopting a scientific and reproducible method, performed by independent organisations complying with the requirements of paragraph 1 of this Article*** may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader.

Or. en

*Justification*

*inout from consumer protection and organic organisations*

**Amendment 143**

**Daniel Buda**

**Proposal for a directive**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

(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.

*Amendment*

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

Or. ro

**Amendment 144**

**Claude Gruffat**

on behalf of the Verts/ALE Group

**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 a heterogeneous group of stakeholders that has reviewed them and ensured their relevance from a societal perspective; ***the methodology is made public;***

Or. en

**Amendment 145**  
**Achille Variati**

**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 the stakeholders' representatives that have*** reviewed them and ensured their relevance from a societal perspective;

Or. en

**Amendment 146**  
**Achille Variati**

**Proposal for a directive**  
**Article 8 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) the environmental labelling scheme

*Amendment*

(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.

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.

Or. en

**Amendment 147**  
**Achille Variati**

**Proposal for a directive**  
**Article 8 – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(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.***

Or. en

**Amendment 148**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States may, however, set up new national or regional environmental labelling schemes for types or categories of products for at least one of the following reasons: the protection of public health; the protection of consumers; the prevention of fraud; the protection of organically produced agri-foodstuffs; the protection of industrial and commercial property rights, indications of provenance, indications of origin and the prevention of unfair***

*competition.*

Or. it

#### **Amendment 149**

**Martin Hlaváček, Atidzhe Alieva-Veli, Irène Tolleret**

#### **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.***

Or. en

#### **Amendment 150**

**Emmanouil Fragkos**

#### **Proposal for a directive**

#### **Article 8 – paragraph 4**

##### *Text proposed by the Commission*

4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities in third countries awarding environmental labels to be used on the Union market, shall be subject to approval by the Commission prior to entering the Union market with the aim of ensuring that these labels provide

##### *Amendment*

4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities in third countries awarding environmental labels to be used on the Union market, shall be subject to approval by the Commission prior to entering the Union market with the aim of ensuring that these labels provide

added value in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.

added value in terms of their environmental ambition including notably their coverage of ***the overall environmental footprint***, the environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.

Or. el

**Amendment 151**  
**Emmanouil Fragkos**

**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 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*

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, 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 152**  
**Martin Hlaváček**

**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. 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 set under this Directive.*

Or. en

**Amendment 153**  
**Achille Variati**

**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 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.

The documents referred to in the first subparagraph **shall be made publicly 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 154**  
**Martin Hlaváček**

**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 ***within 12 months after the adoption of this Directive*** implementing acts to:

**Amendment 155**  
**Petri Sarvamaa**

**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 used for substantiation of explicit environmental claims is 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 156**  
**Achille Variati**

**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 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.

Or. en

**Amendment 157**  
**Achille Variati**

**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.***

Or. en

**Amendment 158**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 10 – paragraph 2 a (new)**



*Text proposed by the Commission*

*Amendment*

**2a. Member States shall put in place simplified procedures for verifying the veracity and communication of explicit environmental declarations by traders that are small and medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC in respect of the requirements set out in Articles 3 to 7.**

Or. it

### **Amendment 159**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

#### **Proposal for a directive**

#### **Article 10 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The verification and certification requirements shall apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC only if they so request.

3. The verification and certification requirements shall apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC only if they so request.  
**Member States shall provide for simplified verification and certification procedures for micro-enterprises to lighten the associated administrative and bureaucratic burdens.**

Or. it

### **Amendment 160**

**Achille Variati**

#### **Proposal for a directive**

#### **Article 10 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The verification shall be undertaken

4. The verification **of the information,**

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.

***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.

Or. en

**Amendment 161**  
**Martin Hlaváček, Atidzhe Alieva-Veli**

**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 10. Once verified, traders can display the label issued by the scheme without additional verifications steps.***

Or. en

**Amendment 162**  
**Achille Variati**

**Proposal for a directive**  
**Article 10 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

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

***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***

certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.

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.

Or. en

**Amendment 163**  
**Martin Hlaváček**

**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. ***Within 12 months after the publication 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.

Or. en

**Amendment 164**  
**Martin Hlaváček**

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

*Text proposed by the Commission*

***9a. Within 12 months after the official publication 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.***

Or. en

**Amendment 165**  
**Martin Hlaváček**

**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 within 24 months from the entry into force of the Directive and keep up-to-date a list of the accredited verifiers.**

Or. en

**Amendment 166**  
**Achille Variati**

**Proposal for a directive**  
**Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The verifier shall be a third-party conformity assessment body accredited in accordance with Regulation (EC) No 765/2008<sup>113</sup>.

1. The verifier shall be a third-party conformity assessment body accredited in accordance with Regulation (EC) No 765/2008 **of the European Parliament and of the Council<sup>113</sup> or Directive (EU) 2022/2464 of the European Parliament and of the Council<sup>113a</sup>**.

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<sup>113</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

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<sup>113</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

**<sup>113a</sup> Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending**

**Amendment 167**  
**Martin Hlaváček**

**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;***

Or. en

**Amendment 168**  
**Achille Variati**

**Proposal for a directive**  
**Article 12 – title**

*Text proposed by the Commission*

Small and medium sized enterprises

*Amendment*

***Micro***, small and medium sized enterprises

Or. en

**Amendment 169**  
**Rosanna Conte, Gilles Lebreton, Angelo Ciocca, Ivan David, Elena Lizzi, Paola Ghidoni**

**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*

**The European Commission** shall take appropriate measures to help small and medium sized enterprises apply the requirements set out in this Directive. **Such** measures **may** include, **inter alia:**

Or. it

## **Amendment 170**

**Achille Variati**

### **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 at least include 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 **shall** include **one or more of the following:**

Or. en

## **Amendment 171**

**Daniel Buda**

### **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*

***The European Union and the*** 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 ***technical assistance***, 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:

Or. ro

**Amendment 172**

**Rosanna Conte, Gilles Lebreton, Angelo Ciocca, Ivan David, Elena Lizzi, Paola Ghidoni**

**Proposal for a directive**

**Article 12 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) ***specialised management and staff training;***

*Amendment*

(c) ***specific tools to facilitate lifecycle-analysis calculations for SMEs;***

Or. it

**Amendment 173**

**Rosanna Conte, Gilles Lebreton, Angelo Ciocca, Ivan David, Elena Lizzi, Paola Ghidoni**

**Proposal for a directive**

**Article 12 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) ***organisational and technical assistance.***

*Amendment*

(d) ***pilot projects developed within European programmes.***

Or. it

**Amendment 174**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Most small and medium sized enterprises (SMEs) 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.***

Or. el

**Amendment 175**  
**Irène Tolleret, Atidzhe Alieva-Veli**

**Proposal for a directive**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 176**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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



*at least* the following:

the following:

Or. en

**Amendment 177**  
**Daniel Buda**

**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;

Or. ro

**Amendment 178**  
**Daniel Buda**

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

*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, ***complying with the rules on the protection of personal data, know-how and trade secrets***.

Or. ro

**Amendment 179**  
**Martin Hlaváček**

**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.

Or. en

**Amendment 180**  
**Anne Sander**

**Proposal for a directive**  
**Article 16**

*Text proposed by the Commission*

***Article 16***

***Complaint-handling and access to justice***

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

*Amendment*

***deleted***

*substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.*

*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.*

*3. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation, with a view to verify those complaints. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.*

*4. Competent authorities shall, as soon as possible and in any case in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it.*

*5. Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies,*

*including injunctive relief where necessary.*

**6. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.**

Or. fr

*Justification*

*The Aarhus Convention already provides for this.*

**Amendment 181**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**

**Article 16**

*Text proposed by the Commission*

*Amendment*

**Article 16**

**deleted**

***Complaint-handling and access to justice***

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

**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.**

**3. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or**

*organisation, with a view to verify those complaints. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.*

*4. Competent authorities shall, as soon as possible and in any case in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it.*

*5. Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.*

*6. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.*

Or. it

**Amendment 182**  
**Martin Hlaváček**

**Proposal for a directive**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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.

Or. en

**Amendment 183**

**Achille Variati**

**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.***

Or. en

**Amendment 184**

**Emmanouil Fragkos**

**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 (SMEs), 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;***

Or. el

**Amendment 185**  
**Daniel Buda**

**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***

Or. ro

**Amendment 186**  
**Daniel Buda**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) fines which effectively deprive

(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;

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;

Or. ro

**Amendment 187**  
**Daniel Buda**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. ro

**Amendment 188**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

Or. it

**Amendment 189**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 1 – point c**



*Text proposed by the Commission*

*Amendment*

**(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.**

**deleted**

Or. it

**Amendment 190  
Emmanouil Fragkos**

**Proposal for a directive  
Article 17 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.

(c) temporary exclusion for a maximum period of 12 months from public procurement processes **and for a maximum period of 36 months from public procurement processes in the case of a Green Public Procurement (GPP) process as defined in COM/2008/0400** and from access to public funding, including tendering procedures, grants and concessions.

Or. el

**Amendment 191  
Martin Hlaváček, Irène Tolleret**

**Proposal for a directive  
Article 17 – paragraph 3 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) fines for natural or legal person who falsely claims that environmental claims made by a trader that comply with this Directive can be deemed as**

**Amendment 192**

**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**

**Article 21 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The report referred to in paragraph 1 shall assess whether this Directive has achieved its objective, in particular with regard to:**

*deleted*

**(a) ensuring that explicit environmental claims made about the environmental performance of a product or trader are based on reliable, comparable and verifiable information;**

**(b) ensuring that environment labelling schemes are based on certification schemes and meet the relevant requirements set out in Article 8;**

**(c) ensuring that new private environmental labelling schemes concerning products or traders already covered by existing schemes are approved by the Member States only if they provide added value as compared to the existing schemes;**

**(d) setting out the rules for communicating explicit environmental claims on the Union market, and avoiding duplication of costs when communicating such claims;**

**(e) strengthening the functioning of the internal market.**

**Amendment 193**  
**Emmanouil Fragkos**

**Proposal for a directive**  
**Article 21 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) strengthening the functioning of the internal market.

*Amendment*

(e) strengthening the functioning of the internal market, ***developing tailored approaches for each sector and category of product, activity and service in accordance with the requirements of environmental footprint methods, bearing in mind the need to deal with the specific characteristics of complex products, flexible supply chains and dynamic markets.***

Or. el

**Amendment 194**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

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

*Text proposed by the Commission*

***3. Where the Commission finds it appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Directive, including considering further provisions on:***

***(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;***

***(b) facilitating transition towards toxic free environment by considering introducing a prohibition of***

*Amendment*

***deleted***

*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;*

*(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.*

Or. en

**Amendment 195**  
**Emmanouil Fragkos**

**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 mandating the use of common, and where relevant life-cycle based, method for substantiation of environmental claims, ***including the overall environmental footprint;***

Or. el

**Amendment 196**  
**Petri Sarvamaa**

**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;

Or. en

**Amendment 197**

**Petri Sarvamaa**

**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;

Or. en

**Amendment 198**

**Petri Sarvamaa**

**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

*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 or sustainability, bio-based elements, biodegradability, biodiversity, waste prevention and reduction.

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.

Or. en

**Amendment 199**  
**Martin Hlaváček**

**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 European 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.***

Or. en

**Amendment 200**  
**Irène Tolleret, Atidzhe Alieva-Veli**

**Proposal for a directive**  
**Article 25 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

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.

comply with this Directive. They shall immediately communicate the text of those measures to the Commission.

Or. en

**Amendment 201**  
**Petri Sarvamaa**

**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].

Or. en

**Amendment 202**  
**Irène Tolleret**

**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 = **48** months after the date of entry into force of this Directive].

Or. en

**Amendment 203**  
**Rosanna Conte, Angelo Ciocca, Paola Ghidoni, Elena Lizzi, Ivan David, Gilles Lebreton**

**Proposal for a directive**  
**Article 25 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

They shall apply those measures from [OP

*Amendment*

They shall apply those measures from [OP

please insert the date = **24** months after the date of entry into force of this Directive].

please insert the date = **36** months after the date of entry into force of this Directive].

Or. it