



**2023/0085(COD)**

5.10.2023

## **DRAFT OPINION**

of the Committee on Agriculture and Rural Development

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

on the proposal for a directive of the European Parliament and of the Council  
on Substantiation and communication of explicit environmental claims (Green  
Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

Rapporteur for opinion: Petri Sarvamaa

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## SHORT JUSTIFICATION

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

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

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

## AMENDMENTS

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

### Amendment 1

#### Proposal for a directive

#### Recital 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

##### *Amendment*

(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 level of quality and accuracy.

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. Both primary data and secondary data, i.e. average data, should show a high level of quality and accuracy.

Or. en

## Amendment 2

### 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 ***have a clear connection with the substantiation of the***

*claim and shall:*

Or. en

### **Amendment 3**

#### **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 impacts which are significant, ***including from the point of view of life-cycle assessment***, to assessing the environmental performance;

Or. en

### **Amendment 4**

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

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

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

### **Amendment 5**

#### **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***

*Amendment*

***deleted***

*cases where no primary information is available.*

Or. en

## **Amendment 6**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 7**

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

*Text proposed by the Commission*

*Amendment*

***A trader whose product or service holds a certification from an environmental labelling program in line with Article 7 of this Directive, and is based on specific requirements of a scheme, shall be considered compliant with paragraph 1 of this Article.***

***In accordance with [the directive on empowering consumers for the green transition], when a product or service is certified with a certification scheme for which the monitoring of compliance is objective, based on international, Union or national standards and procedures and***

*carried out by a party independent from both the scheme owner and the trader, the trader can assume compliance with paragraph 1 of this Article if the claim is based on specific requirements of that scheme.*

Or. en

## Amendment 8

### Proposal for a directive Article 5 – paragraph 6 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 9

### Proposal for a directive Article 16 – paragraph 1

#### *Text proposed by the Commission*

1. Natural or legal persons or organisations regarded under Union or national law as having a legitimate interest shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.

#### *Amendment*

1. Natural or legal persons or organisations regarded under Union or national law as having a legitimate interest shall be entitled to submit substantiated complaints to competent authorities ***of a Member State*** when they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.

Or. en

## **Amendment 10**

### **Proposal for a directive**

#### **Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Amendment 11**

### **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. en