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

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**2023/0085(COD)**

14.11.2023

# **AMENDMENTS**

## **728 - 821**

**Draft report**

**Cyrus Engerer, Andrus Ansip**

(PE753.670v01-00)

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

Proposal for a directive

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



**Amendment 728**  
**Maria Grapini**

**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 and require that trader to **initiate** 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. ro

**Amendment 729**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**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

*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 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.

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 **60** 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 730**  
**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**  
**Article 15 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Competent authorities shall immediately notify the competent authorities in other Member States with relevant information of the result of the checks and of the evaluation to enable them to establish a coordinated mechanism whereby the results of the evaluation pursuant Article 15(3) can be addressed throughout the whole Union.**

Or. en

**Amendment 731**  
**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 15 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

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claims that do not comply with the requirements laid down in this Directive, the verifier's accreditation shall be withdrawn without undue delay.**

Or. en

**Amendment 732**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle, Aurélia Beigneux, Tom Vandendriessche, Catherine Griset, Mathilde Androuët**

**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. fr

#### **Amendment 733**

**Arba Kokalari, Pernille Weiss**

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

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

1. Natural or legal persons or organisations regarded under Union or

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

national law as having a legitimate interest ***and fulfilling the conditions under Article 4(3) of Directive 2020/1828*** 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.

Or. en

#### **Amendment 734**

**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

#### **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 when they deem, that a ***one or more traders or a verifier*** is failing to comply with the provisions of this Directive.

Or. en

#### **Amendment 735**

**Laura Ballarín Cereza**

#### **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***

##### *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 when they deem, ***that one or more traders or***

*circumstances, that a trader* is failing to comply with the provisions of this Directive.

*verifiers* is failing to comply with the provisions of this Directive.

Or. en

#### Amendment 736

Arba Kokalari, Pernille Weiss

#### 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 ***duly mandated by persons affected by the claims*** shall be deemed to have sufficient interest.

Or. en

#### Amendment 737

Laura Ballarín Cereza

#### Proposal for a directive

#### Article 16 – paragraph 3

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

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.

##### *Amendment*

3. Competent authorities shall, ***without undue delay, diligently and impartially*** assess the substantiated complaint referred to in paragraph 1 and, take the necessary steps, including inspections and hearings of the ***traders and verifiers concerned***, with a view to ***detecting potential breaches of the provisions of this Directive*** verify those complaints. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.

Or. en



#### Amendment 738

Kim Van Sparrentak, Malte Gallée  
on behalf of the Verts/ALE Group

#### Proposal for a directive Article 16 – paragraph 3

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

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.

##### *Amendment*

3. Competent authorities shall assess, **without undue delay, impartially and diligently**, the substantiated complaint referred to in paragraph 1 and, take the necessary steps, including inspections and hearings of the **traders or verifiers in question** with a view to **detect potential breaches of the provisions of this Directive**. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.

Or. en

#### Amendment 739

Maria Grapini

#### Proposal for a directive Article 16 – paragraph 3

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

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.

##### *Amendment*

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, **or of the verifier**, with a view to verify those complaints. If confirmed **and if the trader is at fault**, the competent authorities shall take the necessary actions in accordance with Article 15.

Or. ro

**Amendment 740**  
**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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, ***or the verifier***, with a view to verify those complaints. If confirmed ***and is attributed to the trader***, the competent authorities shall take the necessary actions in accordance with Article 15.

Or. en

**Amendment 741**  
**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

4. Competent authorities shall, as soon as possible and in any case ***within 30 days from receiving the substantiated concern and*** 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 ***and a description of the further steps and measures it will take. Competent authorities shall allow for additional information to be provided by the person who has submitted the concern.***

Or. en

**Amendment 742**  
**Laura Ballarín Cereza**

**Proposal for a directive**  
**Article 16 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

4. Competent authorities shall, as soon as possible and in any case ***within 30 days of receiving a substantiated concern, if not otherwise stated in*** 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, ***and a description of the further steps and measures it will take. Competent authorities may allow for additional information to be provided by the person who has submitted the concern.***

Or. en

**Amendment 743**  
**René Repasi**

**Proposal for a directive**  
**Article 16 – paragraph 6**

*Text proposed by the Commission*

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.

*Amendment*

6. Member States shall ensure that practical information is made available ***cost free without undue delay in an easily accessible and easily understandable manner*** to the public on access to the administrative and judicial review procedures referred to in this Article.

Or. en

**Amendment 744**

**Proposal for a directive**

**Article 16 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6 a. The Commission shall [6 months months from the date of entry into force of this Directive] adopt delegated acts according to Article 18 of this Directive establishing a Notice and Action mechanism allowing for citizens to raise red flag alerts regarding possible unsubstantiated green claims and potential greenwashing, including its applicable rules and criteria.**

Or. en

*Justification*

*An alert system available for all citizens should be established to complement a decreased initial administrative burden for businesses.*

**Amendment 745**

**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**

**Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to the obligations of Member States under Directive 2008/99/EC<sup>114</sup>, Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

1. Without prejudice to the obligations of Member States under Directive 2008/99/EC<sup>114</sup>, Member States, **in close coordination**, shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

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<sup>114</sup> Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the

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<sup>114</sup> Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the

environment through criminal law (OJ L 328, 6.12.2008, p. 28).

environment through criminal law (OJ L 328, 6.12.2008, p. 28).

Or. en

#### **Amendment 746**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

#### **Proposal for a directive Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following:**

*deleted*

**(a) the nature, gravity, extent and duration of the infringement;**

**(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;**

**(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;**

**(d) the economic benefits derived from the infringement by those responsible;**

**(e) any previous infringements by the natural or legal person held responsible;**

**(f) any other aggravating or mitigating factor applicable to the circumstances of the case;**

**(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism**

*established by Regulation (EU)  
2017/2394, where applicable.*

Or. en

**Amendment 747**

**Carlo Fidanza, Pietro Fiocchi**

**Proposal for a directive**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following:** *deleted*

**(a) the nature, gravity, extent and duration of the infringement;**

**(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;**

**(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;**

**(d) the economic benefits derived from the infringement by those responsible;**

**(e) any previous infringements by the natural or legal person held responsible;**

**(f) any other aggravating or mitigating factor applicable to the circumstances of the case;**

**(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU)**

Or, en

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi,  
Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia,  
Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Article 17 – paragraph 2 – point a**

*Amendment*

*deleted*

Or. en

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Article 17 – paragraph 2 – point b**

*Amendment*

*deleted*

Or. en

## Pietro Fiocchi, Carlo Fidanza

**Article 17 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;

(b) the intentional or negligent character of the infringement and any action taken by the trader, ***including online marketplaces***, to mitigate or remedy the damage suffered by consumers, where applicable;

Or. en

**Amendment 751**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 2 – point c**

*Text proposed by the Commission*

*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;***

***deleted***

Or. en

**Amendment 752**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) the economic benefits derived from the infringement by those responsible;***

***deleted***

Or. en



**Amendment 753**

**Maria Grapini**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

*(da) measures ordering companies to take corrective action;*

Or. ro

**Amendment 754**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) any previous infringements by the natural or legal person held responsible;* *deleted*

Or. en

**Amendment 755**

**Stanislav Polčák**

**Proposal for a directive**

**Article 17 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) any previous infringements by the natural or legal person held responsible;* *(e) any previous infringements of the provisions of this Directive by the natural or legal person held responsible;*

Or. cs

**Amendment 756**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi,**

**Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive  
Article 17 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) any other aggravating or mitigating factor applicable to the circumstances of the case;** **deleted**

Or. en

**Amendment 757**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive  
Article 17 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394, where applicable.** **deleted**

Or. en

**Amendment 758**

**Pietro Fiocchi, Carlo Fidanza**

**Proposal for a directive  
Article 17 – paragraph 2 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is**

**(g) penalties imposed on the trader, *including online marketplaces*, for the same infringement in other Member States in cross-border cases where information**

available through the mechanism established by Regulation (EU) 2017/2394, where applicable.

about such penalties is available through the mechanism established by Regulation (EU) 2017/2394, where applicable.

Or. en

**Amendment 759**

**Pietro Fiocchi, Carlo Fidanza**

**Proposal for a directive**

**Article 17 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) related impacts on micro, small and medium sized companies and their competitiveness.***

Or. en

**Amendment 760**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle, Aurélia Beigneux, Tom Vandendriessche, Catherine Griset, Mathilde Androuët**

**Proposal for a directive**

**Article 17 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) the size of the company;***

Or. fr

**Amendment 761**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle, Aurélia Beigneux, Tom Vandendriessche, Catherine Griset, Mathilde Androuët**

**Proposal for a directive**

**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. Member States shall provide that penalties and measures for infringements***

***deleted***

*of this Directive shall include:*

*(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;*

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

*(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.*

*For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.*

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. fr

## **Amendment 762**

**Andrus Ansip, Dita Charanzová, Svenja Hahn, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen, Sandro Gozi**

### **Proposal for a directive Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States shall provide that penalties and measures for infringements of this Directive shall include:** *deleted*

*(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;*

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

*(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.*

*For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.*

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 763**  
**Carlo Fidanza, Pietro Fiocchi**

**Proposal for a directive**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States shall provide that penalties and measures for infringements of this Directive shall include:**

**deleted**

*(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;*

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

*(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.*

*For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.*

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 764**  
**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States shall provide that penalties and measures for infringements of this Directive shall include:** **deleted**

*(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;*

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

*(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.*

*For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member*

*State or Member States concerned.*

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 765**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Member States shall provide that penalties and measures for infringements of this Directive shall include:*

*deleted*

*(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;*

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

*(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.*

Or. en

**Amendment 766**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

**(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;** *deleted*

Or. en

**Amendment 767**

**Emma Wiesner, Andrus Ansip, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen**

**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

**Amendment 768**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**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

**Amendment 769**

**Emma Wiesner, Andrus Ansip, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen**



**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. en

**Amendment 770**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**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. en

**Amendment 771**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**

**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*For the purposes of point (a), Member States shall ensure that when penalties* *deleted*

*are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.*

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 772**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

*Amendment*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 3 % of the trader's annual turnover in the Member State or Member States concerned. ***The national authorities shall take all necessary measures to ensure that the penalties are enforced. The penalties provided for must be proportionate and dissuasive as defined in the Directive 2005/29 of the European Parliament and of the Council.***

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 773**  
**Andreas Schwab, Arba Kokalari, Pablo Arias Echeverría, Christian Doleschal, Maria da Graça Carvalho, Barbara Thaler**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of point (a), Member States shall ensure that ***when*** penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, ***the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.***

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

*Amendment*

For the purposes of point (a), Member States shall ensure that ***proportionate*** penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 774**  
**Pietro Fiocchi, Carlo Fidanza**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of point (a), Member States shall ensure that ***when*** penalties ***are to be*** imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, ***the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.***

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

*Amendment*

For the purposes of point (a), Member States shall ensure that penalties imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, ***effective, proportionate and dissuasive.***

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 775**  
**Emma Wiesner, Ulrike Müller, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen**

**Proposal for a directive**  
**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at **least at 4** % of the trader's annual turnover in the Member State or Member States concerned.

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

*Amendment*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at **2** % of the trader's annual turnover in the Member State or Member States concerned.

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 776**

**Michał Wiezik, Karen Melchior**

**Proposal for a directive**

**Article 17 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at **4** % of the trader's annual turnover in the **Member State or Member States concerned**.

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

*Amendment*

For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at **8** % of the trader's annual turnover in the **European Union**.

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

**Amendment 777**

**Mathilde Androuët**

**Proposal for a directive**

**Article 18 – paragraph 1**

*Text proposed by the Commission*

1. The power to adopt **delegated** acts

PE756.119v01-00

*Amendment*

1. The power to adopt **implementing**

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is conferred on the Commission subject to the conditions laid down in this Article.

acts is conferred on the Commission subject to the conditions laid down in this Article.

Or. fr

**Amendment 778**  
**Laura Ballarín Cereza**

**Proposal for a directive**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. ‘Green Claims Forum’ is the expert group which the European Commission will establish to ensure a balanced participation of Member States’ representatives and all interested parties implicated in secondary legislation for green claims in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental labelling schemes, environmental protection groups and consumer organisations. The Commission shall consult the Green Claims Forum in the process of evaluating and updating requirements for the substantiation of environmental claims. The Green Claims Forum shall provide opinion on whether existing rules and methods are fit for the purpose of substantiating specific environmental claims, and provide recommendations on the revision or the development of new delegated acts. The Green Claims Forum shall contribute in particular to preparing Delegated Acts with respect to Article 3 (4) and provide recommendations on how to communicate environmental aspects and impacts to consumers.***

Or. en

**Amendment 779**

**Mathilde Androuët**

**Proposal for a directive  
Article 18 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt ***delegated*** acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

*Amendment*

2. The power to adopt ***implementing*** acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive].

Or. fr

**Amendment 780  
Cyrus Engerer**

**Proposal for a directive  
Article 18 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

*Amendment*

2. The power to adopt delegated acts as referred to in ***Article 1(3)***, Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

## Amendment 781

Cyrus Engerer

### Proposal for a directive

#### Article 18 – paragraph 3

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

3. The delegation of power referred to in Article 3(4) and Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

##### *Amendment*

3. The delegation of power referred to in **Article 1(3)**, Article 3(4) and Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

## Amendment 782

Arba Kokalari, Pernille Weiss

### Proposal for a directive

#### Article 18 – paragraph 4

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

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

##### *Amendment*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. ***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, trade unions, traders, retailers, importers, environmental protection groups, Eco-labels and consumer organisations. These parties shall contribute, in particular, to preparing the Delegated Acts referred to in Article 3 (4).*

Or. en

#### **Amendment 783**

**Cyrus Engerer**

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

#### **Article 18 – paragraph 5**

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

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 3(4) and Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

##### *Amendment*

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to **Article 1(3)**, Article 3(4) and Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Or. en

#### **Amendment 784**

**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

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

#### **Article 18 a (new)**



**Article 18a**

**Consultation Forum**

- 1. The Commission shall establish an expert group, referred to as the consultation forum (the 'forum') consisting of a balanced participation of Member States representatives and all interested parties involved in the substantiation of explicit environmental claims and environmental labelling schemes, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. The forum shall contribute to the development of requirements for the substantiation of explicit environmental claims and environmental labelling schemes.***
- 2. The Commission shall consult the forum in the process of evaluating and updating requirements for the substantiation and communication of environmental claims in accordance with Article 3(4) and 5(8) of this Directive, including when specifying requirements under a delegated act. The forum shall in particular contribute to the preparation of requirements for assessment methods used to substantiate claims and rules for their communication, as well as to the evaluation of the effectiveness of the existing requirements, to ensure the reliability of green claims.***
- 3. The forum shall also provide recommendations on the revision of the Working Plan as referred in Article 3(5b) of this Directive, as well as the revision of Union law referred to in Article 3(5b).***

Or. en

**Amendment 785**  
**Carlo Fidanza, Pietro Fiocchi**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall provide the information referred to in paragraph 1 to the Commission on ***an annual*** basis.

*Amendment*

3. Member States shall provide the information referred to in paragraph 1 to the Commission on ***a biannual*** basis.

Or. en

**Amendment 786**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall provide the information referred to in paragraph 1 to the Commission on ***an annual*** basis.

*Amendment*

3. Member States shall provide the information referred to in paragraph 1 to the Commission on ***a biannual*** basis.

Or. en

**Amendment 787**

**Emma Wiesner, Andrus Ansip, Andreas Glueck**

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

*Text proposed by the Commission*

***(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;***

*Amendment*

***deleted***

Or. en

**Amendment 788**

**Andrus Ansip, Dita Charanzová, Svenja Hahn, Andreas Glueck, Emma Wiesner**

**Proposal for a directive**

**Article 21 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(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;**

**deleted**

Or. en

**Amendment 789**

**René Repasi**

**Proposal for a directive**

**Article 21 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(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;**

**(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 *significant* added value as compared to the existing schemes;**

Or. en

**Amendment 790**

**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 21 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(e a) unlocking opportunities for the circular and green economy. To this end, the report shall assess the appropriateness and feasibility of making the use of Environmental Footprint methods mandatory.*

Or. en

**Amendment 791**

**Emma Wiesner, Andrus Ansip, Ulrike Müller, Andreas Glueck**

**Proposal for a directive**

**Article 21 – paragraph 3 – point b**

*Text proposed 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 their use is considered essential for the society in line with the criteria to be developed by the Commission;*      *deleted*

Or. en

**Amendment 792**

**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**

**Article 21 – paragraph 3 – point b**

*Text proposed 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 their use is considered essential for the society in line with the criteria to be developed by the Commission;*      *deleted*

Or. en

**Amendment 793**

**René Repasi**

**Proposal for a directive**

**Article 21 – paragraph 3 – point b**

*Text proposed 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 their use is considered essential for the society in line with the criteria to be developed by the Commission;*** ***deleted***

Or. en

**Amendment 794**

**Andrus Ansip, Dita Charanzová, Svenja Hahn, Andreas Glueck**

**Proposal for a directive**

**Article 21 – paragraph 3 – point b**

*Text proposed 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 their use is considered essential for the society in line with the criteria to be developed by the Commission;****

**(b) *facilitating transition towards toxic free environment by considering introducing a prohibition of environmental claims for products containing substances ***classified as hazardous due to their germ cell mutagenic, carcinogenic, toxic to reproduction, endocrine disruption for human health or the environment, persistent, bioaccumulative and toxic (PBT), very persistent, very bioaccumulative (vPvB), persistent, mobile and toxic (PMT), or very persistent, very mobile (vPvM) properties;******

Or. en

**Amendment 795**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**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, *on the basis of an impact assessment*, a prohibition of environmental claims for products containing hazardous substances except where their use is considered *safe and improves the sustainability of the product, in compliance* with the *relevant Union and national legislations*;

Or. en

**Amendment 796**

**Massimiliano Salini, Fulvio Martusciello, Francesca Peppucci**

**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, *on the basis of an impact assessment*, a prohibition of environmental claims for products containing substances *of significant concern*, except where their use is considered *safe and improves the sustainability of the product*;

Or. en

**Amendment 797**

**Carlo Fidanza, Pietro Fiocchi**

**Proposal for a directive**

**Article 21 – paragraph 3 – point b**

*Text proposed 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 their use is considered ***essential for the society in line with the criteria to be developed by the Commission***;

(b) facilitating transition towards toxic free environment by considering introducing, ***on the basis of an impact assessment***, a prohibition of environmental claims for products containing substances ***of very high concern***, except where their use is considered ***safe and improves the sustainability of the product***;

Or. en

*Justification*

*The safe and sustainable use of substances is regulated by REACH and CLP Regulations, with a risk-based approach. A prohibition of green claims based on the presence of “hazardous substances” fails to recognize that the inherent properties of these substances can be the key to enhance products’ performances (e.g., lifetime extension, energy efficiency), providing sustainable solutions that would be discouraged by such a ban (e.g., batteries in electric cars). Referring to the concept of “essential use” is also not appropriate, due to the current lack of officially defined criteria.*

**Amendment 798**  
**Emma Wiesner**

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

*Text proposed by the Commission*

*Amendment*

***(b a) further strengthening the fight against antimicrobial resistance by considering introducing a prohibition of environmental claims for products contributing to AMR.***

Or. en

**Amendment 799**  
**René Repasi**

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

**(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.**

**deleted**

Or. en

**Amendment 800**

**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**

**Article 21 – paragraph 3 – point c**

*Text proposed by the Commission*

*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.

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

Or. en

**Amendment 801**

**Maria Grapini**

**Proposal for a directive**

**Article 21 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*



**3a.** *As part of the evaluation and review referred to in paragraph 1, and in order to ensure a level playing field for traders, the Commission shall undertake an impact assessment of the measures established for microenterprises and small and medium-sized enterprises in Articles 4, 5, 10 and 12, and consider their review after the Directive is implemented.*

Or. ro

**Amendment 802**  
**Arba Kokalari, Pernille Weiss**

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

*Text proposed by the Commission*

*Amendment*

**3 a.** *As part of the evaluation and review referred to in paragraph 1, 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 enterprises in Articles 4, 5, 10 and 12, and consider their review after the Directive is implemented.*

Or. en

**Amendment 803**  
**Emma Wiesner, Andrus Ansip, Ulrike Müller, Erik Poulsen, Morten Løkkegaard, Asger Christensen**

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

*Text proposed by the Commission*

*Amendment*

**3 a.** *As part of the evaluation referred to in paragraph 1, and in order to ensure a level playing field, the Commission shall carry out an impact assessment on the measures established for micro and small*

*enterprises in Articles 4, 5, 10 and 12, and consider their review after this Directive is implemented.*

Or. en

**Amendment 804**

**Andrus Ansip, Dita Charanzová, Svenja Hahn, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

Member States shall adopt and publish by [OP please insert the date = **30** 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.

Or. en

**Amendment 805**

**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 806**

**Maria Grapini**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Products with environmental statements or labels created or displayed prior to the entry into force of the Directive can continue to be marketed until the environmental statement or label has been verified by the trader.***

Or. ro

**Amendment 807**

**Lara Comi**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

They shall apply those measures from [OP please insert the date = **36** months after the date of entry into force of this Directive] ***to all products, information material and packaging material placed on the market after that date.***

Or. it

**Amendment 808**

**Maria Grapini**

**Proposal for a directive**

**Article 25 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

*packaging material placed on the market after this date.*

Or. ro

**Amendment 809**

**Arba Kokalari, Pernille Weiss**

**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] *to products, informational and packaging material placed on the market after this date.*

Or. en

**Amendment 810**

**Pietro Fiocchi, Carlo Fidanza**

**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 Directive] *to products, informational and packaging material placed on the market after this date.*

Or. en

**Amendment 811**

**Andreas Schwab, Arba Kokalari, Pablo Arias Echeverría, Christian Doleschal, Maria da Graça Carvalho, Barbara Thaler**

**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 812**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle, Aurélia Beigneux, Tom Vandendriessche, Catherine Griset, Mathilde Androuët**

#### **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. fr

### **Amendment 813**

**Marian-Jean Marinescu**

#### **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 = **30** months after the date of entry into force of this Directive].

Or. en

### **Amendment 814**

**Massimiliano Salini, Fulvio Martusciello, Francesca Peppucci**

#### **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 815**

**Kim Van Sparrentak, Malte Gallée**  
on behalf of the Verts/ALE Group

**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 = **18** months after the date of entry into force of this Directive].

Or. en

**Amendment 816**

**Annalisa Tardino, Isabella Tovaglieri, Silvia Sardone, Antonio Maria Rinaldi, Gianantonio Da Re, Alessandra Basso, Rosanna Conte, Matteo Adinolfi, Gianna Gancia, Marco Campomenosi, Maria Veronica Rossi, Danilo Oscar Lancini**

**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 817**

**Andrus Ansip, Dita Charanzová, Svenja Hahn, Andreas Glueck, Erik Poulsen, Morten Løkkegaard, Asger Christensen, Emma Wiesner**

**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 818**  
**Lara Comi**

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

*Text proposed by the Commission*

*Amendment*

***Products with environmental claims or environmental labels made or displayed before the Directive came into force may continue to be marketed until the claim or label concerned is verified.***

Or. it

**Amendment 819**  
**Laura Ballarín Cereza**

**Proposal for a directive**  
**Article 25 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Environmental labelling schemes existing on the market prior to the date of application of this Directive, can continue to operate while the verification process in accordance with Article 8(5) is concluded.***

Or. en

**Amendment 820**

**Arba Kokalari, Pernille Weiss**

**Proposal for a directive**

**Article 25 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Products bearing environmental claims or environmental labels that were made or displayed before the application date of the Directive can continue to be marketed until the environmental claim or environmental label has been verified by the trader.***

Or. en

**Amendment 821**

**Carlo Fidanza, Pietro Fiocchi**

**Proposal for a directive**

**Article 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 25a***

***Transitional provision***

***Products placed on the market or labelled prior to [date of entry into force of the national legislation transposing this Directive] which do not comply with the requirements of this Directive may be marketed until the stocks of the products are exhausted.***

Or. en