



**2022/0092(COD)**

14.10.2022

# **AMENDMENTS**

## **28 - 310**

### **Draft opinion**

**Edina Tóth**

(PE736.396v01-00)

Proposal for a directive of the European Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information

Proposal for a directive

(COM(2022)143 – C9-0128/2022 – 2022/0092(COD))



**Amendment 28**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

*Amendment*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, ***hindering or preventing their servicing***, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. ***On the other hand, a transparent and coherent EU-wide consumer information system on the expected durability of purchased goods and their reparability, especially for electronic equipment, will not only help to protect the environment through reduced use of appliances but will also bring real savings for households. In addition,*** this will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

Or. pl

**Amendment 29**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. ***This would*** enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

*Amendment*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental ***or social*** claims (“greenwashing” ***or “social washing”***), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. ***Introducing provisions in this regard in the Union consumer law will*** enable national, ***regional and local*** competent bodies to address those practices effectively. ***In addition***, by ensuring that environmental ***or social*** claims are fair, consumers will be able to choose products that are genuinely better for the environment ***and for the protection of human and labour rights*** than competing products. This will encourage competition towards more environmentally ***and socially*** sustainable products, thus reducing negative impact on the environment ***and on indigenous or vulnerable sectors of the population***.

Or. en

**Amendment 30**  
**Mathilde Androuët**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”),

*Amendment*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”),

non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. ***This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.***

non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than competing products. ***To enable sustainable consumption choices, the products and services offered must be competitive, particularly in terms of their price compared to similar non-sustainable products and services.***

Or. fr

#### *Justification*

*The most sustainable products cannot be favoured in the marketplace if they are more expensive. Europeans are already reducing their consumption, and their standard of living and purchasing power is unlikely to improve in the current context. It is therefore vital, while raising awareness among Europeans of the green transition, to try to reduce costs. The transition will be successful if green products are made affordable or low-cost.*

### **Amendment 31**

**Ulrike Müller, Martin Hojsik, Andreas Glück, Jan Huitema**

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

##### **Recital 1**

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

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair,

###### *Amendment*

(1) In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are fair,

consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

**clear and understandable**, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

Or. en

### *Justification*

*Consumers need clear, relevant and understandable information. An overload of information should be avoided*

## **Amendment 32** **Stanislav Polčák**

### **Proposal for a directive** **Recital 1**

#### *Text proposed by the Commission*

(1) Whereas: In order to tackle unfair commercial practices which prevent consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are **fair**, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

#### *Amendment*

(1) In order to tackle unfair commercial practices which prevent **and impede** consumers from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims (“greenwashing”), non-transparent and non-credible sustainability labels or sustainability information tools, specific rules should be introduced in Union consumer law. This would enable national competent bodies to address those practices effectively. By ensuring that environmental claims are **truthful**, consumers will be able to choose products that are genuinely better for the environment than competing products. This will encourage competition towards more environmentally sustainable products, thus reducing negative impact on the environment.

Or. cs

**Amendment 33**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) In order to deter traders from deceiving consumers as regards the environmental or social impact, durability **or** reparability of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact, durability **and** reparability of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. Information provided by traders on the social sustainability of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either.

*Amendment*

(3) In order to deter traders from deceiving consumers as regards the environmental or social impact **through the whole production chain**, durability, reparability, **upgradability, reusability, recyclability, single-use nature and the right to return to the producer** of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact **through the whole production chain**, durability, reparability, **upgradability, reusability, recyclability, single-use nature, and the right to return to the producer** of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. **Products should not be considered as single-use unless they are defined and declared to be so.** Information provided by traders on the social sustainability **of the whole production chain** of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either.

Or. en

**Amendment 34**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 3**

*Text proposed by the Commission*

(3) In order to deter traders from deceiving consumers as regards the environmental or social impact, durability or reparability of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact, durability and reparability of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. Information provided by traders on the social sustainability of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either.

*Amendment*

(3) In order to deter traders from deceiving consumers as regards the environmental or social impact, durability or reparability of their products, including through the overall presentation of the products, Article 6(1) of Directive 2005/29/EC should be amended by adding the environmental or social impact, durability and reparability of the product to the list of the main characteristics of the product in respect of which the trader's practices can be considered misleading, following a case-by-case assessment. Information provided by traders on the social sustainability of products, such as working conditions, charity contributions or animal welfare, should not mislead consumers either. ***Annex I to Directive 2005/29/EC should be amended to prohibit making generic social claims.***

Or. en

**Amendment 35**

**Ulrike Müller, Jan Huitema, Andreas Glück**

**Proposal for a directive**

**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Where manufacturers face challenges in providing accurate information on durability due to the sourcing of different parts from different sellers or supply chains, sufficient time for implementation is to be foreseen to allow accurate information to be gathered.***

Or. en



*Justification*

*Manufacturers should be in the position to provide the information required on the durability of the product.*

**Amendment 36**

**Ulrike Müller, Andreas Glück, Jan Huitema**

**Proposal for a directive**

**Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) In order to provide the correct amount of information to the consumers, the different degrees of information already provided to the consumers in each Member State should be taken into account.***

Or. en

*Justification*

*In some Member States several ways to communicate properly exist already. Some use advisory services of the organisations that take care of testing the products to explain and communicate. Ensuring that the different levels of information in Member States are considered will enhance the effectiveness of this proposal.*

**Amendment 37**

**Malte Gallée**

**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and

credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective and verifiable commitments and targets given by the trader. Such claims should also be supported by an independent monitoring system to monitor the progress of the trader with regard to the commitments and targets.

credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are ***based on offsetting schemes or*** not supported by clear, objective and verifiable commitments and targets given by the trader ***including a realistic implementation plan which should include concrete and verifiable interim targets without relying on offsets, and be based on existing technologies only. That plan should have sufficient budget allocated to it.*** Such claims should also be supported by an independent monitoring system to monitor the progress of the trader with regard to the commitments and targets. ***Before making an environmental claim related to future environmental performance, the claim, the underlying commitments and targets and the implementation plan should be verified and approved by an independent monitoring system. The trader making a claim should report on the progress towards the claimed future environmental performance, based on the implementation plan, on an annual basis. The implementation plan and all progress reports should be publicly available. The independent monitoring system should review the annual progress reports and should be enabled to revoke the right to make a certain claim if the progress reports do not show sufficient progress.***

Or. en

**Amendment 38**  
**Petros Kokkalis**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) Environmental claims, in particular

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*Amendment*

(4) Environmental claims, in particular

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climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a **low-carbon** economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective and verifiable commitments and targets **given by** the trader. **Such** claims should also be supported by an independent monitoring system to monitor the progress of the trader with regard to the commitments and targets.

climate-related claims, increasingly relate to future performance **such as** in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a **green** economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear **and understandable supplementary information given by the trader setting out clear objective science-based and verifiable commitments and targets and an implementation plan at the trader level that should include implementing actions, concrete and verifiable interim targets which do not rely on offsets and are consistent with achieving long-term commitment. The implementation plan should have sufficient budget allocated and be based only on existent economically and technically viable technologies. The implementation plan as well as the progress achieved should be made publicly available, included in supplementary information to the claim, and regularly reported upon.** Claims related to future environmental performance should also be supported by an independent monitoring system to **verify the claim and** monitor the progress of the trader with regard to the commitments and targets.

Or. en

**Amendment 39**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective and verifiable commitments and targets given by the trader. **Such** claims should also be supported by an independent monitoring system to monitor the progress of the **trader with regard to the** commitments and targets.

*Amendment*

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the fairness and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are **based on offsetting schemes or are** not supported by clear, objective and verifiable commitments and targets given by the trader, **including a detailed and realistic implementation plan to achieve the objectives set. That plan should include concrete and verifiable interim targets consistent with achieving the trader's long-term commitment, underpinned by a sufficient budget and based only on existing economically and technically viable technologies. The implementation plan, as well as the progress made throughout its implementation, should be made publicly available online and regularly reported upon by the trader.** Claims should also be supported by an independent monitoring system to monitor the progress of the **implementation plan, the trader's** commitments and targets. **Claims related to future environmental performance should not be used on product level, as they could mislead as to the current environmental performance of the concrete product in question.**

Or. en

**Amendment 40**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 4**

*Text proposed by the Commission*

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the *fairness* and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective and verifiable commitments and targets given by the trader. Such claims should also be supported by an independent monitoring system to monitor the progress of the trader with regard to the commitments and targets.

*Amendment*

(4) Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Through such claims, traders create the impression that consumers contribute to a low-carbon economy by purchasing their products. To ensure the *truthfulness* and credibility of such claims, Article 6(2) of Directive 2005/29/EC should be amended to prohibit such claims, following a case-by-case assessment, when they are not supported by clear, objective, *sufficiently specific* and verifiable commitments and targets given by the trader. Such claims should also be supported by an independent monitoring system to monitor the progress of the trader with regard to *the level of fulfilment of* the commitments and targets.

Or. cs

**Amendment 41**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Social claims should take into account compliance with future due diligence requirements set by the Union and be supported by independent monitoring systems. Such claims should cover the entire supply chain and manufacturing process of the products.***

Or. en

**Amendment 42**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a) Environmental claims related to future environmental performance should only be used at the trader level and not on the product level.**

Or. en

**Amendment 43**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Another potentially misleading commercial practice which should be added to the specific practices targeted by Article 6(2) of Directive 2005/29/EC is advertising benefits for consumers that are actually a common practice in the relevant market. For example, if the absence of a chemical substance is a common practice in a specific product market, its promotion as a distinctive feature of the product could constitute an unfair commercial practice.

(5) Another potentially misleading commercial practice which should be added to the specific practices targeted by Article 6(2) of Directive 2005/29/EC is advertising benefits for consumers that are actually a common practice in the relevant market. For example, if the absence of a chemical substance is a common practice in a specific product market, its promotion as a distinctive feature of the product could constitute an unfair commercial practice. ***It is therefore in essence advertising the uniqueness of something that is, in fact, common practice.***

Or. cs

**Amendment 44**  
**Mathilde Androuët**

**Proposal for a directive**  
**Recital 6**

*Text proposed by the Commission*

(6) Comparing products based on their environmental or social aspects, including through the use of sustainability information tools, is an increasingly common marketing technique. In order to ensure that such comparisons do not mislead consumers, Article 7 of Directive 2005/29/EC should be amended to require that the consumer is provided with information about the method of the comparison, the products which are the object of comparison and the suppliers of those products, and the measures to keep information up to date. This should ensure that consumers make better informed transactional decisions when using such services. The comparison should be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and verifiable features of the products being compared.

*Amendment*

(6) Comparing products **or services** based on their environmental or social aspects, including through the use of sustainability information tools **or their greenhouse gas emission balance ('carbon footprint')**, is an increasingly common marketing technique. In order to ensure that such comparisons do not mislead consumers, Article 7 of Directive 2005/29/EC should be amended to require that the consumer is provided with information about the method of the comparison, the products which are the object of comparison and the suppliers of those products, and the measures to keep information up to date. This should ensure that consumers make better informed transactional decisions when using such services. The comparison should be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and verifiable features of the products being compared.

Or. fr

**Amendment 45**  
**Petros Kokkalis**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) The displaying of sustainability labels which are not based on a **certification** scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The

*Amendment*

(7) The displaying of sustainability labels **or sustainability information tools** which are not based on a **certificate or scheme, pre-approved by a national authority or a Union authority**, or not established by public authorities should be



certification scheme should fulfil minimum transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil minimum transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

Or. en

#### **Amendment 46** **Pascal Canfin**

#### **Proposal for a directive** **Recital 7**

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

(7) The displaying of sustainability labels which ***are not based on a certification scheme or not established by public authorities*** should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. ***The certification scheme should fulfil minimum transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011.*** This rule

##### *Amendment*

(7) The displaying of sustainability labels ***or sustainability information tools*** which ***were not pre-approved by a national authority or a Union authority*** should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. ***Pre-approval of a sustainability label or a sustainability information tool, by a national authority or a Union authority, should be subject to the mutual recognition by all Member States and require conformity with the minimum requirements, such as: award criteria publicly available, developed in independent process and going beyond to what is required by Union legislation,***



complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

*impartial control procedure with third party verification, transparency of the scheme owner, accessibility to all market players, procedural transparency for consumers, outcome transparency for consumers, scientific robustness and stakeholder relevance, compliant and dispute resolution mechanisms put in place and periodic revision of the award criteria. If a label or a sustainability information tool is focused on one environmental aspect, this should be clearly and prominently communicated to consumers. For the sake of transparency, all pre-approved sustainability labels and sustainability information tools should be included in a publicly available register, updated regularly by the national authority and the Union authority. Sustainability labels established by public authorities should be exempted from the pre-approval requirement.* This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

Or. en

**Amendment 47**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) The displaying of sustainability labels which are not based on a certification scheme *or not established by public authorities* should be prohibited by including such practices in the list in

*Amendment*

(7) The displaying of sustainability labels *or sustainability information tools* which are not based on a certification scheme *and were not pre-approved by a national authority* should be prohibited by

Annex I to Directive 2005/29/EC. The certification scheme should fulfil **minimum transparency** and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance **with Article 35 of Regulation (EU) No 1169/2011**. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

including such practices in the list in Annex I to Directive 2005/29/EC. ***Sustainability labels or sustainability information tools that have been pre-approved by a competent national authority should be recognised by all Member States, according to the principle of mutual recognition, and should fulfil certain minimum requirements. The Commission should be empowered to adopt a delegate acts to set out the minimum requirements for such labels and tools. The Commission should be empowered to adopt an implementing act to lay down the procedure for pre-approval of sustainability labels and sustainability information tools. Sustainability labels established by public authorities should be exempt from the pre-approval procedure.*** The certification scheme should fulfil **minimum transparency** and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

Or. en

**Amendment 48**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) The displaying of sustainability labels which are not based on **a** certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil minimum transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

*Amendment*

(7) The displaying of sustainability labels **or sustainability information tools which were not pre-approved by a Union body or a national authority and** which are not based on **an accredited** certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. ***Sustainability labels or sustainability information tools that have been pre-approved should be recognised by all Member States according to the principle of mutual recognition and should fulfil certain minimum requirements. The Commission should be empowered to adopt a delegate acts to set out the minimum requirements for such labels and tools.*** The certification scheme should fulfil minimum transparency and credibility conditions ***consistent with the United Nations Environment Programme guidelines on product sustainability information and should be accredited in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>1a</sup>.*** The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

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<sup>1a</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).*

Or. en

**Amendment 49**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 7**

*Text proposed by the Commission*

(7) The displaying of sustainability labels which are not based on a certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil **minimum** transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

*Amendment*

(7) The displaying of sustainability labels which are not based on a certification scheme or not established by public authorities should be prohibited by including such practices in the list in Annex I to Directive 2005/29/EC. The certification scheme should fulfil **adequate** transparency and credibility conditions. The displaying of sustainability labels remains possible without a certification scheme where such labels are established by a public authority, or in case of additional forms of expression and presentation of food in accordance with Article 35 of Regulation (EU) No 1169/2011. This rule complements point 4 of Annex I to Directive 2005/29/EC which prohibits claiming that a trader, the commercial practices of a trader, or a product has been approved, endorsed or authorised by a public or private body when it has not, or making such a claim without complying with the terms of the approval, endorsement or authorisation.

Or. pl

**Amendment 50**  
**Stanislav Polčák**

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

*Text proposed by the Commission*

(8) In cases where the displaying of a sustainability label involves a commercial communication that suggests ***or creates the impression*** that a product has a positive or no impact on the environment, or is less damaging to the environment than competing products, that sustainability label also should be considered as constituting an environmental claim.

*Amendment*

(8) In cases where the displaying of a sustainability label involves a commercial communication that ***states or*** suggests that a product has a positive, ***minor*** or no impact on the environment, or is less damaging to the environment than competing products, that sustainability label also should be considered as constituting an environmental claim.

Or. cs

**Amendment 51**  
**Ulrike Müller, Jan Huitema**

**Proposal for a directive**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) To support innovation and investment in sustainable practices and products, industry-led and private-label initiatives which meet high sustainability standards based on third-party certifications will continue to play a key role in the green transition.***

Or. en

*Justification*

*Restricting only to labels that are open to all traders would reduce the scope of relevant sustainability information that can be shared with consumers.*

**Amendment 52**  
**Antoni Comín i Oliveres**

## Proposal for a directive

### Recital 9

#### *Text proposed by the Commission*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘carbon positive’, ‘climate neutral’, ‘energy efficient’, ‘biodegradable’, ‘**biobased**’ or similar statements, as well as broader statements such as ‘conscious’ or ‘responsible’ that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided **in clear** and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface. For example, the claim ‘biodegradable’, referring to a product, would be a generic claim, whilst claiming that ‘the packaging is biodegradable through home composting in one month’ would be a specific claim, which does not fall under this prohibition.

#### *Amendment*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental **or social** claims without recognised excellent environmental **or social** performance which is relevant to the claim. Examples of such generic environmental **or social** claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘**eco-friendly packaging**’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘carbon positive’, ‘climate neutral’, ‘energy efficient’, ‘biodegradable’, ‘**bio based**’, ‘**deforestation-free**’, ‘**green-dot**’, ‘**sustainable**’, ‘**socially just**’, ‘**socially aware**’, ‘**poverty-free**’, ‘**fair trade product**’ or similar statements, as well as broader statements such as ‘conscious’, ‘**concerned**’ or ‘responsible’ that suggest or create the impression of excellent environmental **or social** performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental **or social** performance demonstrated or whenever the specification of the claim is not provided **in clear** and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface. For example, the claim ‘biodegradable’, referring to a product, would be a generic claim, whilst claiming that ‘the packaging’ is biodegradable through home composting in one month’ would be a specific claim, which does not fall under this prohibition. ***The same would apply with social claims: the claim ‘socially just’ would be generic whilst claiming that ‘the manufacturing and trading process of the marketed good complies with Corporate Social***



*Responsibility or Corporate Sustainability Reporting and Governance regulations’, in the framework of due diligence principles, would be a specific claim.*

Or. en

**Amendment 53**  
**Petros Kokkalis**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘carbon positive’, ‘climate neutral’, ‘energy efficient’, ‘**biodegradable**’, ‘**biobased**’ or similar statements, as well as broader statements such as ‘conscious’ or ‘responsible’ that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface. **For example, the claim ‘biodegradable’, referring to a product, would be a generic claim, whilst claiming that ‘the packaging is biodegradable through home composting in one month’ would be a specific claim,**

*Amendment*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘**carbon offset**’, ‘**carbon compensated**’, ‘carbon positive’, ‘climate neutral’, ‘**plastic offset**’, ‘energy efficient’, ‘**bio degradable**’, ‘**bio based**’ or similar statements, as well as broader statements such as ‘conscious’ or ‘responsible’ that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited **whenever on claims neutrality or offsetting through, for example, purchase of carbon credits, or** whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface, **and based on methods and communication rules established in**

*which does not fall under this prohibition.*

*Union or national legislation.*

Or. en

**Amendment 54**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 9**

*Text proposed by the Commission*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘carbon positive’, ‘climate neutral’, ‘energy efficient’, ‘biodegradable’, ‘biobased’ or similar statements, as well as broader statements such as ‘conscious’ or ‘responsible’ that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface. ***For example, the claim ‘biodegradable’, referring to a product, would be a generic claim, whilst claiming that ‘the packaging is biodegradable through home composting in one month’ would be a specific claim, which does not fall under this prohibition.***

*Amendment*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are ‘environmentally friendly’, ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘carbon neutral’, ‘carbon positive’, ‘climate neutral’, ***‘plastic neutral’***, ‘energy efficient’, ‘biodegradable’, ‘biobased’ or similar statements, as well as broader statements such as ‘conscious’ or ‘responsible’ that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever ***they are based on offsetting of environmental impacts through, for example purchase of carbon or plastic credits, or whenever*** there is no excellent environmental performance demonstrated or whenever the specification of the claim, ***using science-based assessment tools such as the updated Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279<sup>1a</sup> or, where relevant, equivalent methods allowed under Regulation (EU) .../... [ecodesign for sustainable products Regulation] or equivalent methods established under Union or national law,***



is not provided in clear and prominent terms *in the immediate proximity of the claim* on the same medium, such as the same advertising spot, product's packaging or online selling interface.

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*1<sup>a</sup> Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations (OJ L 471, 30.12.2021, p. 1).*

Or. en

## Amendment 55

Martin Hojsik, Róza Thun und Hohenstein, Michal Wiezik

### Proposal for a directive

#### Recital 9

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

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', 'carbon friendly', 'carbon neutral', 'carbon positive', 'climate neutral', 'energy efficient', 'biodegradable', 'biobased' or similar statements, as well as broader statements such as 'conscious' or 'responsible' that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim

##### *Amendment*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', 'carbon friendly', 'carbon neutral', 'carbon positive', '**carbon offset**', '**carbon compensated**', 'climate neutral', 'energy efficient', '**plastic offset**', '**plastic neutral**', 'biodegradable', 'biobased' or similar statements, as well as broader statements such as 'conscious', '**offset**' or 'responsible' that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance

is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface. *For example, the claim 'biodegradable', referring to a product, would be a generic claim, whilst claiming that 'the packaging is biodegradable through home composting in one month' would be a specific claim, which does not fall under this prohibition.*

demonstrated *based on applicable rules established in the Union or national legislation*, or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface.

Or. en

#### *Justification*

*Plastic offsetting or neutral claims are increasingly used, leading to an impression among the consumers that it is not an issue for the environment to create more plastics. Therefore, not targeting those claims could have a negative impacts on transition towards circular economy and waste prevention.*

### **Amendment 56** **Sirpa Pietikäinen**

#### **Proposal for a directive** **Recital 9**

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

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', 'carbon friendly', 'carbon neutral', 'carbon positive', 'climate neutral', 'energy efficient', 'biodegradable', 'biobased' or similar statements, as well as broader statements such as 'conscious' or 'responsible' that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be

##### *Amendment*

(9) Annex I to Directive 2005/29/EC should also be amended to prohibit making generic environmental claims without recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are '**sustainable**', 'environmentally friendly', 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological', 'environmentally correct', 'climate friendly', 'gentle on the environment', '**cruelty-free**', 'carbon friendly', 'carbon neutral', 'carbon positive', 'climate neutral', 'energy efficient', 'biodegradable', 'biobased' or similar statements, as well as broader statements such as 'conscious' or 'responsible' that suggest or create the impression of excellent environmental performance. Such

prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface. For example, the claim 'biodegradable', referring to a product, would be a generic claim, whilst claiming that 'the packaging is biodegradable through home composting in one month' would be a specific claim, which does not fall under this prohibition.

generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product's packaging or online selling interface. For example, the claim 'biodegradable', referring to a product, would be a generic claim, whilst claiming that 'the packaging is biodegradable through home composting in one month' would be a specific claim, which does not fall under this prohibition.

Or. en

**Amendment 57**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Annex I to Directive 2005/29/EC should also be amended to prohibit environmental claims being made that state that a good has a neutral or positive carbon emissions' impact on the environment. Examples of such environmental claims are 'carbon neutral', 'carbon positive', 'climate neutral', 'CO2 neutral', 'carbon neutral certified'. Such claims should be prohibited as they imply carbon emissions' neutrality which is scientifically impossible to substantiate. Sustainability labels containing environmental claims should also be prohibited.***

Or. en

**Amendment 58**  
**Pernille Weiss**

**Proposal for a directive**  
**Recital 10**

*Text proposed by the Commission*

(10) Excellent environmental performance can be demonstrated by compliance with Regulation (EC) No 66/2010 of the European Parliament and of the Council<sup>22</sup>, or officially recognised ecolabelling schemes in the Member States, or compliance with top environmental performance for a specific environmental aspect in accordance with other applicable Union laws, such as a class A in accordance with Regulation (EU) 2017/1369 of the European Parliament and of the Council<sup>23</sup>. The excellent environmental performance in question should be relevant to the claim. For example, a generic claim ‘energy efficient’ could be made based on excellent environmental performance in accordance with Regulation (EU) 2017/1369. By contrast, a generic claim ‘biodegradable’ could not be made based on excellent environmental performance in accordance with Regulation (EC) No 66/2010, insofar as there are no requirements for biodegradability in the specific EU Ecolabel criteria related to the product in question.

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<sup>22</sup> Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (Text with EEA relevance) (OJ L 27, 30.1.2010, p. 1).

<sup>23</sup> Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017).

*Amendment*

(10) Excellent environmental performance can be demonstrated by compliance with Regulation (EC) No 66/2010 of the European Parliament and of the Council<sup>22</sup>, or officially recognised **type I** ecolabelling schemes in the Member States, or compliance with top environmental performance for a specific environmental aspect in accordance with other applicable Union laws, such as a class A in accordance with Regulation (EU) 2017/1369 of the European Parliament and of the Council<sup>23</sup>. The excellent environmental performance in question should be relevant to the claim. For example, a generic claim ‘energy efficient’ could be made based on excellent environmental performance in accordance with Regulation (EU) 2017/1369. By contrast, a generic claim ‘biodegradable’ could not be made based on excellent environmental performance in accordance with Regulation (EC) No 66/2010, insofar as there are no requirements for biodegradability in the specific EU Ecolabel criteria related to the product in question.

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<sup>22</sup> Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (Text with EEA relevance) (OJ L 27, 30.1.2010, p. 1).

<sup>23</sup> Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017).

*Justification*

*With reference to EN ISO 14024 type 1 standard. It is important to ensure the quality of labelling schemes.*

**Amendment 59**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) Excellent social performance can be demonstrated by compliance with applicable Union law on the subject, especially with the regulations to be set on due diligence as well as on sustainable corporate governance.***

Or. en

**Amendment 60**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) Another misleading commercial practice which should be prohibited in all circumstances and thus added to the list in Annex I to Directive 2005/29/EC is making an environmental claim about the entire product when it actually concerns only a certain aspect of the product. This would be the case for example when a product is marketed as ‘made with recycled material’ giving the impression that the entire product is made of recycled material, when in fact it is only the packaging that is made of recycled material.

(11) Another misleading commercial practice which should be prohibited in all circumstances and thus added to the list in Annex I to Directive 2005/29/EC is making an environmental ***or social*** claim about the entire product when it actually concerns only a certain aspect of the product. This would be the case for example when a product is marketed as ‘made with recycled material’ giving the impression that the entire product is made of recycled material, when in fact it is only the packaging that is made of recycled

material *or when marketed as ‘fair trade product’ regardless of its social impact throughout the entire manufacturing process, labour conditions and the supply chain.*

Or. en

**Amendment 61**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 12**

*Text proposed by the Commission*

(12) The Circular Economy Action Plan<sup>24</sup> provides for the need to set the rules on environmental claims using Product and Organisation Environmental Footprint methods. Additional requirements on environmental claims will have to be set in specific Union legislation. Those new requirements will contribute to the Green Deal<sup>25</sup> objective of enabling buyers to make more sustainable decisions and reduce the risk of greenwashing through reliable, comparable and verifiable information.

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<sup>24</sup> COM(2020)98 final, 11 March 2020.

<sup>25</sup> COM(2019)640 final, 11 December 2019.

*Amendment*

(12) The Circular Economy Action Plan<sup>24</sup> provides for the need to set the rules on environmental claims using Product and Organisation Environmental Footprint methods. Additional requirements on environmental claims will have to be set in specific Union legislation. Those new requirements will contribute to the Green Deal<sup>25</sup> objective of enabling buyers to make more sustainable *and fair* decisions and reduce the risk of greenwashing through reliable, comparable and verifiable information.

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<sup>24</sup> COM(2020)98 final, 11 March 2020.

<sup>25</sup> COM(2019)640 final, 11 December 2019.

Or. en

**Amendment 62**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 13**

*Text proposed by the Commission*

(13) Presenting requirements imposed by law on all products within the relevant product category on the Union market, including imported products, as a distinctive feature of the trader's offer, should also be prohibited in all circumstances and added to the list in Annex I to Directive 2005/29/EC. This prohibition could apply, for example, when a trader is advertising that a given product does not include a specific chemical substance while that substance is already forbidden by law for all products within that product category in the Union. Conversely, the prohibition should not cover commercial practices promoting traders' or products' compliance with legal requirements that only apply to some products but not to other competing products of the same category on the Union market, such as products of non-EU origin.

*Amendment*

(13) Presenting requirements imposed by law on all products within the relevant product category on the Union market, including imported products, as a distinctive feature of the trader's offer, should also be prohibited in all circumstances and added to the list in Annex I to Directive 2005/29/EC. This prohibition could apply, for example, when a trader is advertising that a given product does not include a specific chemical substance while that substance is already forbidden by law for all products within that product category in the Union, **and this prohibition is sufficiently well known to the general public**. Conversely, the prohibition should not cover commercial practices promoting traders' or products' compliance with legal requirements that only apply to some products but not to other competing products of the same category on the Union market, such as products of non-EU origin.

Or. cs

**Amendment 63**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) ***In order to improve*** the welfare of consumers, ***the amendments to Annex I to Directive 2005/29/EC should also address*** several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a

*Amendment*

(14) ***Given that they are perceived as particularly unfair and affect*** the welfare of consumers, several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time, ***should also be***



certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices **are** also likely to reduce the amount of waste, contributing to a more sustainable consumption.

***addressed in amendments to Annex I to Directive 2005/29/EC.*** Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices **is** also likely to reduce the amount of waste **and the unnecessary consumption of resources**, contributing **thereby** to a more sustainable **and fair** consumption **and production patterns**.

Or. en

**Amendment 64**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, **addressing those practices are** also likely to reduce the amount of waste, contributing to a more sustainable consumption.

*Amendment*

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, **tackling such abuse is** also likely to reduce the amount of waste, contributing to a more sustainable consumption. **The practices of planned obsolescence and planned failure of**



*products should be prohibited.*

Or. pl

## **Amendment 65**

**Ulrike Müller, Jan Huitema**

### **Proposal for a directive**

#### **Recital 14**

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

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices are also likely to reduce the amount of waste, contributing to a more sustainable consumption.

##### *Amendment*

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices are also likely to reduce the amount of waste **and the unnecessary consumption of resources**, contributing **thereby** to a more sustainable consumption.

Or. en

##### *Justification*

*The addition clarify the positive consequence of those practices being addressed.*

## **Amendment 66**

**Stanislav Polčák**

### **Proposal for a directive**

#### **Recital 14**

*Text proposed by the Commission*

(14) In order to improve the welfare of consumers, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices are also likely to reduce the amount of waste, contributing to a more sustainable consumption.

*Amendment*

(14) In order to improve the welfare of consumers ***and contribute to the achievement of the European Green Deal's objectives***, the amendments to Annex I to Directive 2005/29/EC should also address several practices associated with early obsolescence, including planned obsolescence practices, understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices are also likely to reduce the amount of waste, contributing to a more sustainable consumption.

Or. cs

**Amendment 67**

**Matthias Ecke**

**Proposal for a directive**

**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) In order to improve the welfare of the consumer , the amendments to Annex I to Directive 2005/29/EC should also address the way in which software updates are presented to consumers. The bundling of security updates with other types of updates, such as feature or functionality updates, should be prohibited in order to ensure that consumers are protected from unwanted content when making their purchasing***

*decision. To further strengthen consumer information, consumers should in all cases be informed in a clear and understandable manner whether the update is necessary to keep the product in conformity.*

Or. en

**Amendment 68**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) It should be prohibited to ***omit to inform the consumer that*** a software update, including a security update, will negatively impact the use of goods with digital elements or certain features of those goods, even if the update improves the functioning of other features. ***For example, when inviting consumers to update the operating system on their smartphone, the trader will have to inform the consumer if such an update will negatively impact the functioning of any of the features of the smartphone.***

*Amendment*

(15) It should be prohibited to ***supply*** a software update, including a security update, ***which*** will negatively impact the use of goods with digital elements or certain features of those goods, even if the update improves the functioning of other features.

Or. en

**Amendment 69**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) It should be prohibited to omit to inform the consumer ***that*** a software update, including a security update, will negatively impact the use of goods with

*Amendment*

(15) It should be prohibited to omit to inform the consumer ***of the degree to which*** a software update, including a security update, will negatively impact the

digital elements or certain features of those goods, even if the update improves the functioning of other features. For example, when inviting consumers to update the operating system on their smartphone, the trader will have to inform the consumer **if** such an update will negatively impact the functioning of any of the features of the smartphone.

use of goods with digital elements or certain features of those goods, even if the update improves the functioning of other features. For example, when inviting consumers to update the operating system on their smartphone, the trader will have to inform the consumer **of the degree to which** such an update will negatively impact the functioning of any of the features of the smartphone.

Or. en

**Amendment 70**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

(15) It should be prohibited to **omit to inform the consumer that** a software update, including a security update, will negatively impact the use of goods with digital elements or certain features of those goods, even if the update improves the functioning of other features. **For example**, when inviting consumers to update **the operating system on their smartphone**, the trader **will have to inform the consumer if such an update will negatively impact the functioning of any of the features of the smartphone**.

*Amendment*

(15) It should be prohibited to **supply** a software update, including a security update, **which** will negatively impact the use of goods with digital elements or certain features of those goods, even if the update improves the functioning of other features. **Furthermore**, when inviting consumers to update **a good**, the trader **should offer consumers to dissociate security and functionality updates, i.e. give them the possibility to only download the security update**.

Or. en

**Amendment 71**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 16**

(16) It should also be prohibited to **omit to inform the consumer about the existence of** a feature of the good **introduced to limit** its durability. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition **of omitting to inform consumers of** such features of the goods **complements and** does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

(16) It should also be prohibited to **introduce** a feature of the good **that limits** its durability. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition **to introduce** such features of the goods does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Or. en

**Amendment 72**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) It should also be prohibited to ***omit to inform the consumer about the existence of a feature of the good introduced*** to limit ***its durability***. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition of ***omitting to inform consumers of*** such features of the goods complements and does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

*Amendment*

(16) It should also be prohibited to ***introduce*** a feature to limit ***the lifespan of a good***. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. The prohibition of ***introducing*** such features of the goods complements and does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the feature is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

**Amendment 73**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 16**

*Text proposed by the Commission*

(16) It should also be prohibited to **omit to inform the consumer about the existence of a feature of the good introduced to** limit its **durability**. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. **The prohibition of omitting to inform consumers of such features of the goods** complements and does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the **feature** is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending

*Amendment*

(16) It should also be prohibited to **plan equipment failure or intentionally equip a good with functions that specifically** limit its **useful life**. For example, such a feature could be software which stops or downgrades the functionality of the good after a particular period of time, or it could be a piece of hardware which is designed to fail after a particular period of time. Such **prohibition** complements and does not affect the remedies available to consumers when they constitute a lack of conformity under Directive (EU) 2019/771 of the European Parliament and of the Council<sup>26</sup>. For such a commercial practice to be considered unfair, it should not be necessary to demonstrate that the purpose of the **function** is to stimulate the replacement of the respective good. The use of features limiting the durability of the goods should be distinguished from manufacturing practices using materials or processes of general low quality resulting in limited durability of the goods. Lack of conformity of a good resulting from the use of low quality materials or processes should continue to be governed by the rules on the conformity of goods set out in Directive (EU) 2019/771.

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<sup>26</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending



Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Or. pl

**Amendment 74**  
**Matthias Ecke**

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

*Text proposed by the Commission*

(18) Similarly, Annex I to Directive 2005/29/EC should also be amended to prohibit **presenting products as allowing repair when such repair is not possible, as well as omitting to inform consumers that it is not possible to repair goods** in accordance with legal requirements.

*Amendment*

(18) Similarly, Annex I to Directive 2005/29/EC should also be amended to prohibit **marketing a good as reparable where it does not allow** repair in accordance with legal requirements. **In addition, Annex I to Directive 2005/29/EC should also be amended to ensure that the consumer is always informed of repair restrictions such as the unavailability of repair services, the unavailability of spare parts or the refusal to repair in the event that the product has been repaired by an individual other than an authorised or licensed repair professional within the distribution network.**

Or. en

**Amendment 75**  
**Stanislav Polčák**

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

*Text proposed by the Commission*

(20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is inducing the consumer into replacing the consumables

*Amendment*

(20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is inducing the consumer into replacing the consumables



of a product earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading them to purchase more consumables than necessary. For example, the practice of urging the consumer, via the settings of the printer, to replace the printer ink cartridges before they are actually empty in order to stimulate the purchase of additional ink cartridges would be prohibited.

of a product earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading them to purchase more consumables than necessary. For example, the practice of urging the consumer, via the settings of the printer, to replace the printer ink cartridges before they are actually empty in order to stimulate the purchase of additional ink cartridges would be prohibited. ***This prohibition must be consistently distinguished from the situation in which the consumer is merely warned that the cartridges will soon be empty, more generally, that the material necessary for the functioning of the goods will be completely consumed.***

Or. cs

**Amendment 76**  
**Matthias Ecke**

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

*Text proposed by the Commission*

(20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is ***inducing the consumer into*** replacing the consumables ***of a product*** earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading them to purchase more consumables than necessary. For example, ***the practice of urging the consumer, via the settings of the printer,*** to replace the printer ink cartridges before they are actually empty in order to

*Amendment*

(20) Another practice associated with early obsolescence which should be prohibited and added to the list in Annex I to Directive 2005/29/EC is ***marketing goods that require*** replacing the consumables earlier than would otherwise be necessary for technical reasons. Such practices mislead the consumer into believing that the goods will no longer function unless their consumables are replaced, thus leading them to purchase more consumables than necessary. For example, ***marketing a printer that requires consumers*** to replace the printer ink cartridges before they are actually empty in order to stimulate the purchase of

stimulate the purchase of additional ink cartridges would be prohibited.

additional ink cartridges would be prohibited.

Or. en

**Amendment 77**  
**Matthias Ecke**

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

*Text proposed by the Commission*

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit ***omitting to inform the consumer that the good is*** designed ***to limit its*** functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer ***without disclosing this information to the consumer*** would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer ***without disclosing this information to the consumer*** would be prohibited as well.

*Amendment*

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit ***marketing goods that are*** designed ***in a way that limits their*** functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer would be prohibited as well.

Or. en

**Amendment 78**  
**Malte Gallée**

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

*Text proposed by the Commission*

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit **omitting to inform the consumer that the good** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer without disclosing this information to the consumer would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer **without disclosing this information to the consumer** would be prohibited as well.

*Amendment*

(21) Annex I to Directive 2005/29/EC should also be amended to prohibit **the marketing of a good that** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer. For example, the marketing of printers that are designed to limit their functionality when using ink cartridges not provided by the original producer of the printer without disclosing this information to the consumer would be prohibited. This practice could mislead consumers into purchasing an alternative ink cartridge which cannot be used for that printer, thus leading to unnecessary repair costs, waste streams or additional costs due to the obligation to use the original producer's consumables which the consumer could not foresee at the time of purchase. Similarly, marketing smart devices designed to limit their functionality when using chargers or spare parts that are not provided by the original producer would be prohibited as well.

Or. en

**Amendment 79**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should

*Amendment*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should

be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

***Information on the durability and reparability of a product for all types of goods should be provided in a way that is easily accessible to and understandable for consumers, in the official EU language or languages of the Member State in whose territory the good is placed on the market and put into service.***

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of

20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Or. pl

## **Amendment 80** **Sirpa Pietikäinen**

### **Proposal for a directive** **Recital 22**

#### *Text proposed by the Commission*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability **and** reparability should be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability **and** the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU)

#### *Amendment*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability, reparability, **upgradability, reusability, recyclability, single-use nature and the right to return to the producer** should be provided for all types of goods before concluding the contract. **Products should not be considered as single-use unless they are defined and declared to be so.** Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability, **upgradability, reusability, recyclability, the right to return to the producer,** the availability of updates **and the possible**

2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

***declaration of single-use nature.***

Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Or. en



**Amendment 81**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304,

*Amendment*

(22) In order for consumers to take better informed decisions and stimulate the demand for, and the supply of, more durable goods, specific information about a product's durability and reparability should be provided for all types of goods before concluding the contract. Moreover, as regards goods with digital elements, digital content and digital services, consumers should be informed about the period of time during which free software updates are available. ***It should include separate information about availability of security updates and about functionality updates that should be provided independently.*** Therefore, Directive 2011/83/EU of the European Parliament and of the Council<sup>27</sup> should be amended to provide consumers with pre-contractual information about durability, reparability and the availability of updates. Information should be provided to consumers in a clear and comprehensible manner and in line with the accessibility requirements of Directive 2019/882<sup>28</sup>. The obligation to provide this information to consumers complements and does not affect the rights of consumers provided in Directives (EU) 2019/770<sup>29</sup> and (EU) 2019/771<sup>30</sup> of the European Parliament and of the Council.

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<sup>27</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304,



22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

22.11.2011, p. 64).

<sup>28</sup> Directive 2019/882/EU of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

<sup>29</sup> Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).

<sup>30</sup> Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

Or. en

## **Amendment 82** **Malte Gallée**

### **Proposal for a directive** **Recital 23**

#### *Text proposed by the Commission*

(23) A good indicator of a good's durability is the **producer's** commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be amended to specifically require traders selling goods to **inform** consumers **about the existence of the producer's** commercial guarantee **of durability for all types of goods, where** the producer **makes this information available**.

#### *Amendment*

(23) A good indicator of a good's durability is the **duration of the legal guarantee of conformity, that may include voluntary extensions provided by the trader or the producer without entailing additional costs for consumers**. A commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771 **should therefore be provided by the producer free of charge to consumers**. Therefore, Directive 2011/83/EU should be amended to specifically require traders selling goods to **display to consumers 'a guaranteed lifespan label' that provide consumers**

*information on the legal guarantee of conformity as a minimum, and its voluntary extension by the producer at no additional costs. Furthermore, it should be clearly displayed to consumers that a voluntary commercial guarantee by the producer or trader applies on top of the legal guarantee for conformity. Consumers should also be specifically informed about their rights under those guarantees, including on the length of reversed burden of proof.*

Or. en

**Amendment 83**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be amended to specifically require traders ***selling goods to inform consumers about the existence of the producer's commercial guarantee of durability for all types of goods, where the producer makes this information*** available.

*Amendment*

(23) A good indicator of a good's durability is ***the duration of the legal guarantee of conformity, including the voluntary extensions provided by the trader or the producer without additional cost to the consumer, as well as*** the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771 ***if provided without additional cost***. Therefore, Directive 2011/83/EU should be amended to specifically require traders ***to provide, before the conclusion of the contract, a guaranteed lifespan label. Such a label should, as a minimum, display the length of the legal guarantee of conformity during which the remedies laid down in Article 13 of Directive (EU) 2019/771 will be available to the consumer, as well as any voluntary extension of the guarantee provided without additional cost.***

Or. en

**Amendment 84**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be amended to specifically require traders selling goods to inform consumers about the existence of the producer's commercial guarantee of durability for all types of goods, where the producer makes this information available.

*Amendment*

(23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be amended to specifically require traders selling goods to inform consumers about the existence of the producer's commercial guarantee of durability for all types of goods, where the producer makes this information available. ***In view of the established minimum duration of two years of the seller's liability for lack of conformity in accordance with Directive (EU) 2019/771 and the fact that many product failures occur after two years, the trader's obligation to inform consumers about the existence and duration of the producer's commercial guarantee of durability should apply to guarantees that are of more than two years.***

Or. cs

**Amendment 85**  
**Ulrike Müller, Jan Huitema**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

(23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be

*Amendment*

(23) A good indicator of a good's durability is the producer's commercial guarantee of durability within the meaning of Article 17 of Directive (EU) 2019/771. Therefore, Directive 2011/83/EU should be

amended to specifically require traders selling goods to inform consumers about the existence of the producer's commercial guarantee of durability for all types of goods, where the producer makes this information available.

amended to specifically require traders selling goods to inform consumers about the existence of the producer's commercial guarantee of durability for all types of goods, where the producer makes this information available. ***This however should not apply to second-hand products.***

Or. en

*Justification*

*The legal and commercial guarantees of durability should be attached to the products, not sellers.*

**Amendment 86**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) Another observed commercial practice which should be classified as unfair in all circumstances is where the manufacturer applies different warranty and repair conditions for the same product model depending on the Member State in which the product is to be placed on the market; for example, for the same washing machine model a manufacturer offers a five-year warranty in one Member State and only three years in another, which creates discrimination and double standards in the treatment of consumers in the target markets; without prejudice to the provisions of Article 17 of Directive 2019/771, such practices should be prohibited;***

Or. pl

**Amendment 87**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

**(24) *The problem of limited durability contrary to consumer expectations is most relevant for energy-using goods, which are goods that function from an external energy source. Consumers are also most interested in receiving information about the expected durability of this category of goods. For these reasons, only for this category of goods, consumers should be made aware that the information about the existence of a producer's commercial guarantee of durability of more than two years has not been provided by the producer.*** **deleted**

Or. en

**Amendment 88**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

**(24) *The problem of limited durability contrary to consumer expectations is most relevant for energy-using goods, which are goods that function from an external energy source. Consumers are also most interested in receiving information about the expected durability of this category of goods. For these reasons, only for this category of goods, consumers should be made aware that the information about the existence of a producer's commercial guarantee of durability of more than two years has not been provided by the producer.*** **deleted**

Or. en

**Amendment 89**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

(24) The problem of limited durability contrary to consumer expectations is most relevant for energy-using goods, which are goods that function from an external energy source. Consumers are also most interested in receiving information about the expected durability of this category of goods. For these reasons, **only for** this category of goods, **consumers** should be made aware that the information about the existence of a producer's commercial guarantee of durability of more than two years has not been provided by the producer.

*Amendment*

(24) The problem of limited durability contrary to consumer expectations is most relevant for energy-using goods, which are goods that function from an external energy source. Consumers are also most interested in receiving information about the expected durability of this category of goods. For these reasons, **consumers of** this category of goods should be **explicitly** made aware that the information about the existence of a producer's commercial guarantee of durability of more than two years has not been provided by the producer.

Or. cs

**Amendment 90**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

(25) **Goods containing energy-using components, where those components are mere accessories and do not contribute to the main function of those goods, such as decorative lighting for clothing or footwear or electric light for a bicycle, should not be classified as energy-using goods.**

*Amendment*

**deleted**

Or. en

**Amendment 91**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) Goods containing energy-using components, where those components are mere accessories and do not contribute to the main function of those goods, such as decorative lighting for clothing or footwear or electric light for a bicycle, should not be classified as energy-using goods.**

**deleted**

Or. en

**Amendment 92**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

*Amendment*

**(25) Goods containing energy-using components, where those components are mere accessories and do not contribute to the main function of those goods, such as decorative lighting for clothing or footwear or electric light for a bicycle, should not be classified as energy-using goods.**

*(Does not affect English version.)*

Or. cs

**Amendment 93**  
**Ulrike Müller, Jan Huitema**

**Proposal for a directive**  
**Recital 25 a (new)**



*Text proposed by the Commission*

*Amendment*

***(25a) The second-hand market plays a contributory role in the green transition, therefore to facilitate its specificities the legal and commercial guarantees of durability should be attached to the products, not the sellers.***

Or. en

*Justification*

*In the case of the second hand market, once these product information requirements are properly taken up for new products, it will eventually allow for this market to grant similar access to information as the first hand market as the information would follow through the product throughout its life cycle.*

**Amendment 94**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

***(26) In view of the established minimum duration of two years of the seller's liability for lack of conformity in accordance with Directive (EU) 2019/771 and the fact that many product failures occur after two years, the trader's obligation to inform consumers about the existence and duration of the producer's commercial guarantee of durability should apply to guarantees that are of more than two years.***

***deleted***

Or. en

**Amendment 95**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) In view of the established minimum duration of two years of the seller's liability for lack of conformity in accordance with Directive (EU) 2019/771 and the fact that many product failures occur after two years, the trader's obligation to inform consumers about the existence and duration of the producer's commercial guarantee of durability should apply to guarantees that are of more than two years.**

**deleted**

Or. en

**Amendment 96**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 26**

*Text proposed by the Commission*

*Amendment*

**(26) In view of the established minimum duration of two years of the seller's liability for lack of conformity in accordance with Directive (EU) 2019/771 and the fact that many product failures occur after two years, the trader's obligation to inform consumers about the existence and duration of the producer's commercial guarantee of durability should apply to guarantees that are of more than two years.**

**deleted**

Or. cs

**Amendment 97**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to make it easier for consumers to take an informed transactional decision when comparing goods before concluding a contract, traders should *inform consumers about the existence and duration*, of the *producer's commercial* guarantee *of durability* for the entire good and not for specific components of the good.

*Amendment*

(27) In order to make it easier for consumers to take an informed transactional decision when comparing goods before concluding a contract, traders *and producers* should *include, on the guaranteed lifespan label, information on the period* of the *voluntary extension to the legal* guarantee *only where it applies* for the entire good and not for specific components of the good.

Or. en

**Amendment 98**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 27**

*Text proposed by the Commission*

(27) In order to make it easier for consumers to take an informed transactional decision when comparing goods before concluding a contract, traders should inform consumers about the existence and duration, of the producer's commercial guarantee of durability for the entire good and not for specific components of the good.

*Amendment*

(27) In order to make it easier for consumers to take an informed transactional decision when comparing goods before concluding a contract, traders should inform consumers about the existence and duration, of the producer's *voluntary* commercial guarantee of durability for the entire good and not for specific components of the good.

Or. en

**Amendment 99**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 28**

*Text proposed by the Commission*

*Amendment*

**(28) The producer and the seller should remain free to offer other types of commercial guarantees and after-sales services of any duration. However, the information provided to the consumer about such other commercial guarantees or services should not confuse the consumer with regard to the existence and duration of the producer's commercial guarantee of durability that covers the entire good and has a duration of more than two years.** *deleted*

Or. en

**Amendment 100  
Malte Gallée**

**Proposal for a directive  
Recital 28**

*Text proposed by the Commission*

*Amendment*

**(28) The producer and the seller should remain free to offer other types of commercial guarantees and after-sales services of any duration. However, the information provided to the consumer about such other commercial guarantees or services should not confuse the consumer with regard to the existence and duration of the producer's commercial guarantee of durability that covers the entire good and has a duration of more than two years.** *deleted*

Or. en

**Amendment 101  
Malte Gallée**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

(29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer ***commits to provide*** software updates for such goods. ***However, to avoid overloading consumers with information, such information should only be provided when this period is longer than the period of the producer's commercial guarantee of durability, as that guarantee entails the provision of updates, including security updates, that are necessary to maintain the required functions and performance of goods with digital elements. Furthermore, information about the producer's commitment to provide software updates is relevant only where the sales contract regarding goods with digital elements provides for a single act of supply of the digital content or digital service in respect of which Article 7(3), point (a), of Directive (EU) 2019/771 applies. In contrast, there should be no new obligation to provide that information where the sales contract provides for a continuous supply of the digital content or digital service over a period of time, since for those contracts Article 7(3), point (b), of Directive (EU) 2019/771 specifies, by reference to Article 10 (2) or (5), the period of time during which the seller is to ensure that the consumer is informed of and supplied with updates.***

*Amendment*

(29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer ***provides*** software updates for such goods, including ***the mandatory*** period ***foreseen under Union law***.

Or. en

**Amendment 102**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

(29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer ***commits to*** provide software updates for such goods. ***However, to avoid overloading consumers with information, such information should only be provided when this period is longer than the period of the producer's commercial guarantee of durability, as that guarantee entails the provision of updates, including security updates, that are necessary to maintain the required functions and performance of goods with digital elements. Furthermore, information about the producer's commitment to provide software updates is relevant only where the sales contract regarding goods with digital elements provides for a single act of supply of the digital content or digital service in respect of which Article 7(3), point (a), of Directive (EU) 2019/771 applies. In contrast, there should be no new obligation to provide that information where the sales contract provides for a continuous supply of the digital content or digital service over a period of time, since for those contracts Article 7(3), point (b), of Directive (EU) 2019/771 specifies, by reference to Article 10 (2) or (5), the period of time during which the seller is to ensure that the consumer is informed of and supplied with updates.***

*Amendment*

(29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer ***will*** provide software updates for such goods ***including, as a minimum, the mandatory period for which the updates*** should be provided ***in accordance with Union law.***

Or. en

**Amendment 103**  
**Stanislav Polčák**

**Proposal for a directive**  
**Recital 29**

*Text proposed by the Commission*

(29) To promote competition between producers as regards the durability of goods with digital elements the traders selling those goods should inform consumers about the minimum period of time during which the producer commits to provide software updates for such goods. However, to avoid overloading consumers with information, such information should only be provided when this period is longer than the period of the producer's commercial guarantee of durability, as that guarantee entails the provision of updates, including security updates, that are necessary to maintain the required functions and performance of goods with digital elements. Furthermore, information about the producer's commitment to provide software updates is relevant only where the sales contract regarding goods with digital elements provides for a single act of supply of the digital content or digital service in respect of which Article 7(3), point (a), of Directive (EU) 2019/771 applies. In contrast, there should be no new obligation to provide that information where the sales contract provides for a continuous supply of the digital content or digital service over a period of time, since for those contracts Article 7(3), point (b), of Directive (EU) 2019/771 specifies, by reference to Article 10 (2) or (5), the period of time during which the seller is to ensure that the consumer is informed of and supplied with updates.

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 104**  
**Malte Gallée**



**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

(30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period during which the provider of the digital content or digital service, where the provider is different from the trader, **commits to provide** software updates, including security updates, necessary to keep the digital content and digital services in conformity. **Information about the provider's commitment to provide software updates is relevant only where the contract provides for a single act of supply or a series of individual acts of supply in respect of which Article 8(2), point (b), of Directive 2019/770 applies. In contrast, there should be no new obligation to provide that information where the contract provides for a continuous supply over a period of time, since for these contracts Article 8(2), point (a) of Directive (EU) 2019/770 specifies the period of time during which the trader is to ensure that the consumer is informed of and supplied with updates.**

*Amendment*

(30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period during which the provider of the digital content or digital service, where the provider is different from the trader, **provides** software updates, including security updates, necessary to keep the digital content and digital services in conformity. **As a minimum, this period should be the one foreseen under Union law.**

Or. en

**Amendment 105**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 30**

*Text proposed by the Commission*

(30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period during which the provider of the digital content or digital service, where the provider is different from the trader,

*Amendment*

(30) Likewise, traders offering digital content and digital services should also inform consumers about the minimum period during which the provider of the digital content or digital service, where the provider is different from the trader, **will**

*commits to* provide software updates, including security updates, necessary to keep the digital content and digital services in conformity. Information *about the provider's commitment to provide software updates is relevant only where the contract provides for a single act of supply or a series of individual acts of supply in respect of which Article 8(2), point (b), of Directive 2019/770 applies. In contrast, there should be no new obligation to provide that information where the contract provides for a continuous supply over a period of time, since for these contracts Article 8(2), point (a) of Directive (EU) 2019/770 specifies the period of time during which the trader is to ensure that the consumer is informed of and supplied with updates.*

provide software updates, including security updates, necessary to keep the digital content and digital services in conformity. *This information shall include, as a minimum, the mandatory period for which the updates should be provided in accordance with Union law. The provider will provide this information to the trader in all cases.*

Or. en

## **Amendment 106**

### **Matthias Ecke**

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

#### **Recital 31**

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

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law.

##### *Amendment*

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law. *Until such a reparability score is established under Union law, national law providing for reparability scores applies.*

Or. en

**Amendment 107**  
**Malte Gallée**

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

*Text proposed by the Commission*

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law.

*Amendment*

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union ***or national*** law.

Or. en

**Amendment 108**  
**Pascal Canfin**

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

*Text proposed by the Commission*

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union law.

*Amendment*

(31) To allow consumers to make an informed transactional decision and choose goods that are easier to repair, traders should provide, before the conclusion of the contract, for all types of goods, where applicable, the reparability score of the good as provided by the producer in accordance with Union ***or national*** law.

Or. en

**Amendment 109**  
**Ulrike Müller, Andreas Glück, Martin Hojsik, Jan Huitema**

**Proposal for a directive**  
**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) To allow small and medium-sized enterprises (SMEs) to manage the necessary administrative measures, additional guidelines and administrative support should be foreseen by the Commission and the national authorities and provided to the SMEs.***

Or. en

*Justification*

*SMEs have a key role to play in the circular economy and the green transition, however the additional requirements may place a disproportionate burden on many SME players. In this regard, additional guidance and support for SMEs is absolutely necessary in order to help them with increased administrative burden.*

## **Amendment 110**

**Matthias Ecke**

### **Proposal for a directive**

#### **Recital 32**

*Text proposed by the Commission*

*Amendment*

(32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services, ***where such services are provided***. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established ***in accordance with Union law***, traders should provide, for all types of goods, other relevant repair information ***that is made available by the producer***, such as information about the availability ***of*** spare parts, ***and*** a user and repair manual.

(32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established, traders should provide, for all types of goods, other relevant repair information, such as information about the availability ***and affordability of the*** spare parts ***necessary to repair a good, including the length of the period during which spare parts and accessories are available, the procedure for ordering them, the availability of a***

user and repair manual *as well as repair tools and services. This information should be provided to the respective traders by the producers of the goods.*

Or. en

**Amendment 111**  
**Malte Gallée**

**Proposal for a directive**  
**Recital 32**

*Text proposed by the Commission*

(32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services, where such services are provided. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established in accordance with Union law, traders should provide, for all types of goods, other relevant repair information that is made available by the producer, such as information about the availability of spare parts, and a user and repair manual.

*Amendment*

(32) Pursuant to Article 5(1), point (e), and Article 6(1), point (m), of Directive 2011/83/EU traders are obliged to provide the consumer before the consumer is bound by the contract with information on the existence and the conditions of after-sales services, including repair services, where such services are provided. In addition, in order to ensure that consumers are well informed about the reparability of the goods they purchase, where a reparability score is not established in accordance with Union *or national* law, traders should provide, for all types of goods, other relevant repair information that is made available by the producer, such as information about the availability of spare parts, and a user and repair manual. ***When this information is not made available by the producer, consumers should be informed of it.***

Or. en

**Amendment 112**  
**Matthias Ecke**

**Proposal for a directive**  
**Recital 33**

*Text proposed by the Commission*

(33) **Traders should provide consumers with information about the existence and duration of the producer’s commercial guarantee of durability, the minimum period for updates and the repair information other than the reparability score, where the producer or provider of the digital content or digital service, when different from the trader, makes the relevant information available.** In particular, as regards goods, the trader should convey to consumers **the information that the producer has provided to the trader or has otherwise intended to make readily available to the consumer** before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for **such information** from the producer, for example, on the product-specific websites.

*Amendment*

(33) In particular, as regards goods, the trader should convey to consumers **this** information before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for **commitments** from the producer **that go beyond what is required by Union law**, for example, on the product-specific websites.

Or. en

**Amendment 113**

**Malte Gallée**

**Proposal for a directive**

**Recital 33**

*Text proposed by the Commission*

(33) Traders should provide consumers with information about the existence and duration of the producer’s commercial guarantee of durability, the minimum period for updates and the repair information other than the reparability score, **where the producer or provider of the digital content or digital service, when different from the trader, makes the**

*Amendment*

(33) Traders should provide consumers with information about the existence and duration of the producer’s commercial guarantee of durability, the minimum period for updates and the repair information other than the reparability score. In particular, as regards goods, the trader should convey to consumers the information that the producer has provided

**relevant information available.** In particular, as regards goods, the trader should convey to consumers the information that the producer has provided to the trader or has otherwise intended to make readily available to the consumer before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for such information from the producer, for example, on the product-specific websites.

to the trader or has otherwise intended to make readily available to the consumer before the conclusion of the contract, by indicating it on the product itself, its packaging or tags and labels that the consumer would normally consult before concluding the contract. The trader should not be required to actively search for such information from the producer, for example, on the product-specific websites. ***When this information is not made available by the producer, consumers should be informed of it.***

Or. en

**Amendment 114**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) The new requirements for compliance with the directives will place a certain burden on national authorities and the SME sector; the European Commission should therefore monitor to ensure that the transposition of the amended directives does not create excessive administrative burdens and that these operators benefit as predicted from a clearer legal framework, fair market practices and the expected elimination of barriers to cross-border trade;***

Or. pl

**Amendment 115**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Recital 33 a (new)**



*Text proposed by the Commission*

*Amendment*

**(33a) To promote the acceleration of more durable, repairable and reusable products in line with the circular economy principles, and to protect the consumers against unfair practices, an extended producer responsibility scheme should be applied.**

Or. en

### **Amendment 116**

**Antoni Comín i Oliveres**

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

##### **Recital 34**

*Text proposed by the Commission*

*Amendment*

(34) Directives 2005/29/EC and 2011/83/EU should continue to work as a ‘safety net’ ensuring that a high level of consumer protection can be maintained in all sectors, by complementing sector and product-specific Union law that prevail in case of conflict.

(34) Directives 2005/29/EC and 2011/83/EU should continue to work as a ‘safety net’ ensuring that a high level of consumer protection **and empowerment** can be maintained in all sectors, by complementing sector and product-specific Union law that prevail in case of conflict.

Or. en

### **Amendment 117**

**Mathilde Androuët**

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

##### **Recital 35**

*Text proposed by the Commission*

*Amendment*

(35) **Since the** objectives of this Directive, namely, enabling better informed transactional decisions by consumers to promote sustainable consumption, **eliminating practices that cause damage to the sustainable economy**

(35) **The** objectives of this Directive, namely, enabling better informed transactional decisions by consumers to promote sustainable consumption, **supporting a circular economy with a low carbon footprint**, and ensuring a better and

*and mislead consumers away from sustainable consumption choices, and ensuring a better and consistent application of the Union consumer legal framework, cannot be sufficiently achieved by the Member States individually but can rather, by reason of the Union-wide character of the problem, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.*

consistent application of the Union consumer legal framework, *can* be sufficiently achieved by the Member States individually. *It is therefore the responsibility of the Member States to alert the Commission of cases of fraud, deception or practices that mislead consumers about products or services claiming to be sustainable.*

Or. fr

**Amendment 118**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

(35) Since the objectives of this Directive, namely, enabling better informed transactional decisions by consumers to promote sustainable consumption, eliminating practices that cause damage to the sustainable economy and mislead consumers away from sustainable consumption choices, and ensuring a better and consistent application of the Union consumer legal framework, cannot be sufficiently achieved by the Member States individually but can rather, by reason of the Union-wide character of the problem, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set

*Amendment*

(35) Since the objectives of this Directive, namely, enabling better informed transactional decisions by consumers to promote sustainable consumption, eliminating practices that cause damage to the sustainable economy and mislead consumers away from sustainable consumption choices, and ensuring a better and consistent application of the Union consumer legal framework, cannot be sufficiently achieved by the Member States individually but can rather, by reason of the Union-wide character of the problem, ***including persistent non-tariff barriers to cross-border trade caused by unilateral measures put in place by individual EU countries***, be better achieved at Union level, the Union may adopt measures, in accordance with the

out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.

principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary to achieve those objectives.

Or. pl

**Amendment 119**  
**Mathilde Androuët**

**Proposal for a directive**  
**Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

***(35a) To maintain the policy of promoting sustainable consumption, a sanctions regime is required for practices listed in Annex I of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005. Products and services sold by one or more traders who have not ensured that such products and services comply with Annex II of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005, including products and services that come from outside the EU or are sold by one or more traders from outside the EU, should be prohibited.***

Or. fr

*Justification*

*Free trade agreements are leading to a rise in shipping, which produces particularly large volumes of greenhouse gas emissions. It is therefore important to ensure that the products transported are not further increasing such emissions through misleading carbon footprints. Such breaches of EU legislation should therefore be subject to specific sanctions such as a temporary or permanent ban.*

**Amendment 120**  
**Ulrike Müller, Martin Hojsik**

**Proposal for a directive**  
**Recital 35 a (new)**

*Text proposed by the Commission*

*Amendment*

***(35a) In order to facilitate effective enforcement especially with regard to third countries, it is necessary for increased resources to be made available to the competent authorities to enable them to clarify if manufacturers or distributors were forced to make falsified statements about the lifespan of a product, as such an action would undermine the integrity of the internal market. Therefore, to avoid fraud, non-compliance and lower standards with imports increased vigilance and monitoring by the competent authorities on all sides will be required, particularly in relation to online marketplaces.***

Or. en

*Justification*

*If third countries would not follow the EU in this regard, the issues that this proposal is trying to solve would still remain, as many products are directly imported from third countries.*

**Amendment 121**  
**Ulrike Müller, Andreas Glück**

**Proposal for a directive**  
**Recital 35 b (new)**

*Text proposed by the Commission*

*Amendment*

***(35b) To enable the consumers to fully understand the information they receive, the information provided should be clear and precise. Additional or superfluous information could lead to confusion.***

Or. en

## *Justification*

*It is important to avoid confusing the consumer with an overload of information. Instead, there is need for a precise communication.*

### **Amendment 122** **Stanislav Polčák**

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

##### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point o

#### *Text proposed by the Commission*

(o) ‘environmental claim’ means any message or representation, which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication, which states or indicates that a product or trader has a positive or no impact on the environment or is less damaging to the environment than other products or traders, respectively, or has improved their impact over time;

#### *Amendment*

(o) ‘environmental claim’ means any message or representation, which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication, which states or indicates that a product or trader has a positive, **minor** or no impact on the environment or is less damaging to the environment than other products or traders, respectively, or has improved their impact over time;

Or. cs

### **Amendment 123** **Petros Kokkalis**

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

##### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

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

#### *Text proposed by the Commission*

#### *Amendment*

***(oa) ‘offsetting’ means a claim that the acquisition of credits or provision of financial support for environmental***

*projects elsewhere, such as the purchase of carbon credits, compensates for the purchaser's own environmental impact, or that of their goods or services. Offsetting is typically achieved through financial support for projects. This financial support is typically provided through the purchase of carbon credits (for greenhouse gases mitigation projects) or plastic credits (for plastic recovery projects);*

Or. en

**Amendment 124**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point o b (new)

*Text proposed by the Commission*

*Amendment*

*(ob) ‘fossil fuels’ means all fuels formed from hydrocarbon deposits (including, but not limited to, oil, fossil gas, and coal), the burning or combustion of which releases greenhouse gases;*

Or. en

**Amendment 125**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point o c (new)

*Text proposed by the Commission*

*Amendment*

*(oc) ‘specific environmental claim’ means an explicit environmental claim on a given environmental aspect whereby the*

*specification of the claim is provided in clear and prominent terms on the same medium;*

Or. en

**Amendment 126**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point o d (new)

*Text proposed by the Commission*

*Amendment*

*(od) ‘pre-approval of sustainability labels or sustainability information tools’ means an ex-ante conformity assessment to be performed by a Union or national authority;*

Or. en

**Amendment 127**  
**Pernille Weiss**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point p

*Text proposed by the Commission*

*Amendment*

*(p) ‘explicit environmental claim’ means an environmental claim that is in textual form or contained in a sustainability label;*      *deleted*

Or. en

*Justification*

*See justification attached to connected AM on article 2 point o.*



**Amendment 128**  
**Edina Tóth**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point p

*Text proposed by the Commission*

*Amendment*

**(p) ‘explicit environmental claim’** **deleted**  
**means an environmental claim that is in**  
**textual form or contained in a**  
**sustainability label;**

Or. en

*Justification*

*To avoid confusion and bring more clarity to the proposal, the deletion of the definition of “explicit environmental claim” is suggested because it is redundant, actually referring to the above general definition of environmental claim.*

**Amendment 129**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point p

*Text proposed by the Commission*

*Amendment*

**(p) ‘explicit environmental claim’** **deleted**  
**means an environmental claim that is in**  
**textual form or contained in a**  
**sustainability label;**

Or. en

*Justification*

*Definition (q) should entail all environmental claims, including non-textual claims.*

**Amendment 130**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point p

*Text proposed by the Commission*

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

*Amendment*

(p) ‘explicit environmental **or social** claim’ means an environmental **or social** claim that is in textual form or contained in a sustainability label;

Or. en

**Amendment 131**  
**Pernille Weiss**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

(q) ‘generic environmental claim’ means any **explicit** environmental claim, not contained in a sustainability label, where the specification of the claim is **not** provided in clear and prominent terms on the same medium;

*Amendment*

(q) ‘generic environmental claim’ means any environmental claim, not contained in a sustainability label, where the specification of the claim is **based on transparent methods or standards and is provided in clear and prominent terms on the same medium, or displayed to the consumer at the point of purchase digitally**;

Or. en

*Justification*

*Definitions should be simplified to distinguish between substantiated environmental claims and deceptive claims which mislead the consumer. The definition of 'generic environmental claim' should also be clarified. A generic claim whose specification is not available to the consumer is banned per point 4a in the annex.*

**Amendment 132**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

(q) ‘generic environmental claim’ means any explicit environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

*Amendment*

(q) ‘generic environmental **or social** claim’ means any explicit environmental **or social** claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

Or. en

**Amendment 133**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

(q) ‘generic environmental claim’ means any **explicit** environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

*Amendment*

(q) ‘generic environmental claim’ means any environmental claim **in any form**, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

Or. en

*Justification*

*This definition should entail all environmental claims, including non-textual claims.*

**Amendment 134**  
**Edina Tóth**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

(q) ‘generic environmental claim’ means any **explicit** environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

*Amendment*

(q) ‘generic environmental claim’ means any environmental claim **in any form**, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

Or. en

**Amendment 135**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q

*Text proposed by the Commission*

(q) ‘generic environmental claim’ means any explicit environmental claim, not contained in a sustainability label, where the specification of the claim is not provided in clear and prominent terms on the same medium;

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 136**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point q a (new)

*Text proposed by the Commission*

*Amendment*

***(qa) ‘specific environmental claim’ means an explicit environmental claim whereby the specification of the claim is provided in the immediate proximity of the claim in clear and prominent terms on the same medium ;***

Or. en

### **Amendment 137**

**Malte Gallée**

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

#### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

*Amendment*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both. This does not cover any mandatory label required in accordance with Union or national law;

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both ***and for which criteria are publicly available free of cost, developed and periodically updated in independent processes and reflecting significant improvements compared to common practice in the relevant market or Union minimum product requirements, if applicable.*** This does not cover any mandatory label required in accordance with Union or national law;

Or. en

#### *Justification*

*There should be a set of minimum criteria for sustainability labels, including on their transparency and ambition.*

**Amendment 138**  
**Pernille Weiss**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both. This does not cover any mandatory label required in accordance with Union or national law;

*Amendment*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both. ***Sustainability labels not established by national authorities shall, as a minimum, be in line with EN ISO 14024 type 1 standard.*** This does not cover any mandatory label required in accordance with Union or national law;

Or. en

*Justification*

*It is important to ensure that sustainability labels follow a certain quality standard.*

**Amendment 139**  
**Stelios Kypouropoulos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business ***with reference to its environmental or social aspects or both.*** This does not cover any mandatory label required in accordance with Union or

*Amendment*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business ***through product-related communications.*** This does not cover any mandatory label required in accordance with Union or national law ***nor***

national law;

*corporate environmental, Social, and governance (ESG) statements;*

Or. en

**Amendment 140**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental or social aspects or both. This does not cover any mandatory label required in accordance with Union or national law;

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 141**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point r

*Text proposed by the Commission*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental *or* social aspects *or both*. This does not cover any mandatory label required in accordance with Union or

*Amendment*

(r) ‘sustainability label’ means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business with reference to its environmental *and* social aspects. This does not cover any mandatory label required in accordance with Union or



national law;

national law;

Or. en

**Amendment 142**

**Malte Gallée**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point r a (new)

*Text proposed by the Commission*

*Amendment*

***(ra) ‘pre-approval of sustainability labels or sustainability information tools’ means an ex-ante conformity assessment to be performed by an Union body or competent national authority’***

Or. en

**Amendment 143**

**Matthias Ecke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point r a (new)

*Text proposed by the Commission*

*Amendment*

***(ra) ‘pre-approval of sustainability labels or sustainability information tools’ means an ex-ante conformity assessment to be performed by a competent national authority;***

Or. en

**Amendment 144**

**Malte Gallée**

## Proposal for a directive

### Article 1 – paragraph 1 – point 1

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

#### *Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and 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;

#### *Amendment*

(s) ‘certification scheme’ means a third-party verification scheme ***accredited in accordance with Regulation (EC) No 765/2008*** that is open under ***publicly accessible***, transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain ***objectively verifiable and publicly accessible*** requirements, and for which the monitoring of compliance ***and awarding of the certificate are*** objective, based on ***transparent and non-discriminatory procedures, as well as*** international, Union or national standards and procedures and carried out by a party independent from both the scheme owner and the trader ***and allowing the fair and transparent processing of complaints from external stakeholders with respect to non-compliance and leading to withdrawal of the label in case of non-compliance***;

Or. en

#### *Justification*

*Certification schemes should be evaluated by national accreditation bodies to ensure they adhere to the minimum requirements set in this Directive.*

## Amendment 145

Petros Kokkalis

## Proposal for a directive

### Article 1 – paragraph 1 – point 1

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

*Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which ***certifies that a product complies with certain requirements***, and 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;

*Amendment*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which ***are publicly available free of cost, developed in independent processes and reflecting significant improvement compared to baseline legislation and conventional products*** and for which the monitoring of compliance is objective, based on international, Union or national standards and procedures ***impartially*** carried out by a party independent from both the scheme owner and the trader ***and allowing the fair and transparent processing of complaints from external stakeholders with respect to non-compliance and leading to withdrawal of the label in case of noncompliance***;

Or. en

**Amendment 146**

**Martin Hojsik, Róża Thun und Hohenstein, Michal Wiezik**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

*Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and for which the monitoring of compliance is objective, based on international, Union or national standards and procedures and

*Amendment*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and 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;

carried out by a party independent from both the scheme owner and the trader, **and which includes system for complaints for external stakeholders focused on possible non-compliance and allows for withdrawal of the label in case of non-compliance**;

Or. en

## **Amendment 147**

**Ulrike Müller, Jan Huitema**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

#### *Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to **all** traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and 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;

#### *Amendment*

(s) ‘certification scheme’ means a third-party verification scheme **related to a sustainability label** that is open under transparent, fair and non-discriminatory terms to **the participating** traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and for which the monitoring of compliance **and awarding of the certificate are** objective, based on **transparent and non-discriminatory procedures, as well as** international, Union or national standards and procedures and carried out by a party independent from both the scheme owner and the trader;

Or. en

#### *Justification*

*Condition to having a system which is open to all may slow down progress. Business operators may have less incentives to develop more sustainable products if the law foresees obligation to have schemes open to all not allowing for exploiting competitive advantage.*

**Amendment 148**  
**Matthias Ecke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

*Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain requirements, and 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;

*Amendment*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with certain **publicly available and independently developed** requirements **reflecting a significant improvement on the otherwise applicable product law**, and 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;

Or. en

**Amendment 149**  
**Stelios Kypouropoulos**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point s

*Text proposed by the Commission*

(s) ‘certification scheme’ means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements, which certifies that a product complies with **certain** requirements, and for which the monitoring of compliance is **objective, based on international, Union**

*Amendment*

(s) certification scheme means a third-party verification scheme that is open under transparent, fair and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements **validated by recognised international bodies**, which certifies, **based on clear, verifiable and proportionate methodology**, that a product

***or national standards and procedures and***  
carried out by a party independent from  
both the scheme owner and the trader;

complies with ***a pre-defined list of***  
requirements, and for which the monitoring  
of compliance is ***objectively*** carried out by  
a party independent from both the scheme  
owner and the trader, ***aligned with***  
***international, Union or national***  
***standards and procedures***;

Or. en

**Amendment 150**  
**Pernille Weiss**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point s

*Text proposed by the Commission*

*Amendment*

(s) ‘certification scheme’ means a  
third-party verification scheme that is ***open***  
***under transparent, fair and non-***  
***discriminatory terms to all traders willing***  
***and able to comply with the scheme’s***  
***requirements, which certifies that a***  
***product complies with certain***  
***requirements, and 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***;

(s) ‘certification scheme’ means a  
third-party verification scheme that is  
***established by an independent third party.***  
***The independent third party or the third-***  
***party framework is based on international,***  
Union or national standards and  
procedures. ***The certification scheme***  
***certifies that a product complies with***  
***certain requirements, and that the***  
***monitoring of compliance is objective and***  
***transparent*** and carried out by ***an***  
independent ***third party***;

Or. en

*Justification*

*Companies need to be able to differentiate from competition and promote their green efforts through sustainability labels when these are based on robust certification frameworks including standards. Wording should be clear on requirements.*

**Amendment 151**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point s a (new)

*Text proposed by the Commission*

*Amendment*

*(sa) "offsetting" means a claim that the acquisition of credits or provision of financial support for environmental projects elsewhere, such as the purchase of carbon credits, compensates for the purchasers own environmental impact, or that of their goods or services. Offsetting is typically achieved through financial support for projects. This financial support is typically provided through the purchase of carbon credits (for greenhouse gases mitigation projects) or plastic credits (for plastic recovery projects);*

Or. en

**Amendment 152**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point t

*Text proposed by the Commission*

*Amendment*

(t) ‘sustainability information tool’ means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects;

(t) ‘sustainability information tool’ means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects. ***Any comparison shall be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and***

*verifiable features of products;*

Or. en

**Amendment 153**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point t

*Text proposed by the Commission*

(t) ‘sustainability information tool’ means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects;

*Amendment*

(t) ‘sustainability information tool’ means software, including a website, part of a website or an application, operated by or on behalf of a trader, which provides information to consumers about environmental or social aspects of products, or which compares products on those aspects. ***In the case of comparison, this comparison shall be objective by, in particular, comparing products which serve the same function, using a common method and common assumptions, and comparing material and verifiable features of the products being compared;***

Or. en

**Amendment 154**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point u

*Text proposed by the Commission*

(u) ‘recognised excellent environmental performance’ means environmental performance compliant with Regulation (EC) 66/2010 of the European

*Amendment*

(u) ‘recognised excellent environmental performance’ means environmental performance compliant with Regulation (EC) 66/2010 of the European



Parliament and of the Council\*, with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010, or top environmental performance in accordance with other applicable Union law;

Parliament and of the Council\*, with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010, or top environmental performance in accordance with other applicable Union law, ***corresponding indicatively to 10-20% of the products available in the Union market in terms of environmental performance;***

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\* Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

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\* Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

Or. en

## **Amendment 155**

### **Petros Kokkalis**

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

#### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point u

#### *Text proposed by the Commission*

(u) ‘recognised excellent environmental performance’ means environmental performance compliant with Regulation (EC) 66/2010 of the European Parliament and of the Council\*, with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010, or top environmental performance in accordance with other applicable Union law;

#### *Amendment*

(u) ‘recognised excellent environmental performance’ means environmental performance compliant with Regulation (EC) 66/2010 of the European Parliament and of the Council\*, with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010, or top environmental performance in accordance with other applicable Union law ***corresponding indicatively to 10-20% of the products available in the Union market in terms of environmental performance;***

\* Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

\* Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

Or. en

**Amendment 156**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point u

*Text proposed by the Commission*

(u) ‘recognised excellent environmental performance’ means environmental performance compliant with Regulation (EC) 66/2010 of the European Parliament and of the Council\*, with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in accordance with Article 11 of Regulation (EC) 66/2010, or top environmental performance in accordance with other applicable Union law;

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\* Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 157**  
**Martin Hojsík, Michal Wiezik**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point u a (new)

*Text proposed by the Commission*

*Amendment*

**(ua)** ‘offsetting’ means the claim that a purchase or other acquisition of credits, such as carbon or plastic credits, or financial support for environmental projects elsewhere compensates for the purchaser's environmental impact, including impacts of services it provides;

Or. en

## **Amendment 158**

**Malte Gallée**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point w

*Text proposed by the Commission*

*Amendment*

(w) ‘software update’ means **a free update, including** a security update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771;

(w) ‘software update’ means **either** a security **update or any other functionality or feature** update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771;

Or. en

## **Amendment 159**

**Malte Gallée**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point w a (new)

*Text proposed by the Commission*

*Amendment*

**(wa)** ‘security update’ means an **operating system update, including**

*security patches, if relevant for a given device, whose main purpose is to provide enhanced security for the device or bring it into conformity;*

Or. en

**Amendment 160**

**Matthias Ecke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point w a (new)

*Text proposed by the Commission*

*Amendment*

*(wa) ‘security update’ means a security update as defined in point 35 of the Annex to Commission Regulation (EU).../... [ecodesign implementing Regulation for tablets and smartphones];*

Or. en

**Amendment 161**

**Malte Gallée**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2005/29/EC

Article 2 – paragraph 1 – point w b (new)

*Text proposed by the Commission*

*Amendment*

*(wb) ‘functionality update’ means an operating system update that is not necessary to keep the device in conformity and whose main purpose is to improve current functionalities or implement new functionalities;*

Or. en

**Amendment 162**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point w b (new)

*Text proposed by the Commission*

*Amendment*

**(wb) ‘functionality update’ means a security update as defined in point 36 of the Annex to Commission Regulation (EU).../... [ecodesign implementing Regulation for tablets and smartphones];**

Or. en

**Amendment 163**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point x a (new)

*Text proposed by the Commission*

*Amendment*

**(xa) ‘extended producer responsibility scheme’ means ‘extended producer responsibility scheme’ as defined in Article 3, point (21), of Directive 2008/98/EC of the European Parliament and of the Council<sup>1a</sup>;**

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**<sup>1a</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).**

Or. en

**Amendment 164**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y a (new)

*Text proposed by the Commission*

*Amendment*

**(ya) ‘offsetting’ means a purchase of credits, such as carbon or plastic credits, or provision of financial support for environmental projects, such as reforestation and renewable energy installations, to compensate for the purchaser's own environmental impact, or that of their goods or services;**

Or. en

**Amendment 165**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y a (new)

*Text proposed by the Commission*

*Amendment*

**(ya) ‘social impact’ means an effect on people and communities that happens as a result of an action or inaction related with the manufacturing, labour conditions and trading process of any marketed good;**

Or. en

**Amendment 166**  
**Ulrike Müller, Andreas Glück, Jan Huitema**

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

Directive 2005/29/EC  
Article 2 – paragraph 1 – point y a (new)

*Text proposed by the Commission*

*Amendment*

**(ya) "commercially sensitive information" means information that, if disclosed, could prejudice a supplier's commercial interest e.g. trade secrets, profit margins or new ideas as referred to in the Communication from the Commission<sup>1a</sup>**

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<sup>1a</sup> **Communication from the Commission Communication on the protection of confidential information by national courts in proceedings for the private enforcement of EU competition law 2020/C 242/01 (OJ C 242, 22.7.2020, p. 1).**

Or. en

*Justification*

*The definition of commercially sensitive information can be found in the European Commission's "Communication on the protection of confidential information by national courts in proceedings for the private enforcement of EU competition law. This definition should also be included here.*

**Amendment 167**  
**Pascal Canfin**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y a (new)

*Text proposed by the Commission*

*Amendment*

**(ya) 'pre-approval of sustainability labels or sustainability information tools' means an ex-ante conformity assessment to be performed by a Union or national authority ;**

**Amendment 168**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y a (new)

*Text proposed by the Commission*

*Amendment*

**(ya) ‘fossil fuels’ means all fuels formed from hydrocarbon deposits (including, but not limited to, oil, fossil gas, and coal), the burning or combustion of which releases greenhouse gases;**

Or. en

**Amendment 169**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y b (new)

*Text proposed by the Commission*

*Amendment*

**(yb) ‘specific environmental claim’ means an explicit environmental claim on a given environmental aspect whereby the specification of the claim is provided in clear and prominent terms on the same medium ;**

Or. en

**Amendment 170**  
**Antoni Comín i Oliveres**



**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y b (new)

*Text proposed by the Commission*

*Amendment*

**(yb) ‘social claim’ means any message or representation, which is not mandatory under Union law or national law, including text, pictorial, graphic or symbolic representation, in any form, including labels, brand names, company names or product names, in the context of a commercial communication, which states or indicates that a product, company or trader has a positive or non-negative social impact or is less damaging to indigenous or vulnerable sectors of population than other products or traders, respectively, or has improved their impact over time;**

Or. en

**Amendment 171**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1**  
Directive 2005/29/EC  
Article 2 – paragraph 1 – point y c (new)

*Text proposed by the Commission*

*Amendment*

**(yc) ‘recognised social performance’ means social performance compliant with top social performance in accordance with corporate social responsibility, corporate sustainability reporting, due diligence regulation and other applicable Union law on the subject such as sustainable corporate governance;**

Or. en

**Amendment 172**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 1 a (new)**  
Directive 2005/29/EC  
Article 5 – paragraph 2

*Present text*

*Amendment*

**(2a) Article 5 (2) is amended as follows:**

**(a) the following point is inserted:**

**” (aa) it is contrary to the requirements of the extended producer responsibility,”**

Or. en

*(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0083>)*

**Amendment 173**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2005/29/EC  
Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact ***through the whole production chain***, accessories, durability, reparability, ***upgradability, reusability, recyclability, the single-use nature, the right to return to the producer***, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

**Amendment 174**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2005/29/EC  
Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

*Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, **reusability, recyclability**, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

**Amendment 175**  
**Ulrike Müller, Jan Huitema**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2005/29/EC  
Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint

*Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, **reusability, recyclability**, after-sale

handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

Or. en

### *Justification*

*The aim is to add two characteristics of the product for which information would benefit the consumer. For truly green transition, these elements are also required.*

## **Amendment 176** **Pascal Canfin**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2005/29/EC  
Article 6 – paragraph 1 – point b

### *Text proposed by the Commission*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

### *Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, ***reusability, recyclability***, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

Or. en

## **Amendment 177** **Matthias Ecke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2005/29/EC

Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

*Amendment*

(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social impact, accessories, durability, reparability, **reusability, recyclability**, after-sale customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use, or the results and material features of tests or checks carried out on the product.;

Or. en

**Amendment 178**

**Petros Kokkalis**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments and targets and without an independent monitoring system;

*Amendment*

(d) making an environmental claim related to future environmental performance without clear **and understandable supplementary information setting out clear objective science-based** and verifiable commitments and targets **complemented by a realistic and funded implementation plan based on economically and technically viable technologies**, and without **verification by** an independent monitoring system;

**Amendment 179**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point b**  
Directive 2005/29/EC  
Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments and targets and without an independent monitoring system;

*Amendment*

(d) making an environmental claim related to future environmental performance ***based on offsetting or without publicly available, clear, time-bound, objective, quantified, science-based and verifiable commitments and targets complemented by a realistic, funded and annually updated implementation plan based on economically and technically viable technologies*** and without ***pre-approval and annual verification of sufficient progress by an independent monitoring system accredited in accordance with Regulation (EC) No 765/2008;***

*Justification*

*Future claims shall be based on realistic implementation plans to allow stakeholders and the monitoring system to verify the validity of such claims. Prior to making such claims, an monitoring system shall approve the claim and underlying implementation plan. The monitoring system shall be evaluated by a national accreditation body.*

**Amendment 180**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point b**  
Directive 2005/29/EC  
Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments **and** targets and without an independent monitoring system;

*Amendment*

(d) making an environmental claim related to future environmental performance ***based on offsetting schemes, or*** without clear, objective and verifiable ***reduction*** commitments, ***a detailed and realistic implementation plan with reference to budgetary commitments, based on widely available technologies, without feasible*** targets and without an independent monitoring system;

Or. en

**Amendment 181**

**Pernille Weiss**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments and targets and without an independent monitoring system;

*Amendment*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments and targets and without an independent monitoring system ***that is certified by international, Union or national standards and/or endorsed by public authorities;***

Or. en

*Justification*

*It is important to ensure clarity in the text about the definition of third-party monitoring.*

**Amendment 182**

**Martin Hojsik, Michal Wiezik**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective *and* verifiable commitments and targets and without an independent monitoring system;

*Amendment*

(d) making an environmental claim related to future environmental performance *based on offsetting or without understandable supplementary information setting out* clear, objective, verifiable *and realistic* commitments and targets and without an independent monitoring system;

Or. en

**Amendment 183**

**Stanislav Polčák**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point d

*Text proposed by the Commission*

(d) making an environmental claim related to future environmental performance without clear, objective and verifiable commitments and targets and without an independent monitoring system;

*Amendment*

(d) ‘(d) making an environmental claim related to future environmental performance without clear, objective, *sufficiently specific* and verifiable commitments and targets and without an independent monitoring system;

Or. cs

**Amendment 184**

**Stanislav Polčák**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point e



*Text proposed by the Commission*

(e) advertising benefits for consumers **that are** considered **as** a common practice in the relevant market.

*Amendment*

(e) advertising benefits for consumers **resulting from a characteristic presented as product-specific but which is** considered **to be** a common practice in the relevant market.

Or. cs

**Amendment 185**

**Antoni Comín i Oliveres**

**Proposal for a directive**

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

Directive 2005/29/EC

Article 6 – paragraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) making a social claim without clear, objective and verifiable commitments and targets and without an independent monitoring system;**

Or. en

**Amendment 186**

**Matthias Ecke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2005/29/EC

Article 7 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. Where a trader provides a service which compares products, including through a sustainability information tool, information about the method of comparison, the products which are the object of comparison and the suppliers of those products, as well as the measures in

7. Where a trader provides a service which compares products, including through a sustainability information tool, information about **whether that tool has been pre-approved in accordance with minimum requirements**, the method of comparison, the products which are the

place to keep that information up to date, shall be regarded as material.;

object of comparison and the suppliers of those products, as well as the measures in place to keep that information up to date, shall be regarded as material.;

Or. en

**Amendment 187**  
**Malte Gallée**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2005/29/EC  
Article 7 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. By... [12 months from adoption], the Commission shall adopt delegated acts in accordance with Article 16a to supplement this Directive by establishing minimum requirements in relation to sustainability labels and sustainability information tools. When adopting the delegated acts, the Commission shall ensure award criteria are publicly available free of cost, developed in an independent process, periodically revised, and reflecting significant improvements compared to common practice in the relevant market or Union product requirements, if applicable, with an impartial control procedure, including third party verification and transparency of the scheme owner. The Commission shall ensure accessibility to all market players, procedural transparency for consumers, scientific robustness and stakeholder relevance and compliance and dispute resolution mechanisms. If a sustainability label or a sustainability information tool is focused on one particular environmental aspect, this shall be clearly and prominently communicated to consumers. For the sake of transparency, all sustainability labels established by public authorities and all***

*pre-approved sustainability labels and sustainability information tools shall be published in a publicly available online register, which is to be updated regularly by the competent national authorities.*

Or. en

## **Amendment 188**

**Matthias Ecke**

### **Proposal for a directive**

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

Directive 2005/29/EC

Article 7 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7a. By ...[12 months from adoption], the Commission shall adopt delegated acts in accordance with Article 16a to supplement this Directive by establishing minimum requirements in relation to sustainability labels and sustainability information tools. When adopting the delegated acts, the Commission shall ensure award criteria are publicly available free of cost, developed in an independent process, periodically revised, and reflecting significant improvements compared to common practice in the relevant market or Union product requirements, if applicable, with an impartial control procedure, including third party verification and transparency of the scheme owner. The Commission shall ensure accessibility to all market players, procedural transparency for consumers, scientific robustness and stakeholder relevance and compliance and dispute resolution mechanisms. If a sustainability label or a sustainability information tool is focused on one particular environmental aspect, this shall be clearly and prominently communicated to consumers. For the sake of transparency, all pre-approved**

*sustainability labels and sustainability information tools shall be published in a publicly available online register, which is to be updated regularly by the competent national authorities.*

Or. en

**Amendment 189**  
**Stelios Kypouropoulos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2005/29/EC  
Article 7 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

*7a. This Directive shall not discourage the development of industry-led initiatives that meaningfully contribute to achieving the Union’s sustainability objectives. Such initiatives play a crucial role in encouraging behavioural change towards more sustainable choices.*

Or. en

**Amendment 190**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2005/29/EC  
Article 7 – paragraph 7 b (new)

*Text proposed by the Commission*

*Amendment*

*7b. The Commission shall adopt an implementing act specifying the details of the approval procedure for sustainability labels and sustainability information tools referred to in paragraph 8. That implementing act shall be adopted in accordance with the advisory procedure*

*referred to in Article 16b.*

Or. en

**Amendment 191**  
**Stelios Kypouropoulos**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2005/29/EC  
Article 7 – paragraph 7 b (new)

*Text proposed by the Commission*

*Amendment*

**7b. Sustainability labels shall be accessible to all businesses regardless of their size and financial capability. Certification schemes and sustainability labels that foster the incremental uptake of sustainable practices by microbusinesses, small and medium enterprises shall be encouraged.**

Or. en

**Amendment 192**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3 a (new)**  
Directive 2005/29/EC  
Article 16 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) The following article is inserted:**

**‘Article 16a**

**Exercise of the delegation**

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 7(7a) shall be**

*conferred on the Commission for a period of six years from...[one month after entry into force of this Directive].*

*3. The delegation of power referred to in Article 7(7a) 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.*

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

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 7(7a) shall enter into force only if no objection has been expressed either by the European Parliament or 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 193**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3 b (new)**  
Directive 2005/29/EC  
Article 16 b (new)

*Text proposed by the Commission*

*Amendment*

**(3b) The following article is inserted:**

**‘Article 16b**

**Committee procedure**

**1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**

**2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.’**

Or. en

**Amendment 194**  
**Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 – point a**  
Directive 2011/83/EU  
Article 2 – paragraph 1 – point 3 a

*Text proposed by the Commission*

*Amendment*

**(3a) ‘energy-using good’ means any good that depends on energy input (electricity, fossil fuels and renewable energy sources) to work as intended;;**

**deleted**

Or. en

**Amendment 195**  
**Ulrike Müller**

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

Directive 2011/83/EU  
Article 2 – paragraph 1 – point 3 a

*Text proposed by the Commission*

(3a) ‘energy-using good’ means any good that depends on energy input (electricity, fossil fuels and renewable energy sources) to work as intended;;

*Amendment*

(3a) ‘energy-using good’ means any good that depends on energy input (electricity, fossil fuels and renewable energy sources) to work as intended; **it covers only durable non-perishable goods;**

Or. en

*Justification*

*The definition of ‘energy-using goods’ as ‘any goods that depend on energy input’ should specify that it covers only durable non-perishable goods, and excludes parts or consumables that are used in combination with such durable goods.*

#### **Amendment 196** **Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 1 – point b**  
Directive 2011/83/EU  
Article 2 – paragraph 1 – point 14 a

*Text proposed by the Commission*

(14a) ‘commercial guarantee of durability’ means a **producer’s** commercial guarantee of durability referred to in Article 17 of Directive (EU) 2019/771, under which the producer is directly liable to the consumer during the entire period of that guarantee for repair or replacement of the goods;

*Amendment*

(14a) ‘commercial guarantee of durability’ means a **voluntary** commercial guarantee of durability **provided by the producer free of charge** referred to in Article 17 of Directive (EU) 2019/771, under which the producer is directly liable to the consumer during the entire period of that guarantee for repair or replacement of the goods;

Or. en

#### **Amendment 197** **Ulrike Müller, Martin Hojsik, Jan Huitema**



**Proposal for a directive**

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

Directive 2011/83/EU

Article 2 – paragraph 1 – point 14 d

*Text proposed by the Commission*

*Amendment*

(14d) ‘reparability score’ means a score expressing the capacity of a good to be repaired, based on a method established in accordance with Union law;

(14d) ‘reparability score’ means a score expressing the capacity of a good to be repaired, based on a **harmonised** method established in accordance with Union law;

Or. en

*Justification*

*For a reparability score to be meaningful and successful, there must be harmonised EU-wide methodologies for reparability scoring at the product-group level. Currently, there are at least 12 different initiatives for measuring reparability and national initiatives, such as the French reparability index. A clear EU definition and harmonised calculation methodologies are essential to measure and verify the reparability labelling of products. Otherwise, we risk creating confusion among consumers, a fragmented Single Market and unfair competition.*

**Amendment 198**

**Malte Gallée**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e a

*Text proposed by the Commission*

*Amendment*

(ea) ***for all goods, where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;***

(ea) ***a label indicating the guaranteed lifespan of a good, digital content and services. This label shall as a minimum inform about the duration of the legal guarantee of conformity and related rights, and where applicable, about the existence and conditions of after-sales services and voluntary commercial guarantees;***

Or. en

**Amendment 199**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e a

*Text proposed by the Commission*

(ea) *for all goods, where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;*

*Amendment*

(ea) *a label indicating the guaranteed lifespan of the goods, the digital content and the digital services, including, as a minimum, the duration of the legal guarantee of conformity, and where applicable, the existence and the conditions of after-sales services and commercial guarantees;*

Or. en

**Amendment 200**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e a

*Text proposed by the Commission*

(ea) for all goods, where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

*Amendment*

(ea) for all goods, where the producer makes it available, information that the goods benefit from a **free** commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

Or. en

**Amendment 201**  
**Stanislav Polčák**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e a

*Text proposed by the Commission*

(ea) for all goods, where the producer makes *it* available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

*Amendment*

(ea) for all goods, where the producer makes ***such information*** available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

Or. cs

**Amendment 202**

**Malte Gallée**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e b

*Text proposed by the Commission*

***(eb) for energy-using goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);***

*Amendment*

***deleted***

Or. en

**Amendment 203**

**Matthias Ecke**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 2 – paragraph 1 – point e b

*Text proposed by the Commission*

*Amendment*

***(eb) for energy-using goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);***

***deleted***

Or. en

**Amendment 204**

**Stanislav Polčák**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 2 – paragraph 1 – point e b

*Text proposed by the Commission*

*Amendment*

**(eb) for energy-using goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);**

***(Does not affect English version.)***

Or. cs

**Amendment 205**  
**Petros Kokkalis**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e b

*Text proposed by the Commission*

(eb) for **energy-using** goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);

*Amendment*

(eb) for **all** goods, where the producer does not make available the information referred to in point (ea), information that the producer has not provided information on the existence of a **free** commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (e);

Or. en

**Amendment 206**  
**Malte Gallée**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e c

*Text proposed by the Commission*

(ec) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the producer provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is**

*Amendment*

(ec) for goods with digital elements the minimum period, **starting at the time of purchase, stated** in units of time during which the producer provides software updates, **including the mandatory period foreseen under the relevant Union legislation;**

*provided in accordance with point (ea), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;*

Or. en

#### **Amendment 207**

**Matthias Ecke**

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

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 5 – paragraph 1 – point e c

*Text proposed by the Commission*

(ec) for goods with digital elements, ***where the producer makes such information available***, the minimum period in units of time during which the producer provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on*** the updates shall be provided ***if those updates are supplied for a longer period than the commercial guarantee of durability;***

*Amendment*

(ec) for goods with digital elements, the minimum period ***from the time of purchase*** in units of time during which the producer provides software updates, ***including, as a minimum, the mandatory period for which*** the updates shall be provided ***in accordance with the applicable Union law;***

Or. en

#### **Amendment 208**

**Stanislav Polčák**

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

**Article 2 – paragraph 1 – point 2 – point a**

Directive 2011/83/EU

Article 2 – paragraph 1 – point e c

*Text proposed by the Commission*

(ec) for goods with digital elements, where the producer makes such information available, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on the updates shall be provided **if** those updates are supplied for a longer period than the commercial guarantee of durability;

*Amendment*

(ec) for goods with digital elements, where the producer makes such information available, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on the updates shall be provided **only in the event that** those updates are supplied for a longer period than the commercial guarantee of durability;

Or. cs

**Amendment 209**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e c

*Text proposed by the Commission*

(ec) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;

*Amendment*

(ec) for goods with digital elements, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ea), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;

**Amendment 210**  
**Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e d

*Text proposed by the Commission*

(ed) for digital content and digital services, where their provider is different from the trader ***and makes such information available***, the minimum period in units of time during which the provider provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time***;

*Amendment*

(ed) for digital content and digital services, where their provider is different from the trader, the minimum period, ***starting at the time of purchase***, in units of time during which the provider provides software updates, ***including the mandatory period foreseen under the relevant Union legislation***;

Or. en

**Amendment 211**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e d

*Text proposed by the Commission*

(ed) for digital content and digital services, where their provider is different from the trader ***and makes such information available***, the minimum period in units of time during which the provider provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time***;

*Amendment*

(ed) for digital content and digital services, where their provider is different from the trader, the minimum period in units of time during which the provider provides software updates ***including, as a minimum, the mandatory period for which the updates shall be provided in accordance with the Union law***;

Or. en



**Amendment 212**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e d

*Text proposed by the Commission*

(ed) for digital content and digital services, ***where their provider is different from the trader and makes such information available***, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;

*Amendment*

(ed) for digital content and digital services, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;

Or. en

**Amendment 213**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e d

*Text proposed by the Commission*

(ed) for digital content and digital services, where their provider is different from the trader and makes such information available, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;’

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 214**  
**Pascal Canfin**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point a**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point e d a (new)

*Text proposed by the Commission*

*Amendment*

*(eda) in addition to the guaranteed lifespan label for the goods, digital content and digital services, including as a minimum, a reminder of the existence and duration of the legal guarantee of conformity, the existence and the conditions of after-sales services and commercial guarantees, where applicable;*

Or. en

**Amendment 215**  
**Mathilde Androuët**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point b**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point i

*Text proposed by the Commission*

*Amendment*

(i) where applicable, the reparability score for the goods;

(i) where applicable, the reparability score *or carbon footprint* for the goods;

Or. fr

**Amendment 216**  
**Malte Gallée**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point b**  
Directive 2011/83/EU  
Article 5 – paragraph 1 – point j

*Text proposed by the Commission*

(j) when point (i) is not applicable, information ***made available by the producer*** about the availability of spare parts, including the procedure of ordering them, and about the availability of ***a*** user and repair ***manual***.;

*Amendment*

(j) when point (i) is not applicable, information about the availability of spare parts, including ***the period during which they will be available, their price and*** the procedure of ordering them, and about the availability of user and repair ***manuals, tools, and repair services***. ***When this information is not made available by the producer to the trader, the consumer shall be informed thereof.***;

Or. en

**Amendment 217**

**Matthias Ecke**

**Proposal for a directive**

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

Directive 2011/83/EU

Article 5 – paragraph 1 – point j

*Text proposed by the Commission*

(j) when point (i) is not applicable, information ***made available*** by the producer about the availability ***of*** spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

*Amendment*

(j) when point (i) is not applicable, information ***provided*** by the producer about the availability ***and affordability of the*** spare parts ***necessary to repair a product***, including ***the length of the period during which spare parts and accessories are available***, the procedure of ordering them, and about the availability of a user and repair manual ***and repair tools and services***;

Or. en

**Amendment 218**

**Petros Kokkalis**

**Proposal for a directive**

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

Directive 2011/83/EU  
Article 5 – paragraph 1 – point j

*Text proposed by the Commission*

(j) when point (i) is not applicable, information made available by the producer about the availability of spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

*Amendment*

(j) when point (i) is not applicable, information made available by the producer about the availability of ***the*** spare parts ***necessary for the repair of the device*** including the procedure of ordering them, and about the availability of a user and repair manual.;

Or. en

**Amendment 219**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m a

*Text proposed by the Commission*

(ma) ***for all types of goods, where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;***

*Amendment*

(ma) ***the guaranteed lifespan label expressed in units of time for the goods, digital content and digital services, including, as a minimum, the duration of the legal guarantee of conformity;***

Or. en

**Amendment 220**  
**Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m a

*Text proposed by the Commission*

(ma) *for all types of goods, where the producer makes it available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;*

*Amendment*

(ma) *the guaranteed lifespan label, which shall include as a minimum display the duration of the legal guarantee of conformity and its related rights, and any voluntary extension by the producer;*

Or. en

**Amendment 221**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m a

*Text proposed by the Commission*

(ma) for all goods, where the producer makes *it* available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

*Amendment*

(ma) for all goods, where the producer makes *such information* available, information that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

Or. cs

**Amendment 222**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m a

*Text proposed by the Commission*

(ma) for all types of goods, where the producer makes it available, information

*Amendment*

(ma) for all types of goods, where the producer makes it available, information

that the goods benefit from a commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

that the goods benefit from a *free* commercial guarantee of durability and its duration in units of time, where that guarantee covers the entire good and has a duration of more than two years;

Or. en

## **Amendment 223**

**Matthias Ecke**

### **Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point a**

Directive 2011/83/EU

Article 6 – paragraph 1 – point m b

*Text proposed by the Commission*

*Amendment*

*(mb) for energy-using goods, where the producer does not make available information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);*

*deleted*

Or. en

## **Amendment 224**

**Malte Gallée**

### **Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point a**

Directive 2011/83/EU

Article 6 – paragraph 1 – point m b

*Text proposed by the Commission*

*Amendment*

*(mb) for energy-using goods, where the producer does not make available*

*deleted*

*information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);*

Or. en

**Amendment 225**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m b

*Text proposed by the Commission*

*Amendment*

(mb) for energy-using goods, where the producer does not make available information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);

*(Does not affect English version.)*

Or. cs

**Amendment 226**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m b

*Text proposed by the Commission*

(mb) for **energy-using** goods, where the producer does not make available information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);

*Amendment*

(mb) for **all** goods, where the producer does not make available information referred to in point (ma), information that the producer has not provided information on the existence of a commercial guarantee of durability of more than two years. This information shall be at least as prominent as any other information about the existence and the conditions of after-sales services and commercial guarantees provided in accordance with point (m);

Or. en

**Amendment 227**

**Malte Gallée**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point a**

Directive 2011/83/EU

Article 6 – paragraph 1 – point m c

*Text proposed by the Commission*

(mc) for goods with digital elements, ***where the producer makes such information available***, the minimum period in units of time during which the producer provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ma), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;***

*Amendment*

(mc) for goods with digital elements the minimum period in units of time during which the producer provides software updates, ***including the mandatory period foreseen under the relevant Union legislation;***

Or. en



**Amendment 228**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m c

*Text proposed by the Commission*

(mc) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the producer provides software updates, **unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ma), the information on** the updates shall be provided **if those updates are supplied for a longer period than the commercial guarantee of durability**;

*Amendment*

(mc) for goods with digital elements, the minimum period **from the time of purchase** in units of time during which the producer provides software updates, **including, as a minimum, the mandatory period for which** the updates shall be provided **in accordance with Union law**;

Or. en

**Amendment 229**  
**Stanislav Polčák**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m c

*Text proposed by the Commission*

(mc) for goods with digital elements, where the producer makes such information available, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of

*Amendment*

(mc) for goods with digital elements, where the producer makes such information available, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of

durability is provided in accordance with point (ma), the information on the updates shall be provided **if** those updates are supplied for a longer period than the commercial guarantee of durability;

durability is provided in accordance with point (ma), the information on the updates shall be provided **only in the event that** those updates are supplied for a longer period than the commercial guarantee of durability;

Or. cs

**Amendment 230**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m c

*Text proposed by the Commission*

(mc) for goods with digital elements, **where the producer makes such information available**, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ma), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;

*Amendment*

(mc) for goods with digital elements, the minimum period in units of time during which the producer provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time. Where information about the existence of a commercial guarantee of durability is provided in accordance with point (ma), the information on the updates shall be provided if those updates are supplied for a longer period than the commercial guarantee of durability;

Or. en

**Amendment 231**  
**Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m d

*Text proposed by the Commission*

(md) for digital content and digital services, where their provider is different from the trader ***and makes such information available***, the minimum period in units of time during which the provider provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time***;

*Amendment*

(md) for digital content and digital services, where their provider is different from the trader, the minimum period in units of time during which the provider provides software updates, ***including the mandatory period foreseen under the relevant Union legislation***;

Or. en

**Amendment 232**

**Matthias Ecke**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point a**

Directive 2011/83/EU

Article 6 – paragraph 1 – point m d

*Text proposed by the Commission*

(md) for digital content and digital services, where their provider is different from the trader ***and makes such information available***, the minimum period in units of time during which the provider provides software updates, ***unless the contract provides for a continuous supply of the digital content or digital service over a period of time***;

*Amendment*

(md) for digital content and digital services, where their provider is different from the trader, the minimum period in units of time during which the provider provides software updates, ***including, as a minimum, the mandatory period for which the updates shall be provided in accordance with Union law***;

Or. en

**Amendment 233**

**Stanislav Polčák**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point a**

Directive 2011/83/EU

Article 6 – paragraph 1 – point m d

*Text proposed by the Commission*

(md) for digital content and digital services, where their provider is different from the trader and makes such information available, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;’

*Amendment*

*(Does not affect English version.)*

Or. cs

**Amendment 234**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m d

*Text proposed by the Commission*

(md) for digital content and digital services, where their provider is different from the trader ***and makes such information available***, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;

*Amendment*

(md) for digital content and digital services, where their provider is different from the trader, the minimum period in units of time during which the provider provides software updates, unless the contract provides for a continuous supply of the digital content or digital service over a period of time;

Or. en

**Amendment 235**  
**Pascal Canfin**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
**Directive 2011/83/EU**  
Article 6 – paragraph 1 – point m d a (new)

*Text proposed by the Commission*

*Amendment*

***(mda) the guaranteed lifespan label for the goods, digital content and digital services, including as a minimum, a reminder of the existence and duration of the legal guarantee of conformity.***

Or. en

**Amendment 236**  
**Petros Kokkalis**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point a**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point m d a (new)

*Text proposed by the Commission*

*Amendment*

***(mda) for all goods, digital content and digital services referred to in points (ma), (mb), (mc) and (md), the consumer shall have the opportunity to proactively, before the finalisation of the purchase, through an online form confirm being aware of the availability, or absence thereof, of commercial guarantees and software updates;***

Or. en

**Amendment 237**  
**Mathilde Androuët**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point b**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point u

*Text proposed by the Commission*

*Amendment*

(u) where applicable, the reparability score for the goods;

(u) where applicable, the reparability score ***or carbon footprint*** for the goods;

**Amendment 238**  
**Malte Gallée**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point b**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point v

*Text proposed by the Commission*

(v) when point (u) is not applicable, information ***made available by the producer*** about the availability of spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

*Amendment*

(v) when point (u) is not applicable, information about the availability of spare parts, including ***the period during which they will be available, their price***, the procedure of ordering them, and about the availability of a user and repair manual, ***tools and repair services. When this information is not provided by the producer, the consumer shall be informed thereof***;

Or. en

**Amendment 239**  
**Matthias Ecke**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 3 – point b**  
Directive 2011/83/EU  
Article 6 – paragraph 1 – point v

*Text proposed by the Commission*

(v) when point (u) is not applicable, information ***made available*** by the producer about the availability ***of*** spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

*Amendment*

(v) when point (u) is not applicable, information ***provided*** by the producer about the availability ***and affordability of the*** spare parts ***necessary to repair goods***, including ***the length of the period during which spare parts and accessories are available***, the procedure of ordering them, and about the availability of a user and repair manual ***and repair tools and services***.

**Amendment 240**

**Ulrike Müller, Andreas Glück, Jan Huitema**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3 – point b**

Directive 2011/83/EU

Article 5 – paragraph 1 – point v

*Text proposed by the Commission*

(v) when point (u) is not applicable, information made available by the producer about the availability of spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.;

*Amendment*

(v) when point (u) is not applicable, information made available by the producer about the availability of spare parts, including the procedure of ordering them, and about the availability of a user and repair manual.; ***with regard to SMEs, there shall be additional support and guidance in order to enable them to provide this information;***

Or. en

*Justification*

*SMEs should be able to implement the administrative measures required by this proposal; enabling support for them in the form of specific advice, for example, could reduce the burden they will have to face.*

**Amendment 241**

**Mathilde Androuët**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 4 a (new)**

Directive 2011/83/EU

Article 24 – paragraph 1 – point a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) in Article 24 paragraph 1, point (a) is inserted as follows:***

***(a) Member States may suspend or prohibit certain products or services imported from outside the EU or sold by***

*one or more traders from outside the EU, until an audit has been carried out by the competent authorities or, failing that, until compliance with the criteria in Annex II to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 has been duly attested.*

Or. fr

**Amendment 242**  
**Joanna Kopcińska**

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

*Text proposed by the Commission*

By [5 years from adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.

*Amendment*

By [5 years from adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council. ***The report shall analyse in detail the impact of the new rules on the elimination of existing non-tariff barriers to cross-border trade, on the effectiveness of action by national consumer protection authorities and on the level of adjustment burden in the SME sector.***

Or. pl

**Amendment 243**  
**Stanislav Polčák**

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

*Text proposed by the Commission*

By [5 years from adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and to the Council.

*Amendment*

By [5 years from adoption], the Commission shall submit a report on the application of this Directive ***and on the level of progress achieved*** to the European



Parliament and to the Council.

Or. cs

**Amendment 244**  
**Malte Gallée**

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

*Text proposed by the Commission*

*Amendment*

***That report shall include an assessment of the pre-approval of sustainability labels with a view to harmonise it at Union-level.***

Or. en

**Amendment 245**  
**Ulrike Müller**

**Proposal for a directive**  
**Article 4 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

They shall apply those provisions from [24 months from adoption].

They shall apply those provisions from [36 months from adoption].

Or. en

*Justification*

*Member States and businesses need some time to be able to implement the provisions this proposal requires. Some Member States also need to change specific national laws related to consumer rights. In order to allow a smooth transition, 36 months would be a better timeframe.*

**Amendment 246**  
**Stelios Kypouropoulos**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 1**

Directive 2005/29/EC  
Annex I – point 2 a

*Text proposed by the Commission*

2a. Displaying a sustainability label which is not based on a certification scheme or not established by public authorities.;

*Amendment*

2a. Displaying a sustainability label which is not based on a certification scheme or not established by public authorities, ***except where no adequate certification scheme exists for the issue addressed by the label. In this case, the use of a third party, independent, recognised by authorities system shall be allowed;***

Or. en

**Amendment 247**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 1**  
Directive 2005/29/EC  
Annex I – point 2 a

*Text proposed by the Commission*

2a. Displaying a sustainability label which is not based on a certification scheme ***or not established by public authorities.***;

*Amendment*

2a. Displaying a sustainability label ***or a sustainability information tool*** which is not based on a certification scheme ***and pre-approved by a national competent authority in accordance with the minimum requirements for sustainability labels laid down by the Commission in a delegated act;***

Or. en

**Amendment 248**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 1**  
Directive 2005/29/EC  
Annex I – point 2 a

*Text proposed by the Commission*

2a. Displaying a sustainability label which is not based on a certification scheme or not established by public authorities.;

*Amendment*

2a. Displaying a sustainability label ***or a sustainability information tool*** which is not based on a certification scheme ***pre-approved by a national authority or Union authority*** or not established by public authorities.;

Or. en

**Amendment 249**

**Malte Gallée**

**Proposal for a directive**

**Annex I – paragraph 1 – point 1**

Directive 2005/29/EC

Annex I – point 2 a

*Text proposed by the Commission*

2a. Displaying a sustainability label which is not based on a certification scheme or not established by public authorities.;

*Amendment*

2a. Displaying a sustainability label ***or a sustainability information tool*** which is ***not pre-approved and*** not based on a certification scheme or not established by public authorities.;

Or. en

**Amendment 250**

**Matthias Ecke**

**Proposal for a directive**

**Annex I – paragraph 1 – point 1**

Directive 2005/29/EC

Annex I – point 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2aa. Displaying the environmental claim "biodegradable", "compostable" or equivalent with regards to plastic or bio-plastic where composting of biodegradable plastic is not possible in a***

*large proportion of waste enterprises.*

Or. en

**Amendment 251**

**Malte Gallée**

**Proposal for a directive**

**Annex I – paragraph 1 – point 1**

Directive 2005/29/EC

Annex I – point 2 a a (new)

*Text proposed by the Commission*

*Amendment*

***2aa. Displaying a sustainability label based on different classes of performance, when the available classes are not clearly provided in the same graphic representation to allow for clear comparison.***

Or. en

**Amendment 252**

**Petros Kokkalis**

**Proposal for a directive**

**Annex I – paragraph 1 – point 1**

Directive 2005/29/EC

Annex I – point 2 a a (new)

*Text proposed by the Commission*

*Amendment*

***2aa. Displaying a sustainability label based on different levels of performance, when the existing classes are not clearly provided in the same graphic representation to allow for clear comparison.***

Or. en

**Amendment 253**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 a

*Text proposed by the Commission*

4a. Making a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim.

*Amendment*

4a. Making a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim ***in an easily accessible format and stating the respective Union law or ecolabelling scheme.***

Or. en

*Justification*

*The proof of excellent environmental performance should be clearly displayed close to the environmental claim.*

**Amendment 254**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 a a (new)

*Text proposed by the Commission*

*Amendment*

***4aa. Making a generic social impact claim.***

Or. en

**Amendment 255**  
**Martin Hojsik, Michal Wiezik**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**

Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental claim about the entire product ***or the trader's business*** when it actually concerns only a certain aspect of the product ***or aspect of the trader's business.***;

Or. en

**Amendment 256**  
**Antoni Comín i Oliveres**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental ***or social*** claim about the entire product ***that is not covered by a sustainability label*** when it actually concerns only a certain aspect of the product.;

Or. en

**Amendment 257**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental claim about the entire product ***or trader's organisation*** when it actually concerns only a certain aspect of the product ***or***

*trader's organisation.;*

Or. en

**Amendment 258**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental claim about the entire product ***or the traders business*** when it actually concerns only a certain aspect of the product ***or the traders business.***;

Or. en

**Amendment 259**  
**Stelios Kypouropoulos**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental claim about the entire product ***or the trader's business*** when it actually concerns only a certain aspect of the product ***or the trader's business.***;

Or. en

**Amendment 260**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b

*Text proposed by the Commission*

4b. Making an environmental claim about the entire product when it actually concerns only a certain aspect of the product.;

*Amendment*

4b. Making an environmental claim about the entire product ***or the trader's business*** when it actually concerns only a certain aspect of the product ***or of the trader's business***.;

Or. en

**Amendment 261**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b a (new)

*Text proposed by the Commission*

*Amendment*

***4ba. Claiming that a good, service or organisation has a reduced, neutral or positive impact on climate or the environment based on offsetting.***

Or. en

*Justification*

*Environmental claims should reflect the environmental footprint of the product or organisation. It should be prohibited to claim reduced environmental impacts if these are based on offsetting schemes.*

**Amendment 262**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b a (new)



*Text proposed by the Commission*

*Amendment*

**4ba. Claiming that a good, business or a service has a neutral, reduced, compensated, positive (or similar) environmental impact based on offsetting.**

Or. en

**Amendment 263**

**Matthias Ecke**

**Proposal for a directive**

**Annex I – paragraph 1 – point 2**

Directive 2005/29/EC

Annex I – point 4 b a (new)

*Text proposed by the Commission*

*Amendment*

**4ba. Making an environmental claim which cannot be substantiated in accordance with legal requirements.**

Or. en

**Amendment 264**

**Martin Hojsik, Michal Wiezik**

**Proposal for a directive**

**Annex I – paragraph 1 – point 2**

Directive 2005/29/EC

Annex I – point 4 b a (new)

*Text proposed by the Commission*

*Amendment*

**4ba. Claiming that a good, service or business has a neutral or positive environment impact due to offsetting.**

Or. en

**Amendment 265**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b b (new)

*Text proposed by the Commission*

*Amendment*

**4bb. Making a specific environmental claim which the trader is not able to substantiate using a relevant assessment method and communication rules recognised or established in accordance with national or Union law.**

Or. en

*Justification*

*Specific claims should be based on harmonised assessment methods, such as the Product Environmental Footprint methodology to allow comparison and verification of specific claims.*

**Amendment 266**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b b (new)

*Text proposed by the Commission*

*Amendment*

**4bb. Making an environmental claim with the effect of promoting fossil fuel products, fossil fuel transportation (save services of general economic interest) or highly polluting industries.**

Or. en

**Amendment 267**  
**Martin Hojsík, Róża Thun und Hohenstein, Michal Wiezik**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b b (new)

*Text proposed by the Commission*

*Amendment*

**4bb. Making an environmental claim that would lead to promotion of fossil fuel products or highly polluting products or activities.**

Or. en

*Justification*

*The amendment reflects the EC's Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market (2021/C 526/01) underlying that fossil oil always causes damage to the environment, therefore it cannot be linked to environmental claim that would give the impression that the product had certain environmental advantages.*

**Amendment 268**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b c (new)

*Text proposed by the Commission*

*Amendment*

**4bc. Making an environmental claim on the content of the product based on an accounting method that allows for the free allocation of inputs to final outputs, without telling consumers that only a residual amount of the input in question was actually fed into the production process of the final product offered for sale.**

Or. en

**Amendment 269**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b c (new)

*Text proposed by the Commission*

*Amendment*

***4bc. Making an environmental claim with the effect of promoting fossil fuel products, fossil fuel transportation or highly polluting industries. This shall not apply to services of general economic interest.***

Or. en

**Amendment 270**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b d (new)

*Text proposed by the Commission*

*Amendment*

***4bd. Making an environmental claim on the content of the product based on an accounting method that allows for the free allocation of inputs to final outputs, while omitting to inform the consumer that only a residual amount of the input in question was fed into the production process of the final product offered for sale.***

Or. en

*Justification*

*Consumers should not be misled by, for example, claims regarding the amount of recycled content in a product if such claims do not reflect the actual contents of the product.*

**Amendment 271**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b d (new)

*Text proposed by the Commission*

*Amendment*

***4bd. Making a specific environmental claim without using a relevant assessment method and communication rules both established in accordance with Union or national law.***

Or. en

**Amendment 272**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b b (new)

*Text proposed by the Commission*

*Amendment*

***4bb. Claiming that a good, business or a service has a neutral, reduced, compensated, positive environmental impact based on offsetting.***

Or. en

**Amendment 273**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 2**  
Directive 2005/29/EC  
Annex I – point 4 b c (new)

*Text proposed by the Commission*

*Amendment*

**4bc.** *Making an environmental claim with the effect of promoting fossil fuel products, fossil fuel transportation or highly polluting industries, apart from services of general economic interest.*

Or. en

**Amendment 274**

**Matthias Ecke**

**Proposal for a directive**

**Annex I – paragraph 1 – point 2**

Directive 2005/29/EC

Annex I – point 4 b d (new)

*Text proposed by the Commission*

*Amendment*

**4bd.** *Making an environmental claim on the content of the product based on an accounting method that allows for the free allocation of inputs to final outputs, without telling consumers that only a residual amount of the input in question was actually fed into the production process of the final product offered for sale.*

Or. en

**Amendment 275**

**Matthias Ecke**

**Proposal for a directive**

**Annex I – paragraph 1 – point 2**

Directive 2005/29/EC

Annex I – point 4 b e (new)

*Text proposed by the Commission*

*Amendment*

**4be.** *Making a specific environmental claim without using a relevant assessment*

*method and communication rules both established in accordance with Union or national law.*

Or. en

**Amendment 276**  
**Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 d

*Text proposed by the Commission*

23d. ***Omitting to inform the consumer that*** a software update ***will*** negatively ***impact*** the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.

*Amendment*

23d. ***Supplying*** a software update ***that*** negatively ***impacts*** the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.

Or. en

**Amendment 277**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 d

*Text proposed by the Commission*

23d. ***Omitting to inform the consumer that*** a software update will negatively impact the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.

*Amendment*

23d. ***Supplying*** a software update ***that*** will negatively impact the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.

Or. en

**Amendment 278**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 d a (new)

*Text proposed by the Commission*

*Amendment*

**23da. Claiming that a good has a neutral or positive greenhouse gas emissions' impact on the environment.**

Or. en

**Amendment 279**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 d b (new)

*Text proposed by the Commission*

*Amendment*

**23db. Supplying a software update which will negatively impact the use of goods with digital elements or certain features of those goods even if the software update improves the functioning of other features.**

Or. en

**Amendment 280**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 d c (new)



*Text proposed by the Commission*

*Amendment*

**23dc. Omitting to inform the consumer in a clear and understandable manner that the update is not necessary to keep the product in conformity.**

Or. en

**Amendment 281**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e

*Text proposed by the Commission*

*Amendment*

**23e. Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.**

**23e. Marketing a product with a feature which foreseeably limits its lifetime.**

Or. en

**Amendment 282**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e

*Text proposed by the Commission*

*Amendment*

**23e. Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.**

**23e. Planning the failure of a good by equipping it with functions or properties intended solely to limit its durability.**

Or. pl

**Amendment 283**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e

*Text proposed by the Commission*

23e. *Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.*

*Amendment*

23e. *Bundling security updates with other software updates.*

Or. en

**Amendment 284**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e

*Text proposed by the Commission*

23e. *Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.*

*Amendment*

23e. *Introducing a feature to limit the lifetime of a good.*

Or. en

**Amendment 285**  
**Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e

*Text proposed by the Commission*

23e. *Omitting to inform the consumer about the existence of a feature of a good introduced to limit its durability.*

*Amendment*

23e. *Introducing a feature to limit the durability of a good.*

**Amendment 286**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e a (new)

*Text proposed by the Commission*

*Amendment*

***23ea. Omitting to inform that the seller will refuse to perform a repair on a product that has previously been repaired by an independent professional or non-professionals and users.***

Or. en

**Amendment 287**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e a (new)

*Text proposed by the Commission*

*Amendment*

***23ea. Engaging in practices that lead to shortening a product's lifespan and stimulate the purchase of a new product.***

Or. en

**Amendment 288**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e b (new)

*Text proposed by the Commission*

*Amendment*

**23eb. Omitting to inform the consumer about a design or feature which will limit repair by end users or independent professionals.**

Or. en

**Amendment 289**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 e b (new)

*Text proposed by the Commission*

*Amendment*

**23eb. Marketing a good without fixing, within a reasonable time, a design issue that leads to an early failure of this good.**

Or. en

**Amendment 290**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 g

*Text proposed by the Commission*

*Amendment*

**23g. Presenting goods as allowing repair when they do not or omitting to inform the consumer that goods do not allow repair in accordance with legal requirements.**

**23g. Marketing a good which does not allow repair in accordance with legal requirements.**

Or. en

**Amendment 291**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 g a (new)

*Text proposed by the Commission*

*Amendment*

**23ga. Omitting to inform the consumer that the seller will refuse to perform a repair on a product that has previously been repaired by an independent professional or end user.**

Or. en

**Amendment 292**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 g a (new)

*Text proposed by the Commission*

*Amendment*

**23ga. Omitting to inform the consumer about the unavailability of spare parts and other repair restrictions.**

Or. en

**Amendment 293**  
**Martin Hojsík, Róza Thun und Hohenstein, Michal Wiezik**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 g a (new)

*Text proposed by the Commission*

*Amendment*

**23ga. Omitting to inform the consumer**

***about a design or feature limiting its repairment.***

Or. en

*Justification*

*Consumers shall be aware of features that will prevent repairment of a product as it can incentive them to buy those products that will be possible to repair. Furthermore, it can help dissuade practices when manufacturers intentionally do not make spare parts available.*

**Amendment 294**

**Malte Gallée**

**Proposal for a directive**

**Annex I – paragraph 1 – point 4**

Directive 2005/29/EC

Annex I – point 23 g b (new)

*Text proposed by the Commission*

*Amendment*

***23gb. Omitting to inform the consumer about a design or feature which will limit repair by end users or independent professionals.***

Or. en

**Amendment 295**

**Edina Tóth**

**Proposal for a directive**

**Annex I – paragraph 1 – point 4**

Directive 2005/29/EC

Annex I – point 23 h

*Text proposed by the Commission*

*Amendment*

23h. Inducing the consumer into replacing the consumables of a good earlier than for technical reasons is necessary.

23h. Inducing the consumer into replacing the consumables of a good earlier than for technical reasons is necessary ***by omitting information about available and adequate repairs.***

Or. en

## *Justification*

*The suggested provision of the Commission would be difficult to implement in practice since a consumer might seek advice (from a retailer) on some features of a new product design. Retailers need to always be able to present their customers new product designs and provide them with all necessary information. It should be clarified that this new point 23h does not prevent retailers from offering new products to consumers.*

### **Amendment 296** **Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 h

#### *Text proposed by the Commission*

23h. *Inducing the consumer into* replacing the consumables *of a good* earlier than for technical reasons is necessary.

#### *Amendment*

23h. *Marketing a good that requires* replacing the consumables earlier than for technical reasons is necessary.

Or. en

### **Amendment 297** **Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 h

#### *Text proposed by the Commission*

23h. *Inducing the consumer into* replacing the consumables *of a good* earlier than for technical reasons is necessary.

#### *Amendment*

23h. *Marketing a good that require* replacing the consumables earlier than for technical reasons is necessary.

Or. en

**Amendment 298**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 h

*Text proposed by the Commission*

23h. ***Inducing the consumer into*** replacing the consumables ***of a good*** earlier than for technical reasons ***is necessary***.

*Amendment*

23h. ***Marketing a good that requires*** replacing the consumables earlier than ***is necessary*** for technical reasons.

Or. en

**Amendment 299**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i

*Text proposed by the Commission*

23i. ***Omitting to inform that*** a good is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer.

*Amendment*

23i. ***Placing on the market*** a good ***that*** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer.

Or. pl

**Amendment 300**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i



*Text proposed by the Commission*

23i. **Omitting to inform that** a good is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer..

*Amendment*

23i. **Marketing** a good **that** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer..

Or. en

**Amendment 301**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i

*Text proposed by the Commission*

23i. **Omitting to inform that** a good is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer..

*Amendment*

23i. **Marketing** a good **that** is designed to limit its functionality when using consumables, spare parts or accessories that are not provided by the original producer.

Or. en

**Amendment 302**  
**Joanna Kopcińska**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29  
Annex I – point 23 i a (new)

*Text proposed by the Commission*

*Amendment*

**23ia. Without prejudice to the provisions of Article 17 of Directive 2019/771, the offering by the same manufacturer of different warranty and repair conditions for the same product model in different EU Member States in whose territory the**

*good is placed on the market and put into service;*

Or. pl

**Amendment 303**  
**Matthias Ecke**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i a (new)

*Text proposed by the Commission*

*Amendment*

**23ia. Marketing a good which is not compliant with the requirements under Directive 2009/125/EC of the European Parliament and of the Council<sup>1a</sup>.**

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<sup>1a</sup> **Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285 31.10.2009, p. 10).**

Or. en

**Amendment 304**  
**Malte Gallée**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i a (new)

*Text proposed by the Commission*

*Amendment*

**23ia. Marketing a good which is not compliant with the requirements under Regulation (EU) .../... [Regulation on ecodesign for sustainable products].**

**Amendment 305**  
**Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i a (new)

*Text proposed by the Commission*

*Amendment*

**23ia. Engaging in practices that lead to shortening a product's lifespan and stimulate the purchase of a new product.**

Or. en

**Amendment 306**  
**Petros Kokkalis**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i a (new)

*Text proposed by the Commission*

*Amendment*

**23ia. Engaging in practices that foreseeably lead to shortening a product's lifespan.**

Or. en

**Amendment 307**  
**Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i b (new)

*Text proposed by the Commission*

*Amendment*

**23ib. Marketing a good without fixing a design issue that leads to an early failure of this good, within a reasonable time after it became known.**

Or. en

**Amendment 308**

**Malte Gallée**

**Proposal for a directive**

**Annex I – paragraph 1 – point 4**

Directive 2005/29/EC

Annex I – point 23 i b (new)

*Text proposed by the Commission*

*Amendment*

**23ib. Marketing a good without remedying a design issue that leads to a reduced lifetime, within a reasonable time after it became known.**

Or. en

**Amendment 309**

**Malte Gallée**

**Proposal for a directive**

**Annex I – paragraph 1 – point 4**

Directive 2005/29/EC

Annex I – point 23 i c (new)

*Text proposed by the Commission*

*Amendment*

**23ic. Bundling security updates with functionality, feature or other software updates.**

Or. en

**Amendment 310**  
**Pascal Canfin**

**Proposal for a directive**  
**Annex I – paragraph 1 – point 4**  
Directive 2005/29/EC  
Annex I – point 23 i c (new)

*Text proposed by the Commission*

*Amendment*

***23ic. Bundling security updates with  
functionality, feature or other software  
updates.***

Or. en