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

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**2023/0085(COD)**

11.10.2023

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## **DRAFT REPORT**

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

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

Rapporteur: Cyrus Engerer, Andrus Ansip

(Joint committee procedure – Rule 58 of the Rules of Procedure)

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive)**

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

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0166),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0116/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on the Environment, Public Health and Food Safety and the Committee on the Internal Market and Consumer Protection under Rule 58 of the Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the Committee on the Internal Market and Consumer Protection (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive Recital 26 a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 2

### Proposal for a directive Recital 32

*Text proposed by the Commission*

*Amendment*

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. ***Therefore***, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value.

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. ***To ensure traders comply with those rules and to ensure greater harmonisation of the methods used to substantiate environmental claims***, the Commission

However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

Or. en

### **Amendment 3**

#### **Proposal for a directive Recital 40**

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

(40) In cases where an environmental label involves a commercial communication to consumers 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 without the label, that environmental label also constitutes an explicit environmental claim. The content

##### *Amendment*

(40) In cases where an environmental label involves a commercial communication to consumers 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 without the label, that environmental label also constitutes an explicit environmental claim. The content

of such environmental label is therefore subject to the requirements on substantiation and communication of explicit environmental claims.

of such environmental label is therefore subject to the requirements on substantiation and communication of explicit environmental claims. ***The economic operator in charge of the environmental labelling scheme should be responsible for applying for verification of the requirements on governance, substantiation and communication.***

Or. en

#### **Amendment 4**

##### **Proposal for a directive Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***(40a) In cases where a trader or trader's product is awarded an environmental label by a verified and certified environmental labelling scheme, the trader can use the verified environmental label in commercial communications based on the certificate of conformity obtained by the certification scheme. The trader can also make environmental claims based on the environmental aspects, impacts and performance of products certified by the verified label without having to apply for further verification. In that case, the information to be displayed should be that of the environmental labelling scheme, including the certificate of conformity.***

Or. en

#### **Amendment 5**

##### **Proposal for a directive Recital 47 a (new)**



*Text proposed by the Commission*

*Amendment*

***(47a) Regular revisions of environmental labelling schemes are of fundamental importance in order to ensure their continuous improvement. In line with its objective of increasing the level of environmental protection and contributing to accelerating the green transition towards a circular, clean and climate neutral economy in the Union, this Directive ensures that the verification and certification of the substantiation and communication of environmental labelling schemes ensures their continuous improvement.***

Or. en

## **Amendment 6**

### **Proposal for a directive**

#### **Recital 53**

*Text proposed by the Commission*

*Amendment*

(53) In order to ensure uniform conditions for the provisions on verification of explicit environmental claims and environmental labelling schemes and to facilitate the enforcement of the provisions on verification of this Directive, implementing powers should be conferred on the Commission to adopt a common form for certificates of conformity and the technical means for issuing such certificates. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>86</sup>.

(53) In order to ensure uniform conditions for the provisions on verification of explicit environmental claims and environmental labelling schemes and to facilitate the enforcement of the provisions on verification of this Directive, implementing powers should be conferred on the Commission to adopt a common form for certificates of conformity and the technical means for issuing such certificates. ***This common form should avoid the need for translations of certificates of conformity into other official languages of the institutions of the Union, for example by using standard numbered sections, thus facilitating the recognition of certificates of conformity by the competent authorities across the Union.*** Those powers should be exercised in accordance with Regulation

(EU) No 182/2011 of the European Parliament and of the Council<sup>86</sup> .

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<sup>86</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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<sup>86</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

## Amendment 7

### Proposal for a directive

#### Recital 54

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

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

##### *Amendment*

(54) Small and medium-sized enterprises (SMEs) should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties with some of the requirements on substantiation and verification of explicit environmental claims. The Member States **and the Commission** should, **in their respective areas of responsibility**, provide adequate information and raise awareness of the ways to comply with the requirements of this Directive, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs wishing to make explicit environmental claims on their products or as regards their activities. Member States should **develop a tool that facilitates the substantiation of explicit environmental claims. This tool should, for example, calculate the environmental footprint of a product**.

## Amendment 8

### Proposal for a directive Recital 67

#### *Text proposed by the Commission*

(67) Where based on the results of the monitoring and evaluation of this Directive the Commission finds it appropriate to propose a review of this Directive, the feasibility and appropriateness of further provisions on mandating the use of common method for substantiation of explicit environmental claims, ***the extension of prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society***, or further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or environmental impacts should also be considered.

#### *Amendment*

(67) Where based on the results of the monitoring and evaluation of this Directive the Commission finds it appropriate to propose a review of this Directive, the feasibility and appropriateness of further provisions on mandating the use of common method for substantiation of explicit environmental claims, or further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or environmental impacts should also be considered.

## Amendment 9

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 10

### Proposal for a directive

#### Article 1 – paragraph 2 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 11

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

**(oa) Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marking of the fibre composition of textile products;**

Or. en

## Amendment 12

### Proposal for a directive

#### Article 2 – paragraph 1 – point 8

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Amendment 13

#### Proposal for a directive Article 2 – paragraph 1 – point 12

*Text proposed by the Commission*

(12) ‘value chain’ means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing;

*Amendment*

(12) ‘value chain’ means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing **and recycling**;

Or. en

### Amendment 14

#### Proposal for a directive Article 2 – paragraph 1 – point 14

*Text proposed by the Commission*

(14) ‘primary information’ means information that is directly measured or collected by the trader from one or more facilities **that are representative for** the activities of the trader;

*Amendment*

(14) ‘primary information’ means information that is directly measured or collected by the trader from one or more facilities, **which are directly associated with the environmental claims stemming from** the activities of the trader;

Or. en

### Amendment 15

#### Proposal for a directive Article 2 – paragraph 1 – point 15

*Text proposed by the Commission*

(15) ‘secondary information’ means information that is based on other sources than primary information including literature studies, engineering studies and patents.

*Amendment*

(15) ‘secondary information’ means information that is based on other sources than primary information including **peer-reviewed** literature studies, engineering studies and patents.

## Amendment 16

### Proposal for a directive

#### Article 2 – paragraph 1 – point 19 a (new)

*Text proposed by the Commission*

*Amendment*

***(19a) ‘environmental labelling scheme’ means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.***

Or. en

## Amendment 17

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 18

### Proposal for a directive

#### Article 3 – paragraph 1 – point j

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 19**

### **Proposal for a directive**

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

*Text proposed by the Commission*

4. When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences **create obstacles for** the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims leads to widespread misleading of consumers, the Commission **may** adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:

*Amendment*

4. When the regular monitoring of the evolution of **explicit** environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences **have an adverse impact** on the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims leads to widespread misleading of consumers, the Commission **shall** adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:

Or. en

## **Amendment 20**

### **Proposal for a directive**

#### **Article 3 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *By ... [3 years from the date of entry into force of this Directive], the Commission shall identify the most common explicit environmental claims made on the Union market and publish a list of claims that the Commission intends to supplement with the delegated act referred to in paragraph 4. That list shall be updated every 3 years.*

Or. en

## **Amendment 21**

### **Proposal for a directive Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## **Amendment 22**

### **Proposal for a directive Article 5 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

4. Where the explicit environmental claim is related to future environmental performance of a trader it shall include a time-bound commitment for improvements inside own operations and value chains, ***including an implementation plan containing concrete and verifiable interim targets, a monitoring plan and a reporting***



*plan.*

Or. en

## **Amendment 23**

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

*Text proposed by the Commission*

*Amendment*

***4a. Explicit environmental claims shall be prohibited for products containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), causing endocrine disruption to human health or the environment, persistent, bioaccumulative and toxic (PBT), very persistent, very bioaccumulative (vPvB), persistent, mobile and toxic (PMT), or very persistent, very mobile (vPvM) properties in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, nor to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, except when their use is considered essential for society.***

Or. en

## Amendment 24

### Proposal for a directive

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

*Text proposed by the Commission*

(c) the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943<sup>112</sup> ;

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

*Amendment*

(c) the underlying studies, ***including the assessment referred to in Article 3***, or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943;

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

Or. en

## Amendment 25

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

***(fa) a description of the type of monitoring and evaluation system that the environmental labelling scheme has in place to ensure regular assessments of performance and impacts are carried out.***

Or. en

## Amendment 26

### Proposal for a directive Article 8 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Brought under Article 2 "Definitions"*

## Amendment 27

### Proposal for a directive Article 8 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 28

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## **Amendment 29**

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Amendment 30**

**Proposal for a directive**

**Article 8 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

*meet the requirements of this Directive.*

Or. en

### **Amendment 31**

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

#### **Article 8 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***From the date referred to in the first subparagraph, environmental labelling schemes may only be established under Union law.***

***deleted***

Or. en

### **Amendment 32**

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

#### **Article 8 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that environmental labelling schemes established by private operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including notably their extent of coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive.

Member States shall ensure that environmental labelling schemes established by private operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including notably their extent of coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive.

***Environmental labelling schemes established by private operators prior to that date may continue to award the environmental labels, which are to be***

*used on the Union market, provided they meet the requirements of this Directive.*

Or. en

### **Amendment 33**

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

#### **Article 8 – paragraph 6 – subparagraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) a detailed description of how the requirements set out in this Directive are met;*

Or. en

### **Amendment 34**

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

#### **Article 8 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

### **Amendment 35**

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

#### **Article 8 – paragraph 7**

*Text proposed by the Commission*

7. The Commission shall publish and keep-up-to date a list of **officially recognised** environmental **labels that** are allowed to be used on the Union market after [OP: Please insert the date = the date of transposition of this Directive] pursuant to paragraphs 3, 4 and 5.

*Amendment*

7. The Commission shall publish and keep-up-to date a list of environmental **labelling schemes that comply with this Directive and** are allowed to be used on the Union market after [OP: Please insert the date = the date of transposition of this Directive] pursuant to paragraphs 4 and 5.

Or. en

**Amendment 36**

**Proposal for a directive**

**Article 8 – paragraph 8 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 37**

**Proposal for a directive**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall set up procedures for verifying the substantiation and communication of explicit environmental claims against the requirements set out in Articles 3 to 7.

*Amendment*

1. Member States shall set up procedures for verifying the substantiation and communication of explicit environmental claims against the requirements set out in Articles 3 to 7. **The Commission shall verify those procedures to guarantee harmonisation in the Union market.**

Or. en

## Amendment 38

### Proposal for a directive Article 10 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 39

### Proposal for a directive Article 10 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. When setting up the procedures referred to in paragraphs 1 and 2, Member States shall ensure that the cost of verification and certification is proportionate to the complexity of substantiation of the claim, and the size and turnover of traders requesting verification and certification with a particular regard to micro, small and medium-sized enterprises.***

Or. en

## Amendment 40

### Proposal for a directive Article 10 – paragraph 3 b (new)



*Text proposed by the Commission*

*Amendment*

**3b.** *The verification requirements shall not apply to traders displaying an environmental label verified in accordance with this Article and making environmental claims regarding environmental aspects, impacts and environmental performance certified by that label.*

*The information required in Article 5(6) shall be that of the environmental labelling scheme.*

Or. en

#### **Amendment 41**

##### **Proposal for a directive Article 10 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

4. The verification shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the environmental claim is made public or the environmental label is displayed by a trader. ***Verifiers shall provide an estimation of the period of the verification procedure to the trader on the date when a verification and certification request is submitted to them.***

Or. en

#### **Amendment 42**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 43**

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

*Text proposed by the Commission*

9a. ***Member States may prioritise the verification of existing environmental claims made before the entry into force of this Directive. Member States may introduce a transitional period during which existing environmental claims, submitted for verification, can still be used.***

*Amendment*

9a. ***Member States may prioritise the verification of existing environmental claims made before the entry into force of this Directive. Member States may introduce a transitional period during which existing environmental claims, submitted for verification, can still be used.***

Or. en

**Amendment 44**

**Proposal for a directive  
Article 11 – paragraph 3 – point e**

*Text proposed by the Commission*

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

*Amendment*

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

*have knowledge in life-cycle assessments;*

Or. en

#### **Amendment 45**

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

##### **Article 12 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

Member States, *in cooperation with the Commission*, shall take appropriate measures to help *micro*, small and medium sized enterprises *to* apply the requirements set out in this Directive. Those measures shall at least include guidelines *with specific examples and procedures* to comply with the requirements on explicit environmental claims. *The Commission shall ensure that guidelines are developed at Union level*. Without prejudice to applicable state aid rules, such measures *shall* include *one or more of the following*:

Or. en

#### **Amendment 46**

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

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

*Text proposed by the Commission*

(d) organisational and technical assistance.

*Amendment*

(d) *tailor-made* organisational and technical assistance.

Or. en

#### **Amendment 47**

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

##### **Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In the context of Union programmes from which micro, small and medium-sized enterprises can benefit, the Commission shall take into account and promote initiatives which can facilitate the compliance of micro, small and medium-sized enterprises with requirements set out in this Directive.***

Or. en

#### **Amendment 48**

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

##### **Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### **Amendment 49**

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

##### **Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## Amendment 50

### Proposal for a directive Article 18 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 18a*

##### *Consultation forum*

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

Or. en

## Amendment 51

### Proposal for a directive Article 20 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) *an overview* of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16;

(a) *a description* of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16;

Or. en

## Amendment 52

### Proposal for a directive

#### Article 20 – paragraph 1 – point b

*Text proposed by the Commission*

(b) ***an overview*** of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader to take corrective action, in accordance with Article 15, or have imposed penalties in accordance with Article 17.

*Amendment*

(b) ***a description*** of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader to take corrective action, in accordance with Article 15, or have imposed penalties in accordance with Article 17.

Or. en

## Amendment 53

### Proposal for a directive

#### Article 20 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. National competent authorities shall actively collaborate and regularly exchange best practices regarding the implementation of this Directive.***

Or. en

## Amendment 54

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

***(ea) further strengthening consumer protection and the functioning of the internal market by considering extending the requirements on substantiation of explicit environmental claims to micro enterprises.***

## Amendment 55

### Proposal for a directive Article 21 – paragraph 3 – point b

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 56

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

*Text proposed by the Commission*

*Amendment*

***3a. As part of the evaluation referred to in paragraph 1, and in order to ensure a level playing field among traders, the Commission shall carry out an impact assessment on the measures established for micro enterprises in Articles 4, 5, 10 and 12, and consider their review after this Directive is implemented.***

Or. en

## EXPLANATORY STATEMENT

In March 2023, the Commission adopted a proposal for a Directive on Green Claims to ensure that consumers receive reliable, comparable and verifiable environmental information on products. A study<sup>1</sup> conducted by the European Commission in 2020 showed that over a half of environmental claims in the internal market provide vague, misleading or unfounded information with 40% of such claims being unsubstantiated. The proliferation of such claims with varying degrees of transparency and credibility have resulted in a lack of trust from the European consumers, which needs to be addressed. The Co-Rapporteurs therefore commend the overall spirit and aims of this proposal, which seeks to set common criteria against greenwashing and misleading environmental claims and to boost the competitiveness of businesses, which are striving to increase the environmental sustainability of their products and activities. Such harmonisation will strengthen the internal market for more sustainable products for the benefit for our consumers and businesses alike.

The Co-Rapporteurs propose various measures to strengthen the Commission proposal. The key priorities of the Co-Rapporteurs were to ensure that the measures and mechanisms which the Commission proposal bring forward in relation to communication, substantiation and verification of explicit environmental claims are robust, future proof and that provide adequate certainties for consumers and the necessary predictability for companies operating on the internal market. At the same time, it is important that this proposal includes measures to support SMEs to comply with the new requirements when making voluntary green claims.

To ensure that the systems in place are robust and future proof, the Co-Rapporteurs propose measures to ensure regular revisions of environmental labelling schemes to enable their continuous improvement. They have also included measures to ensure that the assessment for the substantiation of explicit environmental claims relies on reliable information and that secondary information can only be used as a supplement to primary information. The Co-Rapporteurs also sought to ensure that any explicit environmental claims which are related to the future performance of a trader are supported by additional measures concerning implementation with a view to protect consumers from unfounded claims and to ensure adequate information for consumers to be able to decide whether to put their trust in such a claim or not.

With regard to secondary legislation concerning the substantiation of explicit environmental claims, the Co-Rapporteurs include measures, which provide for a balanced participation of interested parties in the preparation of delegated acts. In order to ensure robust measures, which fight greenwashing and ensure that consumers are adequately protected, the Co-Rapporteurs made sure that the Directive covers all forms of environmental claims, including any sustainability labels, which cover environmental aspects.

With a view to ensuring the necessary predictability for traders and verifiers, the Co-Rapporteurs sought to provide clarification on which kind of scientific evidence can be used for the assessment to substantiate environmental claims by qualifying what constitutes widely recognized scientific evidence. They also provided further clarity for existing environmental

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<sup>1</sup> Environmental claims in the EU: Inventory and reliability assessment Final report, European Commission 2020. Available at [https://ec.europa.eu/environment/eussd/smgp/pdf/2020\\_Greenclaims\\_inventory.zi](https://ec.europa.eu/environment/eussd/smgp/pdf/2020_Greenclaims_inventory.zi)



labelling schemes established by private operators with enabling existing environmental labelling schemes to continue being used on the Union market, provided they meet the requirements of the Directive.

The Co-Rapporteurs believe that the framework needs to be open for future innovation and have therefore deleted the proposed ban on new environmental labelling schemes that might be established by Member States or their regions.

The Co-Rapporteurs also introduced measures which strengthen the transparency requirements for consumers to have better access to information used to substantiate explicit environmental claims. With a view to ensuring the protection of human health and the environment, they introduce a prohibition for explicit environmental claims on products containing certain hazardous substances except when their use is considered essential for society.

The Co-Rapporteurs recognize the political agreement with the Council of the European Union on the new directive on Empowering Consumers for the Green Transition and the Unfair Commercial Practices Directive. Considering the interlinkages in these files and the Green Claims when it comes to claims based on carbon offsets, the Co-Rapporteurs decided that more time is needed to find a common position, in consultation with relevant Commission services. Therefore, this will be addressed at a later stage.

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

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report, until the adoption thereof in committee:

<b>Entity or persons</b>
Organics Europe
Rainforest Alliance
Confederation of European Paper Industries (CEPI)
European Brands Association
Roundtable on Responsible Soy Association
APPLIA
Carbon Gap
Independent Retail Europe
Cosmetics Europe
German Food Retail Association
REWE Group
Plastics Recyclers Europe
Lubrizol
Mars
European Chemical Industry Council
ISEAL
Siemens
HOTREC
Food Drink Europe
World Travel and Tourism Council
EASA
Policy Hub
BEUC