

AMENDMENTS 001-146

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

Report**Cyrus Engerer, Andrus Ansip****A9-0056/2024**

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

Proposal for a directive (COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

Amendment 1**Proposal for a directive****Recital 1***Text proposed by the Commission*

(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products. If goods and services offered and purchased on the internal market are not as environmentally friendly as presented, this would mislead the consumers, hamper the green transition and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national legislation or private initiatives regulating environmental claims create a burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable

Amendment

(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products **as consumer interest grows**. If goods and services offered and purchased on the internal market are not as environmentally friendly as presented, this would mislead the consumers, hamper the green transition, and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national legislation or private initiatives regulating environmental claims create a burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have

environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.

difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.

Amendment 2

Proposal for a directive Recital 5

Text proposed by the Commission

(5) Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition towards a circular, climate-neutral and clean economy in the Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims.

Amendment

(5) Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition towards a circular, climate-neutral and clean economy in the Union, ***that respects the planetary boundaries***, by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims ***while promoting sustainable consumption***.

Amendment 3

Proposal for a directive Recital 6

Text proposed by the Commission

(6) A regulatory framework for environmental claims is one of the actions proposed by the Commission to implement the European Green Deal⁶⁹, which recognises that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of ‘greenwashing’, and includes commitments to step up regulatory and

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(6) A regulatory framework for environmental claims is one of the actions proposed by the Commission to implement the European Green Deal⁶⁹, which recognises that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of ‘greenwashing’, and includes commitments to step up regulatory and

non-regulatory efforts to tackle false environmental claims. Together with other applicable Union regulatory frameworks, including the proposal for a Directive on empowering consumers for the green transition⁷⁰, amending Directive 2005/29/EC of the European Parliament and of the Council⁷¹ that this proposal aims at complementing, they establish a clear regime for environmental claims, including environmental labels.

⁶⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal, COM/2019/640 final

⁷⁰ 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, COM(2022) 143 final

⁷¹ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).

non-regulatory efforts to tackle false environmental claims. Together with other applicable Union regulatory frameworks, including the proposal for a Directive on empowering consumers for the green transition⁷⁰, amending Directive 2005/29/EC of the European Parliament and of the Council⁷¹ that this proposal aims at complementing *as lex specialis*, they establish a clear regime for environmental claims, including environmental labels.

⁶⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal, COM/2019/640 final

⁷⁰ 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, COM(2022) 143 final

⁷¹ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).

Amendment 4

Proposal for a directive Recital 7

Text proposed by the Commission

(7) This Directive is part of a set of

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interrelated initiatives to establish a strong and coherent product policy framework that will make environmentally sustainable products and business models the norm, and not the exception, and to transform consumption patterns so that no waste is produced in the first place. The Directive is complemented, amongst others, by interventions on the circular design of products, on fostering new business models and setting minimum requirements to prevent that environmentally harmful products are placed on the EU market through the proposal for an Eco-design for Sustainable Products Regulation⁷² .

interrelated initiatives to establish a strong and coherent product policy framework that will make environmentally sustainable products and business models the norm, and not the exception, and ***to ensure that a claim, which merely reflects common practice, cannot be communicated to customers as sustainable. In order*** to transform consumption patterns so that no waste is produced in the first place. The Directive is complemented, amongst others, by interventions on the circular design of products, on fostering new business models and setting minimum requirements to prevent that environmentally harmful products are placed on the EU market through the proposal for an Eco-design for Sustainable Products Regulation⁷² .

⁷² Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, COM(2022) 132 final

⁷² Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, COM(2022) 132 final

Amendment 5

Proposal for a directive Recital 9

Text proposed by the Commission

(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council⁷³ , this Directive should

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(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council⁷³ , this Directive should

not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water⁷⁴. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers.

Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.

⁷³ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

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https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf

not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water⁷⁴. It also has a positive impact on biodiversity, **and a positive social impact as** it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.

⁷³ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

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https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf

Amendment 6

Proposal for a directive

Recital 9 a (new)

(9a) Within the context of the European Green Deal, the EU Action Plan Towards Zero Pollution for Air, Water and Soil (COM 2021/400, the European Chemicals Strategy for Sustainability (COM/2020/667) and the European Union Strategic Approach to Pharmaceuticals in the Environment (COM/2019/128), the healthcare sector plays a relevant role in reducing environmental pressures. In that context, establishing a proper regulatory framework for using green claims relating to sustainability, biodegradability, circularity and origin of the product's components both for medicinal products, in accordance with Directive 2001/83/EC, and medical devices, in accordance with Regulation (EU) 2017/745, is crucial in order to encourage companies to contribute to environmental objectives and guarantee reliable communication to consumers.

Amendment 7

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) In case future Union legislation lays down rules on environmental claims, environmental labels, or on the assessment or communication of environmental impacts, environmental aspects or environmental performance of certain products or traders in specific sectors, for example the announced “Count Emissions EU”, the forthcoming Commission proposal on a legislative framework for a Union sustainable food system, the Eco-design for Sustainable Products Regulation⁷⁷ or Regulation (EU) No 1007/2011 of the European

deleted

Parliament and of the Council⁷⁸, those rules should be applied to the explicit environmental claims in question instead of the rules set out in this Directive.

⁷⁷ *COM(2022) 132 final*

⁷⁸ *Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).*

Amendment 8

Proposal for a directive Recital 14

Text proposed by the Commission

(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised excellent environmental performance relevant to the claim. Examples of such generic environmental claims are ‘eco-friendly’, ‘eco’, ‘green’, ‘nature’s friend’, ‘ecological’ **and** ‘environmentally correct’. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their substantiation, communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in

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(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised excellent environmental performance relevant to the claim. Examples of such generic environmental claims are ‘**environmentally friendly**’, ‘eco-friendly’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘**climate friendly**’, ‘**gentle on the environment**’, ‘**carbon friendly**’, ‘**energy efficient**’, ‘**biodegradable**’, ‘**biobased**’ or **similar statements that suggest or create the impression of excellent environmental performance**. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their

case of conflict, pursuant to Article 3(4) of that Directive.

substantiation, communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive.

Amendment 9

Proposal for a directive Recital 15

Text proposed by the Commission

(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of ‘greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation should take into account internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.

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(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of ‘greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation should take into account **robust and independent and up-to-date** internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.

Amendment 10

Proposal for a directive Recital 16

Text proposed by the Commission

(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product or of the overall activities of the trader and should not omit any relevant environmental aspects or environmental impacts. The

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(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product or of the overall activities of the trader and should not omit any relevant environmental aspects or environmental impacts. The

benefits claimed should not result in ***an unjustified*** transfer of negative impacts to other stages of the life cycle of a product or trader, or to the creation or increase of other negative environmental impacts.

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Amendment 11

Proposal for a directive Recital 18

Text proposed by the Commission

(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's or trader's environmental performance in comparison to the common practice for products in the respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product or trader has a positive impact or no impact on the environment, or that a product or a trader is less damaging to the environment than other products or traders. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case majority of products within the product group ***or*** majority of traders within the sector

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(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's or trader's environmental performance in comparison to the common practice for products in the respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product or trader has a positive impact or no impact on the environment, or that a product or a trader is less damaging to the environment than other products or traders. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case ***the*** majority of products within the product group, ***or the*** majority of traders within the sector

perform better than those legal requirements, the minimum legal requirements should not be considered as common practice.

perform better than those legal requirements, the minimum legal requirements should not be considered as common practice. *Also, existing certification schemes and their trademarks, such as certification schemes using a chain of custody certification, which can be more susceptible to fraud or which cannot reliably guarantee the legality of the production for the certified products, should be fully verified under the requirements of this Directive to ensure that consumers are not misled.*

Amendment 12

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that **significantly** worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO₂ savings in the

Amendment

(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO₂ savings in the stage of manufacturing

stage of manufacturing leading to a notable increase of CO₂ emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems or animal welfare. An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

leading to a notable increase of CO₂ emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems or animal welfare. An environmental claim on ***green energy may mislead consumers if it is based on resources negatively impacting the local development and environment, or on*** textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.

Amendment 13

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are “climate neutral”, “carbon neutral”, “100% CO₂ compensated”, or will be “net-zero” by a given year, or similar. Such statements are often based on “offsetting” of greenhouse gas emissions through “carbon credits” generated outside the company’s value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from

Amendment

(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are “climate neutral”, “carbon neutral”, “100% CO₂ compensated”, or will be “net-zero” by a given year, or similar. Such statements are often based on “offsetting” of greenhouse gas emissions through “carbon credits” generated outside the company’s value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from

business as usual, and accurate accounting. These factors result in offset credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of **relying on** offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements. When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on **offsets** in a transparent manner. **Therefore, the substantiation of climate-related claims should consider any greenhouse gas emissions offsets used by the traders separately from the trader's or the product's greenhouse gas emissions. In addition, this information should also specify the share of total emissions that are addressed through offsetting, whether these offsets relate to emission reductions or removals enhancement, and the methodology applied. The climate-related claims that include the use of offsets have to be substantiated by methodologies that ensure the integrity and correct accounting of these offsets and thus reflect coherently and transparently the resulting impact on the climate.**

Amendment 14

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Traders are more and more interested

business as usual, and accurate accounting. These factors result in offset credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements. When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on **carbon credits** in a transparent manner.

Amendment

(22) Traders are more and more interested

in making environmental claims related to future environmental performance of a **product or** trader, including by joining initiatives that are promoting practices which could be conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims.

in making environmental claims related to future environmental performance of a trader, including by joining initiatives that are promoting practices which could be conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims.

Amendment 15

Proposal for a directive Recital 23

Text proposed by the Commission

(23) The information used to substantiate explicit environmental claims should be **science** based, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered.

Amendment

(23) The information used to substantiate explicit environmental claims should be based **on independent, peer-reviewed, widely recognised, robust and verifiable scientific evidence, i.e. on methods, approaches or studies that have been developed in line with best practices in terms of transparency and peer reviewed by the scientific community**, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered. **The methodologies need to be publicly accessible in order to ensure the transparency and integrity of assessments.**

Amendment 16

Proposal for a directive Recital 27

Text proposed by the Commission

(27) Consumers can also be misled by explicit environmental claims that state or imply that a product or trader has less or more environmental impacts or a better or worse environmental performance than other products or traders ('comparative

Amendment

(27) Consumers can also be misled by explicit environmental claims that state or imply that a product or trader has less or more environmental impacts or a better or worse environmental performance than other products or traders ('comparative

environmental claims’). Without prejudice to the application, where appropriate, of Directive 2006/114/EC of the European Parliament and of the Council⁸³, in order to allow the consumers access to reliable information, it is necessary to ensure that comparative environmental claims can be compared in an adequate manner. For instance, choosing indicators on the same environmental aspects but using a different formula for quantification of such indicators makes comparisons impossible, and therefore there is a risk of misleading consumers. In case two traders make an environmental claim on climate change, where one considered only direct environmental impacts, whilst the other considered both direct and indirect environmental impacts, these results are not comparable. Also, a decision to make the comparison only at certain stages of a products life cycle can lead to misleading claims, if not made transparent. A comparative environmental claim needs to ensure that also for products with very different raw materials, uses and process chains, like bio-based plastics and fossil-based plastics, the most relevant stages of the life-cycle are taken into account for all products. For example, agriculture or forestry is relevant for bio-based plastics while raw oil extraction is relevant for fossil-based plastics and the question whether a relevant share of the product ends up in landfill is highly relevant to plastics that biodegrade well under landfill conditions but maybe less relevant for plastics that do not biodegrade under such conditions.

⁸³ Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and

environmental claims’). Without prejudice to the application, where appropriate, of Directive 2006/114/EC of the European Parliament and of the Council⁸³, in order to allow the consumers access to reliable information, it is necessary to ensure that comparative environmental claims can be compared in an adequate manner. For example, ***performance-based certification and process-based certification rely on different sets of indicators, such as setting specific thresholds that need to be met or ensuring that a certain procedure is in place.*** Choosing indicators on the same environmental aspects but using a different formula for quantification of such indicators makes comparisons impossible, and therefore there is a risk of misleading consumers. In case two traders make an environmental claim on climate change, where one considered only direct environmental impacts, whilst the other considered both direct and indirect environmental impacts, these results are not comparable. Also, a decision to make the comparison only at certain stages of a products life cycle can lead to misleading claims, if not made transparent. A comparative environmental claim needs to ensure that also for products with very different raw materials, uses and process chains, like bio-based plastics and fossil-based plastics, the most relevant stages of the life-cycle are taken into account for all products. For example, agriculture or forestry is relevant for bio-based plastics while raw oil extraction is relevant for fossil-based plastics and the question whether a relevant share of the product ends up in landfill is highly relevant to plastics that biodegrade well under landfill conditions but maybe less relevant for plastics that do not biodegrade under such conditions.

⁸³ Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and

comparative advertising (OJ L 376, 27.12.2006, p. 21).

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Amendment 17

Proposal for a directive Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) It is important that traders do not make generic claims such as “conscious”, “sustainable”, and “responsible”, based exclusively on recognised excellent environmental performance, because such terms relate to other characteristics in addition to environmental characteristics, such as social characteristics.

Amendment 18

Proposal for a directive Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) It is important to acknowledge the challenges faced by micro, small and medium-sized enterprises in terms of resources and capabilities, especially in comparison to larger corporations. Therefore, it is essential for Member States, when implementing this Directive, to take all appropriate measures to help micro, small and medium-sized enterprises to comply with the requirements of this Directive.

Amendment 19

Proposal for a directive Recital 31

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

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

Amendment 20

Proposal for a directive Recital 32

Text proposed by the Commission

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.

Amendment

(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, ***for some product groups, the PEF method is not suitable for providing a holistic environmental assessment.*** In case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of, extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR

should for example reflect the microplastics release, before the adoption of PEFCR could be considered. ***To further develop the current PEF method and address its limitations, it is important that the Commission regularly evaluates and updates the methods in order to reflect scientific progress. It is also important that the Commission enables the Consultation forum established under this Directive to contribute to the development of PEFCR and OEFCR.***

Amendment 21

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) In order to ensure the integrity, impartiality and high quality of the substantiation of environmental claims, and to ensure that the requirements for the substantiation result in a better understanding of environmental impacts by consumers, it is important that those requirements for the substantiation of environmental claims are developed involving a balanced set of stakeholders, such as consumer organisations, environmental non-governmental organisations, operators of labelling schemes and competent bodies, in addition to industry representatives, including micro, small and medium-sized enterprises and craft industry representatives, trade unions, traders, retailers, importers. For this purpose, the Commission should establish a consultation forum, the role of which will be to provide opinions on whether existing rules and methods are suitable for substantiating specific environmental claims, and to be consulted on the preparation of the revision or the development of new delegated acts.

Amendment 22

Proposal for a directive Recital 33

Text proposed by the Commission

(33) Since Directive 2005/29/EC already applies to misleading environmental claims, it enables the national courts and administrative authorities to stop and prohibit such claims. For example, in order to comply with Directive 2005/29/EC, environmental claims should relate only to aspects that are significant in terms of the product's or trader's environmental impact. Environmental claims should also be clear and unambiguous regarding which aspects of the product or trader they refer to and should not omit or hide important information about the environmental performance of the product *or trader* that consumers need in order to make informed choices. The wording, imagery and overall product presentation, including the layout, choice of colours, images, pictures, sounds, symbols or labels, *included in the environmental claim* should provide a truthful and accurate representation of the scale of the environmental benefit achieved, and should not overstate the environmental benefit achieved.

Amendment

(33) Since Directive 2005/29/EC already applies to misleading environmental claims, it enables the national courts and administrative authorities to stop and prohibit such claims. For example, in order to comply with Directive 2005/29/EC, environmental claims should relate only to aspects that are significant in terms of the product's or trader's environmental impact. Environmental claims *and labelling schemes* should also be clear and unambiguous regarding which aspects of the product or trader they refer to and should not omit or hide important information about the environmental performance of the product that consumers need in order to make informed choices. The wording, imagery and overall product presentation, including the *taglines*, layout, choice of colours, images, pictures, sounds, symbols, *trademark* or labels, should provide a truthful and accurate representation of the scale of the environmental benefit achieved, and should not overstate the environmental benefit achieved. *Where applicable, information about the exact amount of a product's certified material content, a feature around which certain types of labelling schemes operate, should not be omitted, especially when the minimum certified content could be zero.*

Amendment 23

Proposal for a directive Recital 34

Text proposed by the Commission

(34) Where the explicit environmental

Amendment

(34) Where the explicit environmental

claim concerns a final product and relevant environmental impacts or environmental aspects of such product occur at the use phase and consumers can influence such environmental impacts or environmental aspects via appropriate behaviour, such as, for example, correct waste sorting or impacts of use patterns on product's longevity, the claim should also include information explaining to consumers how their behaviour can positively contribute to the protection of the environment.

claim concerns a final product and relevant environmental impacts or environmental aspects of such product occur at the use phase ***or at the end of life*** and consumers can influence such environmental impacts or environmental aspects via appropriate behaviour, such as, for example, correct waste sorting or impacts of use patterns on product's longevity, the claim should also include information explaining to consumers how their behaviour can positively contribute to the protection of the environment.

Amendment 24

Proposal for a directive Recital 36

Text proposed by the Commission

(36) Consumers should have easy access to the information on the product or the trader that is the subject of the explicit environmental claim and regarding information substantiating ***that*** claim. This information should also consider needs of older consumers. For that purpose, traders should either provide this information in a physical form or provide a weblink, QR code or equivalent leading to a website where more detailed information on the substantiation of the explicit environmental claim is made available in at least one of the official languages of the Member State where the claim is made. In order to facilitate the enforcement of this Directive, the weblink, QR code or equivalent should also ensure easy access to the certificate of conformity regarding the substantiation of the explicit environmental claim and the contact information of the verifier who drew up that certificate.

Amendment

(36) Consumers should have easy access to the information on the product or the trader that is the subject of the explicit environmental claim, ***including directly on the product or accompanying the product,*** and regarding information substantiating ***the*** claim ***applicable to the product.*** This information should also consider needs of older consumers. For that purpose, traders should either provide this information in a physical form or provide a weblink, QR code, ***digital product passport*** or equivalent leading to a website where more detailed information on the substantiation of the explicit environmental claim is made available in at least one of the official languages of the Member State where the claim is made. In order to facilitate the enforcement of this Directive, the weblink, QR code or equivalent should also ensure easy access to the certificate of conformity regarding the substantiation of the explicit environmental claim and the contact information of the verifier who drew up that certificate. ***The underlying studies, assessments, methodologies or calculations should be made publicly***

available, unless the information is a trade secret in line with Article 2, paragraph 1 of Directive (EU) 2016/94346.

Amendment 25

Proposal for a directive Recital 37

Text proposed by the Commission

(37) In order to avoid potential disproportionate impacts on the microenterprises, **the** smallest companies should be exempted from the requirements of Article 5 linked to information on the substantiation of explicit environmental claims unless these enterprises wish to obtain a certificate of conformity of explicit environmental claim that will be recognised by the competent authorities across the Union.

Amendment

(37) In order to avoid potential disproportionate impacts on the microenterprises, **these** smallest companies should be exempted from the requirements of Article 5 linked to information on the substantiation of explicit environmental claims unless these enterprises wish to obtain a certificate of conformity of explicit environmental claim that will be recognised by the competent authorities across the Union.

Amendment 26

Proposal for a directive Recital 41

Text proposed by the Commission

(41) The environmental labels often aim at providing consumers with an aggregated scoring presenting a cumulative environmental impact of products or traders to allow for direct comparisons between products or traders. Such aggregated scoring however presents risks of misleading consumers as the aggregated indicator may dilute negative environmental impacts of certain aspects of the product with more positive environmental impacts of other aspects of the product. In addition, when developed by different operators, such labels usually differ in terms of specific methodology underlying the aggregated score such as the

Amendment

(41) The environmental labels often aim at providing consumers with an aggregated scoring presenting a cumulative environmental impact of products or traders to allow for direct comparisons between products or traders. Such aggregated scoring however presents risks of misleading consumers as the aggregated indicator may dilute negative environmental impacts of certain aspects of the product with more positive environmental impacts of other aspects of the product. In addition, when developed by different operators, such labels usually differ in terms of specific methodology underlying the aggregated score such as the

environmental impacts considered or the weighting attributed to these environmental impacts. This may result in the same product receiving different score or rating depending on the scheme. This concern arises in relation to schemes established in the Union and in third countries. This is contributing to the fragmentation of the internal market, risks putting smaller companies at a disadvantage, and is likely to further mislead consumers and undermine their trust in environmental labels. In order to avoid this risk and ensure better harmonisation within the single market, the explicit environmental claims, including environmental labels, based on an aggregated score representing a cumulative environmental impact of products or traders should *not be deemed to be sufficiently substantiated, unless those aggregated scores stem from Union rules, including the delegated acts that the Commission is empowered to adopt under this Directive, resulting in Union-wide harmonised schemes for all products or per specific product group based on a single methodology to ensure coherence and comparability.*

Amendment 27

Proposal for a directive Recital 43

Text proposed by the Commission

(43) In order to combat misleading explicit environmental claims communicated in the form of environmental labels and increase consumer trust in environmental labels, this Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.

environmental impacts considered or the weighting attributed to these environmental impacts. This may result in the same product receiving different score or rating depending on the scheme. This concern arises in relation to schemes established in the Union and in third countries. This is contributing to the fragmentation of the internal market, risks putting smaller companies at a disadvantage, and is likely to further mislead consumers and undermine their trust in environmental labels. In order to avoid this risk and ensure better harmonisation within the single market, the explicit environmental claims, including environmental labels, based on an aggregated score representing a cumulative environmental impact of products or traders should *meet requirements ensuring the reliability of the underlying environmental labelling schemes, including with respect to their assessment methods and governance.*

Amendment

(43) In order to combat misleading explicit environmental claims communicated in the form of environmental labels and increase consumer trust in environmental labels, *including trademarks and logos of certification schemes*, this Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.

Amendment 28

Proposal for a directive Recital 44

Text proposed by the Commission

(44) *In order to avoid further proliferation of national or regional officially recognised EN ISO 14024 type I environmental labelling ('ecolabelling') schemes, and other environmental labelling schemes, and to ensure more harmonisation in the internal market, new national or regional environmental labelling schemes should be developed only under the Union law. Nevertheless, Member States can request the Commission to consider developing public labelling schemes at the Union level for product groups or sectors where such labels do not yet exist in Union law and where harmonisation would bring added value to achieve the sustainability and internal market objectives in an efficient manner.*

Amendment

deleted

Amendment 29

Proposal for a directive Recital 46

Text proposed by the Commission

(46) Environmental labelling schemes established by private operators, if too many and overlapping in terms of scope, may create confusion in consumers or undermine their trust in environmental labels. Therefore, Member States should only allow that new environmental labelling schemes are established by private operators provided that they offer *significant* added value *as compared to the existing national or regional schemes* in terms of environmental ambition of the

Amendment

(46) Environmental labelling schemes established by private operators, if too many and overlapping in terms of scope, may create confusion in consumers or undermine their trust in environmental labels. Therefore, Member States should only allow *existing environmental labelling schemes to be depicted in business-to-consumer commercial practice after this Directive has entered into application and when such schemes are in compliance with the obligations set*

criteria to award the label, coverage of relevant environmental impacts, and completeness of the underlying assessment. Member States should set up a procedure for the approval of new environmental labelling schemes based on a certificate of conformity drawn up by the independent verifier. This should apply to schemes established in the Union and outside of the Union.

in this Directive, and should only allow new environmental labelling schemes to be established by private operators provided that they offer added value, in compliance with this Directive, in terms of environmental ambition of the criteria to award the label, coverage of relevant environmental impacts, and completeness of the underlying assessment. Member States should set up a procedure for the approval of new environmental labelling schemes based on a certificate of conformity drawn up by the independent verifier, and assess the claims made by existing environmental and sustainability labelling and certification schemes. This should apply to schemes established in the Union and outside of the Union, *including existing schemes.*

Amendment 30

Proposal for a directive

Recital 47

Text proposed by the Commission

(47) In order to provide legal certainty and facilitate enforcement of the provisions on *new national and regional* officially recognised *environmental labelling schemes and new* private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.

Amendment

(47) In order to provide legal certainty and facilitate enforcement of the provisions on officially recognised private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.

Amendment 31

Proposal for a directive

Recital 48

Text proposed by the Commission

(48) In order to ensure a harmonised approach by the Member States to the assessment and approval of environmental

Amendment

(48) In order to ensure a harmonised approach by the Member States to the assessment and approval of environmental

labelling schemes developed by private operators, and to establish an approval procedure by the Commission for proposed schemes established by public authorities outside of the Union, **implementing powers should be conferred on** the Commission to adopt common rules specifying detailed requirements for approval of such environmental labelling schemes, the format and content of supporting documents and rules of procedure to approve such schemes. **Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council**⁸⁵.

labelling schemes developed by private operators and to establish an approval procedure by the Commission for proposed schemes established by public authorities outside of the Union, the Commission **is empowered** to adopt **delegated acts setting out** common rules specifying detailed requirements for approval of such environmental labelling schemes, the format and content of supporting documents and rules of procedure to approve such schemes.

⁸⁵ **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).**

Amendment 32

Proposal for a directive Recital 49

Text proposed by the Commission

(49) It is essential that explicit environmental claims reflect correctly the environmental performance and environmental impacts covered by the claim, and consider the latest scientific evidence. Member States should therefore ensure that the trader making the claim **reviews and updates** the substantiation and communication of the claims at least every 5 years to ensure compliance with the requirements of this Directive

Amendment

(49) It is essential that explicit environmental claims **and environmental labelling schemes** reflect correctly the environmental performance and environmental impacts covered by the claim **both directly on the product and accompanying the product**, and consider the latest scientific evidence. Member States should therefore ensure that the trader making the claim **and environmental labelling schemes review and update** the substantiation and communication of the claims at least every 5 years to ensure compliance with the

requirements of this Directive.

Amendment 33

Proposal for a directive Recital 49 a (new)

Text proposed by the Commission

Amendment

(49a) Article 13(1)e of the EU Tobacco Products Directive 2014/40/EU prohibits environmental claims on tobacco products and packaging, however it does not prohibit tobacco industry entities from making green claims about their activities as a whole, particularly through advertising campaigns on their environmental performance which could mislead consumers; therefore no environmental claims on tobacco industry activities should be allowed.

Amendment 34

Proposal for a directive Recital 51

Text proposed by the Commission

Amendment

(51) In order to allow the competent authorities to control more efficiently the implementation of the provisions of this Directive and to prevent as much as possible unsubstantiated explicit environmental claims, including environmental labels, from appearing on the market, verifiers complying with the harmonised requirements set up by the Directive should check that both the information used for the substantiation and communication of explicit environmental claims meet the requirements of this Directive. In order to avoid misleading consumers, the verification should ***in any case*** take place before the environmental claims are made public or environmental labels are displayed. The verifier can, if

(51) In order to allow the competent authorities to control more efficiently the implementation of the provisions of this Directive and to prevent as much as possible unsubstantiated explicit environmental claims, including environmental labels, from appearing on the market, verifiers complying with the harmonised requirements set up by the Directive should check that both the information used for the substantiation and communication of explicit environmental claims meet the requirements of this Directive. In order to avoid misleading consumers, the verification should take place before the environmental claims are made public or environmental labels are displayed. ***However, in order to avoid***

appropriate, indicate several ways of communicating the explicit environmental claim that comply with the requirements of this Directive to avoid the need for continuous re-certification in case the way of communication is slightly modified without affecting the compliance with the requirements of this Directive. To facilitate the traders compliance with the rules on substantiation and communication of explicit environmental claims, including the environmental labels, the verification should take into account the nature and content of the claim or the environmental label, including whether they appear to be unfair in the light of Directive 2005/29/EC.

waste of products or packaging which have already been printed prior to the entry into force of this Directive, Member States may introduce a transitional period between the date of entry into force and the date of application of this Directive, during which time existing environmental claims submitted for verification can be used. Member States may prioritise the verification of claims made prior to the entry into force of this Directive. The verifier can, if appropriate, indicate several ways of communicating the explicit environmental claim that comply with the requirements of this Directive to avoid the need for continuous re-certification in case the way of communication is slightly modified without affecting the compliance with the requirements of this Directive. To facilitate the traders compliance with the rules on substantiation and communication of explicit environmental claims, including the environmental labels, the verification should take into account the nature and content of the claim or the environmental label, including whether they appear to be unfair in the light of Directive 2005/29/EC.

Amendment 35

Proposal for a directive Recital 52

Text proposed by the Commission

(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be recognised by the competent authorities across the Union. Microenterprises should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition across the Union. The certificate of

Amendment

(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be recognised by the competent authorities across the Union. Microenterprises *as well as small enterprises that make use of the transitional phase* should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit

conformity should however not prejudice the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.

from the certificate's recognition across the Union. The certificate of conformity should however not prejudice the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.

Amendment 36

Proposal for a directive Recital 53

Text proposed by the Commission

(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 Council⁸⁶.

⁸⁶ 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).

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. ***This common form should facilitate 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 Council⁸⁶.

⁸⁶ 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).

Amendment 37

Proposal for a directive Recital 54

Text proposed by the Commission

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

Amendment

(54) ***Micro***, small and medium-sized enterprises 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 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. ***To ensure a level playing field for micro, small and medium-sized enterprises across the Union, Member States should engage in regular dialogue regarding support measures for micro, small and medium-sized enterprises that are in place on regional and national levels respectively. In addition, and to ensure micro, small and medium-sized enterprises do not face disproportionately higher costs and difficulties with respect to the requirements of this Directive, the Commission should consider some initiatives within the framework of financial programmes dedicated to micro, small and medium-sized enterprises, for cases where they wish to make explicit environmental claims with regard to their products or activities.***

Amendment 38

**Proposal for a directive
Recital 56**

Text proposed by the Commission

(56) In order to ensure that the objectives of this Directive are achieved and the requirements are enforced effectively, Member States should designate their own competent authorities responsible for the application and enforcement of this Directive. However, in view of the close complementarity of Articles 5 and 6 of this Directive with the provisions of Directive 2005/29/EC, Member States should also be allowed to designate for their enforcement the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC. For the sake of consistency, when Member States make that choice, they should be able to rely on the means and powers of enforcement that they have established in accordance with Article 11 of Directive 2005/29/EC, ***in derogation from the rules on enforcement laid down in this Directive***. In cases where there is more than one designated competent authority in their territory and to ensure effective exercise of the duties of the competent authorities, Member State should ensure a close cooperation between all designated competent authorities.

Amendment 39

Proposal for a directive
Recital 65

Text proposed by the Commission

(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁸⁹. In

Amendment

(56) In order to ensure that the objectives of this Directive are achieved and the requirements are enforced effectively, Member States should designate their own competent authorities responsible for the application and enforcement of this Directive. However, in view of the close complementarity of Articles 5 and 6 of this Directive with the provisions of Directive 2005/29/EC, Member States should also be allowed to designate for their enforcement the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC. For the sake of consistency, when Member States make that choice, they should be able to rely on the means and powers of enforcement that they have established in accordance with Article 11 of Directive 2005/29/EC. In cases where there is more than one designated competent authority in their territory and to ensure effective exercise of the duties of the competent authorities, Member State should ensure a close cooperation between all designated competent authorities.

Amendment

(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations, ***including with the consultation forum*** during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April

particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁸⁹ OJ L 123, 12.5.2016, p. 1.

2016 on Better Law-Making⁸⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁸⁹ OJ L 123, 12.5.2016, p. 1.

Amendment 40

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 41

Proposal for a directive

Recital 68

Text proposed by the Commission

(68) The use of the most harmful substances should ultimately be phased-out

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

(68) The use of the most harmful substances should ultimately be phased-out

in the Union to avoid and prevent significant harm to human health and the environment, in particular their use in consumer products. Regulation (EC) 1272/2008 of the European Parliament and of the Council⁹⁰ prohibits the labelling of mixtures and substances that contain hazardous chemicals as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’, ‘ecological’ or any other statements indicating that the substance or mixture is not hazardous or statements that are inconsistent with the classification of that substance or mixture. Member States are required to ensure that such obligation is fulfilled. As committed in the Chemicals Strategy for Sustainability the Commission will define criteria for essential uses to guide its application across relevant Union legislation. .

⁹⁰ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC,

in the Union to avoid and prevent significant harm to human health and the environment, in particular their use in consumer products. ***The Commission should provide a report on the use of explicit environmental claims on products containing harmful substances and evaluate for which products or product groups the use of explicit environmental claims is misleading. Since the use of such claims can encourage consumption of those products that contain substances harmful to the environment or human health, the Commission should have the power to adopt delegated acts to introduce restrictions or prohibitions on the use of such explicit environmental claims. In its report, the Commission could also evaluate whether it would be appropriate that certain EU Ecolabel criteria set under Regulation (EC) No 66/2010 concerning the use of substances or preparations/mixtures be used for the potential restrictions or prohibitions on the use of explicit environmental claims under this Directive.*** Regulation (EC) 1272/2008 of the European Parliament and of the Council⁹⁰ prohibits the labelling of mixtures and substances that contain hazardous chemicals as ‘non-toxic’, ‘non-harmful’, ‘non-polluting’, ‘ecological’ or any other statements indicating that the substance or mixture is not hazardous or statements that are inconsistent with the classification of that substance or mixture. Member States are required to ensure that such obligation is fulfilled. As committed in the Chemicals Strategy for Sustainability the Commission will define criteria for essential uses to guide its application across relevant Union legislation. .

⁹⁰ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC,

and amending Regulation (EC) No
1907/2006 (OJ L 353, 31.12.2008, p. 1).

and amending Regulation (EC) No
1907/2006 (OJ L 353, 31.12.2008, p. 1).

Amendment 42

Proposal for a directive Article 1 – title

Text proposed by the Commission

Amendment

Scope

Subject matter and scope

Amendment 43

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

Text proposed by the Commission

Amendment

-1. The purpose of this Directive is to provide for a high level of consumer and environmental protection, while contributing to the functioning of the internal market, by approximating the laws, regulations and administrative provisions of the Member States related to environmental claims made on or with reference to products made available on the market or to traders making products available on the market.

Amendment 44

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

Amendment

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

1. This Directive applies to explicit environmental claims made by traders about products ***placed on the market or put into service, including through online platforms*** or traders ***and environmental labelling schemes*** in business-to-consumer commercial practices.

Amendment 45

Proposal for a directive

Article 1 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) Regulation (EU) No 305/2011 of the European Parliament and of the Council¹⁰³ ;

deleted

¹⁰³ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).

Amendment 46

Proposal for a directive

Article 1 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) Directive 94/62/EC of the European Parliament and of the Council¹⁰⁵ ;

deleted

¹⁰⁵ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

Amendment 47

Proposal for a directive

Article 1 – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) Directive 2013/34/EU of the

(o) Directive 2013/34/EU of the

European Parliament and of the Council¹⁰⁹ and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products;

¹⁰⁹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

European Parliament and of the Council¹⁰⁹, ***Regulation (EU) 2019/2088 of the European Parliament and of the Council*** and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products;

¹⁰⁹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Amendment 48

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 marketing of the fibre composition of textile products;

Amendment 49

Proposal for a directive

Article 1 – paragraph 2 – point p

Text proposed by the Commission

Amendment

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

deleted

environmental aspects or environmental performance of certain products or traders or conditions for environmental labelling schemes.

Amendment 50

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

Text proposed by the Commission

Amendment

2a. The Commission is empowered to adopt delegated acts in accordance with Article 18 to amend the list referred to in paragraph 2 to delete or add new or revised legislation where they provide a level of requirements that can be considered equivalent to those provided by this Directive. The requirements that shall be required to be equivalent include:

- (a) level of disclosure of information;**
- (b) the requirements on third-party verification prior to the claim being put on the market;**
- (c) the level of enforcement.**

Amendment 51

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

Text proposed by the Commission

Amendment

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

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

Amendment 52

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, ***reuse, recycling and end-of-life***;

Amendment 53

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 54

Proposal for a directive

Article 2 – paragraph 1 – point 19

Text proposed by the Commission

(19) ‘environmental impact’ means any change to the environment, whether positive or negative, that wholly or partially results from a trader’s or sector’s activities or from a product or product group during its life cycle.

Amendment

(19) ‘environmental impact’ means any ***measurable*** change to the environment, whether positive or negative, that wholly or partially results from a trader’s or sector’s activities or from a product or product group during its life cycle.

Amendment 55

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.

Amendment 56

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) specify if the claim is related to the whole product, part of a product or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim;

Amendment

(a) specify if the claim is related to the whole product, part of a product, ***part of a life-cycle of a product***, or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim;

Amendment 57

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 58

Proposal for a directive

Article 3 – paragraph 1 – point d

Text proposed by the Commission

(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to assessing the environmental performance;

Amendment

(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to assessing the environmental performance, ***including from a life-cycle perspective***;

Amendment 59

Proposal for a directive Article 3 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

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

Amendment 60

Proposal for a directive Article 3 – paragraph 1 – point h

Text proposed by the Commission

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

Amendment

(h) separate any **carbon credits** used from greenhouse gas emissions as additional environmental information, specify whether those offsets relate to emission reductions or removals;

Amendment 61

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

Text proposed by the Commission

Amendment

(ha) for use of carbon credits in accordance with paragraph 3b, indicate the share of residual emissions within total emissions, the share of biogenic and

fossil emissions within these residual emissions and the quantity and type of activity (biogenic emission reductions or sequestration or permanent removals) underlying the credits used, providing evidence that the credits have been appropriately retired from the registry of the certification scheme, in order to avoid double counting;

Amendment 62

Proposal for a directive Article 3 – paragraph 1 – point i

Text proposed by the Commission

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

Amendment

(i) include primary information for environmental impacts, environmental aspects or environmental performance, which are subject to the claim ***that is accessible or obtainable by the trader, including through possession, research or procurement;***

Amendment 63

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 to primary information,*** 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, ***accompanied with a justification of why secondary information has been used.***

Amendment 64

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

Text proposed by the Commission

Amendment

(ja) for use of carbon credits for contribution claims, ensure no financial contribution is used to claim an improved climate or environmental impact of the product or trader, and separate any financial contributions from the climate or environmental impact of the product or trader as additional environmental information.

Amendment 65

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

Text proposed by the Commission

Amendment

3a. Explicit environmental claims claiming that a product has a neutral, reduced or positive environmental impact based on the use of carbon credits shall be prohibited, in accordance with Directive 2005/29/EC as amended by Directive (EU) .../... of the European Parliament and of the Council [Empowering Consumers for the Green Transition].

Amendment 66

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

Text proposed by the Commission

Amendment

3b. Climate-related compensation and emission reduction claims based on carbon credits can only be used for residual emissions of a trader in accordance with Delegated Regulation (EU) 2023/2772 through carbon credits certified under the proposed Regulation of the European Parliament and of the

Council establishing a Union certification framework for carbon removals. Compensation and reduction claims relating to fossil emissions may only be made using permanent removals as defined in the proposed Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals.

Amendment 67

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

Text proposed by the Commission

Amendment

3c. Carbon credits other than those certified under [Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals] may be used in duly justified cases where those schemes are recognised by the Commission as part of the list of compliant schemes corresponding to equivalent requirements to those provided by [Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals], in particular with regard to monitoring, reporting, verification and liability requirements, and ensuring no double counting. The Commission is empowered to adopt delegated acts in accordance with Article 18 to list recognised carbon credit schemes that are considered to comply with such equivalent requirements.

Amendment 68

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

3d. By ..[18 months after the entry into force of this Directive], the Commission shall provide a report on the use of explicit environmental claims on products or product groups 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 as defined in 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, and 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. That report shall evaluate for which products or product groups the use of explicit environmental claims is misleading and assess the need for restrictions or prohibitions on the use of explicit environmental claims for these products or product groups in view of preventing misleading claims and contributing to the protection of human health and the environment.

Where the report concludes that the use of explicit environmental claims in a product or product group containing substances or preparations/mixtures referred to in sub-paragraph 1 is misleading, the Commission is empowered to adopt delegated acts in accordance with Article 18 to supplement the requirements for

substantiation of explicit environmental claims by introducing restrictions or prohibitions on the use of explicit environmental claims for this product or product group.

Amendment 69

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 *may have an adverse impact on* the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims *may lead* 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:

Amendment 70

Proposal for a directive

Article 3 – paragraph 4 – point -a (new)

Text proposed by the Commission

Amendment

(-a) determining the relevant environmental impacts that shall be covered by the substantiation;

Amendment 71

Proposal for a directive

Article 3 – paragraph 4 – point c

Text proposed by the Commission

(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors.

Amendment

(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors, ***including where appropriate on the basis of the Product Environmental Footprint Category Rules and Organisation Environmental Footprint Sectorial Rules where those rules cover all environmental impacts or aspects relevant for the product category or trader.***

Amendment 72

Proposal for a directive Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By ... [1 year 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 working plan listing the claims that the Commission intends to supplement with the delegated act referred to in paragraph 4. That working plan shall be updated at least every 3 years.

Amendment 73

Proposal for a directive Article 3 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. By ... [1 year from the date of entry into force of this Directive], the Commission shall adopt guidelines to facilitate the interpretation of Article 3(1) point (b).

Amendment 74

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

Text proposed by the Commission

Amendment

(aa) existing Product Environmental Footprint Category Rules and Organisation Environmental Footprint Sectorial Rules;

Amendment 75

Proposal for a directive Article 3 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) ease of access to information and data for the assessment and use of this information and data by small and medium-sized enterprises ('SMEs').

(d) ease of access to information and data for the assessment and use of this information and data by ***micro enterprises*** ***and*** small and medium-sized enterprises ('SMEs').

Amendment 76

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

Text proposed by the Commission

Amendment

5a. Where there is no recognised scientific method or insufficient evidence to assess environmental impacts and aspects, the exclusion of these impacts shall be transparent and efforts shall be made to develop methods and accumulate evidence to enable the assessment of the respective impact. Until the method meeting the requirements set out in the first paragraph is developed, claims referring to such environmental impacts shall not be made.

Amendment 77

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

Text proposed by the Commission

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

Amendment

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

Amendment 78

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

3. Where the explicit environmental claim is related to a final product, and the use phase is among the most relevant life-cycle stages of that product, the claim shall include information on how the consumer should use the product in order to achieve the expected environmental performance of that product. That information shall be made available together with the claim.

Amendment

3. Where the explicit environmental claim is related to a final product, and the use **or end-of-life** phase is among the most relevant life-cycle stages of that product, the claim shall include information on how the consumer should use **or dispose of** the product in order to achieve the expected environmental performance of that product. That information shall be made **clearly visible and** available together with the claim.

Amendment 79

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Where the explicit environmental claim is related to future environmental performance of a **product or** trader **it** shall

Amendment

4. Where the explicit environmental claim is related to future environmental performance of a **trader, the** trader shall:

include a time-bound commitment for improvements inside own operations and value chains.

*(a) include a time-bound, **science-based and measurable** commitment for improvements inside own operations and value chains,*

(b) include an implementation plan containing measurable and verifiable interim targets and other relevant elements necessary to support implementation, such as allocation of resources, a monitoring plan and a reporting plan based on reporting and verifications at regular intervals,

(c) make publicly available the information referred to in points (a) and (b), including the results of reporting.

Amendment 80

Proposal for a directive Article 5 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only ***when they are based on environmental labels compliant with Article 7. Where such claims are made, the rules used to calculate the aggregated indicator shall be communicated to the consumers.***

Amendment 81

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

Text proposed by the Commission

Information on the product or the trader that is the subject of the explicit

Amendment

Information on the product or the trader that is the subject of the explicit

environmental claim and on the substantiation shall be made available together with the claim in a physical form or in the form of a weblink, QR code or equivalent.

environmental claim and on the substantiation shall be made *publicly* available together with the claim in a physical form or in the form of a weblink, QR code, *digital product passport* or equivalent.

Amendment 82

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) 2016/943¹¹² ;

¹¹² 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, *methods* or calculations, *including the assessment referred to in Article 3*, 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) 2016/943¹¹² ;

¹¹² 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 83

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ea) 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;

Amendment 84

Proposal for a directive

Article 5 – paragraph 6 – subparagraph 2 – point f

Text proposed by the Commission

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

Amendment

(f) for climate-related explicit environmental claims that ***use carbon credits***, information ***referred to in Article 3(1)(h), (ha) and (ja)***;

Amendment 85

Proposal for a directive

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

Text proposed by the Commission

Amendment

(fa) Environmental claims by highly-polluting industries shall be made in relative terms to allow consumers to understand the product's overall negative impact on the environment;

Amendment 86

Proposal for a directive

Article 5 – paragraph 8

Text proposed by the Commission

8. ***Where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c)***, the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of

Amendment

8. The Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of explicit environmental claims set out in Article 5 by specifying further the information that can be or shall be communicated regarding such environmental impacts, environmental aspects or environmental performance, so

explicit environmental claims set out in Article 5 by specifying further the information that can be or shall be communicated regarding such environmental impacts, environmental aspects or environmental performance, so as to make sure that the consumers are not misled.

as to make sure that the consumers are not misled, ***in particular where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c).***

Amendment 87

Proposal for a directive Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If an environmental label demonstrates recognised excellent environmental performance as defined in ECGT Article 2(s) or is developed by recognised consumer organisations and when their method is based on the use of scientific and reproducible assessment methods, the label shall only be subject to verification according to Article 10(2), but not the requirements and related testing for each individual product or service group covered by the label.

Amendment 88

Proposal for a directive Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Only environmental labels awarded under environmental labelling schemes ***established under Union law*** may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader.

2. Only environmental labels ***complying with the requirements of the first paragraph and*** awarded under environmental labelling schemes ***that are based on scientific, independent and reproducible assessment methods and a lifecycle approach*** may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or ***a*** trader.

Amendment 89

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

Amendment 90

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

Text proposed by the Commission

Amendment

(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible free of charge, easy to understand and sufficiently detailed;

(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible, free of charge, easy to understand and sufficiently detailed ***and available online or on a durable medium;***

Amendment 91

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

Text proposed by the Commission

Amendment

(aa) the decision-making bodies of the environmental labelling scheme are free of conflicts of interest and independent from traders using the label;

Amendment 92

Proposal for a directive Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude small and medium enterprises;

Amendment

(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude ***micro***, small and medium enterprises, ***including by setting reasonable and non-discriminatory fees***;

Amendment 93

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

Text proposed by the Commission

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

Amendment

(d) the requirements for the environmental labelling scheme have been developed by experts that can ensure their scientific robustness and have been submitted for ***transparent*** consultation to a heterogeneous group of stakeholders ***or the stakeholders' representatives that have*** reviewed them and ensured their relevance from a societal perspective. ***The stakeholders shall be free of any conflicts of interest, including by being independent from the owner of the environmental labelling scheme, and include, as a minimum, relevant experts***;

Amendment 94

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 non-compliance with the requirements of the scheme.

Amendment 95

Proposal for a directive

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

Text proposed by the Commission

Amendment

(fa) the environmental labelling scheme has a robust monitoring and evaluation system to regularly review its objectives, strategies, performance and impacts, based on the latest best practices, scientific data and evidence, and where relevant, to update its requirements in line with the findings.

Amendment 96

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 meet the requirements of this Directive.

deleted

Amendment 97

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

deleted

Union law.

Amendment 98

**Proposal for a directive
Article 8 – paragraph 4**

Text proposed by the Commission

4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities in third countries awarding environmental labels to be used on the Union market, shall be subject to approval by the Commission prior to entering the Union market with the aim of ensuring that these labels provide added value in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes **referred to in paragraph 3**, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.

Amendment 99

**Proposal for a directive
Article 8 – paragraph 5 – subparagraph 1**

Text proposed by the Commission

Member States shall ensure that environmental labelling schemes established by private operators after [OP: Please insert the date = the date of transposition of this Directive] are only

Amendment

4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities **of the Member States or** in third countries awarding environmental labels to be used on the Union market, shall be subject to approval, **without undue delay**, by the Commission prior to entering the Union market with the aim of ensuring that these labels provide added value in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities **of the Member State or** in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.

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.

approved if those schemes provide added value in terms of their environmental ambition, including 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, and meet the requirements of this Directive.

Environmental labelling schemes established by private operators prior to that date may continue to award environmental labels, which are to be used on the Union market, provided they meet the requirements of this Directive.

Amendment 100

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Amendment 101

Proposal for a directive

Article 8 – paragraph 6 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the evidence the scheme will provide added value as set out in in paragraph 4 for environmental labelling schemes established by public authorities ***in third countries***, or in paragraph 5 for environmental labelling schemes established by private operators;

(c) the evidence the scheme will provide added value as set out in in paragraph 4 for environmental labelling schemes established by public authorities, or in paragraph 5 for environmental labelling schemes established by private operators;

Amendment 102

Proposal for a directive

Article 8 – paragraph 6 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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

Amendment 103

**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*** environmental labels ***as laid down in Regulation (EC) No 66/2010***, 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, ***including the information provided in accordance with paragraph 6. This list shall be available to the public free of charge and be presented in an understandable manner.***

Amendment 104

**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 ***delegated acts in accordance with Article 18*** to:

Amendment 105

Proposal for a directive

Article 8 – paragraph 8 – subparagraph 1 – point a

Text proposed by the Commission

(a) provide detailed requirements for approval of environmental labelling schemes pursuant to the criteria referred to in paragraphs 4 and 5;

Amendment

(a) provide detailed requirements for approval **and review** of environmental labelling schemes pursuant to the criteria referred to in paragraphs 4 and 5;

Amendment 106

Proposal for a directive

Article 8 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 107

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the information used for substantiation of explicit environmental claims is reviewed and updated by traders when there are circumstances that may **affect** the accuracy of a claim, and no later than 5 years from the date when the information referred to in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.

Amendment

Member States shall ensure that the information used for substantiation of explicit environmental claims is reviewed and updated by traders when there are circumstances that may **change** the accuracy of a claim, and no later than 5 years from the date when the information referred to in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.

Amendment 108

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The trader shall not be obliged to review the substantiation nor reapply for certification in case of spelling mistakes or other cosmetic changes in the text of the claim if it does not affect the substance and accuracy of the claim.

Amendment 109

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

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.

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 regularly review those procedures.***

Amendment 110

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

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

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 regularly review those procedures.***

Amendment 111

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 shall take into account the complexity of the 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.*

Amendment 112

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 when making an explicit environmental claim 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.

Amendment 113

Proposal for a directive Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The verification of explicit environmental claims and environmental labelling schemes shall be completed within 30 days. The verifier may decide to extend the period for verification for more than 30 days in duly justified cases. Verifiers shall provide an estimation of*

the period of the verification procedure to the trader on the date when the request for verification has been submitted.

Amendment 114

Proposal for a directive Article 10 – paragraph 7

Text proposed by the Commission

7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. Member States shall notify the list of certificates of conformity via the Internal Market Information System established by Regulation (EU) No 1024/2012.

Amendment

7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. Member States shall notify the list of certificates of conformity via the Internal Market Information System established by Regulation (EU) No 1024/2012. ***Once a certificate of conformity is delivered and notified, the labelling scheme or the environmental claim can be used within the Union, insofar as that the scheme or the claim is communicated in a language that can be understood by consumers in the Member States where the product or service is marketed. The certificates of conformity shall be made publicly available in a searchable database clearly identifying the trader, the type of claim, the assessment method and the sector.***

Amendment 115

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

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

referred to in Article 19.

in accordance with the examination procedure referred to in Article 19.

Amendment 116

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

Text proposed by the Commission

Amendment

9a. Member States may prioritise the verification of existing environmental claims made before the entry into force of this Directive.

Amendment 117

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

Text proposed by the Commission

Amendment

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

(e) the verifier shall have **adequate resources, in particular technical capabilities and** a sufficient number of suitably qualified and experienced personnel, **with experience in life-cycle assessments, where necessary**, responsible for carrying out the verification tasks;

Amendment 118

Proposal for a directive Article 11 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) the personnel of a verifier shall observe professional secrecy with regard to all information obtained in carrying out the verification tasks;

(f) the personnel of a verifier shall observe professional secrecy **and act in compliance with applicable Union law on the protection of trade secrets, in particular Directive (EU) 2016/943**, with regard to all information obtained in carrying out the verification tasks; **where the verifier does not receive the prerequisite information for verification**

due to the protection of trade secrets, the verifier shall not issue a certificate of conformity;

Amendment 119

Proposal for a directive Article 11 – paragraph 3 – point g

Text proposed by the Commission

(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall take full responsibility for the tasks performed by subcontractors or subsidiaries and shall assess and monitor the qualifications of the subcontractor or the subsidiary and the work carried out by them.

Amendment

(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall take full responsibility for the tasks performed by subcontractors or subsidiaries and shall assess and monitor the qualifications of the subcontractor or the subsidiary and the work carried out by them. ***Requirements of paragraph 3, points (a) to (f), shall apply also to subcontractors and subsidiaries.***

Amendment 120

Proposal for a directive Article 11 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the verifier shall have a complaint and dispute resolution mechanism in place;

Amendment 121

Proposal for a directive Article 11 – paragraph 3 – point g b (new)

Text proposed by the Commission

Amendment

(gb) the verifier who grants the certificate of conformity shall be responsible for the accuracy of the assessment of the claim which is being certified and be held accountable if an investigation finds that it has been

negligent in its assessment. This accountability applies, however, only insofar as the trader did not engage in misleading commercial practices as underlined in Annex 1 of Directive 2005/29/EC.

Amendment 122

Proposal for a directive Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Accredited verifiers established in one Member State in accordance with Regulation (EC) No 765/2008 may perform verification activities in any other Member State under the same conditions as accredited verifiers established in that Member State.

Amendment 123

Proposal for a directive Article 12 – title

Text proposed by the Commission

Amendment

Small and medium sized enterprises

Micro, small and medium sized enterprises

Amendment 124

Proposal for a directive Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

prejudice to applicable state aid rules, such measures *may* include:

environmental claims. Without prejudice to applicable state aid rules, such measures *to be taken by the Member States shall include one or more of the following*:

Amendment 125

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

Text proposed by the Commission

Amendment

(aa) other mechanisms to raise awareness of ways to comply with the requirements on explicit environmental claims;

Amendment 126

Proposal for a directive Article 12 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) organisational and technical assistance.

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

Amendment 127

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

Text proposed by the Commission

Amendment

(da) specialised management and staff training.

Amendment 128

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 the requirements set out in this Directive.

Amendment 129

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

Text proposed by the Commission

Amendment

Member States shall designate single points of contact for microenterprises and small and medium-sized enterprises from where they can request information on complying with the requirements on explicit environmental claims and on the available support referred to in the previous subparagraph.

Amendment 130

Proposal for a directive Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

1. By ... [18 months after the entry into force], the Commission shall establish, by means of a delegated act, a simplified verification system that allows traders to benefit from a simplified procedure, that may include a presumption of conformity, for certain environmental claims. In that simplified verification system, the Commission shall, where appropriate:

a) prioritise environmental claims that

do not require the conduct of a full life-cycle analysis or the use of complex methods, due to the nature of the claim;

b) facilitate a faster approval of the most common environmental claims, in accordance with the list outlined in Article 3, paragraph 4a;

c) facilitate the approval of environmental claims that are based on and conform to standards or methods, such as for life-cycle analysis, that have been officially recognised by the Commission, in accordance with paragraph 2 of this Article;

d) allow for certification of environmental claims and environmental labels based on product specific and sectoral category rules developed pursuant to Article 3(4)(c) and 5(8), where such rules already foresee third-party verification.

2. In accordance with paragraph 1, the Commission shall develop a database of those recognised standards and methods that may benefit from a simplified procedure, which shall be regularly reviewed and updated.

Amendment 131

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

2. For the purpose of the enforcement of Articles 5 and 6, Member States may designate the national authorities or courts responsible for the enforcement of Directive 2005/29/EC. ***In that case, Member States may derogate from Articles 14 to 17 of this Directive and apply the enforcement rules adopted*** in accordance with ***Articles 11 to 13*** of Directive 2005/29/EC.

Amendment

2. For the purpose of the enforcement of Articles 5 and 6, Member States may designate the national authorities or courts responsible for the enforcement of Directive 2005/29/EC. Member States ***shall ensure that consumers whose economic interests are harmed by non-compliance with this Directive have access to proportionate and effective remedies*** in accordance with ***Article 11a*** of Directive 2005/29/EC.

Amendment 132

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this Directive, they shall notify the trader making the claim about the non-compliance and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard.

Amendment

3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this Directive, they shall notify the trader making the claim about the non-compliance ***prior to publishing the report referred to in Article 15(1)*** and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or ***within 30 days***, to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard.

The competent authorities may decide upon a duly justified request from the trader, in exceptional cases, to grant the trader one extension to the original 30 days, during which the trader will be required to take all appropriate corrective action.

Amendment 133

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

Text proposed by the Commission

Amendment

3a. Where the competent authorities of a Member State establish that an explicit environmental claim or an environmental

labelling scheme does not comply with the requirements laid down in this Directive, it shall require the trader to disclose, without undue delay, if the explicit environmental claim or the environmental labelling scheme has been communicated in another Member State. Where this is the case, the competent authorities who established the non-compliance shall notify without undue delay the competent authorities of the other Member States where the claim or label have been communicated of the result of the evaluation pursuant to Article 15(3).

Amendment 134

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

Text proposed by the Commission

Amendment

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

Amendment 135

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

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 **one or more traders or verifiers** is failing to comply with the

Directive.

provisions of this Directive.

Amendment 136

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Competent authorities shall **without undue delay** assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation **and traders or verifiers concerned**, with a view to **detecting non-compliance with the provisions of this Directive and verifying** those complaints. If confirmed the competent authorities shall take the necessary actions in accordance with Article 15.

Amendment 137

Proposal for a directive Article 16 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Competent authorities shall, as soon as possible and in any case **within 30 days from receiving the substantiated concern and** in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it **and a description of the further steps and measures it will take. Competent authorities shall allow for additional information to be provided by the person who has submitted the concern.**

Amendment 138

Proposal for a directive Article 16 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Member States shall ensure that practical information is made available to the public ***free of charge in an easily accessible and understandable manner*** on access to the administrative and judicial review procedures referred to in this Article.

Amendment 139

Proposal for a directive Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Consultation forum

The Commission shall establish a green claims consultation forum (the Forum) involving balanced participation of Member States' representatives and all relevant interested parties, such as industry representatives, including micro, small and medium-sized enterprises and craft industry representatives, trade unions, traders, retailers, importers, academic researchers, environmental protection groups and consumer organisations. The Commission shall consult the forum on the following:

(i) the establishment of the working plans referred to in Article 3(4a);

(ii) the development of delegated acts;

(iii) update to the requirements for the substantiation and communication of environmental claims;

(iv) any evaluation of the requirements for the substantiation and communication

of environmental claims;

(v) any evaluation of the effectiveness of the existing requirements for the substantiation and communication of environmental claims.

Amendment 140

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.

Amendment 141

Proposal for a directive Article 21 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensuring that traders effectively prioritise emission reductions in their own operations and value chains, by assessing the adequacy of the provisions related to the use of carbon credits;

Amendment 142

Proposal for a directive Article 21 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) facilitating transition towards toxic free environment.

Amendment 143

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

Amendment 144

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

Text proposed by the Commission

Amendment

(ba) 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 145

Proposal for a directive
Article 25 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

This Directive shall apply to small enterprises within the meaning of Commission Recommendation 2003/361/EC by 42 months after its entry into force.

Amendment 146

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

Text proposed by the Commission

Amendment

1a. Member States may introduce a transitional period, between the date of entry into force and the date of application of this Directive, during which existing environmental claims submitted for verification can be used.