

**Amendment 148**

**Carlo Fidanza, Pietro Fiocchi**  
on behalf of the ECR Group

**Report****A9-0056/2024****Cyrus Engerer**

Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

**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 Council<sup>105</sup> ;

(k) **(k) Regulation [EU].../...** of the European Parliament and of the Council **on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC.**

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<sup>105</sup> **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).**

Or. en

6.3.2024

A9-0056/149

**Amendment 149**  
**Pietro Fiocchi, Carlo Fidanza**  
on behalf of the ECR Group

**Report** **A9-0056/2024**  
**Cyrus Engerer**  
Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

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

*Text proposed by the Commission*

*Amendment*

**3 b. 3c. By... [5 years 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.*

Or. en

**Amendment 150**

**Carlo Fidanza, Pietro Fiocchi**  
on behalf of the ECR Group

**Report**

A9-0056/2024

Cyrus Engerer

Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

**Proposal for a directive****Article 17 – paragraph 2***Text proposed by the Commission**Amendment*

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

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

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

**(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;**

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

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

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

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

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

Or. en

6.3.2024

A9-0056/151

**Amendment 151**

**Carlo Fidanza, Pietro Fiocchi**  
on behalf of the ECR Group

**Report**

**A9-0056/2024**

**Cyrus Engerer**

Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

***(a) fines which effectively deprive those responsible of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;***

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

***(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.***

Or. en

6.3.2024

A9-0056/152

**Amendment 152**

**Carlo Fidanza, Pietro Fiocchi**  
on behalf of the ECR Group

**Report**

**A9-0056/2024**

**Cyrus Engerer**

Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

**Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

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

Or. en