

2023-10-09

Committee on Agriculture and Rural Development
Substantiation and communication of explicit environmental claims (Green Claims Directive)

Hearing with **Aurel Ciobanu-Dordea** – Director of Circular Economy in the European Commission's Directorate-General for Environment (DG ENV)

AGRI/9/12371

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Rapporteur for the opinion:

Petri Sarvamaa (PPE)

Responsible:

ENVI, IMCO

Cyrus Engerer (S&D)

Andrus Ansip (Renew)

Mr Ciobanu-Dordea explained that the premise of the Green Claims Directive was the desire of consumers to be able to make decisions based on the environmental performance of products, the lack of rigorous scientific basis for many claims, and the proliferation of labels which undermines trust, confuses consumers, and penalises companies trying to improve their environmental impact. Therefore, the Commission through **the Green Claims Directive is proposing a regulatory framework to ensure consumers get information that's reliable, verified, and substantiated**. For companies it means more legal certainty and a level playing field. Important **exemptions relate to environmental claims already regulated by other EU legislation**, e.g. on organic farming and production and Mr Ciobanu-Dordea also added that should rules on ecolabelling of food products emanate from a proposed sustainable food systems framework legislation, then these rules would take precedence over the Green Claims Directive.

The Directive on Consumer Protection details most of the rules that companies have to comply with when communicating to consumers, but the Green Claims Directive covers obligations for communications which have to be substantiated, and guaranteeing access to the information (assessment) that is the basis of the substantiation of the claims. **Ecolabels will also be regulated under the Green Claims Directive to avoid further proliferation of schemes and improve trust in current schemes**. Labels presenting an aggregate scoring of a product's overall environmental impact will be banned unless the label is developed in accordance with EU law. New public schemes at national and or regional level will be restricted in favour of EU level schemes, and new private labelling schemes will be restricted unless they can demonstrate added value over existing ones. **The obligations under the Green Claims Directive covers third country private and public schemes**.

Companies' claims will have to be verified before they can be communicated to consumers; **independent verifiers accredited by national authorities who will verify and certify that the substantiation communication rules are met and that the labelling schemes meet the governance rules**. Companies will then be issued a certificate of conformity by the verifiers, and there will be mutual recognition of certificates across the internal market. In cases where a company or one of its products is awarded an environmental label by a scheme that has been verified and certified, the company can use the verified label in commercial communications without having to apply for another verification, and can also communicate claims based on the aspects or impacts certified by the verified label without further verification. Micro-enterprises are exempt from verification of claims, but can opt-in to the verification; SMEs and Micro-enterprises will be supported by measures foreseen in the proposal, which will be implemented at Member State level.

Herbert Dorfmann (Group of the European People's Party) speaking on behalf of the Rapporteur Petri Sarvamaa (European People's Party) raised concerns around the burden that the Green Claims Directive would impose administrative burdens and costs on agricultural producers and traders wishing to make such claims, and the proposal should address these costs and avoid duplication of obligations. Achille Variati (Socialists and Democrats) was of the view that grants and incentives are needed to encourage farmers to make the green transition. Martin Hlaváček (Renew) was concerned about how to reconcile claims around companies and their products and the need for credibility of the framework. Claude Gruffat (Greens) was critical of the proposal's failure to aggressively address carbon neutrality and also the use of pesticide residue labels versus organics. Gilles Lebreton (Identity and Democracy Group) was concerned about the costs and red tape the proposal may entail, requesting less ambitious requirements. Luke Ming Flanagan (The Left) was concerned about how the claims will be reviewed. **Benoît Biteau (Group of the Greens) emphasised the need for clear verification of the schemes, and criticised the Commission's blanket reliance on the life cycle assessment method, which he argues is not suitable for food, and that the Commission should consider other methods of verification with are more robust than the LCA.**

A number of MEPs also raised doubts about the Green Claims proposal, particularly Ivan David (Identity and Democracy), Peter Jahr (European People's Party) and Martin Häusling (Greens).

On the subject of the administrative burden of the proposal, Mr Ciobanu-Dordea expressed that this was necessary in order to achieve a level playing field and ensuring consumer trust, so the burden has benefits. The complexity of the claims is what will drive the cost of substantiating them – more straightforward claims will be cheaper and easier to understand by consumers. On carbon emissions and credits (i.e. offsetting) claims around these will be banned on the basis of the Consumer Protection Directive. Whilst the use of claims will remain regulated under the EU REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), claims around the non-use of harmful chemicals will have to be substantiated. On the use of Green Claims at company level, where companies may be making products with otherwise harmful environmental impacts or using child labours, the Directive does not allow them to make claims in relation to the relevant products.