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Bio-based Industries
Consortium

Brussels, 08 December 2023

Joint statement on the Green Claims Directive

The undersigned associations recognise that it is crucial to ensure that claims made by traders are backed by sufficient evidence and that products deliver the environmental benefits that they claim to have. In addition, the transition to a Circular Economy will not happen without the involvement of consumers, which greenwashing threatens. Consumers can only make more sustainable choices having received reliable, comparable, and verifiable information.

We would like to take this opportunity to communicate our asks on the Commission's proposal for a Directive for the substantiation and communication of explicit environmental claims. These are:

1) Ensure consistency of the Directive with relevant EU legislation while maintaining a level-playing field with imported products.

We would like to recall the importance of regulatory consistency and the need to avoid legislative overlaps, especially considering that relevant pieces of legislation have either not been adopted yet or are yet to be implemented. In particular, the Empowering Consumers Directive, the Packaging and Packaging Waste Regulation and the Ecodesign for Sustainable Products Regulation have not been adopted yet. We deem it crucial to support innovations by providing a stable and reliable regulatory framework and by consistently addressing specific product groups, such as packaging, via product group specific legal instruments. Care must be taken to ensure that the substantiation of a products' environmental performance is consistently carried out and verified in all pieces of legislation, especially for comparative claims. Moreover, reporting requirements should be aligned with the provisions of the Corporate Sustainability Reporting Directive in order to avoid contradictory signals to businesses as well as an unnecessary increase in compliance costs.

The need for coherence should also be preserved when drafting delegated acts for specific explicit environmental claims. The involvement of relevant stakeholders and experts is paramount. It would ensure that requirements are realistic, consistent with international standards, and at the same time economically and technically feasible for the industry. We ask the Commission to establish a consultation forum, or expert group composed of the relevant stakeholders in the private sector, including SME representative organisation, and civil society partners to contribute to the further development of the delegated acts as foreseen in the proposal.

Last but not least, the Directive should apply to all products, whether they are produced in the EU or imported, to ensure a level playing field.

2) Ensure (information) requirements are strictly relevant to the substantiation and protect confidential information.

Care should be taken to avoid administrative burden and duplication of efforts by both traders and authorities during the verification process. In particular, the focus of the Directive should not be the ex-ante third-party verification of individual claims, but rather to ensure a clear, efficient and consistent verification procedure across the EU by setting clear guidelines, providing simple-to-use tools and thus contributing to legal certainty. The verification process should be effective and efficient. The opposite could risk a long process that may discourage traders, especially SMEs, of the communication of new innovative products. It is crucial that a claim verified and validated in one Member State is recognised across the European Union, thus reinforcing the principle of mutual recognition within the Single Market. The 'certificate of conformity' received from the verifiers plays a crucial role in this by attesting to consumers the accuracy of the claim. It is paramount to ensure the quality of the verification process and this also will require verifiers to possess sufficient knowledge of life-cycle assessment methodologies and to give priority to peer-reviewed studies. Further to this, clarifications should be provided via a common set of guidelines such as on how extensive a LCA must be, to what extent and under what conditions environmental improvements that only concern a product component, e.g. the packaging, may be advertised and to what extent a B2B supplier is required to share information if the trader chooses to make a claim.

Furthermore, the disclosure of the required data and information needs to protect confidential or sensitive business information. Different access rights shall be granted to different stakeholders – B2C, B2B, B2Gov – based on a “need to know” principle and to avoid information overload to consumers. As more and more information needs to be made available to consumers, we propose that the explanatory information of different claims can be explained collectively on one website, accessible via one QR code. Furthermore, we propose that it should be possible to combine various digital information requirements from other pieces of legislation.

3) Clarify rules for the comparison of different product categories and further develop methods to calculate the life-cycle environmental impacts of products.

We support the Commission's decision to enable flexibility and we encourage not adopting the PEF methodology as the only valid method to substantiate green claims. Different product groups and claims require different methodologies. However, the Directive leans heavily on life cycle assessments (LCA). LCAs can be used to substantiate some claims but other scientific methods will be needed, for example when making claims related to the content of a material in a product. The Product Environmental Footprint (PEF) method as well, can accommodate a broad set of relevant environmental performance criteria with a focus on carbon footprint and related greenhouse gas emissions. However, this work does not cover all steps of a product's life cycle to make the PEF method applicable throughout diverse value chains. The PEF method, like any LCA method, does not currently cover all environmental aspects that society deems relevant, including (micro-) plastic pollution, avoidance of food waste, the uptake of biogenic carbon and recyclability. In any case, SMEs should not be obliged to implement a procedure that is disproportionate for their structure and the impact of their products.

Moreover, the provisions for comparative environmental claims need to be clarified with appropriate reference to existing ISO standards in order to allow for a correct comparison of products of different product categories with different environmental impacts. Clear rules need to be established to univocally identify the boundaries of the scope of the comparison and the baseline to which the comparison itself is made.

4) Ensure that existing, well-known third-party verified environmental certification schemes and labels are not facing obstacles in their verification.

Labels are an important guide for consumers and support them in their decision-making, provided they are based on verified, comparable and reliable information that is appropriately certified. We agree that the proliferation of misleading environmental labels must be curbed as it leads to greenwashing. The Green Claims Directive is a step in that direction. However, the Directive should also ensure that existing certified, well-established schemes and labels can continue to award their labels if they are compliant with the requirements of the Directive at the point of entry into force given potential bottlenecks at the verification.

We look forward to the next steps and remain open for collaboration.

List of signatories

BIC – Biobased Industries Consortium, <https://biconsortium.eu/>

Cepi – Confederation of European Paper Industries, <https://www.cepi.org/>

CITPA – International Confederation of Paper and Board Converters in Europe, <https://www.citpa-europe.org/>

ECMA – European Carton Makers Association, <https://ecma.org/>

ETS – European Tissue Symposium, <https://europeantissue.com/>

European Bioplastics, <https://www.european-bioplastics.org/>

FEFCO – European Federation of Corrugated Board Manufacturers, <https://www.fefco.org/>

SMEUnited – Crafts & SMEs in Europe, <https://www.smeunited.eu/>

ProCarton – European Association of Carton and Cartonboard manufacturers, <https://www.procarton.com/>