



Joint industry statement on the Green Claims Directive: do not put in jeopardy private sector investment in sustainability

The undersigned associations welcome the proposal of the joint IMCO/ENVI [report](#) on the [Green Claims Directive](#) to require the Commission to establish, by means of a delegated act, a simplified verification system that allows traders to benefit from an easier procedure and a presumption of conformity for certain environmental claims. We fully support this proposal, as it represents a positive step towards keeping investments in sustainability attractive for businesses of all sizes.

However, we remain concerned about certain elements retained by the ENVI and IMCO committees in their report to be subject to a vote in plenary. **We therefore call on MEPs and political groups to table additional amendments in the plenary session and/or call for separate votes on the following matters:**

- 1. Deletion or amendment of Article 8(5), as this article will cause many economic operators to reconsider their sustainability investments if the possibility of marketing these investments towards consumers is put in jeopardy.**

Prohibiting the introduction of new environmental labelling schemes after a certain date, unless they meet a - legally vague and unpredictable - “added value” criterion, will cast major doubts on the possibility for companies to market their investments in sustainability and convince consumers of a more sustainable option. Moreover, it will discourage the creation of reliable labels that can be more successful to convince consumers of a more sustainable choice or more efficient or less costly than existing ones. Innovation should not be hampered. Competition and consumer choice should determine which labelling schemes are most appropriate to steer consumers towards more sustainability.

We therefore call on the co-legislator to propose in plenary to:

- **Delete Article 8(5)**, as the proposed ban on new schemes after a certain date will strongly hinder enterprises’ willingness to invest in sustainability, due to the absence of legal certainty over the possible creation of new schemes.
- **Alternatively, amend Article 8(5) to ensure that it does not make the approval of future labelling schemes conditional to the demonstration of a theoretical ‘added value for the environment’ criterion.** All future labelling schemes that meet the current requirements of the Directive shall be approved.

2. Sector-specific EU Laws should prevail over the Green Claims

The ENVI-IMCO draft report has regrettably broadened the scope of the Green Claims Directive failing to recognise the prevalence of some EU sectorial legislations as *lex specialis* (**AM 45, AM 46 and AM 49**). According to the maxim *lex specialis derogate legi generali*, sector-specific legislations such as the



Packaging and Packaging Waste Directive (PPWR) and the regulation on Marketing of Construction Products are best placed to provide a tailored and effective legal framework to specific sectors and products.

The prevalence of both the PPWR and the Regulation on Marketing Construction Products, and any other existing or future Union rules covering explicit environmental claims, over the Green Claims should be re-established, as initially provided for in the Commission's proposal. Therefore, **we urge MEPs to table in plenary the following reference to Article 1(2):**

(i) Regulation (EU) No 305/2011 of the European Parliament and of the Council (marketing of construction products),

(k) Directive 94/62/EC of the European Parliament and of the Council (Packaging and packaging waste).

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

3. Deletion of Article 17(3), given that rules on penalties and measures for infringements should remain proportionate and strictly mirror the Market Surveillance Regulation and Product Safety Acquis.

Unfortunately, Article 17(3) of the Commission proposal goes beyond this acquis, introducing sanctions that are disproportionate, as even harsher than those in EU consumer safety legislation. Article 17 should be aligned with its equivalent article under product safety legislation, through a deletion of Article 17(3).

Based on the above, the undersigned associations **call for:**

- **an amendment to delete or amend Article 8(5) as prohibiting future labels hinders innovation and discourages investments in sustainability,**
- **an amendment to re-establish the prevalence of the PPWR, the Regulation on Marketing Construction Products and future Union rules covering explicit environmental claims under Article 1(2);**
- **an amendment to delete Article 17(3) on the penalties.**



We thank you in advance for your kind consideration and remain at your disposal for further questions.

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About Ecommerce Europe

[Ecommerce Europe](#) is the united voice of the European Digital Commerce sector, representing the interests of companies selling goods and services online to consumers in Europe. Our mission is to act at EU level by engaging with policymakers to create a better regulatory framework for all e-merchants. Ecommerce Europe is a platform where our members can stay informed, exchange best practices, and define common positions on EU legislation impacting the sector. Follow our work on [LinkedIn](#) and [Twitter](#).

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[EuroCommerce](#) is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 27 countries and 5 million companies, including leading global players and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector. Find more information on our [website](#), on [X](#), and on [LinkedIn](#).

About HOTREC

[HOTREC](#) is the umbrella association of Hotels, Restaurants, Bars and Cafés and similar establishments in Europe. It brings together 46 national associations in 36 European countries and serves as the voice of European hospitality. The industry counts 2 million businesses, 99% of them being Small and Medium-sized Enterprises (SMEs), provides 10 million jobs and contributes to 3% of the EU GDP. HOTREC's mission is to represent and champion the industry's interests towards the EU and international institutions, foster knowledge sharing and best practices among its members to promote innovation and serve as an expert platform for the hospitality sector.

About Independent Retail Europe

[Independent Retail Europe](#) is the European association that acts as an umbrella organisation for groups of independent retailers in the food and non-food sectors. Our members are groups of independent retailers, associations representing them as well as wider service organizations built to support independent retailers. Independent Retail Europe represents 23 groups and their 403.900 independent retailers, who manage more than 759.000 sales outlets, with a combined retail turnover of more than 1,314 billion euros and generating a combined wholesale turnover of 484 billion euros. This represents a total employment of more than 6.620.000 persons. Find more information on our [website](#), on [X](#), and on [LinkedIn](#).