

G-Regs™

Belgium - Environmental Advertising Code



Full title: The Code of Environmental Advertising (*Code de la publicité écologique / Milieureclamecode*) (1998)

These rules have been established by the Commission for Environmental Labeling and Advertising (which ceased operating in 2003), created within the Consumer Affairs Council. They are administered by JEP, the advertising self-regulatory organisation in Belgium.

Title of relevant section: NA

Definitions

1 Advertising:

"Any communication intended directly or indirectly to promote the sale of products or services, including immovable property, rights and obligations, regardless of the place or the implemented communication means" (article 22 of the law of 14 July 1991 on trade practices and information and consumer protection)¹.

This definition includes labelling for promotional purposes.

2.Environment:

"The atmosphere, the soil, the water; Flora, fauna; ecosystems, landscapes, climate".

3 Life cycle:

"Across the life stages of a product or service from the cradle to the grave". These steps are for example, the design, the exploitation of raw materials, production, distribution, use, and disposal.

Scope

The Code applies to any advertisement referring to the effects on the environment of a product, in this including packaging, or service, regardless of the medium used, during their life cycle.

Interpretation

The Code must be applied both in spirit and in letter.

¹ Please be aware that this Law has been repealed (Law on Trade Practices and Consumer Information and Protection); replaced by Market Practices and Consumer Protection Act (LMPC) – dated 6th April 2010. This Act has since been replaced by Book VI "Market Practices and Consumer Protection" from the Code of economic law.

LMPC – Art. 2(19) defined advertising as: "any communication for the direct or indirect purpose of promoting the sale of products, irrespective of the place or the means of communication used". This same definition is used in the Code on Economic Law – Book 1 (Definitions); Chapter 4 (Specific definitions in Book VI); Point 13 (Definition of advertisement)

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Basic principles

1. All advertising must comply with the law.
2. All advertising must be decent, honest and truthful.
3. All advertising must comply with the regulations and mandatory environmental programmes, and respect the principles of fair competition as they are generally accepted in trade relations.
4. Advertising must not be likely to endanger public trust/confidence:
 - In the efforts made by companies to improve their environmental performance;
 - In efforts undertaken by associations or Governments to educate and raise public awareness on environmental protection.

Article 1	Advertising must be designed so as not to exploit the concerns of society as a whole on environmental issues, or exploit any lack of knowledge in this field.
Article 2	Advertising may not encourage, nor appear to endorse or promote, behaviour or actions that conflict with the protection of the environment, especially those aspects that are under law or self-regulatory codes.
Article 3	Advertising may not contain statements, indication, illustration or presentation that is likely to mislead directly or indirectly about the properties and characteristics of a product or service with regard to its effects on the environment.
Article 4	When advertising refers to the contribution of a company or group of companies to environmental protection, the reference to products, services or particular acts cannot imply without evidence that they are representative of the entire business of the company or group of companies.
Article 5	When the qualities or benefits of a product or service in terms of effects on the environment depend on conditions or specific terms of consumption or use, advertising must indicate those, otherwise the advertiser must be able to demonstrate that the consumer information is accurate.
Article 6	References to the effects on the environment cannot suggest they apply to more stages of the life cycle of the product or service or more properties of the product or service than is the case and must clearly indicate at what stage of the product cycle or to which property they apply.
Article 7	Expressions, statements or absolute slogans such as, for example, " good for the environment," "environmentally safe ", ... implying a product or service has no impact on the environment any stage in its life cycle are prohibited, without evidence established under Article 14 of this Code.
Article 8	<p>If the advertisement refers to the absence or reduced proportion of ingredients or elements with an effect on the environment and that compared to the same category of products or services available previously on the market, that which has been reduced must be clearly identified.</p> <p>Any replacement elements should provide a significant reduction in pollution of the environment that must be proved in accordance with Article 14.</p>
Article 9	Advertising cannot use arguments/cases or scientific conclusions regarding effects on the environment unless they comply with the requirements of proof set out in Article 14.

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Article 10	Scientific or environmental terminology is acceptable provided it is relevant and easily understood by consumers. All confusion on the topic must be avoided.
Article 11	Testimonials or certificates cannot be used to support arguments referring to effects on the environment unless their content is in line with the state of development of the science or technology in this area, given the composition of the product or service and market conditions at the time of use.
Article 12	Advertising cannot suggest false superiority or disparage other products or services that are similar in terms of effects on the environment. Environmental superiority over competitors can only be claimed if a significant advantage can be demonstrated.
Article 13	Signs or symbols on the effects on the environment cannot be misleading or cause confusion about their meaning. These signs or symbols must not falsely imply official approval.
Article 14	The advertiser must be able to justify with certainty and without delay any statement, indication, illustration or presentation referring to effects on the environment. To be valid, the evidence must, if challenged, be approved by an organization or person accepted by the parties concerned, provided it is deemed necessary by the supervisory body of the Code

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