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This note is an extract from EASA's policy newsletter of October 2023, published October 18. It provides an update of progress on the European Green Claims Directive

Green Claims Directive: co-rapporteurs' draft report

The draft report of the co-rapporteurs from ENVI and IMCO (A. Ansip and C. Engerer) has been released on 11 October 2023:

https://www.europarl.europa.eu/doceo/document/CJ45-PR-753670_EN.pdf

The changes introduced by the draft report provide that cost of delivery of an ex-ante certificate would have to be proportionate to the complexity of the claim. Information on the expected duration of the review should be made available when the claim is submitted for verification. These changes partially respond to the concerns expressed by EASA as part of its position circulated last month to MEPs.

The co-rapporteurs also clarify – unsurprisingly and in line with the Commission's version – that the Directive would not apply to B2B. They also propose the introduction of a ban on green claims pertaining to products containing toxic substances, hazardous to the environment, etc.

Under this ENVI-IMCO text, claims on future environmental performance would not only have to include time bound commitments, but also an implementation plan and verifiable targets – in line with the Empowering Consumers legislative initiative.

Finally, the rapporteurs also consider modifying the provisions on environmental labels. Labelling schemes would have to be updated regularly. Another amendment aims to avoid double verification requirements if a label already covers the claim. The co-rapporteurs intend to remove from the Commission's proposal the ban on new national public environmental labels.

The points on the ex-ante certificate are a (partial) taking into account of the risks incurred by the ex-ante mechanism that EASA has flagged. To convey its key messages (<https://www.easa-alliance.org/publications/political-advertising-feedback-paper-easa-2022-2/>), EASA has recently met with the advisors of four MEPs directly involved in the law-making process: the rapporteur from the ENVI committee Cyrus Engerer, two ENVI shadow rapporteurs and one IMCO shadow.

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