

ARTICLE

THE EUROPEAN COMMISSION WANTS TO REGULATE ENVIRONMENTAL CLAIMS AND FIGHT AGAINST GREENWASHING

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On March 22nd, 2023, the European Commission presented a proposal for a directive on environmental claims (“Green Claims” directive proposal) which aims to combat greenwashing and misleading environmental claims. It seeks to strengthen the European legislative arsenal supporting more sustainable consumption and contribute to reaching the goal of carbon neutrality by 2050.

This proposal is part of the European Green Deal setting the goal of carbon neutrality by 2050 and of the European Circular Economy Action Plan. In line with the proposal for a directive aimed at empowering consumers to act in favor of the ecological transition published in March 2022, the Green Claims directive proposal marks an important stage in increasing transparency and consumer trust in environmental claims.

The Commission seeks to address in this way the lack of credibility of environmental claims and the desire of consumers to be better informed about the environmental impact of their consumption so that they can play an active role in the ecological transition.

The Green Claims directive proposal introduces stringent obligations on companies where the substantiation and communication of explicit environmental claims is involved. Environmental claims such as “T-shirt made from recycled plastic bottles” or “shipping with CO2 offset” will now have to be scientifically vetted. Companies will need to identify the environmental impacts that are truly relevant to their goods and services in order to provide consumers with a complete and accurate picture of the environmental impact of their goods and services.

The Green Claims directive proposal also aims at tackling the proliferation of environmental labels. Currently, there are some 230 different environmental labels being used on the Union market, which are a demonstrable source of confusion and mistrust among consumers. The directive proposal accordingly prohibits the creation of any new national or regional public environmental labelling schemes at national or local level. Only the EU will be able to develop new public labels. Private actors will still be able to develop new environmental labels, but they will need to be authorized by Member States and provide a real added value.

