



Raising standards for consumers

POSITION PAPER

ANEC position paper on reliable environmental claims



Contact: Michela Vuerich – mvu@anec.eu



ANEC is supported financially
by the European Union & EFTA



Ref: ANEC-SUST-2023-G-017

27/06/2023

The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80 – 4th Floor - B-1040 Brussels, Belgium
T: +32-2-7432470 / anec@anec.eu / www.anec.eu

SUMMARY

In this paper, we share ANEC's assessments and recommendations in response to the Commission's [Proposal for a Directive on New rules on substantiating green claims](#), put forward on 22 March 2023¹. We do so based on our participation in standardisation over many years and policy discussions on Life Cycle Assessment (LCA), Environmental Performance Declarations (EPDs), carbon footprint, corporate environmental indicators and performance evaluation.

We agree with the proposed Directive that environmental labels should adhere to stricter requirements than those set by legislation. We therefore call on the legislation to clearly indicate the criteria and conditions which companies must fulfil to display environmental claims. The European Ecolabel serves as a reliable model, as it reflects experts developing criteria specific to each product category with the aim of minimising environmental impacts. These labels assure consumers of excellent environmental performance.

The affordability of more sustainable products is crucial, and misleading claims can have an economic impact on consumers. Fiscal incentives, such as lower taxes for products with minimal environmental impacts, can make sustainable products more attractive. Consumers should not be overwhelmed by excessive information, but combining different types of environmental statements - such as ecolabels with certified labels - could provide comprehensive information. ISO 14020:2022 gives guidance in this regard.

LCA should guide the design stage of products to eliminate unsustainable patterns from the beginning. Information on areas not covered by LCA - such as land use, biodiversity and social aspects - should be considered using other sources. In addition to information based on Life Cycle Assessment (LCA), key environmental information from other sources should be included. Human health risk assessment, chemical declaration, and relative magnitude of environmental impacts should be clearly displayed.

Prohibiting environmental claims for products with hazardous substances is crucial, and such requirements should not be postponed until a possible revision of the Directive.

To avoid misleading claims, conditions and binding requirements with positive and negative lists should be specified. Binding guidelines should align with ISO 14020 standards and require third-party verification based on relevant test procedures. The legislative framework should define acceptable and unacceptable claims with relevant indicators and benchmarks.

¹ COM Press release, 22 March 2023,
https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1692

It is important for such an improved directive to be developed in synergy with other EU sustainable product policies, including the extension of Ecodesign criteria and promotion of the Ecolabel, as well as the revision of the Unfair Commercial Practices Directive to address greenwashing effectively.

CONTENTS

INTRODUCTION	4
1 Use of green claims – what is preferable for consumers?	6
2 Assessment of Commission’s proposed way forward to substantiate green claims	8
2.1 Limits and benefits of LCA and environmental footprinting	10
2.2 Recommendations regarding hazardous chemicals	12
2.3 Aspects to consider in potential delegated acts on union-wide harmonised schemes	13
3 Recommendations by ANEC for improvement	16
3.1 Reliable Environmental assessment	16
3.2 Learning from consumer testing organisations.....	17
3.3 Substantiation of green claims	18
3.4 Climate-related claims.....	20
4 Conclusion	21

INTRODUCTION

Consumers need to be able to understand environmental-related claims and to trust the labelling schemes are relevant, reliable and verifiable so they can aid them in making more sustainable choices.

Enforcement of, and compliance with, environmental standards - and labelling schemes in particular - vary among EU Member States. This issue is of great importance to consumers because, without independent verification of manufacturer claims, the reliability of labelled information cannot be checked and the schemes are open to abuse.

Policy instruments aimed at tackling greenwashing need to truly ensure relevance, comparability, reliability and verifiability, or they risk further increasing the problem they aim to address.

The general goal of ANEC activities² in the context of green claims is to achieve reliable environmental labelling to complement ambitious Ecodesign, Energy Label and Ecolabel requirements. Our experience has evolved from years of involvement in standardisation and policy discussions on Life Cycle Assessment (LCA), Environmental Performance Declarations (EPDs), carbon footprint, corporate environmental indicators and performance evaluation.

In the ANEC position paper, “Environmental Assessment goes astray – A Critique of Environmental Footprint and its ingredients” (tinyurl.com/PEFcritiq), we comprehensively assessed the use of methods to assess, display and benchmark the environmental performance of products and organisations, based on a Life Cycle Assessment (LCA) approach. In the paper, we describe how our experience led us to conclude that a single method alone is not able to characterise the environmental performance of products. Different methods to assess reliability of environmental declarations have advantages and disadvantages which must be analysed and combined in a meaningful, transparent and cost-efficient manner.

The [European Green Deal](#) and the [2020 Circular Economy action plan](#) state that companies making ‘green claims’ should substantiate these against a standard methodology to assess their impact on the environment. ANEC further built on its

² ANEC has long been active in ISO/TC 207 ‘Environmental management’ and conducted research on environmental product indicators and benchmarks (including for buildings); We also participated in the EC Steering Group in PEF Pilots (2013-2018) and subsequent transition phase that aimed at investigating the use of PEF and OEF methods to substantiate green claims and integration of EF elements in EU Ecodesign and Ecolabel instruments.

standpoint in its 2020 position paper on Legislative Proposal on Substantiating Green Claims³ (<https://tinyurl.com/ANECgclaims>).

In this paper, we share further assessments and recommendations in response to the Commission's [Proposal for a Directive on New rules on substantiating green claims](#), put forward on 22 March 2023⁴.

We also consider how this initiative is linked and complementary to other Circular Economy policies: the [revision of EU consumer law](#) to empower consumers for active participation in the green transition and the [Proposal for Ecodesign for Sustainable Products Regulation](#).

Environmental labelling schemes need to provide clear, relevant and reliable information if they are to support consumer choice for more sustainable products and services.

³ complemented by ANEC answer to EC public consultation on green claims initiative: 'Environmental performance of products & businesses – substantiating claims' ([ANEC-SUST-2020-G-091, December 2020](#)).

⁴ COM Press release, 22 March 2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1692

1 | Use of green claims – what is preferable for consumers?

Products and services are increasingly displaying environmental claims to show their environmental performance and to compete in the market on their contributions to the UN Sustainable Development Goals (SDGs).

Consumers, who are ever more conscious about the impact of their purchasing decisions on the environment, are confronted with questions on reliability, relevance and clarity of these statements.

But first of all, what is an environmental statement?

In its latest revision, ISO 14020:2022 'Environmental statements and programmes for products — Principles and general requirements' defines ⁵ 'environmental statement' as *'information on one or more environmental aspect(s) of a product, which intends to inform an intended audience and intends to influence the market of this product'*. The statement should therefore inform the buyer about the interaction of the product with the environment.

What makes an environmental statement reliable from a consumer perspective:

For an environmental statement to be useful for consumers - and the environment - the statement needs to address the environmental aspect(s) that are relevant for the product, and information needs to be clear, credible and easily comprehensible. To achieve these three key aspects, it is important that the environmental statement conveys meaningful (i.e. relevant and reliable) information especially to show what products and services have the most environmental impacts.

A reasonable approach in environmental assessment must identify relevant indicators for relevant products (and organisations) using a broad range of assessment methods. Companies must not be able to cherry pick what environmental aspects they cover in their environmental claims so leading to greenwashing.

Environmental labels need to respond to stricter requirements than those set in legislation, and the criteria and background conditions the product or service needs to satisfy, and the rules are followed to provide the statement, should be clear.

⁵ Definition 3.2.1 in ISO 14020:2022 'Environmental statements and programmes for products — Principles and general requirements', <https://www.iso.org/obp/ui/#iso:std:iso:14020:ed-3:v1:en>

The development of the European Ecolabel constitutes a model of reliability from a consumer perspective. Criteria are developed by experts looking at the specificity of each product category, with the goal to minimise the environmental impacts of products. This is done in consultation with the relevant stakeholders and authorities, and awards the top performers (the best 10-20% on the market). These labels give the clear and unambiguous message to consumers that those products have an excellent environmental performance.

Finally, the affordability of more sustainable products is important, and misleading environmental claims will also have an economic impact in consumers' budget and trust. For products with truly minimised environmental impacts to be easily identifiable and made more attractive to the consumers, fiscal incentives should also be considered (e.g. lower taxes on products with the least environmental impacts). To provide the most pertinent environmental information, different types of environmental statements can be combined to establish synergies and multiply their advantages (ecolabels with major certification labels such as e.g. FSC or bio, ...). The revised ISO 14020:2022, provides guidance also in this respect.

Clearly, consumers should not be overwhelmed by too much information on products, but if additional labels are added, it is imperative that they are relevant and reliable and do not mislead consumers. They need to state information that goes beyond what is already obvious and required by law, and provide an added value on areas that may not be covered by ecolabels on the basis of verified information (e.g. contribution to land use, biodiversity, social aspects).

Moreover, there is the question of (environmental) follow-up costs. If externalities were to be included in the price, products and services with lower environmental impacts would automatically be relatively cheaper, and products with higher impact would be phased out from the market ("choice editing").

2 | Assessment of Commission's proposed way forward to substantiate green claims

The European Commission adopted in March 2023 a [Proposal for a Directive on new rules on substantiating green claims](#)⁶ that exclusively addresses explicit environmental claims made voluntarily by companies *about products or traders in business-to-consumer commercial practices* that relate to a product's environmental performance, aspect or impact and use a "life-cycle" perspective from raw materials through end-of-life. Only claims that are not already regulated under EU law are addressed. The aim, set by the Commission for this initiative, is to reduce greenwashing by making claims "reliable, comparable and verifiable".

ANEC welcomes the Commission's new proposal on Green Claims, which considers the concerns we and others have raised over the years on the shortcomings of the Product Environmental Footprint (PEF). We support the choice of not putting PEF forward as the sole instrument to substantiate green claims.

We also welcome the requirement for national regulators to constantly **monitor** green claims, publicly report their results, and impose **penalties** on businesses that deceive customers.

Moreover, the labels with aggregated scores will no longer be allowed unless supporting labels under EU law. This is positive, but if aggregated scores are to be envisaged under delegated acts based on PEF methods, it will be important to take into account the considerations we express in this paper.

Minimum requirements, given in articles 3, 4 and 5 of the proposal, are a good starting point in principle. However, ANEC believes that improvements are still required in the current proposal, especially in the following points:

1. While it is positive that the PEF method is not considered a one-size-fits-all method as ANEC advocated, the current proposal allows too much flexibility to companies, and further guidance on harmonised rules for which conditions apply to what claims is needed.
2. Unfortunately, the proposal to prohibit environmental claims for products containing hazardous substances, except where their use is considered essential for society, is postponed to a possible revision of the directive.

ANEC recommends providing a framework to identify the right methods for the relevant environmental aspects, along with common rules required for the substantiation, communication, and verification of green claims. As mentioned in the proposed

⁶ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1692

directive, reference to the ISO standards and, in our view especially guidelines in the ISO 14020 series, could support this.

We appreciate the European Commission's efforts to address green claims and ensure companies are held accountable for their environmental impact. However, we believe further improvements are required to make the proposal more effective and comprehensive.

To achieve this, it is important to start by analysing the environmental impacts for which information should be collected and provided by companies. Advantages and disadvantages of all methods should be analysed case-by-case for different product categories.

The proposed directive on substantiation of Green Claims now states under recital (17) that *"Indications for the relevance of the environmental impacts and environmental aspects can stem from assessments taking into account the life-cycle, including from the studies based on Environmental Footprint (EF) methods, **provided that these are complete on the impacts relevant to the product category and do not omit any important environmental impacts**"*.

The proposal also states these indications for the relevance of environmental impacts or environmental aspects can also result from ecolabels, the Taxonomy Regulation, and Ecodesign product specific rules (or other relevant rules).

This is aligned with ANEC expectations.

On the other hand, in recital 32 it is still envisaged that Product Environmental Footprint Category Rules PEFCRs (and Organisation Environmental Footprint Category Rules - OEFCRs) can be used to support substantiation of claims in line with the requirements in the Directive. Moreover, the Commission *"should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added."*

We explain in the chapters below the limits and benefits of LCA and environmental footprinting that need to be considered when choosing the method to substantiate green claims, and also if Delegated Acts will follow the adoption of the directive to develop further PEFCRs (or OEFCRs).

In addition, on information requirements, article 5 requires information on the product or trader subject to the explicit environmental claim, and the substantiation shall be made available with the claim *"in a physical form or in a weblink, QR code or equivalent."*

We underline that, for essential information, digital information must accompany and not substitute physical information for consumers. Accessibility guidelines also need to be followed.

2.1 Limits and benefits of LCA and environmental footprinting

The European Commission carried out 'Product and organisation Environmental Footprint (PEF, OEF) pilots' in view of having a harmonised methodology for the calculation of the environmental footprint of products, services and organisations based on a Life Cycle Assessment (LCA) approach. More than 20 pilots were carried out by groups of organisations, who volunteered to develop the rules for their product or sector, having both [Product EF pilots](#) and [Organisation EF pilots](#). Following the conclusion of the pilots, a transition phase started for the European Commission to investigate the use of the method to substantiate green claims and if and how elements of the EF methods could be integrated in Ecodesign and Ecolabel instruments. The transition phase ends with the adoption by the Commission of policies implementing the Product Environmental Footprint (PEF) and Organisation Environmental Footprint (OEF) methods.

[In its position paper 'Environmental Assessment goes astray: A critique of environmental footprint methodology and its ingredients'](#), ANEC was critical that many LCA indicators are used for advertising, but do not necessarily provide sound information to help consumers choose an environmentally-friendly product. We confirmed that LCA methodology features not only several benefits but fundamental shortcomings, including dependency on numerous subjective choices, lack of adequate data and limited precision, and so is not suited to adequately address certain environmental impacts. As noted in Section 2 it is very important to display the most important environmental impacts in order to prevent “mere marketing” or other unnecessary / misleading statements.

Life Cycle Assessment is a suitable tool for orientation at the onset of indicator development or regulatory requirement setting as it:

- provides a complete coverage of environmental impacts throughout the life cycle.
- allows comparison of different technologies delivering similar functions (e.g. types of fuels)
- allows identification of lifecycle stages with highest contributions to overall lifecycle impacts.

However, these benefits are valid only for environmental aspects that are covered by LCA and can be quantified and aggregated (e.g., energy consumption, GHGs).

LCA is not suited to adequately address certain environmental impacts. Examples of gaps are:

- Impacts from agricultural land use: soil erosion
- Biodiversity

- Toxicity (Unknown impacts need use of Precautionary Principle)
- Human rights.
- Site specific impacts that cannot be aggregated.
- Impacts depending on local conditions (so LCA based on functional unit approach cannot provide comprehensive environmental assessment).

These gaps, as confirmed in studies conducted by ANEC ⁷, will result in lack of precision, limited comparability, difficulty to identify superior products or omission of relevant environmental aspects.

Hence ANEC has been strongly opposing the use of Product Environmental Footprint or Organisation Environmental Footprint alone as the basis for environmental labelling schemes and provision of consumer information. We appreciate the text in recitals 17 and 32 of the proposal refers to how PEF/OEF may not cover all impact categories.

The related ISO standard on the constitution of LCA method calls for transparency on its limits and benefits. When developing *ISO 14044:2006 Environmental management — Life cycle assessment — Requirements and guidelines*, it was agreed in ISO /TC 207 that impact indicator results cannot be aggregated to achieve a single score. It is not scientific and different impacts cannot be aggregated. The standard also does not allow for comparability of products based on LCA.

When there is no basis to aggregate data, the only solution is for the label to be in conformity to Type I labels. (e.g. for carcinogenic chemicals it is not possible to develop an indicator but if there are ecolabel criteria that can be followed, compliance can ensure these hazardous chemicals are excluded).

Specifically on the use of the Environmental Footprint database, impact categories in PEF may provide more up to date LCA data for products assessed with this method and the database may allow for more transparency in the lifecycle analysis. However, we believe EF data should nevertheless rely on LCA and non-LCA datasets beyond PEF studies, given the limitations identified in this approach which does not allow for a comprehensive assessment of all necessary environmental and social impacts of the life cycle. Therefore, we recommend that the European Commission undertakes an in-depth discussion with the relevant stakeholders about the shortcomings of PEF and determine whether it can be complemented by other indicators addressing certain environmental and health aspects related to specific stages of the life cycle.

Sound environmental assessment requires a mix of different tools, taking into account their strengths and weaknesses. This is practically feasible, as demonstrated by ANEC members working on consumer testing. They use LCA information as a supplement to

⁷ For example, an [ANEC study on environmental product indicators and benchmarks](#) in the context of environmental labels and declarations, showed that indicators based on LCA methodology may not be the best option to suitably characterise and declare the environmental performance of a product.

other methods. LCAs are also used to design methodologies and evaluations to reflect the most important environmental impact.

2.2 Recommendations regarding hazardous chemicals

The proposed directive relies heavily on PEF methodology to assess the environmental performance of products. However, the current PEF methodology is insufficient in capturing and considering chemical safety/toxicology aspects. For example, it is largely limited to some human health aspects and insufficient in considering chemicals-related issues across the life cycle of products.

Accordingly, the methodology should be improved in this respect to serve the purpose of a horizontal assessment tool for environmental and sustainability performance.

Moreover, the proposed directive should also already prohibit environmental claims for products containing hazardous substances, except where their use is considered essential for society⁸, and not postpone this requirement to a possible revision of the directive.

The wording in Article 21 on evaluation and review is vague, and chemicals-related aspects seem dropped from what are considered environmental or sustainability claims until further notice. This is unacceptable.

We welcome that the proposed Directive allows, in addition to LCA-based information, to indicate important additional environmental information from other sources in the environmental assessment of products. Further to eco-label criteria, we find it key to also consider impact on human health, risk assessment, and declaration of chemicals.

Such information should be displayed in reliable and credible formats that clearly indicate the relative magnitude of the environmental impact of one product compared with another.

As regards the declaration of chemicals, it is crucial that the proposed directive already prohibits environmental claims for products containing hazardous substances, except where their use is considered essential for society, and not postpone this requirement to a possible revision of the directive.

To consider introducing such requirements five years after the entry-into-force would be unacceptable and make the directive impotent.

⁸ According to generic approach to risk management defined in 'Chemicals strategy for sustainability' https://environment.ec.europa.eu/strategy/chemicals-strategy_en

2.3 Aspects to consider in potential delegated acts on union-wide harmonised schemes

The proposed Directive states the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules. **Recital 42** also talks of the possibility for delegated acts to introduce “union-wide harmonised schemes for all products or per specific product group based on a single methodology to ensure coherence and comparability.”

The approach is based on the misleading assumption that there are too many methods and labels on the market, and this may lead to the conclusion that PEF can be used as a single method. It needs to be underlined that not all labels and methods have the same purpose. For example, it is understood (also in Recital (9)) that organic farming labels should not be regulated under this directive. Indeed, we have underlined that these cannot be replaced by PEF, as it does not address specific organic farming criteria. It could not even be reasonably combined with PEF, as organic products require more energy in their production so would turn out to be less environmentally-friendly.

PEF in particular can make use only of other methods of measurement. For example, to measure environmental performance of a car, a robust method for energy consumption is required.

Another important issue relates to how the method specifies the approach in category rules (PEFCRs) to achieve added comparability. Using the same average numbers for the same products (e.g. numbers of returns for reusable bottles) will however penalise those companies that do better.

Product Environmental Footprint Category Rules (PFCRs) are not a new concept as these are already included in ISO 14025 on Type III environmental declarations (where they are obligatory). PFCRs are focused on LCA methodology, while ISO 14025 considers at least human and environmental risk assessment as part of “additional environmental information”.

PEF is unsuitable especially for environmental claims which are typically not life-cycle related and address single issues (e.g. recycling or energy consumption).

A paper by Professor Finkbeiner and others, “*Product Environmental Footprint (PEF) Pilot Phase—Comparability over Flexibility?*”,⁹ identifies several methodological and practical challenges as regards PEF being able to guarantee reasonable comparability by reducing flexibility. The paper concludes adequate solutions are not available for all limitations.

⁹ Bach, V.; Lehmann, A.; Görmer, M.; Finkbeiner, M. Product Environmental Footprint (PEF) Pilot Phase—Comparability over Flexibility? Sustainability 2018, 10, 2898. <https://doi.org/10.3390/su10082898>

Furthermore, the paper, *“Environmental Footprint: Der Umwelt-Fußabdruck von Produkten und Dienstleistungen”* carried out for UBA (the German Environment Agency) in 2018 by Professor Finkbeiner (and others) states:

“At this point in time it can be said that PEF and PEFCRs are suitable for internal use but can only be applied for external communication and in particular comparability with limitations.” And also “... successful implementation of PEF is questionable due to several methodological and practical challenges and has to be examined case by case”.

Similarly to what is done with ecolabelling programmes, it is important to start with the environmental impact that needs to be addressed and what the main contributors are, rather than putting the focus on a method. Different methods to assess reliability of environmental declarations have pros and cons which must be analysed and combined in a meaningful and cost-efficient manner: no one method is able to characterise alone the environmental performance of activities.

Observations on Organisation Environmental Footprinting

In light of the scope of the directive also addressing claims by traders on their activities, we also address specifically the Organisation Environmental Footprint (OEF). A basic problem in the footprint of a company is that it cannot be compared with other companies because they cannot have the same functional unit. To a certain degree, comparisons can be made on the basis of a process. But as a matter of principle, two companies in same sector cannot be compared.

In light of recent legislative developments in the area of taxonomy, a broad discussion on useful reporting requirements and key performance indicators is needed. ANEC recommends the development of European sustainability indicators that must be relevant, measurable, robust, comparable and fit for benchmarking. It is important to note these are not only generic, but also (or in some areas) especially sector-specific (such as the fleet consumption of cars) or even sub-sector specific (such as energy intensity of the production of one tonne of steel). This is particularly relevant in the fields of consumer and environmental protection. Such indicators can partly be taken from the EU BREF (BAT reference) documents, EMAS Sectoral Reference Documents and sector-specific comparable indicators introduced in the past years to promote best environmental management practice.

Other approaches are available. For example, ISO 14031:2021 on environmental performance evaluation. To our delight, a clause, "Selecting sector-specific operational performance indicators for comparison", was inserted during the revision of 2013 (with significant contribution from ANEC). This document makes clear that comparisons of operational performance indicators (OPIs), based on quantities per unit of time relating to an entire organisation or its sub-units, are usually not possible.

Sometimes, the use of such indicators is justified by arguing that an organisation can monitor performance changes over time. But, according to the ISO standard, this is possible only to a limited extent.¹⁰

¹⁰ See further details in ANEC paper on CSR Reporting <https://www.anec.eu/images/Publications/position-papers/Sustainability/ANEC-ENV-2013-G-018.pdf>

3 | Recommendations by ANEC for improvement

3.1 Reliable Environmental assessment

As also recognised in the proposal for a Directive on Green Claims, no single method is able to suitably characterise the environmental performance of activities. The strengths and weaknesses of each method must be analysed with regard to simplicity, reliability, transparency, meaningfulness, measurability, ease of verification and cost-efficiency.

The policy addressing greenwashing should not look at only the use of a methodology to substantiate environmental claims but start with a focus on environmental impacts that need to be reduced; what is important for consumers and what can be influenced in a purchase decision. Further to aspects that a suitable LCA can capture - such as water or energy consumption; use of secondary raw materials - other important aspects such as chemical safety and biodiversity protection are key, but these are not covered by LCA. It is also important to inform consumers about what are the most important environmental impacts; relation of indicators and consequences for the environment.

More pressing needs compared with widely-used LCA impact assessment categories are resource overconsumption, land use, chemical pollution, particles, noise, biodiversity loss etc.

Environmental policy target-setting is a task for policy makers in consultation with relevant stakeholders, not something left to industry or standardisers alone through the focus on a single environmental assessment method.

The prioritisation of environmental impacts needs to be made by policy makers on the basis of independent scientific studies about the most pressing environmental concerns. Consumers are increasingly interested in environmental protection and wish to learn more about that topic, so reliable claims can provide an educational value. If consumers understand the value of the claims, based on this framework and conditions described above, they will drive the change towards products and services with less environmental impact. Environmental claims can facilitate consumer choice for more environmentally sustainable products and services. As mentioned above, sound environmental assessment requires a mix of different tools (taking due account of their strengths and weaknesses):

- Environmental impact assessment,
- Human health and environment risk assessment,
- Technology assessment,
- Etc.

A reasonable approach must identify relevant indicators for relevant products (and organisations) using a broad range of assessment methods.

As regards toxicity for example, ANEC considers that a reasonable method to assess chemicals throughout the life cycle must be based on the same principles as regulatory approaches to ensure chemicals do not surpass levels of concern at any life cycle stage. This is to be accomplished by (simplified) risk assessment techniques.

Human health and environmental risks should be screened using appropriate tools, followed by simplified risk assessments using the Precautionary Principle. This means, for example, to red-flag CMR or other hazardous substances which may lead to critical exposures.

A suitable LCA methodology can be used in the environmental assessment of some environmental aspects (e.g. identifying relevant stages in the life-cycle, or certain relevant emissions to identify suitable non-LCA indicators).

However suitable production, consumption or disposal indicators are typically more robust, meaningful, easier to verify and cheaper.

To tackle greenwashing, policies should prioritise reducing environmental impacts that matter to consumers and can be influenced by purchasing decisions. This should include factors that a Life Cycle Assessment can capture, such as energy and water consumption and use of recycled materials, as well as crucial aspects such as chemical safety and biodiversity protection. Educating consumers about the most significant environmental impacts, their link to indicators, and environmental repercussions is also essential.

Aside from the above LCA-based information and other criteria for consumer choices, LCA may be an important guide in the design stage of products. It should be considered at the very beginning of the Ecodesign of products, helping to reduce or eliminate unsustainable production patterns or products from the onset.

3.2 Learning from consumer testing organisations

When testing consumer products, consumer testing organisations use LCA information as a supplement to other methods.

By identifying the phase with the highest impact, LCA results can assist consumer testing organisations in their messaging to consumers and in assessing what to look for in the comparative testing. Nevertheless, it is well understood that LCA needs to be used considering its limitations and especially for professional use to identify categories that have higher impact.

The experience of consumer testing organisations shows the importance of doing LCA when making choices on the biggest environmental aspects to examine. But it is less relevant to individual consumer choices, not least because it is not easy for consumers to understand.

3.3 Substantiation of green claims

With a view to avoiding too much leeway being allowed to companies on substantiation of their green claims, ANEC believes it would be more appropriate to specify in detail the conditions and binding requirements for use of specific terms (with positive and negative lists of claims). We recommend these take into account the principles in the relevant standards of the ISO 14020 series developed by ISO TC 207 'Environmental Management' SC 3 'Environmental labelling' and, in particular, ISO 14020:2022 'Environmental statements and programmes for products — Principles and general requirements'; ISO 14024:2018 'Environmental labels and declarations — Type I environmental labelling — Principles and procedures'; ISO 14021:2016 'Environmental labels and declarations — Self-declared environmental claims (Type II environmental labelling)'.

Guidance on the use of terms and evaluation requirements in the standard ISO 14021 could be taken as inspiration and be applied and adapted to all labels in the scope of the Directive, thus not addressing self-declared claims that are rightfully banned, but requiring third party verification.

Any verification must be based on a relevant test procedure (e.g. chemical analysis) or other appropriate conformity assessment procedure (e.g. to trace origin). The rules can also take inspiration from guidelines developed by the EC to fight greenwashing.

Verification should be based on a relevant test procedure. ISO 14021 refers just broadly to the verification, but guidelines in the Directive could be filled with more substance for claims to be related to a verification method (e.g. test methods for biodegradability).

Guidelines should be developed that are consistent with ISO 14021, but establishing binding rules in the Directive on green claims complementing what is done regarding greenwashing in the proposals for [revision of EU consumer law](#) in empowering consumers for the green transition.

The legislative framework on environmental claims would need to specify in detail in a roadmap what are acceptable claims (or unacceptable claims) - as is the case in the EU regulations on nutritional and health claims. It should define different kinds of claims including those addressed in Article 21 of the current proposal e.g.:

- claims related to environmental characteristics not necessarily indicating a good environmental performance ("compostable"),
- claims indicating the absence of hazardous chemicals
- claims relating to measured values etc.

To limit the possibility of misleading claims, certain relevant indicators and benchmarks need to be defined and included in the relevant product or company-related legislation. In particular, comparative claims are not easy to substantiate and can be misleading.

Requirements on comparative explicit claims referred to in Article 4 of the Directive should thus always reflect real-life scenarios and should not affect the functionality or the overall environmental performance of a product or activity.

This Directive is developed in synergy with other initiatives under the EU sustainable product policy, especially the extension of the Ecodesign criteria to other non-energy related products, and enhanced promotion of the Ecolabel as a label of environmental excellence which could serve as benchmark for other product policies and continue inspiring improvements to products on the market.

ANEC welcomes the complementary initiative by DG Justice to address greenwashing in the amendments suggested to the Unfair Commercial Practices Directive (UCPD)¹¹. These add to the blacklist prohibited claims such as:

- *Making generic, vague environmental claims where the claimed excellent environmental performance of the product or trader cannot be demonstrated (e.g. 'environmentally friendly', 'eco' or 'green');*
- *Making an environmental claim about the entire product, when it concerns only a certain aspect of the product.*

- To avoid too much leeway for green claims, ANEC suggests specifying conditions and binding requirements with positive and negative lists of claims.
- Guidelines should reflect the principles in ISO 14020 series of standards and be inspired by guidance in ISO 14021 (listing for each claim, qualifications and evaluation methodology), while requiring third-party verification.
- Verification should be based on relevant test procedures or other appropriate conformity assessment procedures.
- Legislative framework needs to specify acceptable and unacceptable claims with relevant indicators and benchmarks.

¹¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_2098

- It is key for the Directive to be developed in synergy with other EU sustainable product policies, including the extension of Ecodesign criteria and promotion of the Ecolabel, as well as the amendments proposed by DG Justice to the Unfair Commercial Practices Directive in order to address greenwashing and adding new practices to the blacklist of prohibited claims.

3.4 *Climate-related claims*

It is positive that the proposal addresses climate-related claims as these are particularly prone to greenwashing.

We welcome the inclusion of the requirement under article 5 (f) for information on offsetting.

From a consumer perspective, we are strongly opposed to the concept of avoided emissions as it will be used to distract from a lack of effort to minimise environmental impacts by comparing such practice to even worse production patterns. However, if it is to be used, there is need for precise methods to calculate the avoided emissions. Hence the delegated act or the Directive itself may need to foresee standardisation in this context.

Moreover, ANEC recommends that policymakers assess how to include externality costs in the climate-related policies and calculation methods in the long run. As mentioned earlier, this would lead to a shift in consumption patterns. More environmentally-friendly products will become cheaper than those that have high environmental follow-up costs.

4 | Conclusion

The intention of the Green Deal to tackle misleading claims is laudable. So too is the recognition that consumers need reliable, comparable and verifiable information on the environmental performance of products and services.

However, we urge the Commission and other institutions to adapt the approach in the current proposal to ensure the Directive:

- specifies the conditions of use of certain claims without leaving too much leeway for companies in the substantiation of green claims.
- while setting these conditions, binding rules need also take inspiration from the ISO 14020 series and turn their guidance into mandatory requirements for the claims under the scope of this Directive.
- already prohibits environmental claims for products containing hazardous substances and does not postpone this requirement to a possible revision of the Directive.
- not only promotes the Ecolabel as a label of environmental excellence, which we welcome, but refers to it as a benchmark. We ask for this in other environmental product policies so that the Ecolabel can encourage improvement of products on the market.

The policy addressing "greenwashing" should start with a focus on the environmental impacts that need to be reduced and what is important for consumers. It is important delegated acts, that may be introduced in support of the proposed Directive, consider these points closely:

- In addition to factors that an appropriate LCA can capture, such as water or energy use or the use of secondary raw materials, there are other crucial factors that are not taken into account by LCA, including chemical safety, biodiversity protection, and human rights.
- Compared with commonly-used LCA impact assessment categories, we see as more urgent needs resource overconsumption, land use, chemical pollution, particle pollution, noise, and biodiversity loss.
- LCA, including the EF approach suggested by the Commission, may be a useful element for orientation in the initial phase of a comprehensive assessment of environmental performance, in particular for identifying hot spots; relevant life cycle stages and improvement options. It is a suitable instrument for energy,

greenhouse gas and mass balances. However, due to its significant shortcomings, LCA needs to be complemented by other assessment tools in addressing several environmental aspects (e.g. impacts dependent on space, time or background levels).

- In addition to LCA-based information, important additional environmental information from other sources should also be taken into account in the environmental assessment of products. These include impact on human health, risk assessment, eco-label criteria and declaration of chemicals.

Such information needs to be displayed in reliable and credible formats that clearly indicate the relative magnitude of the environmental impact of one product compared with another. Only then can consumers be guided towards purchase choices with less environmental impact.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

Designed by AdGraphics.eu



The European consumer voice in standardisation aisbl

Rue d'Arlon 80, box 3
B-1040 Brussels, Belgium

+32 2 743 24 70
@anectweet
anec@anec.eu
www.anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

BCE 0457.696.181

ANEC is supported financially by the European Union & EFTA

This document may be quoted and reproduced, provided the source is given.
This document is available in English upon request from the ANEC Secretariat
or from the ANEC website at www.anec.eu © Copyright ANEC 2023

