

GREEN CLAIMS DIRECTIVE

A.I.S.E. Position Paper

7 January 2025

A.I.S.E., the European association for detergents and cleaning products, supports EU legislative efforts to address greenwashing through the Green Claims Directive and aligns with its overarching goal of establishing an EU-wide harmonised legislative framework for green claims. In light of the cleaning and hygiene sector's longstanding commitment to the responsible use of environmental claims, we wish to make recommendations and outline our position on the proposed Green Claims Directive on main key topics outlined below:

- I. **Prohibition of environmental claims for products containing hazardous substances**
- II. **Verification system framework**
- III. **Methodology for claims substantiation**
- IV. **Transition period and application of the Directive**
- V. **Coherence with other EU legislative acts**

I. Prohibition of environmental claims for products containing hazardous substances

A.I.S.E. deems that preventing environmental claims for products containing certain hazardous substances would run contrary to the objective of the Directive to enable consumers to make sustainable purchase decisions.

Hence, considering the Directive's objective, i.e. —to protect consumers from "greenwashing" and to empower them to support the green transition through informed purchasing decisions based on reliable environmental claims and labels—we reckon that imposing **restrictions or prohibitions** on hazardous substances by banning claims or labels on products **would go beyond the intended scope** of the Green Claims legislation. For example, a claim '100% natural ingredients' may be prohibited because some substances – e.g., Natural Complex Substances such as limonene found in lemon or other citrus fruits – are classified as hazardous despite being widely used and essential in food, cosmetics, cleaning and maintenance products.

The safety of environmental impact of hazardous substances in products are sufficiently **addressed under existing chemical legislation** (such as CLP and REACH), which have the necessary instruments to restrict hazardous chemicals following appropriate impact assessments. For instance, REACH has established a process to ensure that the use of substances is safe according to the use-case; this should include without limitations the possibility for applying green product claims. Such approach would ensure that the scope of restrictions remains clear, predictable, and limited to substances already deemed sufficiently hazardous to warrant prohibition. Therefore, we call for:

- Opposing the correlation of the presence on hazardous substances with the environmental performance of a product, or the validity of a green claim.
- Aligning with the Council's position to refrain from imposing an immediate ban on claims for products containing hazardous substances, while incorporating a review clause to assess a potential ban five years after the legislative text comes into force.

However, for the sake of legislative coherence, it is essential that any future limitation on environmental claims is consistent and aligns with the hazard classes already restricted under REACH¹ and CLP² Regulations.

We therefore recommend that any prohibition of environmental claims for products containing hazardous substances should restrict its scope only to hazardous substances classified in *category 1*.

(See Annex I for A.I.S.E. recommendation)

¹ Article 57 REACH [Regulation \(EC\) No 1907/2006](#) concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency

² Part 3 of Annex VI of [Regulation \(EC\) No 1272/2008](#) on Classification, Labelling and Packaging of substances and mixtures

II. Verification system framework

A.I.S.E. recommends that any verification for green claims must be **grounded workable, practical, enforceable** and **financially accessible** for businesses to implement, especially SMEs; while also being robust enough to ensure compliance and consumers' trust. Those are the foundations paving the way for encouraging innovation and establishing a level playing field between economic operators.

A.I.S.E. deems that the European Commission's proposal sets up a claim-by-claim pre approval system, which lacks specific approval timelines and risks creating a fragmented system with non-harmonized requirements across Member States. In this regard, we are supportive of the European Parliament provision setting a clear **timeframe for the verification system**, establishing that verifiers should provide traders with an estimated timeline (*e.g., 30 days*) to complete the verification process and check the trader's compliance with the requirements. This is a critical aspect to ensure clarity in the application such regulatory framework for claims verification.

Moreover, within the verification framework the trader must be enabled to challenge the verifier's decision. The original proposal, as well as the co-legislators adopted texts, **lacks an appeal mechanism** which creates legal uncertainty and misaligning with similar procedures in other legislation (*e.g., medical devices*).

Besides that, A.I.S.E. is supportive of the direction taken by the Council and European Parliament approach aiming at reducing the administrative and financial burden on traders by implementing a **simplified procedure for certain environmental claims** that would benefit from less demanding substantiation for verification. Nevertheless, we encourage for an **immediate application** of such procedure to ensure legal certainty from the outset of the Directive's application, rather than delaying it until the adoption of secondary legislation. Relying on delegated acts could lead to the creation of a static positive list of claims that fails to accommodate new and innovative claims, potentially hindering progress. Furthermore, delegating the task of identifying eligible claims to the European Commission, as proposed by both the Council and Parliament, risks causing delays that could adversely affect businesses and enforcement authorities.

We would thus invite policymakers to adopt an immediate application of the simplified procedure for a well-defined group of claims:

- **Environmental claims related to aspects** (*e.g., claims such as “% of recycled content”, “recyclable” or “produced with renewable energy”*) **which do not require a full lifecycle assessment (LCA)** for their substantiation – as referred to in the positions of *EP Art. 12a(a)* and *Council Art. 3a(3)*. Also in its [Impact Assessment](#) the EU Commission stresses that evidence for these claims is straightforward, *i.e.* the claim can be substantiated based on readily available information/documents on materials used in production.

- **Environmental claims stating that an environmental characteristic of a product or a trader exceeds minimum requirements set out in another Union act** and substantiated based on a methodology required in that Union act - as referred to in the Council's position in *Art. 3a(1)*
- **Environmental claims whose substantiation is based on widely recognised methodologies** under the EU and International framework (e.g., conforming to ISO and OECD standards; or EU based recommended PEF and OEF). Within 12 months after the entry into force of the Directive the European Commission shall identify those robust standards eligible for inclusion in the simplified procedure – as laid down in the European Parliament's position in *Art. 12a (1)(c)*.

Ultimately, requiring explicit environmental claims fall within the scope of the simplified procedure to meet the substantiation requirements enshrined in Article 3, and to undergo full ex-ante verification and certification would be disproportionate. Thus, A.I.S.E. asserts that (in line with the Council General Approach *Art. 3a para 1*) for these types of claims traders shall demonstrate compliance with the substantiation requirements by means of a Specific Technical Documentation, laying out what information the trader generating the explicit environmental claims should declare.

(See [Annex II](#) for A.I.S.E. recommendations)

III. Methodology for claims substantiation

A.I.S.E. supports the European Commission's approach which **avoids mandating a one-size-fits-all methodology** (like PEF), but rather requires scientifically verified and robust methodologies, enabling consumers to make better informed and more sustainable consumption choices, based on **international / industry standards** (e.g. ISO, OCED, and other lifecycle-based schemes) for the assessment of claims.

A.I.S.E. carried out an official PEF pilot (2014 – 2019) on liquid laundry detergents for washing machines jointly with the European Commission and stakeholders. As main outcome of this pilot, our [A.I.S.E Guidance on the Use of PEFCR for Liquid Laundry Detergents](#) recommends against communicating product-specific PEF results given the complexity, remaining challenges, and numerous methodological limitation. The main key concerns with regard to the use of PEF for direct consumer claims (B2C) are:

- **uncomplete environmental coverage**, as the PEFCR methodology does not fully encompass all environmental impact areas (e.g., biodiversity) and several impact methods are not yet mature enough to support comparative assessments

- **need for further validation**, as companies considering PEF-based claims should conduct additional internal studies to ensure the accuracy and relevance of the claims, and to evidence they are not misleading

(See Annex III for A.I.S.E. recommendation)

IV. Transition period and application of the Directive

To ensure a smooth transition and minimise disruptions, it is important to provide traders with adequate periods to comply with the new rules governing environmental claims and labels. This approach would allow businesses to adapt their practices and align with the new requirements in a practical and efficient manner. In order to provide clarity and ensure a detailed guidance, the application of substantiation requirement **rules should be timed carefully**, taking effect only after the adoption of relevant secondary legislation.

(See Annex IV for A.I.S.E. recommendation)

V. Coherence with other EU legislative acts

Preserving **legislative coherence** and **legal hierarchy** defined in the European Commission's proposal is essential to provide traders with full clarity on the applicable rules for the substantiation of environmental claims. The removal of the reference to product-specific legislation such as the Packaging and Packaging Waste Directive³, along with the empowerment of the Commission to amend the list referred to in Article 1(2) through delegated acts, leads to uncertainty for traders and national authorities regarding the rules to be applied and enforced. This will inevitably prevent traders from making claims, thereby depriving consumers of crucial information.

Moreover, EU co-legislators should preserve the original structure of the Green Claims Directive proposal, with the possibility for existing or future EU legislation setting rules for the substantiation or communication of environmental claims to prevail over the Green Claims Directive.

(See Annex V for A.I.S.E. recommendation)

³ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p.10)

Annex I – A.I.S.E. proposal of amendment on prohibition of environmental claims for products hazardous substances

Commission proposal	EP Mandate	Council Mandate	A.I.S.E. recommendation
<p><u>Art. 21 para 3 point b</u></p> <p>3. Where the Commission finds it appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Directive, including considering further provisions on:</p> <p>b) facilitating transition towards toxic free environment by considering introducing a prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society in line with the criteria to be developed by the Commission;</p>	<p><u>Art. 3 para 3 point b</u></p> <p>By 18 months after the entry into force of this Directive] the Commission shall provide a report on the use of explicit environmental claims on products or product groups containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), causing endocrine disruption to human health or the environment, persistent, bioaccumulative and toxic (PBT), very persistent, very bioaccumulative (vPvB), persistent, mobile and toxic (PMT), or very persistent, very mobile (vPvM) properties as defined in Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, and substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.</p> <p>That report shall evaluate for which products or product groups the use of explicit environmental claims is misleading and assess the need for restrictions or prohibitions on the use of explicit environmental claims for these products or product groups in view of preventing misleading claims and contributing to the protection of human health and the environment.</p> <p>Where the report concludes that the use of explicit environmental claims in a product or product group containing substances or preparations/mixtures referred to in sub-paragraph 1 is misleading, the Commission is empowered to adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims by introducing restrictions or prohibitions on the use of explicit environmental claims for this product or product group.</p>	<p><u>Art. 21 para 3 point b</u></p> <p>3. Where the Commission finds it appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Directive, including considering further provisions on:</p> <p>(b) facilitating the transition towards a toxic free environment by considering introducing a prohibition of explicit environmental claims or environmental labels for products containing substances classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the following hazard classes or hazard categories:</p> <ul style="list-style-type: none"> - Carcinogenicity categories 1 and 2, - Germ cell mutagenicity categories 1 and 2, - Reproductive toxicity categories 1 and 2, - Endocrine disruption for human health categories 1 and 2, - Endocrine disruption for the environment categories 1 and 2, - Hazardous to the aquatic environment, acute category 1 or chronic category 1 - Persistent, Mobile and Toxic or Very Persistent, Very Mobile properties, 	<p><u>Art. 21 para 3 point b</u></p> <p>3. Where the Commission finds it appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Directive, including considering further provisions on:</p> <p>(b). facilitating the transition towards a toxic free environment by considering introducing a prohibition of explicit environmental claims or environmental labels for products mixtures containing substances intentionally added at level equal to or greater than either the relevant specific concentration limit specified in Part 3 of Annex VI to Regulation (EC) No 1272/2008, either or, the relevant generic concentration limit specified in Part 3 of Annex I of Regulation (EC) No 1272/2008 and classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the following hazard classes or hazard categories, unless regulated by existing sectorial legislation:</p> <ul style="list-style-type: none"> - Carcinogenicity categories category 1 and 2, - Germ cell mutagenicity categories category 1 and 2, - Reproductive toxicity categories category 1 and 2, - Endocrine disruption for human health categories 1 and 2, - Endocrine disruption for the environment categories category 1 and 2, - Hazardous to the aquatic environment, acute category 1 or chronic category 1,

		<p>- Persistent, Bioaccumulative and Toxic or Very Persistent, Very Bioaccumulative properties, Except under specified conditions to be developed by the Commission;</p>	<p>- Persistent, Mobile and Toxic or Very Persistent, Very Mobile properties, - Persistent, Bioaccumulative and Toxic or Very Persistent, Very Bioaccumulative properties, Except under specified conditions [...] to be developed by the Commission;</p>
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JUSTIFICATION:

Firstly, we call for more detailed provision with the introduction of the notion of ‘intentionally added’ for the hazardous substances to enhance the legal certainty. This addition is needed to clarify that the presence of unintentional traces, which may be impossible to exclude, may not potentially lead to a ban of environmental claims. Moreover, we would advise for the inclusion of the wording “unless regulated...” as it would assure that contaminants, pesticide residues, food contact materials and other substances covered by specific legislation (which usually allow them with thresholds) would be out of the scope of the ban. It ensures that if the product is compliant with sectoral legislation, it can also bear a green claim if appropriate.

To enable effective implementation and enforcement of the obligation, we also propose to amend the current legislative text by limiting the scope to mixtures rather than articles. By way of application, the CLP Regulation is limited to mixtures and does not apply to articles. Furthermore, there are no methods to measure the concentration limits of articles and their composition is often unknown to both the supply chain and regulators due to the lack of Safety Data Sheets (SDS).

Secondly, if there is a list, it should be relevant to the objectives of this directive. The list should refer to high hazard or category 1 substances whereas inclusion of category 2 substances would be disproportionate and unjustified. In the current REACH regulation, the generic restriction of substances is limited to category 1A & 1B CMR (carcinogenic, mutagenic and substances) above the respective classification limits. The Commission has maintained its focus on category 1 substances as the (substances of most concern) throughout the discussions about the possible REACH revision.

More concretely, a potential ban on environmental claims for products containing hazardous substances could be disastrous for some parts of European agriculture. Many Natural Complex Substances (NCS) extracted from plants or plant parts contain substances that have intrinsic hazardous properties. These substances naturally present in (edible) plants, are widely present in food (confirming their acceptability for food consumption). For instance, p-cymene is a constituent of many essential oils (thyme oil, lavender oil, lemon oil, etc.) which would be in the scope of restriction due to its (coming) classification. These (natural) ingredients are widely used in various consumer products, such as cosmetics, and cleaning and maintenance products. By essence, these constituents are not replaceable in these NCS. Implementing such a ban could disincentive the use of these substances and damage EU agriculture while contradicting the objectives of the Green Deal by preventing more sustainable products from making environmental claims. Therefore, if there is a list, it should refer to the ‘most’ hazardous substances included in category 1, covering category 2 would be disproportionate and unjustified.

Annex II – A.I.S.E. proposal of amendment on verification framework

Commission proposal	EP Mandate	Council Mandate	A.I.S.E. recommendation
<p><u>Art. 10 (3a)</u> /</p>	<p><u>Art. 10 (3a)</u> When setting up the procedures referred to in paragraphs 1 and 2, Member States shall ensure that the cost of verification and certification shall take into account the complexity of the substantiation of the claim, and the size and turnover of traders requesting verification and certification with a particular regard to micro, small and medium-sized enterprises.</p>	<p><u>Art. 10 (3a)</u> /</p>	<p><u>Art. 10(3a)</u> When setting up the procedures referred to in paragraphs 1 and 2, Member States shall ensure that the cost of verification and certification shall take into account the complexity of the substantiation of the claim, and the size and turnover of traders requesting verification and certification with a particular regard to micro, small and medium-sized enterprises.</p>
<p><u>JUSTIFICATION:</u> The costs for the verification and certification of environmental claims should be proportionate to the nature of the claim, not to the size and turnover of the applicant. Otherwise, the proposed paragraph would run counter to the objectives of creating a level playing field among traders. It would be disproportionate to require, in addition, that the costs for the verification and certification are proportionate to the size and turnover of the trader. This would risk refraining companies who are often the drivers in innovation and sustainability, from making environmental claims. Finally, the costs for the verification should be reasonable and not prohibitive, for none of the traders, regardless of their size.</p>			
<p><u>Art. 10(4a)</u> /</p>	<p><u>Art. 10(4a)</u> The verification of explicit environmental claims and environmental labelling schemes shall be completed within 30 days. The verifier may decide to extend the period for verification for more than 30 days in duly justified cases. Verifiers shall provide an estimation of the period of the verification procedure to the trader on the date when the request for verification has been submitted.</p>	<p><u>Art. 10(4a)</u> /</p>	<p><u>Art. 10(4a)</u> The verification of explicit environmental claims and environmental labelling schemes shall be completed within 30 days. The verifier may decide to extend the period for verification for more than 30 days in duly justified cases, provided that the additional period does not exceed 20 days. Verifiers shall provide an estimation of the period of the verification procedure to the trader on the date when the request for verification has been submitted.</p>
<p><u>JUSTIFICATION:</u> It is essential for the Directive to establish clear deadlines for verifiers to complete the verification process, ensuring traders have legal certainty regarding the expected duration of the ex-ante verification and certification. However, the provision in the EP position allowing verifiers to extend the verification period in "duly justified cases" is overly vague and risks enabling indefinite delays for various reasons, effectively undermining the 30-day deadline. To address this, we recommend revising the EP position to include a maximum extension period of 20 days.</p>			

Art. 11 (3)(ga) /	Art. 11 (3)(ga) The verifier shall have a compliant and dispute resolution mechanism in place;	Art. 11 (3)(ga) /	Art. 11 (3)(ga) The verifier shall have an appeal, complaint and dispute resolution mechanism in place;
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JUSTIFICATION

Although the text includes the possibility for consumers to raise complaints and dispute resolutions, it lacks a mechanism allowing traders to address complains or appeals on the verifiers’ decisions. It is paramount that policymakers grant as well to traders to the right of being protected.

Annex III – A.I.S.E. proposal of amendment on Methodology for claim substantiation

Commission proposal	EP Mandate	Council Mandate	A.I.S.E. recommendation
<p><u>Art. 3 para 4</u></p> <p>When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims leads to widespread misleading of consumers, the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:</p> <p>(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors.</p>	<p><u>Art. 3 para 4</u></p> <p>When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims leads to widespread misleading of consumers, the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:</p> <p>(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors, including where appropriate on the basis of the Product Environmental Footprint Category Rules and Organisation</p>	<p><u>Art. 3 para 4</u></p> <p>In order to foster greater harmonisation and ensure a level playing field in the single market, the Commission shall adopt delegated acts in accordance with Article 18 to supplement this Article, incorporating the EU Environmental Footprint methods, including PEFCRs and OEFSRs. Their use shall be presumed to meet the requirements for substantiation established in paragraph 1, when the method is suitable for the explicit environmental claim or the environmental label. Where the Commission identifies the need to promote other benchmarking methods in order to foster greater harmonisation and ensure a level playing field in the single market or when the regular monitoring of the evolution of explicit environmental claims or environmental labels referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 [...] and 1aa for certain explicit environmental claims or environmental labels and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the absence of requirements for certain explicit environmental claims or environmental labels leads to widespread misleading of consumers, the Commission is empowered to adopt delegated acts in accordance with Article 18 to supplement the</p>	<p><u>Art. 3 para 4</u> [EP position]</p> <p>When the regular monitoring of the evolution of environmental claims referred to in Article 20 reveals differences in the application of the requirements laid down in paragraph 1 for specific claims and such differences create obstacles for the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims leads to widespread misleading of consumers, the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:</p> <p>(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors, including where appropriate on the basis of the Product Environmental Footprint Category Rules and Organisation</p>



Environmental Footprint Sectorial Rules where those rules cover all environmental impacts or aspects relevant for the product category or trader

requirements for substantiation of explicit environmental claims laid down in paragraph 1 and 1aa by:

(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors.

Environmental Footprint Sectorial Rules where those rules cover all environmental impacts or aspects relevant for the product category or trader

JUSTIFICATION:

The methodology used to substantiate claims should remain flexible, avoiding the imposition of a one-size-fits-all approach such as mandating the PEF methodology. While PEF is encouraged in several pieces of EU legislation, the EU Commission recognizes of its limitations and unsuitability for certain industry sectors. To ensure effectiveness and inclusivity, it is critical to distinguish when PEF is an appropriate tool and to apply it only in such contexts. In our background documents⁴ we emphasize that several critical components of the current EU PEF methodology are not yet suitable for accurately comparing products within the detergent sector and require significant further development. Maintaining the current flexible approach is essential to accommodate diverse industry needs. This includes enabling the use of various scientifically verified and robust methodologies grounded in internationally recognized standards (e.g., ISO, OECD, and other lifecycle-based schemes). Such an approach supports the development of accurate, meaningful, and trustworthy claims, tailored to the specificities of different sectors.

⁴ A.I.S.E. (2019), A.I.S.E. guidance to industry, “Appropriate use of the A.I.S.E. Product Environmental Footprint Category Rules (PEFCR) for Household Heavy Duty Liquid Laundry Detergents” <https://aise.eu/priorities/sustainability/empowering-consumers/product-environmental-footprint/>

Annex IV – A.I.S.E. proposal of amendment on transition period

Commission proposal	EP Mandate	Council Mandate	A.I.S.E. recommendation
<p><u>Art. 25 (1)</u></p> <p>Member States shall adopt and publish by [OP please insert the date = 18 months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.</p> <p><u>Art. 25 (1)(2)</u></p> <p>They shall apply those measures from [OP please insert the date = 24 months after the date of entry into force of this Directive].</p>	<p><u>Art. 25 (1)</u></p> <p>Member States shall adopt and publish by [OP please insert the date = 18 months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.</p> <p><u>Art. 25 (1)(2)</u></p> <p>They shall apply those measures from [OP please insert the date = 24 30 months after the date of entry into force of this Directive].</p>	<p><u>Art. 25 (1)</u></p> <p>Member States shall adopt and publish by [OP please insert the date = 18 24 months after the date of entry into force of this Directive months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission. Subject to paragraph 1a, they shall apply those measures from [OP please insert the date = 36 months after the date of entry into force of this Directive].</p> <p><u>Art. 25 (1)(2)</u></p> <p>They shall apply When Member States adopt those measures from [OP please insert the date = 24 months after the date of entry into force of, they shall contain a reference to this Directive] or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p>	<p><u>Art. 25 (1)</u></p> <p>Member States shall adopt and publish by [OP please insert the date = 18 months after the date of entry into force of this Directive] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.</p> <p><u>Art. 25 (1)(2)</u></p> <p>They shall apply those measures from [OP please insert the date = 24 36 months after the date of entry into force of this Directive].</p> <p>Member States shall apply Articles 3a and 10 from the date of application of the Directive, as mentioned in the first paragraph, or 24 months after the date of the entry into force of the implementing acts referred to in Article 10, paragraph 9, and Article 3a, whichever is the latest.</p>

JUSTIFICATION:

The Directive must allow sufficient time for all the stakeholders (traders, verifiers, competent authorities etc.) to adapt and comply with the requirements. To ensure applicability of the implementation, the following must be in place before the rules take effect.

The transposition of the directive within 18 months after its entry into force would ensure traders to understand the compliance steps and avoids inconsistent interpretations that would burden traders operating across multiple EU markets with varying rules.

In addition, secondary legislation defining key elements of the Directive (e.g., simplified procedure [Art. 3a], verification process [Art.10]) must be adopted within the set deadlines, allowing for the necessary transition period for interested parties to integrate those additional rules. For example, delays in the application of implementing acts setting the simplified procedure would leave traders to face disproportionate and overly burdensome requirements, undermining the feasibility of obligations compliance.

Article 25(1a)	Article 25(1a) Member States may introduce a transitional period, between the date of the entry into force and the date of application of this Directive, during which existing environmental claims submitted for verification can be used.	Article 25 (1a)	Article 25(1a) Products bearing on-pack environmental claims or environmental labels that were made or displayed before the deadline referred to in Article 25 (1) (2) may be marketed until stock depletion.
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JUSTIFICATION:

The Directive should provide for a transition period to allow traders to keep environmental claims and environmental labels made before the date of application of the new rules. As the Directive enshrines the requirement of performing an ex-ante claim-by-claim approval, with the risk that there will not be enough verifiers to address the high amount of environmental claims and labels that will have to be pre-verified, traders risk facing considerable delays in the approval of the claims and labels that are already on the market. For those environmental claims and labels that are displayed on products and/or packaging on the EU market, **the impossibility of having them verified and certified on time will force traders to destroy the product and/or its packaging, leading to waste generation, which is contrary to the objectives of the EU legislation.** Therefore, while we support the EP’s intention behind the decision to provide for such a transitional period, the amendment should be amended to ensure harmonisation of the requirements (not leaving it to national decisions, which would only create fragmentation) and rather **allow for products with claims or labels already on-pack before the application of the Directive to be marketed until stock depletion.**

Annex V – A.I.S.E. proposal of amendment coherence with other EU legislative acts

Commission proposal	EP Mandate	Council Mandate	A.I.S.E. recommendation
<p><u>Art. 1(2)(k)</u></p> <p>Directive 94/62/EC of the European Parliament and of the Council¹;</p> <p><small>¹ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p.10)</small></p>	<p><u>Art. 1(2)(k)</u></p> <p>Directive 94/62/EC of the European Parliament and of the Council¹;</p> <p><small>¹ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p.10)</small></p>	<p><u>Art. 1(2)(k)</u></p> <p>Directive 94/62/EC of the European Parliament and of the Council¹;</p> <p><small>¹ Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p.10)</small></p>	<p><u>Art. 1(2)(k)</u></p> <p>Regulation of the European Parliament and of the Council on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC</p>

JUSTIFICATION:

The legal hierarchy defined in the European Commission’s proposal should be preserved to provide traders with full clarity on the applicable rules for the substantiation of environmental claims. The reference to the legislation setting out rules for packaging and packaging waste should therefore be maintained with a placeholder for the new Packaging and Packaging Waste Regulation (PPWR), which will be soon officially adopted. The PPWR already establishes rules for the substantiation of environmental claims related to the packaging, for instance by mandating the use of a harmonised label based on a harmonised methodology defined by the Commission for the communication of recycled content.



<p><u>Art. 1(2)(p)</u></p> <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.</p>	<p><u>Art. 1(2)(p)</u></p> <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.</p>	<p><u>Art. 1(2)(p)</u></p> <p>other existing or future Union rules legislative acts 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 labels or environmental labelling schemes, unless provided otherwise in those other Union legislative acts.</p>	<p><u>Art. 1(2)(p)</u></p> <p>other existing or future Union rules legislative acts 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 labels or environmental labelling schemes, unless provided otherwise in those other Union legislative acts.</p>
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JUSTIFICATION:

To ensure legal clarity on the rules to apply for the substantiation of environmental claims we call for product-specific legislations to prevail over the Green Claims Directive and it should always be possible for the European Commission to adopt new legislation to set out more specific rules on environmental claims for a specific sector or product category. Product specific-legislations require assessment studies to be carried out to identify the requirements and adopt rules based on objectives, characteristics of the sector, the enforcement mechanism and the methodological requirements. It is thus necessary to keep such hierarchy principle in the Directive, to ensure legal clarity for traders on the rules to apply for the substantiation of environmental claims.

About A.I.S.E.: A.I.S.E. represents the detergents & maintenance products industry in Europe. Based in Brussels, A.I.S.E. has been the voice of the industry to EU regulators since 1952. Membership consists of 29 national associations across Europe, 19 corporate members and 23 value chain partners. Through this extensive network, A.I.S.E. represents over 900 companies supplying household and professional cleaning products and services across Europe. A.I.S.E. is committed to promoting sustainable practices and innovation and collaborates closely with the European institutions, industry stakeholders and the public to enhance the sector's environmental protection, consumer safety, and regulatory compliance efforts.

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