



Brussels, XXX
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ANNEX 1

SENSITIVE*
UNTIL ADOPTION

ANNEX

[...]

**Proposal for a Directive of the European Parliament and of the Council
on green claims**

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ANNEX

Contents of delegated acts (referred to in Articles 3 and 4)

- (1) The delegated acts adopted pursuant to Articles 3 and 4 shall specify, as appropriate for the type of claim, products or sectors covered, the following elements:
 - (a) Detailed requirements for the substantiation of the environmental claims including:
 - determining the relevant environmental impacts that shall be covered by the substantiation; they can be the environmental impact categories covered by the Environmental Footprint methods, durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance or sustainability, bio-based elements, biodegradability, biodiversity, carbon neutrality, waste prevention and reduction;
 - determining the activities, processes, materials, emissions or use of the product or organisation, which contribute significantly or cannot contribute to the environmental performance of the product or organisation;
 - determining the multiple relevant environmental impacts to be covered by the substantiation;
 - determining the rules for measuring and calculating the environmental impacts added pursuant to the points above;
 - determining for which aspects primary information shall be provided in the substantiation;
 - determining criteria based on which the accuracy of the primary and secondary information can be assessed;
 - determining what evidence can be considered as recognised scientific evidence.
 - (b) Detailed requirements for the communication of the environmental claims, including determining the mandatory elements that need to be included in the communication of the claim;
 - (c) Establish that environmental claims cannot be made in relation to products having a single score below the benchmark established by the PEFCR, unless the claims include both positive and negative relevant environmental aspects and impacts; ‘benchmark’ means a standard or point of reference against which any comparison may be made. In the context of PEF, the term ‘benchmark’ refers to the average environmental performance of the representative product sold in the EU market, as established in a PEFCR;
 - (d) Detailed requirements for the verification of the environmental claim and its substantiation;
 - (e) Detailed requirements in terms of data to be used for substantiation of environmental claims, if relevant;
 - (f) Detailed requirements for certification schemes, labelling schemes and similar frameworks, if relevant;
 - (g) The link with requirements established by other EU legislation.

- (2) When adopting the delegated acts the Commission shall consider the following criteria, as appropriate for the type of claim, products or sectors covered:
- (a) Specificities of sectors and products that require a different methodological approach;
 - (b) The environmental impacts of the product or the sector;
 - (c) The potential of improvements in terms of environmental aspect(s) covered by the claim;
 - (d) The economic weight of the product or sector;
 - (e) Generated added value expected from the product improvement;
 - (f) Lack of comparability of information shall be accepted only in duly justified cases;
 - (g) The specific requirements established shall consider making use of any relevant information derived from existing EU legislation;
 - (h) The delegated act shall consider the ease of access and use by SMEs of the requirements.
 - (i) The delegated act shall also take into account scientific or other available technical information, including relevant international standards.