

## Position on the Green Claims Directive proposal

Cosmetics Europe<sup>1</sup>, the European trade association for the cosmetics and personal care industry, welcomes the European Commission's proposal for a Green Claims Directive and supports its overarching goal to tackle "greenwashing" and develop an EU-harmonised legislative framework on green claims. This would help creating a level playing field for businesses and truly empower consumers to make more sustainable choices.

Our industry is committed to improving the sustainability and circularity of products, as illustrated by the "Commit for Our Planet initiative"<sup>2</sup>, and has a long-standing commitment to responsible claims and advertising, as demonstrated by our "General Principles and Charter for Responsible Advertising and Marketing Communications" which complement the comprehensive legislative framework regulating cosmetic product claims.

Given the crucial role of claims in differentiating cosmetic products, stimulating innovation and fostering competition, and given Cosmetics Europe's longstanding engagement in this field, we would like to share our recommendations on how to reach a comprehensive, efficient and workable framework which allows timely market access for improved products for which substantiated environmental claims are made.

### EU harmonization and legal coherence should be ensured

To foster harmonization of rules across the European Union and preserve the integrity of the Single Market, we ask that the Directive, and any secondary legislation, defines critical elements :

- Legal requirements, including exact steps of the verification process and documentation to be provided for the substantiation and communication of environmental claims, as well as the set-up and roll out of the verification process, should be harmonised across the EU to avoid diverging implementation of the directive.
- The definition of "*widely recognized scientific evidence*" would enhance legal certainty on what international standards and methodologies can be used to substantiate claims covered by the Directive. Such a definition should encompass international standards, scientifically valid reasonings or methodologies which have either been subject to peer review and publication or have received widespread acceptance within a relevant scientific community.

### Measures on the substantiation and communication of environmental claims should be proportionate

We agree that claims must be supported by robust science-based data to avoid "greenwashing".

- We support the 'life-cycle perspective' approach proposed by the European Commission that states that a detailed life-cycle analysis would not be required to substantiate all claims. To ensure harmonised interpretation and implementation, we suggest that the ISO 14001<sup>3</sup> definition of **life-cycle perspective should be included or referenced in the Directive i.e..** "*this does not require a detailed life cycle assessment; thinking carefully about the life cycle stages that can be controlled or influenced by the organization is sufficient. Typical stages of a product life cycle include raw material acquisition, design, production, transportation/delivery, use, end-of-life treatment and final disposal. The life cycle stages that are applicable will vary depending on the activity, product or service*". A full life-cycle assessment should be required for environmental impacts and environmental performance.

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<sup>1</sup> For more information about Cosmetics Europe, visit [www.cosmeticseurope.eu](http://www.cosmeticseurope.eu)

<sup>2</sup> For more details on Commit for Our Planet, visit [www.commitforourplanet.cosmeticseurope.eu](http://www.commitforourplanet.cosmeticseurope.eu)

<sup>3</sup> ISO 14001 A6 1.2: <https://committee.iso.org/sites/tc207sc1/home/projects/published/iso-14001---environmental-manage/life-cycle.html>

- We advocate for the alignment of EU methodologies and requirements on claims with international scientifically recognized standards (e.g. ISO 14020, ISO 14021, ISO 14025, OECD, GHG protocol).
- In terms of communication, we welcome the possibility to use digital means to share information on the substantiation of claims. We propose that **a summary of the information supporting the environmental claim shall be made publicly available** in the form of a weblink, QR code or equivalent. More detailed data, like underlying studies and calculations should only be available to the respective verifier and for inspection by competent authorities. The Directive should explicitly **protect confidential business information** and differentiate between information for public access vs for control authorities only.

### **Rules on scoring systems should also apply to single-impact scorings used by traders and beyond; until a dedicated “Union law” is adopted, it should be possible to use scoring systems that are based on a full life-cycle analysis**

We support the principle that environmental impact information on products should be clear, transparent, and comparable, hence based on a robust footprint methodology, and believe that such information can help consumers make more sustainable choices.

- Provisions in **Article 7 should also apply to single-impact indicators and rating scores more broadly** i.e. not only when used by traders but also when used by rating apps/NGOs/consumer organization. Otherwise, several rating scores that are less robust might still be available on the market hence creating potential confusion for consumers on the environmental profile of products.
- An interim framework should be set up to **allow the use of aggregated scoring systems that are based on a full life-cycle analysis** until a dedicated “Union law” is adopted. This is necessary as the process and timeline for such EU regulation remains uncertain.

### **Any *ex-ante* verification systems must be harmonised and predictable to foster innovation, timely market access for products and valuable information on the environmental profile of products**

In order to avoid that the Green Claims Directive proposal leads to an excessively burdensome process - especially for SMEs - we believe that any *ex-ante* verification system should be:

- **Harmonised:** the main requirements for the verification procedure should be established in the Directive, for implementation by the Member States. Mutual recognition between Member States should be kept as a fundamental principle.
- **Time-bound:** the Directive should set clear time frames and deadlines for verifiers to carry out the verification so that substantiated claims can be used without any undue delays, particularly for a fast-moving industry like ours.
- **Comprehensive:** provisions related to complaints and access to justice should be extended to verifiers, ensuring they are bound by the same rules as the companies they verify.

### **Realistic timelines for transposition into national laws and implementation should be foreseen**

- Article 25 of the proposal requires Member States to adopt and publish within 18 months after the entry into force of the Directive, and to apply them 24 months thereafter. We believe 6 months will not be sufficient to accredit enough verifiers and review all the requests submitted by traders across all economic sectors. We therefore propose that national laws transposing the Directive should enter into force after no less than 36 months from the entry into force of the Directive.
- In order to avoid massive withdrawal of products with existing environmental claims and labels, we advocate that products with on-pack environmental claims which have already been placed on the market on the day of the entry into force of the Directive should be allowed to be marketed until their natural life cycle or stock depletion, even if the respective claims have not yet been certified by a verifier.