Council of the European Union

Brussels, 4 April 2025
(OR. en)

7680/25

Interinstitutional File: 2023/0085 (COD)

LIMITE

ENV 221
CLIMA 98
CONSOM 55
MI 185
IND 101
COMPET 220
CODEC 370

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	7777/23 - COM(2023) 166 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive) - Preparation for the trilogue

I. INTRODUCTION

1. On 23 March 2023, the Commission submitted to the European Parliament and the Council, a proposal for a directive on substantiation and communication of explicit environmental claims (hereinafter: Green Claims Directive). The proposal aims to make green claims reliable, comparable, and verifiable across the EU and help establish a level playing field when it comes to environmental performance of products.

2. In the European Parliament, the file is dealt with jointly by the Committees on the Environment, Public Health and Food Safety (ENVI) and on Internal Market and Consumer Protection (IMCO). The European Parliament adopted its position at first reading on 12 March 2024. Following the elections of the European Parliament, new co-rapporteurs have been appointed: for ENVI Delara BURKHARDT (S&D, DE) and for IMCO Sandro GOZI (Renew, FR).

3. The European Economic and Social Committee delivered its opinion on 14 June 2023 and the Committee of the Regions delivered its opinion on 10 October 2023.

4. On 17 June 2023, the Council reached a general approach on the proposal[1].

5. The Working Party on the Environment examined the Parliament's amendments at its meetings on 2 July 2025 and 20 February 2025. On 28 March 2025, it examined Presidency suggestions for a revised mandate.

6. The first trilogue on the proposal was held on 28 January 2025. Subsequently, meetings have been taking place between the institutions at technical level.

II. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

7. The second trilogue is scheduled for 24 April 2025 and is expected to:

- confirm results of work carried out at the technical level;
- reach agreement on a number of political points related to substantial requirements on claims and labels/labelling schemes, information to be provided to consumers, verification, access to justice and penalties;
- hold an exchange on the main political issues: scope of the Directive, microenterprises and simplified procedure, climate related claims and hazardous substances.

8. On a considerable number of more legal technical issues preliminary agreement at technical level has been found. This includes a large number of elements from the Council's general approach, including a number of clarifications of terminology and concepts as well as structural changes such as clarification of responsibilities, e.g. for labelling schemes, and support to SMEs.

In turn the Presidency at technical level has tried to accommodate a number of the Parliament's amendments. These are mostly based on Commission suggestions and aim at accommodating the Parliament while streamlining and simplifying wording, in some cases via recitals.

[1] Document ST 11312/24.

The Presidency suggests to confirm all of these texts preliminarily agreed at technical level.

Further, it should be noted that a number of Council provisions have been agreed in principle but are linked to other provisions and can therefore not be agreed before those issues are cleared (this concerns in particular provisions referring to climate, communication and the simplified procedure).

9. In order to make further progress, paving the way for a successful conclusion of negotiations, the Presidency suggests the following flexibilities in three "subpackages" while maintaining key elements of the Council position, aiming at achieving a balanced overall compromise of these issues.

10. Claims and labels/labelling schemes:

a) Common practice

The Presidency suggests to maintain the Council position (deletion) to ensure the alignment with Directive 2005/29/EC (Unfair Commercial Practices Directive, UCPD), Article 3 (1), point (f), row 132).

b) Animal welfare and taxonomy

The Presidency suggests to insist that animal welfare is not an environmental objective. However, the Presidency, as concerns the targeted and limited aspect of assessing negative trade-offs, suggests to accommodate the Parliament's strong request to include animal welfare as an aspect to consider in addition to environmental aspects. This could done by adding at the end of the Council text: "or animal welfare" (Article 3(1), point (g), row 133).

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c) Environmental Footprint methods and monitoring

The Presidency suggests, as part of a package to partly accommodate the Parliament, while qualifying that the requirement only covers relevant impacts or aspects and keeping the reference to presumption of conformity. Further, it should be clarified that specific product category and sectorial rules are to be incorporated via delegated acts, where appropriate. The Council text on monitoring should be maintained (Article 3(4), Article 3(4), point (c), rows 139 and 142).

d) Aggregated claims and labels

The Presidency suggests to:

- reject the Parliament's amendment on allowing private methods as well as the compromise suggestion to allow for private methods if there are no Union or national methods (Article 3(6), row 147a);

- conversely, accept the suggestions for a definition of "aggregated score" clarifying that aggregated scores can cover both claims and labels and the suggestion as regards communication requirements to ensure additional transparency (Article 2, point (8c), Article 5(5), rows 113b and 162).

e) Claims on future performance of products

The Parliament proposes that claims on the future performance of products be banned (Article 5(4), row 161). An outright ban is not in line with UCPD, and the Presidency suggests to reject the amendment. However, the assessment is that such claims under certain circumstances could be deemed misleading according to the UCPD, and the Presidency therefore suggests that if needed an explanatory recital to this effect could be acceptable.

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f) Labels/labelling schemes

Most of the provisions on labelling schemes have been agreed at technical level, most of them reflecting the Council mandate, including the possibility for Member States to exempt public national or regional labelling schemes from verification (Article 8 (1b), row 180b) [2]. Some Council texts are agreed in principle subject to agreement on horizontal issues (implementing or delegated acts and/or from when to apply to provisions), ie. the texts on new labelling schemes in Articles 8(3), 8(4) and 8(5), rows 188, 190 and 191). Nevertheless, a number of important issues remain outstanding. On those issues, the Presidency suggests the following:

- to reject the Parliament's amendment on the definition of environmental labels as it de facto extends the scope to sustainability labels that cover social or other aspects (Article 2, point (8), row 113);

- to accommodate the Parliament as regards requirements for decision making bodies, while providing further clarity of the text and additions to the corresponding recital (Article 8(2) point (aa), row 182a);

- to maintain the Council's text on the derogation from verification for the national or regional EN ISO 14024 type I ecolabelling schemes, noting that the Parliament in its mandate also refers to those schemes albeit indirectly through a reference to Article 2, point (s) of the UCPD (Art. 8(6a), row 200a). As regards the reference to the ISO standard for accreditation of verifiers to accept a suggestion that, although not directly mentioning the standard, unequivocally refers to it. Further, to accept an empowerment to the Commission to specify that standard in an implementing act (Article 11(1a, row 221a);

[2] Now moved to Article 10 on verification.

- on the Parliament amendment proposing that labels developed by recognised consumer organisations would be partly exempted from verification, to show some openness to explore options to accommodate the Parliament (Article 7(1a), row 177a). However, as a minimum a clear legal framing with criteria for such a partial exemption would be required. The Commission is invited to bring forward appropriate ideas and suggestions.

11. Information to consumers and verification.

a) Information to be provided to consumers by the trader

As part of an overall compromise, the Presidency suggests a text that combines the Council's approach on focusing on the summary of the assessment as the primary information with making also the additional technical information available together with the claim and not upon request as originally proposed by the Council (Article 5(6), rows 163 – 169, 171, 171d, 172a). The Presidency will continue to reject providing the full assessment together with the claim as requested by the Parliament.

The Presidency will continue to reject the Parliament's amendment on "highly polluting" industries (Article 5 (6), point (fa), row 170a).

b) Verification

Two major points remain outstanding, namely verification of communication and the 30 days deadline for verification. The Presidency will continue to insist on the Council position that verification should not cover communication requirements and argue against setting a 30-day deadline for verification (Article 10(1), 10(4a) and 11(3) point (e), rows 211, 214a, 228). However, the 30 day deadline appears to be a key point for the Parliament, and the Presidency considers that flexibility is needed on this point to secure an overall agreement, including preserving the Council's position on verification of communication.

In addition, the Presidency suggests to accept a more streamlined suggestion regarding the verification procedures to be set up by Member States (Article 10(3a), row 213a).

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12. Competent authorities, access to justice and penalties.

The Parliament has practically accepted to incorporate the entirety of the Council position on competent authorities, including the text on corrective measures, combined with elements from its own mandate. . The only outstanding issue is the text on withdrawal of the certificate of conformity and the verifiers' accreditation, where the Presidency suggest to accept a text that clarifies the responsibility for withdrawal of the latter (Article 15(3c), row 255c).

The Parliament maintains its position on access to justice and penalties. The Presidency will continue to defend the deletions by the Council, arguing that these provisions are too prescriptive and interfering with Member States' legal systems or not necessary. However, in order to secure an agreement, the Presidency considers that the Council may have to show flexibility on these issues. Concretely:

- on access to justice, the Presidency suggests to maintain the deletion of the provision on information to complainants while accepting to reinsert the provision on access to a court or a public body, as this already reflects what is in the Aarhus Regulation (Article 16(4) and 16(5), rows 260 – 261);

- on penalties, a number of delegations have suggested to align the provisions (more) with the UPCD. Therefore, the Presidency suggests an approach, where provisions are brought closer to the UCPD, with insisting on the deletion of provisions that are not included in the UCPD (Article 17(3), points (a-c, rows 274 - 276), but, if necessary, agreeing to include a provision on fines, however, without the 4% threshold suggested by the Commission.

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13. Exchange on main political issues

The foreseen exchange on main political issues at the trilogue - scope of the Directive, microenterprises, simplified procedure, climate related claims and hazardous substance - is intended to provide guidance for further work and pave the way towards a final agreement.

III. CONCLUSION

14. The Permanent Representatives Committee is invited to examine the Presidency's suggestions as set out in this note and the four-column document in view of giving the Presidency a mandate to continue negotiations with the European Parliament at the upcoming trilogue scheduled on 24 April 2025.

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ANNEX

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)

2023/0085(COD)

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0085 (COD)	2023/0085 (COD)	2023/0085 (COD)	Commission Proposal
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on substantiation and communication of explicit environmental claims (Green Claims Directive)	Commission Proposal
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee	Having regard to the opinion of the European Economic and Social Committee	Having regard to the opinion of the European Economic and Social Committee	Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C , , p. .	Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Commission Proposal
Recital 1				
11	(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products. If	(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products ***as***	(1) Claiming to be “green” and sustainable has become a competitiveness factor, with green products registering greater growth than standard products. If	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	goods and services offered and purchased on the internal market are not as environmentally friendly as presented, this would mislead the consumers, hamper the green transition and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national legislation or private initiatives regulating environmental claims create a burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.	***consumer interest grows***. If goods and services offered and purchased on the internal market are not as environmentally friendly as presented, this would mislead the consumers, hamper the green transition**,** and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national legislation or private initiatives regulating environmental claims create a burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.	goods and services offered and purchased on the internal market are not as environmentally friendly as presented, this would mislead the consumers, hamper the green transition and prevent the reduction of negative environmental impacts. The potential of green markets is not fully realised. Different requirements imposed by national ~~legislation~~**law** or private initiatives regulating environmental claims create a burden for companies in cross-border trade, as they need to comply with different requirements in each Member State. This affects their capacity to operate in and take advantage of the internal market. At the same time, market participants have difficulties with identifying reliable environmental claims and making optimal purchasing decisions on the internal market. With a proliferation of different labels and calculation methods on the market, it is difficult for consumers, businesses, investors and stakeholders to establish if claims are trustworthy.	
Recital 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
12	(2) If environmental claims are not reliable, comparable and verifiable, consumers and other market actors cannot fully leverage their purchasing decisions to reward better environmental performance. Similarly, the lack of reliable, comparable and verifiable information hinders incentives for optimising environmental performance, which would typically go hand in hand with efficiency gains and cost savings for companies along the supply chain as well. These consequences are exacerbated by the lack of a common reference across the internal market and the ensuing confusion.	(2) If environmental claims are not reliable, comparable and verifiable, consumers and other market actors cannot fully leverage their purchasing decisions to reward better environmental performance. Similarly, the lack of reliable, comparable and verifiable information hinders incentives for optimising environmental performance, which would typically go hand in hand with efficiency gains and cost savings for companies along the supply chain as well. These consequences are exacerbated by the lack of a common reference across the internal market and the ensuing confusion.	(2) If environmental claims are not reliable, comparable and verifiable, consumers and other market actors cannot fully leverage their purchasing decisions to reward better environmental performance. Similarly, the lack of reliable, comparable and verifiable information hinders incentives for optimising environmental performance, which would typically go hand in hand with efficiency gains and cost savings for companies along the supply chain as well. These consequences are exacerbated by the lack of a common reference across the internal market and the ensuing confusion.	Commission Proposal
Recital 3				
13	(3) For users of environmental information (consumers, businesses, investors, public administrations, NGOs) included in environmental claims, the lack of reliability, comparability and verifiability leads to an issue of trust in environmental information and confusion in interpreting heterogeneous, contradictory messages. This is detrimental to consumers and other market	(3) For users of environmental information (consumers, businesses, investors, public administrations, NGOs) included in environmental claims, the lack of reliability, comparability and verifiability leads to an issue of trust in environmental information and confusion in interpreting heterogeneous, contradictory messages. This is detrimental to consumers and other market	(3) For users of environmental information (consumers, businesses, investors, public administrations, NGOs) included in environmental claims, the lack of reliability, comparability and verifiability leads to an issue of trust in environmental information and confusion in interpreting heterogeneous, contradictory messages. This is detrimental to consumers and other market	Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	actors, as they may choose a product or a business transaction over other alternatives based on misleading information.	actors, as they may choose a product or a business transaction over other alternatives based on misleading information.	actors, as they may choose a product or a business transaction over other alternatives based on misleading information.	
Recital 4				
14	(4) It is therefore necessary to harmonise further the regulation of environmental claims. Such harmonisation will strengthen the market for more sustainable products and traders by avoiding market fragmentation due to diverging national approaches. It will also set a benchmark that can drive the global transition to a just, climate-neutral, resource-efficient and circular economy[1]. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final	(4) It is therefore necessary to harmonise further the regulation of environmental claims. Such harmonisation will strengthen the market for more sustainable products and traders by avoiding market fragmentation due to diverging national approaches. It will also set a benchmark that can drive the global transition to a just, climate-neutral, resource-efficient and circular economy[1]. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final	(4) It is therefore necessary to harmonise further the regulation of environmental claims. Such harmonisation will strengthen the market for more sustainable products and traders by avoiding market fragmentation due to diverging national approaches. It will also set a benchmark that can drive the global transition to a just, climate-neutral, resource-efficient and circular economy[1]. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final**.**	Commission Proposal
Recital 5				
15	(5) Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition	(5) Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, will contribute to the green transition	(5) Detailed Union rules on substantiation of explicit environmental claims **and environmental labels**, applicable to companies operating on the Union market in business to consumer communication, will	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	towards a circular, climate-neutral and clean economy in the Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims.	towards a circular, climate-neutral and clean economy in the Union***, that respects the planetary boundaries,*** by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims ***while promoting sustainable consumption***.	contribute to the green transition towards a circular, climate-neutral and clean economy in the Union by enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such **explicit environmental** claims **and displaying such environmental labels**.	
Recital 6				
16	(6) A regulatory framework for environmental claims is one of the actions proposed by the Commission to implement the European Green Deal[1], which recognises that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of 'greenwashing', and includes commitments to step up regulatory and non-regulatory efforts to tackle false environmental claims. Together with other applicable Union regulatory frameworks, including the proposal for a Directive on empowering consumers for the green transition[2], amending Directive	(6) A regulatory framework for environmental claims is one of the actions proposed by the Commission to implement the European Green Deal[1], which recognises that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of 'greenwashing', and includes commitments to step up regulatory and non-regulatory efforts to tackle false environmental claims. Together with other applicable Union regulatory frameworks, including the proposal for a Directive on empowering consumers for the green transition[2], amending Directive	(6) A regulatory framework for environmental claims is one of the actions proposed by the Commission to implement the European Green Deal[1], which recognises that reliable, comparable and verifiable information plays an important part in enabling buyers to make more sustainable decisions and reduces the risk of 'greenwashing', and includes commitments to step up regulatory and non-regulatory efforts to tackle false environmental claims. Together with other applicable Union regulatory frameworks, including the ~~proposal for a~~ Directive ~~on empowering consumers for the green transition[2],~~**(EU) 2024/825 of The**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2005/29/EC of the European Parliament and of the Council[3] that this proposal aims at complementing, they establish a clear regime for environmental claims, including environmental labels. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal, COM/2019/640 final 2. Proposal for a Directive of the European Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information, COM(2022) 143 final 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).	2005/29/EC of the European Parliament and of the Council[3] that this proposal aims at complementing ***as lex specialis***, they establish a clear regime for environmental claims, including environmental labels. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal, COM/2019/640 final 2. Proposal for a Directive of the European Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information, COM(2022) 143 final 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).	**European Parliament and of The Council[2]** amending Directive 2005/29/EC of the European Parliament and of the Council[3] that this ~~proposal~~**Directive** aims at complementing, they establish a clear regime for environmental claims, including environmental labels. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Green Deal, COM/2019/640 final 2. ~~Proposal for a~~ Directive **(EU) 2024/825** of the European Parliament and of the Council **of 28 February 2024** amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and **through** better information, COM(2022) 143 final **(OJ L, 2024/825, 6.3.2024)** 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22).	
Recital 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
17	(7) This Directive is part of a set of interrelated initiatives to establish a strong and coherent product policy framework that will make environmentally sustainable products and business models the norm, and not the exception, and to transform consumption patterns so that no waste is produced in the first place. The Directive is complemented, amongst others, by interventions on the circular design of products, on fostering new business models and setting minimum requirements to prevent that environmentally harmful products are placed on the EU market through the proposal for an Eco-design for Sustainable Products Regulation[1]. 1. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, COM(2022) 132 final	(7) This Directive is part of a set of interrelated initiatives to establish a strong and coherent product policy framework that will make environmentally sustainable products and business models the norm, and not the exception, and ***to ensure that a claim, which merely reflects common practice, cannot be communicated to customers as sustainable, in order*** to transform consumption patterns so that no waste is produced in the first place. The Directive is complemented, amongst others, by interventions on the circular design of products, on fostering new business models and setting minimum requirements to prevent that environmentally harmful products are placed on the EU market through the proposal for an Eco-design for Sustainable Products Regulation[1]. 1. Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, COM(2022) 132 final	(7) This Directive is part of a set of interrelated initiatives to establish a strong and coherent product policy framework that will make environmentally sustainable products and business models the norm, and not the exception, and to transform consumption patterns so that no waste is produced in the first place. The Directive is complemented, amongst others, by interventions on the circular design of products, on fostering new business models and setting minimum requirements to prevent that environmentally harmful products are placed on the EU market through the ~~proposal for an~~ Eco-design for Sustainable Products Regulation[1]. 1. ~~Proposal for a~~ Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, COM(2022) ~~132~~**142** final	
Recital 8				
18	(8) The specific needs of individual economic sectors	(8) The specific needs of individual economic sectors	(8) The specific needs of individual economic sectors	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be recognised and this Directive should therefore apply to voluntary explicit environmental claims and environmental labelling schemes that are not regulated by any other Union act as regards their substantiation or communication, or verification. This Directive should therefore not apply to explicit environmental claims for which the Union legislation lays down specific rules, including on methodological frameworks, assessment or accounting rules related to measuring and calculating environmental impacts, environmental aspects or environmental performance of products or traders, or providing mandatory and non-mandatory information to consumers on the environmental performance of products and traders or sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union rules.	should be recognised and this Directive should therefore apply to voluntary explicit environmental claims and environmental labelling schemes that are not regulated by any other Union act as regards their substantiation or communication, or verification. This Directive should therefore not apply to explicit environmental claims for which the Union legislation lays down specific rules, including on methodological frameworks, assessment or accounting rules related to measuring and calculating environmental impacts, environmental aspects or environmental performance of products or traders, or providing mandatory and non-mandatory information to consumers on the environmental performance of products and traders or sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union rules.	should be recognised and this Directive should therefore apply to voluntary explicit environmental claims and environmental labelling schemes **and the corresponding environmental labels** that are not regulated by any other Union act as regards their substantiation or communication, or verification. This Directive should therefore not apply to explicit environmental claims**, environmental labels or environmental labelling schemes** for which the Union legislation lays down specific rules, including on methodological frameworks, assessment or accounting rules related to measuring and calculating environmental impacts, environmental aspects or environmental performance **('environmental characteristics')** of products or traders, or providing mandatory and non-mandatory information to consumers on the environmental performance of products and traders or sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union rules.	
Recital 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
19	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council[1], this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water[2]. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms "bio" and "eco" and their derivatives, whether alone or in combination, are only to be used in the Union	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council[1], this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water[2]. It also has a positive impact on biodiversity, ***and a positive social impact as*** it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms "bio" and "eco" and their derivatives, whether alone or in combination,	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving 25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council[1], this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water[2]. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms "bio" and "eco" and their derivatives, whether alone or in combination, are only to be used in the Union	

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	for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton "eco", it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called "eco", this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC. _____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf	are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton "eco", it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called "eco", this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC. _____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf	for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton "eco", it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the contrary, if the dishwasher detergent is called "eco", this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC. _____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. ~~https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organic-farming-eu_en_1.pdf~~**EU Agricultural Economic briefs (europa.eu)**	
Recital 9a				
19a		***(9a) Within the context of the European Green Deal, the EU Action Plan Towards Zero Pollution for Air, Water and Soil (COM 2021/400), the European Chemicals Strategy for***		

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		Sustainability (COM/2020/667) and the European Union Strategic Approach to Pharmaceuticals in the Environment (COM/2019/128), the healthcare sector plays a relevant role in reducing environmental pressures. In that context, establishing a proper regulatory framework for using green claims relating to sustainability, biodegradability, circularity and origin of the product's components both for medicinal products, in accordance with Directive 2001/83/EC, and medical devices, in accordance with Regulation (EU) 2017/745, is crucial in order to encourage companies to contribute to environmental objectives and guarantee reliable communication to consumers.		
Recital 10				
20	(10) In addition, this Directive shall not apply to sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union or national rules for financial services, such as rules relating to banking, credit, insurance and re-insurance,	(10) In addition, this Directive shall not apply to sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union or national rules for financial services, such as rules relating to banking, credit, insurance and re-insurance,	(10) In addition, this Directive shall not apply to sustainability information involving messages or representations that may be either mandatory or voluntary pursuant to the Union or national rules for financial services, such as rules relating to banking, credit, insurance and re-insurance,	

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	occupational or personal pensions, securities, investment funds, investment firms, payment, portfolio management and investment advice, including the services listed in Annex I to Directive 2013/36[1] of the European Parliament and of the Council, as well as settlement and clearing activities and advisory, intermediation and other auxiliary financial services, includnig standards or certification schemes relating to such financial services. _____ 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	occupational or personal pensions, securities, investment funds, investment firms, payment, portfolio management and investment advice, including the services listed in Annex I to Directive 2013/36[1] of the European Parliament and of the Council, as well as settlement and clearing activities and advisory, intermediation and other auxiliary financial services, includnig standards or certification schemes relating to such financial services. _____ 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).	occupational or personal pensions, securities, investment funds, investment firms, payment, portfolio management and investment advice, including the services listed in Annex I to Directive 2013/36[1] of the European Parliament and of the Council, as well as settlement and clearing activities and advisory, intermediation and other auxiliary financial services, ~~includnig~~**including** standards or certification schemes relating to such financial services. _____ 1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions ~~and investment firms~~**[…]**, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). Correction of spelling mistake.	
Recital 11				
G 21	(11) Furthermore, this Directive should not apply to environmental information reported by undertakings that apply European sustainability reporting standards on a mandatory or voluntary basis	(11) Furthermore, this Directive should not apply to environmental information reported by undertakings that apply European sustainability reporting standards on a mandatory or voluntary basis	(11) Furthermore, this Directive should not apply to environmental information reported by undertakings that apply European sustainability reporting standards on a mandatory or voluntary basis	Commission Proposal G

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	in accordance with Directive 2013/34/EU[1] and sustainability information reported on a voluntary basis by undertakings defined in articles 3(1), 3(2) or 3(3) of this Directive where that information is reported in accordance with standards referred to in Articles 29b or 29c of Directive 2013/34/EU or in accordance with other international, European or national sustainability reporting standards or guidelines. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	in accordance with Directive 2013/34/EU[1] and sustainability information reported on a voluntary basis by undertakings defined in articles 3(1), 3(2) or 3(3) of this Directive where that information is reported in accordance with standards referred to in Articles 29b or 29c of Directive 2013/34/EU or in accordance with other international, European or national sustainability reporting standards or guidelines. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	in accordance with Directive 2013/34/EU[1] and sustainability information reported on a voluntary basis by undertakings defined in articles 3(1), 3(2) or 3(3) of this Directive where that information is reported in accordance with standards referred to in Articles 29b or 29c of Directive 2013/34/EU or in accordance with other international, European or national sustainability reporting standards or guidelines. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	
Recital 12				
G 22	(12) Offers to purchase goods or receive services conditional on the fulfilment of environmental criteria defined by the seller or service provider or offers where consumers receive more favourable contractual terms or prices upon the fulfilment of such criteria, for example the so-called	(12) Offers to purchase goods or receive services conditional on the fulfilment of environmental criteria defined by the seller or service provider or offers where consumers receive more favourable contractual terms or prices upon the fulfilment of such criteria, for example the so-called	(12) Offers to purchase goods or receive services conditional on the fulfilment of environmental criteria defined by the seller or service provider or offers where consumers receive more favourable contractual terms or prices upon the fulfilment of such criteria, for example the so-called	Text Origin: Commission Proposal G

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	green loans, green home insurance or financial service products with similar rewards for environmental actions or behaviour should not be subject to the rules of this Directive.	green loans, green home insurance or financial service products with similar rewards for environmental actions or behaviour should not be subject to the rules of this Directive.	green loans, green home insurance or financial service products with similar rewards for environmental actions or behaviour should not be subject to the rules of this Directive.	
Recital 13				
23	(13) In case future Union legislation lays down rules on environmental claims, environmental labels, or on the assessment or communication of environmental impacts, environmental aspects or environmental performance of certain products or traders in specific sectors, for example the announced "Count Emissions EU", the forthcoming Commission proposal on a legislative framework for a Union sustainable food system, the Eco-design for Sustainable Products Regulation[1] or Regulation (EU) No 1007/2011 of the European Parliament and of the Council[2], those rules should be applied to the explicit environmental claims in question instead of the rules set out in this Directive. _____ 1. COM(2022) 132 final	*deleted*	(13) In case future Union legislation lays down rules on **explicit** environmental claims, environmental labels **or environmental labelling schemes**, or on the assessment or communication of environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** of certain products or traders in specific sectors, for example the announced "***Count Emissions EU***~~Count Emissions EU~~", the forthcoming Commission proposal on a legislative framework for a Union sustainable food system, the Eco-design for Sustainable Products Regulation[1] or Regulation (EU) No 1007/2011 of the European Parliament and of the Council[2], those rules should be applied to the explicit environmental claims **and environmental labels** in question	

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	2. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).		instead of the rules set out in this Directive. _____ 1. COM(2022) ~~132~~**142** final 2. Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council (OJ L 272, 18.10.2011, p. 1).	
Recital 14				
24	(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised excellent environmental performance relevant to the claim. Examples of such generic environmental claims are 'eco-friendly', 'eco', 'green', 'nature's friend', 'ecological' and 'environmentally correct'. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their substantiation,	(14) The proposal for a Directive on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised excellent environmental performance relevant to the claim. Examples of such generic environmental claims are '***environmentally friendly'***, '**eco-friendly~~', 'eco~~**', 'green', 'nature's friend', 'ecological' ~~*and*~~, 'environmentally correct', ***'climate friendly', 'gentle on the environment', 'carbon friendly', 'energy efficient', 'biodegradable', 'biobased' or similar statements that suggest or***	(14) The ~~proposal for a~~ Directive **2024/825 of the European Parliament and of the Council** on empowering consumers for the green transition which amends Directive 2005/29/EC, sets out a number of specific requirements on environmental claims and prohibits generic environmental claims which are not based on recognised excellent environmental performance relevant to the claim. Examples of such generic environmental claims are 'eco-friendly', '~~eco', '~~green', 'nature's friend', 'ecological' and 'environmentally correct'. This Directive should complement the requirements set out in that ~~proposal~~**Directive** by addressing specific aspects and requirements	

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	communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive.	***create the impression of excellent environmental performance***. This Directive should complement the requirements set out in that proposal by addressing specific aspects and requirements for explicit environmental claims as regards their substantiation, communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive.	for explicit environmental claims**, which are environmental claims made in written form or orally, and environmental labelling schemes and the corresponding environmental labels** as regards their substantiation, communication and verification. The requirements set out in this Directive should apply to specific aspects of explicit environmental claims**, environmental labelling schemes and the corresponding environmental labels, on top of the requirements set out in Directive 2005/29/EC** and will prevail over the requirements set out in Directive 2005/29/EC with regard to those aspects in case of conflict, pursuant to Article 3(4) of that Directive. **Thus, the provisions of Directive 2005/29/EC will apply to traders making claims, in so far those provisions do not conflict with the requirements set out in this Directive. Consequently, it should still be possible to consider that a commercial practice is unfair on the basis of the provisions of Directive 2005/29/EC, including Articles 5 to 9 of that Directive even though that particular practice**	

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			meets the requirements in this Directive. However, the assessment of a verifier in the certificate of conformity or a trader in the Specific Technical Documentation, should not prejudge the assessment of the environmental claims by national authorities or courts which enforce Directive 2005/29/EC.	
Recital 14a				
24a			**(14a) Explicit environmental claims cover both generic environmental claims and specific environmental claims. An explicit environmental claim is opposed to an implicit environmental claim. An implicit environmental claim is i.e. a colour or image, and therefore not presented in written form or orally. Implicit environmental claims are regulated in Directive 2005/29/EC. Specific environmental claims are explicit environmental claims where the specification of the claim is provided in clear and prominent terms on the same medium. The requirements, such as the substantiation and**	

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			communication requirements, set out in this Directive shall be applicable to generic environmental claims based on recognised excellent environmental performance relevant to the claim.	
Recital 15				
25	(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of 'greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation should take into account internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.	(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of 'greenwashing, it is necessary to establish requirements for substantiation of explicit environmental claims. Such substantiation should take into account ***robust and independent*** internationally recognised ***and up-to-date*** scientific approaches to identifying and measuring environmental impacts, environmental aspects and environmental performance of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.	(15) In order to ensure that consumers are provided with reliable, comparable and verifiable information which enables them to make more environmentally sustainable decisions and to reduce the risk of 'greenwashing**'**, it is necessary to establish requirements for substantiation of explicit environmental claims~~.~~ ~~Such substantiation should take into account internationally recognised scientific approaches to identifying and measuring environmental impacts, environmental aspects~~ and environmental ~~performance of~~**labels. Explicit environmental claims should be substantiated by the trader generating them. Generating an explicit environmental claim should mean making, for the first time, an explicit environmental claim in a business-to-consumer**	

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			commercial practice towards a consumer in a Member State as well as its subsequent replication in a business-to-consumer commercial practice by that same trader. The trader who made, for the first time, an explicit environmental claim in a business-to-consumer commercial practice is also generating that claim by replicating and therefore repeating that claim at a later stage, for example when selling a product hat contain this claim on its packaging to consumers or by communicating that claim, for example on their website, or through advertising towards consumers. Typically, the trader generating the claim will be the producer, as they determine the characteristics and presentation of the products **in the context of commercial communications where the final recipient is a consumer or could be a consumer. Nevertheless, the trader generating the explicit environmental claim could also be a trader who makes an explicit environmental claim about a product they did not produce for example by**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			repeating a claim that was made exclusively in a business-to-business relationship in a transaction towards consumers, therefore making that claim for the first time in a business-to-consumer commercial practice. The requirements applying to the generation of explicit environmental claims do not address traders merely exactly replicating explicit environmental claims that have already been communicated towards consumers, as it is typically the case for, sellers, retailers or other distributors, as these traders usually do not influence either the characteristics or the packaging of the products they sell and usually do not create new explicit environmental claims. In addition to explicit environmental claims about products, including services, ~~or~~ traders, ~~and it~~**including service providers, can also generate explicit environmental claims about themselves or their activities. It is the trader generating the explicit environmental claim who** should ~~result in reliable, transparent,~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~comparable and verifiable~~**possess the relevant** information ~~to the consumer~~**for substantiation. However, in accordance with Directive 2005/29/EC, once the fact of misleading practices has been established by the courts or administrative authorities, corrective measures may also be required from the retailers selling the product in question**. **They also may be required to provide consumers with additional information at the point of sale. On the other hand, environmental labels should be substantiated by the environmental labelling scheme owner.**	
Recital 15a				
25a			**(15a) Business-to-business (B2B) commercial practices do not fall within the scope of this Directive, which therefore does not regulate the consequences of enforcement measures in the context of B2B contractual relationships between retailers and producers. These B2B relationships are partly regulated by Directive 2006/114/EC of the European Parliament and of the Council**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			on misleading and comparative advertising. In addition, Member States may extend, under their national laws, the protection granted by the Unfair Commercial Practices Directive to B2B commercial practices.	
Recital 15b				
25b			**(15b) This Directive should be without prejudice to Union rules on private international law, such as Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) or Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II).**	
Recital 16				
26	(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product or of the overall activities of the trader and should not omit any relevant environmental aspects or environmental impacts. The	(16) The assessment made to substantiate explicit environmental claims needs to consider the life-cycle of the product or of the overall activities of the trader and should not omit any relevant environmental aspects or environmental impacts. The	(16) **The substantiation should be based on widely recognised scientific evidence, understood as that based on sound methodologies, approaches or studies, such as those that (i) have been developed in line with best practices in terms of**	

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	benefits claimed should not result in an unjustified transfer of negative impacts to other stages of the life cycle of a product or trader, or to the creation or increase of other negative environmental impacts.	benefits claimed should not result in ~~*an unjustified*~~***a*** transfer of negative impacts to other stages of the life cycle of a product or trader, or to the creation or increase of other negative environmental impacts.	**transparency, stakeholder consultation, involvement of scientific community, industry and civil society; or (ii) have been independently peer reviewed by qualified experts in the field and published in internationally recognised scientific literature. In addition, such substantiation should take into account internationally recognised scientific approaches, such as relevant international standards, to identify and measure environmental characteristics of products or traders, and it should result in reliable, transparent, comparable and verifiable information to the consumer.** The assessment made to substantiate explicit environmental claims **and environmental labels should not omit any relevant environmental aspects or environmental impacts and** needs to consider the life-cycle of the product or of the overall activities of the trader ~~and should not omit any relevant~~**, expressly justifying when it is not necessary to assess the whole life-cycle on the basis of the nature of the explicit**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			environmental ~~aspects~~**claim** or environmental ~~impacts~~**label**.– The benefits claimed should not result in an unjustified transfer of negative impacts to other stages of the life cycle of a product or trader, or to the creation or increase of other negative environmental impacts.	
Recital 17				
27	(17) The assessment substantiating the explicit environmental claim should make it possible to identify the environmental impacts and environmental aspects for the product or trader that jointly contribute significantly to the overall environmental performance of the product or trader ('relevant environmental impacts' and 'relevant environmental aspects'). 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	(17) The assessment substantiating the explicit environmental claim should make it possible to identify the environmental impacts and environmental aspects for the product or trader that jointly contribute significantly to the overall environmental performance of the product or trader ('relevant environmental impacts' and 'relevant environmental aspects'). 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	(17) The assessment substantiating the explicit environmental claim **or environmental label** should make it possible to identify the environmental impacts and environmental aspects for the product or trader that jointly contribute significantly to the overall environmental performance of the product or trader ('relevant environmental impacts' and 'relevant environmental aspects'). 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	

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	omit any important environmental impacts. For example, in the Commission Recommendation on the use of Environmental Footprint methods[1] the most relevant impact categories identified should together contribute to at least 80% of the single overall score. These indications for the relevance of the environmental impacts or environmental aspects can also result from the criteria set in various ecolabels type I, as for instance the EU Ecolabel, or in Union criteria for green public procurement, from requirements set by the Taxonomy Regulation[2], from product specific rules adopted under the Regulation …./…. of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products[3] or from other relevant Union rules. _____ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations, OJ L 471, 30.12.2021, p. 1. 2. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a	omit any important environmental impacts. For example, in the Commission Recommendation on the use of Environmental Footprint methods[1] the most relevant impact categories identified should together contribute to at least 80% of the single overall score. These indications for the relevance of the environmental impacts or environmental aspects can also result from the criteria set in various ecolabels type I, as for instance the EU Ecolabel, or in Union criteria for green public procurement, from requirements set by the Taxonomy Regulation[2], from product specific rules adopted under the Regulation …./…. of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products[3] or from other relevant Union rules. _____ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations, OJ L 471, 30.12.2021, p. 1. 2. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a	to the product category and do not omit any important environmental impacts. For example, in the Commission Recommendation on the use of Environmental Footprint methods[1] the most relevant impact categories identified should together contribute to at least 80% of the single overall score. **Therefore, the use of these Environmental Footprint methods to substantiate environmental claims, especially where Product Environmental Footprint Category Rules or Organisation Environmental Footprint Sector Rules have been established [for example for Apparel and Footwear] is recommended.** These indications for the relevance of the environmental impacts or environmental aspects can also result from the criteria set in various ecolabels type I, as for instance the EU Ecolabel, or in Union criteria for green public procurement, from requirements set by the Taxonomy Regulation[2], from product specific rules adopted under the Regulation …./…. of the European Parliament and of the Council establishing a framework for setting ecodesign	

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	framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 3. […]	framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 3. […]	requirements for sustainable products[3] or from other relevant Union rules. _____ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations, OJ L 471, 30.12.2021, p. 1. 2. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 3. ~~[~~ …~~]~~	
Recital 18				
28	(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's	(18) In line with Directive 2005/29/EC as amended by the proposal for a Directive on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are considered as common practice in the relevant market. The information used to substantiate explicit environmental claims should therefore make it possible to identify the product's	(18) In line with Directive 2005/29/EC as amended by the ~~proposal for a~~ Directive **2024/825** on empowering consumers for the green transition, the trader should not present requirements imposed by law on products within a given product category as a distinctive feature of the trader's offer or advertise benefits for consumers that are ~~considered as~~**irrelevant but could lead the consumer to believe that the benefits compared to other equivalent products are greater than they actually are, for example by**	

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	or trader's environmental performance in comparison to the common practice for products in the respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product or trader has a positive impact or no impact on the environment, or that a product or a trader is less damaging to the environment than other products or traders. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case majority of products within the product group or majority of traders within the sector perform better than those legal requirements, the minimum legal requirements should not be considered as common practice.	or trader's environmental performance in comparison to the common practice for products in the respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim, which is to demonstrate that a product or trader has a positive impact or no impact on the environment, or that a product or a trader is less damaging to the environment than other products or traders. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect or environmental performance, for example as regards product composition, mandatory recycled content or end-of-life treatment. However, in case ***the*** majority of products within the product group***, or the*** ~~*or*~~ majority of traders within the sector perform better than those legal requirements, the minimum legal requirements should not be considered as common practice. ***Also, existing certification schemes and their***	**promoting environmental characteristics that are** common practice in the relevant ~~market. The information used to substantiate explicit~~**product group or relevant sector. i.e., environmental characteristics which are typically or widely used by traders in the same sector. Making** environmental claims ~~should therefore make it possible to identify the product's or trader's environmental performance in comparison to the common practice for~~**on** products ~~in the respective product group, such as food, or in the respective sector. This is necessary to underpin the assessment whether the explicit environmental claims can be made with regard to a given product or trader in line with the function of an environmental claim,~~**and organisations** which ~~is to demonstrate that a product or trader has a positive impact or no impact on the environment, or that a product or a trader is less damaging to the environment than other products or traders. The common practice could be equivalent to the minimum legal requirements that are applicable to the specific environmental aspect~~	

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		trademarks, such as certification schemes using a chain of custody certification, which can be more susceptible to fraud or which cannot reliably guarantee the legality of the production for the certified products, should be fully verified under the requirements of this Directive to ensure that consumers are not misled.	~~or environmental performance, for example as regards product composition, mandatory recycled content or end of life treatment. However, in case majority of products within the product group or majority of traders within the sector~~ perform better than ~~those legal requirements, the minimum legal requirements should not be considered as~~ common practice **is important to identify which products and organisations truly perform more environmentally friendly than average**.	
Recital 19				
29	(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be	(19) It would be misleading to consumers if an explicit environmental claim pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims should ensure that the interlinkages between the relevant environmental impacts and between environmental aspects and environmental impacts can be	(19) It would be misleading to consumers if an explicit environmental claim **or environmental label** pointed to the benefits in terms of environmental impacts or environmental aspects while omitting that the achievement of those benefits leads to negative trade-offs on other environmental impacts or environmental aspects. To this end the information used to substantiate explicit environmental claims **and environmental labels** should ensure that the interlinkages between the relevant environmental impacts and	

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	identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO2 savings in the stage of manufacturing leading to a notable increase of CO2 emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems or animal welfare. An environmental claim on textiles containing plastic polymer from recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes	identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that ~~*significantly*~~ worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO2 savings in the stage of manufacturing leading to a notable increase of CO2 emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity, ecosystems or animal welfare. An environmental claim on ***green energy may mislead consumers if it is based on resources negatively impacting the local development and environment, or on*** textiles containing plastic polymer from	between environmental aspects and environmental impacts can be identified along with potential trade-offs. The assessment used to substantiate explicit environmental claims **or environmental labels** should identify if improvements on environmental impacts or environmental aspects lead to the kind of trade-offs that significantly worsen the performance as regards other environmental impacts or environmental aspects, for example if savings in water consumption lead to a notable increase in greenhouse gas emissions, or in the same environmental impact in another life-cycle stage of the product, for example CO2 savings in the stage of manufacturing leading to a notable increase of CO2 emissions in the use phase. For example, a claim on positive impacts from efficient use of resources in intensive agricultural practices may mislead consumers due to trade-offs linked to impacts on biodiversity~~,~~ **or** ecosystems ~~**or animal welfare**~~. An **explicit** environmental claim **or environmental label** on textiles containing plastic polymer from recycled PET bottles may also	

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	with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.	recycled PET bottles may also mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.	mislead consumers as to the environmental benefit of that aspect if the use of this recycled polymer competes with the closed-loop recycling system for food contact materials which is considered more beneficial from the perspective of circularity.	
Recital 20				
30	(20) In order for the environmental claim to be considered robust, it should reflect as accurately as possible the environmental performance of the specific product or trader. The information used to substantiate explicit environmental claims therefore needs to include primary, company-specific data for relevant aspects contributing significantly to the environmental performance of the product or trader referred to in the claim. It is necessary to strike the right balance between ensuring relevant and robust information for substantiating environmental claims and the efforts needed to gather primary information. The requirement to	(20) In order for the environmental claim to be considered robust, it should reflect as accurately as possible the environmental performance of the specific product or trader. The information used to substantiate explicit environmental claims therefore needs to include primary, company-specific data for relevant aspects contributing significantly to the environmental performance of the product or trader referred to in the claim. It is necessary to strike the right balance between ensuring relevant and robust information for substantiating environmental claims and the efforts needed to gather primary information. The requirement to	(20) In order for the environmental claim to be considered robust, it should reflect as accurately as possible the environmental performance of the specific product or trader. The information used to substantiate explicit environmental claims therefore needs to include primary, company-specific data for relevant aspects contributing significantly to the environmental performance of the product or trader referred to in the claim. It is necessary to strike the right balance between ensuring relevant and robust information for substantiating environmental claims and the efforts needed to gather primary information. The requirement to	

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	use primary information should be considered in the light of the influence the trader making the claim has over the respective process and of the availability of primary information. If the process is not run by the trader making the claim and primary information is not available, accurate secondary information should be able to be used even for processes that contribute significantly to the environmental performance of the product or trader. This is especially relevant to not disadvantage SMEs and to keep the efforts needed to acquire primary data at a proportionate level. Moreover, the relevant environmental aspects are different for each type of environmental claim. For instance, for claims on recycled or bio-based content, the composition of the product should be covered by primary data. For claims on being environmentally less polluting in a certain life cycle stage, information on emissions and environmental impacts related to that life cycle stage should include primary data as well. Both primary data and secondary data, i.e.	use primary information should be considered in the light of the influence the trader making the claim has over the respective process and of the availability of primary information. If the process is not run by the trader making the claim and primary information is not available, accurate secondary information should be able to be used even for processes that contribute significantly to the environmental performance of the product or trader. This is especially relevant to not disadvantage SMEs and to keep the efforts needed to acquire primary data at a proportionate level. Moreover, the relevant environmental aspects are different for each type of environmental claim. For instance, for claims on recycled or bio-based content, the composition of the product should be covered by primary data. For claims on being environmentally less polluting in a certain life cycle stage, information on emissions and environmental impacts related to that life cycle stage should include primary data as well. Both primary data and secondary data, i.e.	use primary information should be considered in the light of the influence the trader ~~making~~**generating** the claim has over the respective process and of the availability of primary information. If the process is not run by the trader ~~making~~**generating** the claim and primary information is not available, accurate secondary information should be able to be used even for processes that contribute significantly to the environmental performance of the product or trader. This is especially relevant to not disadvantage SMEs and to keep the efforts needed to acquire primary data at a proportionate level. Moreover, the relevant environmental aspects are different for each type of environmental claim. For instance, for claims on recycled or bio-based content, the composition of the product should be covered by primary data. For claims on being environmentally less polluting in a certain life cycle stage, information on emissions and environmental impacts related to that life cycle stage should include primary data as well. Both primary	

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	average data, should show a high level of quality and accuracy.	average data, should show a high level of quality and accuracy.	data and secondary data, i.e. average data, should show a high level of quality and accuracy.	
Recital 21				
31	(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are "climate neutral", "carbon neutral", "100% CO2 compensated", or will be "net-zero" by a given year, or similar. Such statements are often based on "offsetting" of greenhouse gas emissions through "carbon credits" generated outside the company's value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in offset	(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are "climate neutral", "carbon neutral", "100% CO2 compensated", or will be "net-zero" by a given year, or similar. Such statements are often based on "offsetting" of greenhouse gas emissions through "carbon credits" generated outside the company's value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in offset	(21) Climate-related claims have been shown to be particularly prone to being unclear and ambiguous and to mislead consumers. This relates notably to environmental claims that products or entities are "climate neutral", "carbon neutral", "100% CO2 compensated", or will be "net-zero" by a given year, or similar. ~~Such statements are often based on "offsetting" of~~**For that reason, this Directive, in conjunction with Directive 2005/29/EC, as amended by Directive (EU) 2024/825 of the European Parliament and of the Council, should set the basis for a credible, responsible and transparent communication regarding the trader's actions resulting in net** greenhouse gas ~~emissions through "carbon credits" generated outside the company's value chain, for example from forestry or renewable energy projects. The methodologies underpinning offsets vary widely and are not~~	

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	credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of relying on offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements. When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on offsets in a transparent manner. Therefore, the substantiation of climate-related claims should consider any greenhouse gas emissions offsets used by the traders separately from the trader's or the product's greenhouse gas emissions. In addition, this information should also specify the share of total	credits of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of ~~*relying on*~~ offsets. Any resulting residual emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements. When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on ~~*offsets*~~***carbon credits*** in a transparent manner. ~~*Therefore, the substantiation of climate-related claims should consider any greenhouse gas emissions offsets used by the traders separately from the trader's or the product's greenhouse gas emissions. In addition, this information should*~~	~~always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of avoided or reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in offset credits of low environmental integrity and credibility that mislead~~**emission reduction. It should give the right tool to traders to disclose their progress in a positive way, to inspire competitors and incentivize** consumers ~~when they are relied upon in explicit environmental claims. Offsetting can also deter traders from emissions reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains instead of relying on offsets~~**to make informed purchasing decisions and thereby contributing to more sustainable consumption patterns**. ~~Any resulting residual~~	

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	emissions that are addressed through offsetting, whether these offsets relate to emission reductions or removals enhancement, and the methodology applied. The climate-related claims that include the use of offsets have to be substantiated by methodologies that ensure the integrity and correct accounting of these offsets and thus reflect coherently and transparently the resulting impact on the climate.	~~*also specify the share of total emissions that are addressed through offsetting, whether these offsets relate to emission reductions or removals enhancement, and the methodology applied. The climate-related claims that include the use of offsets have to be substantiated by methodologies that ensure the integrity and correct accounting of these offsets and thus reflect coherently and transparently the resulting impact on the climate.*~~	~~emissions will vary by sector-specific pathway in line with the global climate targets and will have to be addressed through removals enhancements. When offsets are used nonetheless, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on offsets in a transparent manner. Therefore, the substantiation of climate-related claims should consider any greenhouse gas emissions offsets used by the traders separately from the trader's or the product's greenhouse gas emissions. In addition, this information should also specify the share of total emissions that are addressed through offsetting, whether these offsets relate to emission reductions or removals enhancement, and the methodology applied. The climate-related claims that include the use of offsets have to be substantiated by methodologies that ensure the integrity and correct accounting of these offsets and thus reflect coherently and transparently the resulting impact on the climate.~~	
Recital 21aa				

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31a			**(21aa) Claiming that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions, based on the offsetting of greenhouse gas emissions, is therefore prohibited under all circumstances, as lined out in Directive 2005/29/EC, as amended by Directive (EU) 2024/825 of the European Parliament and of the Council Annex I. Such claims are prohibited as they mislead consumers by making them believe that such claims relate to the product itself, or to the supply and production of that product, or as they give the false impression to consumers that the consumption of that product does not have an environmental impact. Such claims should only be allowed when they are based on the actual life cycle impact of the product in question, and not based on the offsetting of greenhouse gas emissions outside the product's value chain. However, climate-related claims, based on offsetting of greenhouse gas emissions, claiming that a trader has a**	

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			neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions are allowed, provided that the requirements of this Directive are met.	
Recital 21a				
31b			**(21a) Climate-related claims based on the actual life cycle impact should follow the general requirements for environmental claims of this Directive. Climate-related claims are however often based on the offsetting of greenhouse gas emissions through "carbon credits" generated outside the company's value chain, for example from forestry or renewable energy projects. The methodologies underpinning carbon credits vary widely and are not always transparent, accurate, or consistent. This leads to significant risks of overestimations and double counting of reduced emissions, due to a lack of additionality, permanence, ambitious and dynamic crediting baselines that depart from business as usual, and accurate accounting. These factors result in carbon credits**	

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			of low environmental integrity and credibility that mislead consumers when they are relied upon in explicit environmental claims. Offsetting can prevent consumers from making more sustainable consumption choices and can also deter traders from emission reductions in their own operations and value chains. In order to adequately contribute to global climate change mitigation targets, traders should prioritise effective reductions of emissions across their own operations and value chains rather than relying on offsetting. In addition, traders often communicate about financial contributions to environmental initiatives that reduce or remove greenhouse gas emissions outside their value chain, on the basis of carbon credits.	
Recital 21b				
31c			**(21b) Whenever climate-related claims are based on carbon credits, it is deemed appropriate to address climate-related claims, including claims on future environmental performance, based on such**	

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			credits in a transparent manner. Therefore, the substantiation of climate-related claims should consider any carbon credits, including claims in relation to financial contributions to carbon credit generating projects not used for offsetting purposes, separately from the trader's or the product's greenhouse gas emissions. In addition, this information should also specify the share of total emissions of the trader that are addressed through credits, whether these credits relate to emission reductions or removals enhancement, declare under which scheme they were verified and certified and by which registry they were issued. The climate-related claims that include the use of credits have to be substantiated by methodologies that ensure the quality and integrity and correct accounting of these credits and thus reflect coherently and transparently the resulting impact on the climate. **It is important to ensure uniform conditions for the application of the requirements**	

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			in this Directive on climate-related claims, including claims based on the use of carbon credits, with the objective of ensuring their high quality and integrity, such as through recognised quality standards as defined in the Directive 2013/34/EU as regards sustainability reporting standards and the accompanying European Sustainability Reporting Standards (ESRS). These recognised quality standards are standards for carbon credits that are verifiable by independent third parties, make requirements and project reports publicly available and at a minimum ensure additionality, permanence, avoidance of double counting and provide rules for calculation, monitoring, and verification of the project's greenhouse gas emissions and removals. **Additionally, also considering, where necessary, authorisations and corresponding adjustments related to the implementation of the Paris Agreement Article 6 framework under development,**	

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			the operationalisation of which is pending in the Union, the Commission should be empowered to further specify the requirements for the assessment. When adopting the implementing acts, the Commission should comprehensively consider and, where relevant, ensure consistency with all relevant Union law that is necessary to pursue the objectives of this Directive, in particular, the provisions, including their timing, set out in Article 18 of the Regulation (EU) …/… of the European Parliament and of the Council of establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products [CRCF Regulation]; ESRS E1 Climate Change of Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards [climate reporting standard under CSRD]; Article 45 of Regulation (EU) 2018/1999 of the European Parliament and	

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			of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action [Governance Regulation]; Article 17 of Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework [LULUCF Regulation]; Article 15 of Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement [Effort Sharing Regulation]; Article 30 of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union [EU ETS Directive], and Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and	

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			amending Regulations (EC) No 401/2009 and (EU) 2018/1999 [European Climate Law].	
Recital 22				
32	(22) Traders are more and more interested in making environmental claims related to future environmental performance of a product or trader, including by joining initiatives that are promoting practices which could be conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims.	(22) Traders are more and more interested in making environmental claims related to future environmental performance of a ~~*product or*~~ trader, including by joining initiatives that are promoting practices which could be conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims.	(22) Traders are more and more interested in making environmental claims related to future environmental performance of a product or trader, including by joining initiatives that are promoting practices which could be conducive to a reduced environmental impact or to more circularity. These claims should be substantiated in line with the rules applicable to all explicit environmental claims **and environmental labels**.	
Recital 23				
33	(23) The information used to substantiate explicit environmental claims should be science based, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered.	(23) The information used to substantiate explicit environmental claims should be ~~*science*~~ based ***on independent, peer-reviewed, widely recognised, robust and verifiable scientific evidence, i.e. on methods, approaches or studies that have been developed in line with best practices in terms of transparency and peer reviewed by the scientific community***, and any lack of consideration of certain	(23) The information used to substantiate explicit environmental claims **or environmental labels** should be science based, and any lack of consideration of certain environmental impacts or environmental aspects should be carefully considered.	

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		environmental impacts or environmental aspects should be carefully considered. ***The methodologies need to be publicly accessible in order to ensure the transparency and integrity of assessments.***		
Recital 24				
34	(24) The EF methods can support the substantiation of explicit environmental claims on specific life-cycle environmental impacts that the methods cover, provided that these are complete on the impacts relevant to the product category and do not omit any important environmental impacts. The methods cover 16 environmental impacts, including climate change, and impacts related to water, air, soil, resources, land use and toxicity.	(24) The EF methods can support the substantiation of explicit environmental claims on specific life-cycle environmental impacts that the methods cover, provided that these are complete on the impacts relevant to the product category and do not omit any important environmental impacts. The methods cover 16 environmental impacts, including climate change, and impacts related to water, air, soil, resources, land use and toxicity.	(24) The ~~EF~~**Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations. The Environmental Footprint** methods can ~~support the substantiation of~~**be used to substantiate** explicit environmental claims **or environmental labels** on specific life-cycle environmental impacts that the methods cover, provided that these are complete on the impacts relevant to the product category and do not omit any important environmental impacts. The methods cover 16 environmental impacts, including climate change, and impacts related to water, air, soil, resources, land use and toxicity. **Proper application of these**	

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			methods covers the requirements for substantiation, however, environmental claims based on these methods should still be verified. Therefore, one way to promote greater harmonisation and comparability is to encourage the use of these methods where they are appropriate to the nature of the environmental claims.	
Recital 25				
35	(25) The fact that a significant environmental impact of a product is not covered by any of the 16 impact categories of the EF methods should not justify the lack of consideration of such impacts. An economic actor making an explicit environmental claim on such product group should have an obligation of diligence to find evidence substantiating such claim. For instance, an economic actor making an explicit environmental claim about a fishery product as defined in Article 5 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council[1] should have an obligation of diligence to find evidence	(25) The fact that a significant environmental impact of a product is not covered by any of the 16 impact categories of the EF methods should not justify the lack of consideration of such impacts. An economic actor making an explicit environmental claim on such product group should have an obligation of diligence to find evidence substantiating such claim. For instance, an economic actor making an explicit environmental claim about a fishery product as defined in Article 5 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council[1] should have an obligation of diligence to find evidence	(25) The fact that a significant environmental impact of a product is not covered by any of the 16 impact categories of the EF methods should not justify the lack of consideration of such impacts. An economic actor making an explicit environmental claim **or environmental label** on such product group should have an obligation of diligence to find evidence substantiating such **explicit environmental** claim **or environmental label**. For instance, an economic actor making an explicit environmental claim about a fishery product as defined in Article 5 of Regulation (EU) No 1379/2013 of the European Parliament and of the	

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	substantiating the sustainability of the targeted fish stock. Stock assessments by the International Council for the Exploration of the Sea and similar stock assessment bodies can be used for that purpose. _____ 1. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).	substantiating the sustainability of the targeted fish stock. Stock assessments by the International Council for the Exploration of the Sea and similar stock assessment bodies can be used for that purpose. _____ 1. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).	Council[1] should have an obligation of diligence to find evidence substantiating the sustainability of the targeted fish stock. Stock assessments by the International Council for the Exploration of the Sea and similar stock assessment bodies can be used for that purpose. _____ 1. Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) ~~No 1184/2006 and (EC) No 1224/2009~~**No 1184/2006 and (EC) No 1224/2009** and repealing Council Regulation (EC) ~~No 104/2000~~**No 104/2000** (OJ L 354, 28.12.2013, p. 1).	
Recital 26				
36	(26) Furthermore, there is not yet a reliable methodology for the assessment of life-cycle environmental impacts related to the release of microplastics. However, in case such release contributes to significant environmental impacts that are not subject to a claim, the trader making the claim on another aspect should not be allowed to ignore it, but should take into account available information and	(26) Furthermore, there is not yet a reliable methodology for the assessment of life-cycle environmental impacts related to the release of microplastics. However, in case such release contributes to significant environmental impacts that are not subject to a claim, the trader making the claim on another aspect should not be allowed to ignore it, but should take into account available information and	(26) Furthermore, there is not yet a reliable methodology for the assessment of life-cycle environmental impacts related to the release of microplastics. However, in case such release contributes to significant environmental impacts that are not subject to ~~a~~**an environmental** claim, the trader making the **environmental** claim on another aspect should not be allowed to ignore it, but should take into	

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	update the assessment once widely recognised scientific evidence becomes available.	update the assessment once widely recognised scientific evidence becomes available.	account available information and update the assessment once widely recognised scientific evidence becomes available. **In case the product for which the claim is made belongs to a product group where a PEFCR in line with Commission Recommendation (EU) 2021/2279 has been adopted […], and the PEFCR includes a method for environmental impact assessment of micoplastic release, that method should be presumed to meet the requirements.**	
Recital 26a				
36a			**(26a) For certain types of explicit environmental claims that are of a less complex nature verification by a third-party verifier or a full substantiation assessment is not deemed necessary in the light of the objectives of this Directive. Instead, a simplified procedure should be applied, wherein the trader demonstrates compliance with certain substantiation requirements via self-declaration in a Specific Technical Documentation. This is in order to reduce the**	

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			administrative and financial burden for traders generating claims. There are four categories of explicit environmental claims for which this simplified procedure should be followed: explicit environmental claims stating that an environmental characteristic of a product or a trader exceeds minimum requirements set out in other Union acts which are in line with methodological rules set therein; explicit environmental claims regarding environmental characteristics certified by an environmental label; explicit environmental claims related to interventions supporting agricultural practices beneficial for the climate, the environment and other management commitments established by a Member State in its Common Agricultural Policy Strategic Plan, in accordance with Article 31, 70 and Article 72 of Regulation (EU) 2021/2115; and explicit environmental claims that are listed in the implementing acts that should be adopted by the Commission. These implementing acts should include a list of explicit	

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			environmental claims. The explicit environmental claims that can be listed are claims that do not require a full life-cycle analysis for their substantiation, they are related to a single environmental characteristic and shall not lead to significant trade-offs between different environmental impact categories. The simplified procedure should not be applicable for comparative explicit environmental claims, explicit environmental claims related to climate or explicit environmental claims about future environmental performance as they represent explicit environmental claims of a more complex nature. Explicit environmental claims that could be part of the implementing acts are claims about reusability, reduced energy consumption, reduced water consumption, reduced resource use, waste reduction, waste prevention or circular business models. The implementing acts should for every type of explicit environmental claim identify which substantiation requirements should be met to	

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			be able to use the simplified procedure. These substantiation requirements could be a reduced form of the substantiation assessment set out in Article 3 paragraph 1 but could include specific substantiation requirements related to the type of explicit environmental claim as well. The Commission should prioritise the adoption of rules for the most relevant types of explicit environmental claims that are eligible for the simplified procedure within 18 months after the entry into force of this Directive. When traders apply the simplified procedure, they should complete the Specific Technical Documentation before the explicit environmental claim is made public and provide a summary of the substantiation assessment with the claim. The Specific Technical Documentation shall be made available to competent authorities. In order to facilitate the simplified procedure for the trader generating the explicit environmental claim and to ensure a maximum level of harmonisation in the Union, the	

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			Commission should draft the format and content of the Specific Technical Documentation in implementing acts. The Specific Technical Documentation will lay out what information the trader generating the explicit environmental claim should declare. It should still be possible to consider that a claim is unfair on the basis of Directive 2005/29/EC, even though that particular claim meets the requirements of the simplified procedure.	
Recital 26b				
36b			**(26b) Pursuant to the current Article 31, 70 and 72 of Regulation 2021/2115, which establishes rules on support for Strategic Plans to be drawn up by Member States under the Common Agricultural Policy (CAP Strategic Plans) and financed by the European agricultural guarantee fund (EAGF) and the European agricultural fund for rural development (EAFRD), Member States should establish, and provide support, for interventions supporting**	

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			agricultural practices beneficial for the climate, the environment and other management commitments. Beneficiaries of such interventions willing to generate an explicit environmental claim that is directly linked to compliance with these practices should not be requested to have their claim verified by a third-party verifier or to provide a full substantiation assessment, as a verification and an assessment equivalent to those conducted in accordance with Articles 3 and 10 have been already undertaken under the CAP Strategic Plans rules. To avoid undue administrative burdens for the abovementioned beneficiaries of such interventions, they should be eligible to benefit from the simplified procedure, as it does not undermine the objectives of the Directive.	
Recital 27				
37	(27) Consumers can also be misled by explicit environmental claims that state or imply that a product or trader has less or more environmental impacts or a better	(27) Consumers can also be misled by explicit environmental claims that state or imply that a product or trader has less or more environmental impacts or a better	(27) Consumers can also be misled by explicit environmental claims **or environmental labels** that state or imply that a product or trader has less or more	

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	or worse environmental performance than other products or traders ('comparative environmental claims'). Without prejudice to the application, where appropriate, of Directive 2006/114/EC of the European Parliament and of the Council[1], in order to allow the consumers access to reliable information, it is necessary to ensure that comparative environmental claims can be compared in an adequate manner. For instance, choosing indicators on the same environmental aspects but using a different formula for quantification of such indicators makes comparisons impossible, and therefore there is a risk of misleading consumers. In case two traders make an environmental claim on climate change, where one considered only direct environmental impacts, whilst the other considered both direct and indirect environmental impacts, these results are not comparable. Also, a decision to make the comparison only at certain stages of a products life cycle can lead to misleading claims, if not made transparent. A comparative environmental claim	or worse environmental performance than other products or traders ('comparative environmental claims'). Without prejudice to the application, where appropriate, of Directive 2006/114/EC of the European Parliament and of the Council[1], in order to allow the consumers access to reliable information, it is necessary to ensure that comparative environmental claims can be compared in an adequate manner. For instance, ***performance-based certification and process-based certification rely on different sets of indicators, such as setting specific thresholds that need to be met or ensuring that a certain procedure is in place.*** Choosing indicators on the same environmental aspects but using a different formula for quantification of such indicators makes comparisons impossible, and therefore there is a risk of misleading consumers. In case two traders make an environmental claim on climate change, where one considered only direct environmental impacts, whilst the other considered both direct and indirect environmental impacts, these results are not	environmental impacts or a better or worse environmental performance than other products or traders ('comparative **explicit** environmental claims **and comparative environmental labels**'). Without prejudice to the application, where appropriate, of Directive 2006/114/EC of the European Parliament and of the Council[1], in order to allow the consumers access to reliable information, it is necessary to ensure that comparative **explicit** environmental claims **and comparative environmental labels** can be compared in an adequate manner. For instance, choosing indicators on the same environmental aspects but using a different formula for quantification of such indicators makes comparisons impossible, and therefore there is a risk of misleading consumers.– In case two traders make an environmental claim on climate change, where one considered only direct environmental impacts, whilst the other considered both direct and indirect environmental impacts, these results are not comparable. Also, a decision to make the comparison only at	

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	needs to ensure that also for products with very different raw materials, uses and process chains, like bio-based plastics and fossil-based plastics, the most relevant stages of the life-cycle are taken into account for all products. For example, agriculture or forestry is relevant for bio-based plastics while raw oil extraction is relevant for fossil-based plastics and the question whether a relevant share of the product ends up in landfill is highly relevant to plastics that biodegrade well under landfill conditions but maybe less relevant for plastics that do not biodegrade under such conditions. _____ 1. Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21).	comparable. Also, a decision to make the comparison only at certain stages of a products life cycle can lead to misleading claims, if not made transparent. A comparative environmental claim needs to ensure that also for products with very different raw materials, uses and process chains, like bio-based plastics and fossil-based plastics, the most relevant stages of the life-cycle are taken into account for all products. For example, agriculture or forestry is relevant for bio-based plastics while raw oil extraction is relevant for fossil-based plastics and the question whether a relevant share of the product ends up in landfill is highly relevant to plastics that biodegrade well under landfill conditions but maybe less relevant for plastics that do not biodegrade under such conditions. _____ 1. Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21).	certain stages of a products life cycle can lead to misleading claims, if not made transparent. A comparative **explicit** environmental claim **or comparative environmental label** needs to ensure that also for products with very different raw materials, uses and process chains, like bio-based plastics and fossil-based plastics **or animal-based products and plant-based products**, the most relevant stages of the life-cycle are taken into account for all products. For example, agriculture or forestry is relevant for bio-based plastics while raw oil extraction is relevant for fossil-based plastics and the question whether a relevant share of the product ends up in landfill is highly relevant to plastics that biodegrade well under landfill conditions but maybe less relevant for plastics that do not biodegrade under such conditions. _____ 1. Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21).	
Recital 27a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
37a		***(27a) It is important that traders do not make generic claims such as "conscious", "sustainable", and "responsible", based exclusively on recognised excellent environmental performance, because such terms relate to other characteristics in addition to environmental characteristics, such as social characteristics.***		
Recital 28				
38	(28) When setting up the requirements for substantiation and communication of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where	(28) When setting up the requirements for substantiation and communication of explicit environmental claims, including by delegated acts adopted by the Commission, the difficulties that traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it finishes and even more where	(28) When setting up the requirements for substantiation and communication of explicit environmental claims **and environmental labels**, including by delegated acts adopted by the Commission, the difficulties that traders may encounter in gathering information from actors throughout their value chain or on the product's overall life-cycle, especially for services or where there is insufficient scientific evidence, should be taken into account. This is important for example for services such as electronic communications services, for which it can be difficult to define the scope and system boundaries, e.g. where the life-cycle starts and where it	

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	supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.	supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.	finishes and even more where supply chains are complex and not stable, e.g. in cases where many equipment or components are manufactured by a multitude of enterprises outside the EU, and thus sustainability related information might not be easily accessible to EU traders concerned.	
Recital 29				
G 39	(29) For some sectors or for certain products or traders, significant environmental impacts or environmental aspects could be suspected but there might not yet be a recognised scientific method to fully assess those environmental impacts and environmental aspects. For such cases and while efforts are made to develop methods and gather evidence to enable the assessment of the respective environmental impact or environmental aspect for those sectors, traders or products, traders should be able to promote their sustainability efforts through publication of company sustainability reporting, factual reporting on the company's performance metrics and work to reduce energy consumption,	(29) For some sectors or for certain products or traders, significant environmental impacts or environmental aspects could be suspected but there might not yet be a recognised scientific method to fully assess those environmental impacts and environmental aspects. For such cases and while efforts are made to develop methods and gather evidence to enable the assessment of the respective environmental impact or environmental aspect for those sectors, traders or products, traders should be able to promote their sustainability efforts through publication of company sustainability reporting, factual reporting on the company's performance metrics and work to reduce energy consumption,	(29) For some sectors or for certain products or traders, significant environmental impacts or environmental aspects could be suspected but there might not yet be a recognised scientific method to fully assess those environmental impacts and environmental aspects. For such cases and while efforts are made to develop methods and gather evidence to enable the assessment of the respective environmental impact or environmental aspect for those sectors, traders or products, traders should be able to promote their sustainability efforts through publication of company sustainability reporting, factual reporting on the company's performance metrics and work to reduce energy consumption,	Commission Proposal G

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	including on their websites. This flexibility would maintain and promote the incentives of those sectors or traders to continue their efforts to develop common environmental assessments pursuant to this Directive while providing for the necessary time to complete such work.	including on their websites. This flexibility would maintain and promote the incentives of those sectors or traders to continue their efforts to develop common environmental assessments pursuant to this Directive while providing for the necessary time to complete such work.	including on their websites. This flexibility would maintain and promote the incentives of those sectors or traders to continue their efforts to develop common environmental assessments pursuant to this Directive while providing for the necessary time to complete such work.	
Recital 29a				
39a		***(29a) It is important to acknowledge the challenges faced by micro, small and medium-sized enterprises in terms of resources and capabilities, especially in comparison to larger corporations. Therefore, it is essential for Member States, when implementing this Directive, to take all appropriate measures to help micro, small and medium-sized enterprises to comply with the requirements of this Directive.***		
Recital 30				
40	(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC[1], an administrative burden linked to substantiation and verification of	(30) While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC[1], an administrative burden linked to substantiation and verification of	(30) ~~While unfair commercial practices, including misleading environmental claims, are prohibited for all traders pursuant to Directive 2005/29/EC[1], an administrative burden linked to substantiation and verification of~~	

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	environmental claims on the smallest companies could be disproportionate and should be avoided. To this end, microenterprises should be exempted from the requirements on substantiation of Article 3 and 4 unless these enterprises wish to obtain a certificate of conformity of explicit environmental claims that will be recognised by the competent authorities across the Union. _____ 1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22) as amended.	environmental claims on the smallest companies could be disproportionate and should be avoided. To this end, microenterprises should be exempted from the requirements on substantiation of Article 3 and 4 unless these enterprises wish to obtain a certificate of conformity of explicit environmental claims that will be recognised by the competent authorities across the Union. _____ 1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22) as amended.	~~environmental claims on the smallest companies could be disproportionate and should be avoided. To this end, microenterprises should be exempted from the requirements on substantiation of Article 3 and 4 unless these enterprises wish to obtain a certificate of conformity of explicit environmental claims that will be recognised by the competent authorities across the Union.~~ _____ ~~1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22) as amended.~~	
Recital 31				
41	(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated	(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated	(31) In order to meet both the needs of traders regarding dynamic marketing strategies and the needs of consumers regarding more detailed, and more accurate, environmental information, the Commission may adopt delegated	

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	acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, including claims about offsets, "climate neutrality" or similar, recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims	acts to supplement the provisions on substantiation of explicit environmental claims by further specifying the criteria for such substantiation with regard to certain claims (e.g. climate-related claims, including claims ~~*about offsets*~~***based on carbon credits on residual emissions of a trader***, ***such as*** "climate neutrality"~~*or similar,*~~***, and claims on*** recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting	acts to supplement the provisions on substantiation of explicit environmental claims **and environmental labels** by further specifying the criteria for such substantiation with regard to certain claims (e.g. ~~climate-related claims, including claims about offsets, "climate neutrality" or similar,~~ recyclability and recycled content). The Commission should be empowered to further establish rules for measuring and calculating the environmental impacts, environmental aspects and environmental performance, **by determining the methods to substantiate certain explicit environmental claims and environmental labels, such as the Environmental Footprint methods, with the aim of ensuring further harmonisation and comparability of environmental claims;** by determining which activities, processes, materials, emissions or use of a product or trader contribute significantly or cannot contribute to the relevant environmental impacts and environmental aspects; by determining for which environmental aspects and	

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	on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.	these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on ~~offsets~~***carbon credits used on residual emissions of a trader***.	environmental impacts primary information should be used; and by determining the criteria to assess the accuracy of primary and secondary information. While in most cases the Commission would consider the need for adopting these rules only after having the results of the monitoring of the evolution of environmental claims on the Union market, for some types of claims it may be necessary for the Commission to adopt supplementary rules before the results of this monitoring are available. ~~For example, in case of climate-related claims it may be necessary to adopt such supplementary acts in order to operationalise the provisions on substantiation of claims based on offsets.~~	
Recital 32				
42	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial	

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	Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, 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. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming	Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, ***for some product groups, the PEF method is not suitable for providing a holistic environmental assessment.*** 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. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories,	Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, 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**, either to the respective PEFCR or to the EF Recommendation**. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space-specific environmental impact categories, including the orbital space use. As regards food and agricultural	

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	practices, including positive externalities of extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.	including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of, extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered. ***To further develop the current PEF method and address its limitations, it is important that the Commission regularly evaluates and updates the methods in order to reflect scientific progress. It is also important that the Commission enables the Consultation forum established under this Directive to contribute to the development of PEFCR and OEFCR.***	products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming ~~and animal welfare,~~**[…]** should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered. **Explicit environmental claims or environmental labels substantiated by using the Environmental Footprint methods should be verified in accordance with Article 10. Before the Commission has adopted delegated acts, traders could already use the Environmental Footprint methods. Especially for products or sectors for which PEFCRS or OEFSRs are in place, traders are encouraged to use the Environmental Footprint methods to substantiate their environmental claims or environmental labels.**	
Recital 32a				
42a		***(32a) In order to ensure the integrity, impartiality and high***		

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		quality of the substantiation of environmental claims, and to ensure that the requirements for the substantiation result in a better understanding of environmental impacts by consumers, it is important that those requirements for the substantiation of environmental claims are developed involving a balanced set of stakeholders, such as consumer organisations, environmental non-governmental organisations, operators of labelling schemes and competent bodies, in addition to industry representatives, including micro, small and medium-sized enterprises and craft industry representatives, trade unions, traders, retailers, importers. For this purpose, the Commission should establish a consultation forum, the role of which will be to provide opinions on whether existing rules and methods are suitable for substantiating specific environmental claims, and to be consulted on the preparation of the revision or the development of new delegated acts.		
Recital 33				

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43	(33) Since Directive 2005/29/EC already applies to misleading environmental claims, it enables the national courts and administrative authorities to stop and prohibit such claims. For example, in order to comply with Directive 2005/29/EC, environmental claims should relate only to aspects that are significant in terms of the product's or trader's environmental impact. Environmental claims should also be clear and unambiguous regarding which aspects of the product or trader they refer to and should not omit or hide important information about the environmental performance of the product or trader that consumers need in order to make informed choices. The wording, imagery and overall product presentation, including the layout, choice of colours, images, pictures, sounds, symbols or labels, included in the environmental claim should provide a truthful and accurate representation of the scale of the environmental benefit achieved, and should not overstate the environmental benefit achieved.	(33) Since Directive 2005/29/EC already applies to misleading environmental claims, it enables the national courts and administrative authorities to stop and prohibit such claims. For example, in order to comply with Directive 2005/29/EC, environmental claims should relate only to aspects that are significant in terms of the product's or trader's environmental impact. Environmental claims ***and labelling schemes*** should also be clear and unambiguous regarding which aspects of the product or trader they refer to and should not omit or hide important information about the environmental performance of the product ~~*or trader*~~ that consumers need in order to make informed choices. The wording, imagery and overall product presentation, including the ***taglines,*** layout, choice of colours, images, pictures, sounds, symbols, ***trademark*** or labels, ~~*included in the environmental claim*~~ should provide a truthful and accurate representation of the scale of the environmental benefit achieved, and should not overstate the environmental benefit achieved. ***Where applicable, information***	(33) Since Directive 2005/29/EC already applies to misleading environmental claims, it enables the national courts and administrative authorities to stop and prohibit such claims. For example, in order to comply with Directive 2005/29/EC, environmental claims should relate only to aspects that are significant in terms of the product's or trader's environmental impact. Environmental claims should also be clear and unambiguous regarding which aspects of the product or trader they refer to and should not omit or hide important information about the environmental performance of the product or trader that consumers need in order to make informed choices. The wording, imagery and overall product presentation, including the layout, choice of colours, images, pictures, sounds, symbols or labels, included in the environmental claim should provide a truthful and accurate representation of the scale of the environmental benefit achieved, and should not overstate the environmental benefit achieved.	

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		about the exact amount of a product's certified material content, a feature around which certain types of labelling schemes operate, should not be omitted, especially when the minimum certified content could be zero.		
Recital 34				
44	(34) Where the explicit environmental claim concerns a final product and relevant environmental impacts or environmental aspects of such product occur at the use phase and consumers can influence such environmental impacts or environmental aspects via appropriate behaviour, such as, for example, correct waste sorting or impacts of use patterns on product's longevity, the claim should also include information explaining to consumers how their behaviour can positively contribute to the protection of the environment.	(34) Where the explicit environmental claim concerns a final product and relevant environmental impacts or environmental aspects of such product occur at the use phase ***or at the end of life*** and consumers can influence such environmental impacts or environmental aspects via appropriate behaviour, such as, for example, correct waste sorting or impacts of use patterns on product's longevity, the claim should also include information explaining to consumers how their behaviour can positively contribute to the protection of the environment.	(34) Where the explicit environmental claim **or environmental label** concerns a final product and relevant environmental impacts or environmental aspects of such product occur at the use phase and consumers can influence such environmental impacts or environmental aspects via appropriate behaviour, such as, for example, correct waste sorting or impacts of use patterns on product's longevity, the claim should also include information explaining to consumers how their behaviour can positively contribute to the protection of the environment.	
Recital 35				
45	(35) In order to facilitate consumers' choices of more sustainable products and to incentivise efforts of traders to	(35) In order to facilitate consumers' choices of more sustainable products and to incentivise efforts of traders to	(35) **Environmental claims, in particular climate-related claims, increasingly relate to future performance in the form**	

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	lower their environmental impacts, when the claim communicated relates to future environmental performance, it should as a priority be based on improvements inside trader's own operations and value chains rather than relying on offsetting of greenhouse has emissions or other environmental impacts.	lower their environmental impacts, when the claim communicated relates to future environmental performance, it should as a priority be based on improvements inside trader's own operations and value chains rather than relying on offsetting of greenhouse has emissions or other environmental impacts.	**of a transition to carbon or climate neutrality, or a similar objective, by a certain date. Article 6(2) of Directive 2005/29/EC as amended by Directive 2024/825 prohibits such claims, following a case-by-case assessment, when they are not supported by clear, objective, publicly available and verifiable commitments and which include measurable and time-bound targets given by the trader and are not set out in a detailed and realistic implementation plan that shows how these commitments and targets will be achieved and allocates resources to this end. The implementation plan should include all the relevant elements necessary to fulfil the commitments, such as allocation of resources and technological developments, where appropriate and in accordance with Union law.** In order to facilitate consumers' choices of more sustainable products and to incentivise efforts of traders to lower their environmental impacts, ~~when the~~**the trader should communicate, in the summary of the substantiation assessment,**	

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			about the details of that implementation plan. Article 6(2) of Directive 2005/29/EC also requires that such claims are verified by an independent third party expert, who should regularly monitor the progress of the trader with regard to the commitments and targets, including the milestones for achieving them. Traders should ensure that the regular findings of the third-party expert are available to consumers. In this regard, to complement Directive 2005/29/EC, as amended by Directive 2024/825, the verification of the explicit environmental claim ~~communicated relates~~**or environmental label related** to future environmental performance~~, it should as a priority be based on improvements inside trader's own operations and value chains rather than relying on offsetting of greenhouse has emissions or other~~ **referred to in Article 10 of this Directive that is undertaken before such** environmental ~~impacts~~**claim is made public should be additional, and thus not equivalent, to the third party regular verification required in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Article 6 (2) (d) of Directive 2005/29/EC.	
Recital 36				
46	(36) Consumers should have easy access to the information on the product or the trader that is the subject of the explicit environmental claim and regarding information substantiating that claim. This information should also consider needs of older consumers. For that purpose, traders should either provide this information in a physical form or provide a weblink, QR code or equivalent leading to a website where more detailed information on the substantiation of the explicit environmental claim is made available in at least one of the official languages of the Member State where the claim is made. In order to facilitate the enforcement of this Directive, the weblink, QR code or equivalent should also ensure easy access to the certificate of conformity regarding the substantiation of the explicit environmental claim and the contact information of the verifier who drew up that certificate.	(36) Consumers should have easy access to the information on the product or the trader that is the subject of the explicit environmental claim***, including directly on the product or accompanying the product,*** and regarding information substantiating ~~*that*~~***the*** claim ***applicable to the product***. This information should also consider needs of older consumers. For that purpose, traders should either provide this information in a physical form or provide a weblink, QR code***, digital product passport*** or equivalent leading to a website where more detailed information on the substantiation of the explicit environmental claim is made available in at least one of the official languages of the Member State where the claim is made. In order to facilitate the enforcement of this Directive, the weblink, QR code or equivalent should also ensure easy access to the certificate of conformity regarding the substantiation of the	(36) **The content of the communication of explicit environmental claims and environmental labels is not subject to verification. However, the communication of these claims and labels should comply with the communication requirements set out in this Directive. For instance,** consumers should have easy access to the information ~~on the product or the trader that is the subject of~~**substantiating** the explicit environmental claim ~~and regarding information substantiating that claim~~**about the product or trader or the environmental label. It is important to ensure that the communication is clear and sufficient, ensuring that it neither over-informs consumers in a way that could have a negative impact on their understanding nor places an undue burden on business**. **To this end, there are a number of minimum requirements all**	

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		explicit environmental claim and the contact information of the verifier who drew up that certificate. ***The underlying studies, assessments, methodologies or calculations should be made publicly available, unless the information is a trade secret in line with Article 2, paragraph 1 of Directive (EU) 2016/94346.***	**explicit environmental claims and environmental labels must comply with in this Directive, in addition to those established in Directive 2005/29/EC, as amended by Directive (EU) 2024/825. For some cases there are specific communication requirements, such as for explicit environmental claims based on the use of carbon credits, future performance-based environmental claims and environmental claims based on aggregated scores. In addition, a distinction is made between the obligations of traders and environmental labelling scheme owners depending on whether the communication is about an explicit environmental claim or an environmental label.** **The necessary** ~~This~~ information ~~should also consider needs of older~~**to provide to** consumers~~. For that purpose, traders should either provide this information~~ **related to the explicit environmental claim or environmental label shall be made available together with the claim,** in a physical form or **in a digital format via a data carrier or link. It shall for example be**	

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			provided on the product's packaging, on accompanying product information or an online selling interface. In the case of explicit environmental claims made orally, such as via a radio or television spot, it shall be made clear where the required substantiation information can be found, f.e. on a website. **In order to facilitate the provision of information, the digital format has been favoured, so that traders should** provide a ~~weblink~~**web link or a data carrier**, **such as a** QR code or equivalent**,** leading to a website where more detailed information on the ~~substantiation~~**basis** of the explicit environmental claim **or environmental label is available. […] More technical and detailed information will only be provided by digital means on request.** **There should be no multiplication of data carriers on products. To avoid this, where other Union legislation requires product information to be digitally**~~is made~~ available ~~in at~~	

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			~~least one of the official languages of the Member State where the claim is made. In order to facilitate the enforcement of~~**through a data carrier, the information required under** this Directive~~, the weblink, QR code or equivalent~~ **should be accessible through the same data carrier. That data carrier should comply with the requirements laid down in this Directive or in other applicable Union legislation. In particular, where the product is covered by the [Sustainable Product Ecodesign] Regulation or other Union legislation requiring a digital product passport, that digital product passport** should also ~~ensure easy access to the certificate of conformity regarding the substantiation of the explicit environmental claim and the contact~~**be used to provide the relevant** information ~~of the verifier who drew up that certificate~~**under this Directive**.	
Recital 37				
47	(37) In order to avoid potential disproportionate impacts on the microenterprises, the smallest companies should be exempted from the requirements of Article 5	(37) In order to avoid potential disproportionate impacts on the microenterprises, ~~*the*~~***these*** smallest companies should be exempted from the requirements of Article 5	(37) ~~In order to avoid potential disproportionate impacts on the microenterprises, the smallest companies should be exempted from the requirements of Article 5~~	

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	linked to information on the substantiation of explicit environmental claims unless these enterprises wish to obtain a certificate of conformity of explicit environmental claim that will be recognised by the competent authorities across the Union.	linked to information on the substantiation of explicit environmental claims unless these enterprises wish to obtain a certificate of conformity of explicit environmental claim that will be recognised by the competent authorities across the Union.	~~linked to information on the substantiation of explicit environmental claims unless these enterprises wish to obtain a certificate of conformity of explicit environmental claim that will be recognised by the competent authorities across the Union.~~	
Recital 38				
48	(38) When the Commission adopts delegated acts to supplement the provisions on substantiation of explicit environmental claims it may be necessary to also supplement the provisions on communication of such claims. For example, in case specific life-cycle-based rules on substantiation of explicit environmental claims for certain products group or sector are established, it may be necessary to add supplementary rules on presentation of environmental impacts assessed based on these rules by requiring that three main environmental impacts are presented next to the aggregated indicator of overall environmental performance. To this end the	(38) When the Commission adopts delegated acts to supplement the provisions on substantiation of explicit environmental claims it may be necessary to also supplement the provisions on communication of such claims. For example, in case specific life-cycle-based rules on substantiation of explicit environmental claims for certain products group or sector are established, it may be necessary to add supplementary rules on presentation of environmental impacts assessed based on these rules by requiring that three main environmental impacts are presented next to the aggregated indicator of overall environmental performance. To this end the	(38) When the Commission adopts delegated acts to supplement the provisions on substantiation of explicit environmental claims **and environmental labels** it may be necessary to also supplement the provisions on communication of such **environmental** claims. For example, in case specific life-cycle-based rules on substantiation of explicit environmental claims for certain products group or sector are established, it may be necessary to add supplementary rules on presentation of environmental impacts assessed based on these rules by requiring that three main environmental impacts are presented next to the aggregated indicator of overall	

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	Commission should be empowered to adopt delegated acts to supplement the provisions on communication of explicit environmental claims.	Commission should be empowered to adopt delegated acts to supplement the provisions on communication of explicit environmental claims.	environmental performance. To this end the Commission should be empowered to adopt delegated acts to supplement the provisions on communication of explicit environmental claims **and environmental labels**.	
Recital 39				
49	(39) Currently, more than 200 environmental labels are used on the Union market. They present important differences in how they operate as regards for example the transparency and comprehensiveness of the standards or methods used, the frequency of revisions, or the level of auditing or verification. These differences have an impact on how reliable the information communicated on the environmental labels is. While claims based on the EU Ecolabel or its national equivalents follow a solid scientific basis, have a transparent development of criteria, require testing and third-party verification and foresee regular monitoring, evidence suggests that many environmental labels currently on the EU market are misleading. In particular, many environmental labels lack	(39) Currently, more than 200 environmental labels are used on the Union market. They present important differences in how they operate as regards for example the transparency and comprehensiveness of the standards or methods used, the frequency of revisions, or the level of auditing or verification. These differences have an impact on how reliable the information communicated on the environmental labels is. While claims based on the EU Ecolabel or its national equivalents follow a solid scientific basis, have a transparent development of criteria, require testing and third-party verification and foresee regular monitoring, evidence suggests that many environmental labels currently on the EU market are misleading. In particular, many environmental labels lack	(39) Currently, more than 200 environmental labels are used on the Union market. They present important differences in how they operate as regards for example the transparency and comprehensiveness of the standards or methods used, the frequency of revisions, or the level of auditing or verification. These differences have an impact on how reliable the information communicated on the environmental labels is. While claims based on the EU Ecolabel or its national equivalents follow a solid scientific basis, have a transparent development of criteria, require testing and third-party verification and foresee regular monitoring, evidence suggests that many environmental labels currently on the EU market are misleading. In particular, many environmental labels lack	

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	sufficient verification procedures. Therefore, explicit environmental claims made on environmental labels should be based on a certification scheme.	sufficient verification procedures. Therefore, explicit environmental claims made on environmental labels should be based on a certification scheme.	sufficient verification procedures. ~~Therefore, explicit environmental claims made on environmental labels should be based on a certification scheme.~~	
Recital 40				
50	(40) In cases where an environmental label involves a commercial communication to consumers that suggests or creates the impression that a product has a positive or no impact on the environment, or is less damaging to the environment than competing products without the label, that environmental label also constitutes an explicit environmental claim. The content of such environmental label is therefore subject to the requirements on substantiation and communication of explicit environmental claims.	(40) In cases where an environmental label involves a commercial communication to consumers that suggests or creates the impression that a product has a positive or no impact on the environment, or is less damaging to the environment than competing products without the label, that environmental label also constitutes an explicit environmental claim. The content of such environmental label is therefore subject to the requirements on substantiation and communication of explicit environmental claims.	(40) In cases where an environmental label involves a commercial communication to consumers that suggests or creates the impression that a product has a positive or no impact on the environment, or is less damaging to the environment than competing products without the label, that environmental label ~~also constitutes an explicit environmental claim. The content of such~~**should be substantiated and communicated according to the requirements of this Directive. Considering that the criteria of the** environmental label ~~is therefore subject to the requirements on~~**voice the message, in terms of environmental characteristics of the product or trader, that the environmental label conveys to consumers, these criteria should be thrustworthy. Hence, the environmental labelling scheme owner should ensure that the**	

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			criteria of the environmental labelling scheme to award the respective environmental label meet the substantiation ~~and communication of explicit environmental claims.~~**requirements of this Directive.**	
Recital 41				
51	(41) The environmental labels often aim at providing consumers with an aggregated scoring presenting a cumulative environmental impact of products or traders to allow for direct comparisons between products or traders. Such aggregated scoring however presents risks of misleading consumers as the aggregated indicator may dilute negative environmental impacts of certain aspects of the product with more positive environmental impacts of other aspects of the product. In addition, when developed by different operators, such labels usually differ in terms of specific methodology underlying the aggregated score such as the environmental impacts considered or the weighting attributed to these environmental impacts. This may result in the	(41) The environmental labels often aim at providing consumers with an aggregated scoring presenting a cumulative environmental impact of products or traders to allow for direct comparisons between products or traders. Such aggregated scoring however presents risks of misleading consumers as the aggregated indicator may dilute negative environmental impacts of certain aspects of the product with more positive environmental impacts of other aspects of the product. In addition, when developed by different operators, such labels usually differ in terms of specific methodology underlying the aggregated score such as the environmental impacts considered or the weighting attributed to these environmental impacts. This may result in the	(41) The environmental labels often aim at providing consumers with an aggregated scoring presenting a cumulative environmental impact of products or traders to allow for direct comparisons between products or traders. Such aggregated scoring however presents risks of misleading consumers as the aggregated indicator may dilute negative environmental impacts of certain aspects of the product with more positive environmental impacts of other aspects of the product. In addition, when developed by different operators, such labels usually differ in terms of specific methodology underlying the aggregated score such as the environmental impacts considered or the weighting attributed to these environmental impacts. This may result in the	

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	same product receiving different score or rating depending on the scheme. This concern arises in relation to schemes established in the Union and in third countries. This is contributing to the fragmentation of the internal market, risks putting smaller companies at a disadvantage, and is likely to further mislead consumers and undermine their trust in environmental labels. In order to avoid this risk and ensure better harmonisation within the single market, the explicit environmental claims, including environmental labels, based on an aggregated score representing a cumulative environmental impact of products or traders should not be deemed to be sufficiently substantiated, unless those aggregated scores stem from Union rules, including the delegated acts that the Commission is empowered to adopt under this Directive, resulting in Union-wide harmonised schemes for all products or per specific product group based on a single methodology to ensure coherence and comparability.	same product receiving different score or rating depending on the scheme. This concern arises in relation to schemes established in the Union and in third countries. This is contributing to the fragmentation of the internal market, risks putting smaller companies at a disadvantage, and is likely to further mislead consumers and undermine their trust in environmental labels. In order to avoid this risk and ensure better harmonisation within the single market, the explicit environmental claims, including environmental labels, based on an aggregated score representing a cumulative environmental impact of products or traders should ~~*not be deemed to be sufficiently substantiated, unless those aggregated scores stem from Union rules*~~***meet requirements ensuring the reliability of the underlying environmental labelling schemes***, including ~~*the delegated acts that the Commission is empowered to adopt under this Directive, resulting in Union-wide harmonised schemes for all products or per specific product group based on a single*~~	same product receiving **a** different score or rating depending on the ~~scheme~~**methodology underlying the environmental label**. This concern arises in relation to ~~schemes established~~**environmental labels used and explicit environmental claims made** in the Union ~~and in third countries~~. This is contributing to the fragmentation of the internal market, risks putting smaller companies at a disadvantage, and is likely to further mislead consumers and undermine their trust in environmental labels. In order to avoid this risk and ensure better harmonisation within the single market, the explicit environmental claims~~, including~~ **and** environmental labels, based on an aggregated score representing a cumulative environmental impact of products or traders should not be deemed to be sufficiently substantiated, unless those aggregated scores stem from Union rules, including the delegated acts that the Commission is empowered to adopt under this Directive, resulting in Union-wide harmonised schemes for all	

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		~~*methodology to ensure coherence and comparability*~~***with respect to their assessment methods and governance***.	products or per specific product group based on a single methodology to ensure coherence and comparability. **If no such methodology or rules exist yet at Union level, explicit environmental claims and environmental labels, based on an aggregated score could be based on an aggregation methodology stemming from national law.**	
Recital 42				
52	(42) In accordance with the proposal for a Directive on empowering consumers for the green transition, which amends Directive 2005/29/EC, displaying a sustainability label which is not based on a certification scheme or not established by public authorities constitutes an unfair commercial practice in all circumstances. This means that the 'self-certified' sustainability labels, where no third-party verification and regular monitoring takes place as regards compliance with the underlying requirements of the sustainability label are prohibited.	(42) In accordance with the proposal for a Directive on empowering consumers for the green transition, which amends Directive 2005/29/EC, displaying a sustainability label which is not based on a certification scheme or not established by public authorities constitutes an unfair commercial practice in all circumstances. This means that the 'self-certified' sustainability labels, where no third-party verification and regular monitoring takes place as regards compliance with the underlying requirements of the sustainability label are prohibited.	(42) In accordance with the ~~proposal for a~~ Directive on empowering consumers for the green transition, which amends Directive 2005/29/EC, displaying a sustainability label which is not based on a certification scheme or not established by public authorities constitutes an unfair commercial practice in all circumstances. ~~This means that the 'self-certified'~~**An environmental label is a sub-type of a sustainability label, as defined in the Directive 2024/825 on empowering consumers for the green transition which amends Directive 2005/29/EC, where the majority or all of the characteristics covered by the**	

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			label are environmental characteristics. The environmental characteristics are the prevailing or the most significant characteristics to consider in the label. Environmental labels thus cover only or predominantly environmental characteristics, emphasizing the environmental character of the labels. Only where environmental characteristics are secondary to the label and not relevant to set apart and promote a product, the environmental label would be subject solely to the general provisions for sustainability labels as outlined in Directive 2024/825. Moreover, in contrast to sustainability labels, ~~where no third-party verification and regular monitoring takes place as regards compliance with the underlying requirements of the sustainability label are prohibited~~**environmental labels established by public authorities should also be based on a certification scheme**.	
Recital 43				
53	(43) In order to combat misleading explicit environmental claims communicated in the form	(43) In order to combat misleading explicit environmental claims communicated in the form	(43) In order to combat misleading ~~explicit environmental claims communicated in the form~~	

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	of environmental labels and increase consumer trust in environmental labels, this Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.	of environmental labels and increase consumer trust in environmental labels***, including trademarks and logos of certification schemes***, this Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.	~~of~~ environmental labels and increase consumer trust in environmental labels, **all environmental labels, should be based on environmental labelling schemes, either established by private operators or by public authorities.** This Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in the said proposal amending Directive 2005/29/EC.	
Recital 43a-1				
53a			**(43a-1) Environmental labelling schemes established by public authorities, whether national or regional, are usually subject to certain procedures, principles or provisions of EU law or national law that ensure that certain procedural or substantial requirements are met, such as the application of the principle of equal treatment when implementing Union law. Environmental labelling schemes established by public authorities are usually regulated under public law and pursue a**	

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			certain policy objective in the interest of the public, such as consumer or environmental protection. Therefore, Member States can choose to exempt such schemes from the verification by a third party if the applicable rules and verification procedures fulfil certain criteria, including equivalence. These procedures should be reliable, they should result in comparable conclusions, and they shall demonstrate equivalence to the verification procedure set out in this Directive. Accordingly, these equivalent procedures should be carried out by a National Accreditation Body or a public body independent of the body setting up the environmental labelling scheme associated with the environmental label, which operate with the highest degree of professional integrity, impartiality and the requisite technical competence. The equivalent verification procedure should ensure that the national or regional labelling schemes meet the requirements of this Directive.	
Recital 43a				

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53b			**(43a) In order to avoid further proliferation of environmental labels and to ensure more harmonisation in the internal market, it is necessary to limit the approval of new environmental labelling schemes to such that provide added value compared to existing Union, national or regional environmental labelling schemes. Added value shall be evaluated in terms of coverage of environmental characteristics of the environmental label, the product group(s) or sector(s) covered by the labelling scheme, the ability to support the green transition for SMEs or the geographical location of the environmental labelling scheme. To ensure legal certainty, existing environmental labelling schemes may continue to award environmental labels in accordance with this Directive.**	
Recital 44				
54	(44) In order to avoid further proliferation of national or regional officially recognised EN ISO 14024 type I environmental labelling ('ecolabelling') schemes,	*deleted*	(44) In order to avoid further proliferation of ~~national or regional officially recognised EN ISO 14024 type I environmental labelling ('ecolabelling') schemes,~~	

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	and other environmental labelling schemes, and to ensure more harmonisation in the internal market, new national or regional environmental labelling schemes should be developed only under the Union law. Nevertheless, Member States can request the Commission to consider developing public labelling schemes at the Union level for product groups or sectors where such labels do not yet exist in Union law and where harmonisation would bring added value to achieve the sustainability and internal market objectives in an efficient manner.		~~and other~~**public** environmental labelling schemes **from inside the Union**, and to ensure more harmonisation in the internal market, new national or regional environmental labelling schemes ~~should be developed only under~~**shall only be allowed on** the Union ~~law. Nevertheless, Member States can request the Commission to consider developing public labelling schemes at the Union level for product groups or sectors where such labels do not yet exist in Union law and where harmonisation would bring~~**market, if they can prove** added value **as compared** to ~~achieve the sustainability and internal market objectives in an efficient manner~~ **the existing Union, national or regional schemes and if they meet the requirements of this Directive**.	
Recital 45				
55	(45) In order not to create unnecessary barriers to international trade and to ensure equal treatment with the public schemes established in the Union, the public authorities outside of the Union setting up new labelling schemes should be allowed to	(45) In order not to create unnecessary barriers to international trade and to ensure equal treatment with the public schemes established in the Union, the public authorities outside of the Union setting up new labelling schemes should be allowed to	(45) In order not to create unnecessary barriers to international trade and to ensure equal treatment with the public schemes established in the Union, the public authorities outside of the Union setting up new labelling schemes should be allowed to	

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	request approval from the Commission for use of the label on the Union market. This approval should be conditional on the scheme's contribution to reaching the objectives of this Directive and provided that the schemes demonstrate added value in terms of environmental ambition, coverage of environmental impacts, product group or sector and meet all the requirements of this Directive.	request approval from the Commission for use of the label on the Union market. This approval should be conditional on the scheme's contribution to reaching the objectives of this Directive and provided that the schemes demonstrate added value in terms of environmental ambition, coverage of environmental impacts, product group or sector and meet all the requirements of this Directive.	request approval from the Commission for use of the label on the Union market. This approval should be conditional on the scheme~~'s contribution to reaching the objectives~~ **meeting the requirements** of this Directive and provided that the schemes demonstrate added value ~~in terms of environmental ambition, coverage of environmental impacts, product group or sector and meet all the requirements of this Directive~~**as compared to the existing Union, national or regional schemes**.	
Recital 46				
56	(46) Environmental labelling schemes established by private operators, if too many and overlapping in terms of scope, may create confusion in consumers or undermine their trust in environmental labels. Therefore, Member States should only allow that new environmental labelling schemes are established by private operators provided that they offer significant added value as compared to the existing national or regional schemes in terms of environmental ambition of the criteria to award the label,	(46) Environmental labelling schemes established by private operators, if too many and overlapping in terms of scope, may create confusion in consumers or undermine their trust in environmental labels. Therefore, Member States should only allow ~~*that*~~***existing environmental labelling schemes to be depicted in business-to-consumer commercial practice after this Directive has entered into application and when such schemes are in compliance with the obligations set in this***	(46) Environmental labelling schemes established by private operators, if too many and overlapping in terms of scope, may create confusion in consumers or undermine their trust in environmental labels. Therefore, Member States should only allow that new environmental labelling schemes are established by private operators provided that they offer significant added value as compared to the existing **Union,** national or regional schemes~~ in terms of environmental ambition of the criteria to award the label,~~	

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	coverage of relevant environmental impacts, and completeness of the underlying assessment. Member States should set up a procedure for the approval of new environmental labelling schemes based on a certificate of conformity drawn up by the independent verifier. This should apply to schemes established in the Union and outside of the Union.	***Directive, and should only allow*** new environmental labelling schemes ***to be*** ~~*are*~~ established by private operators provided that they offer ~~*significant*~~ added value ~~*as compared to the existing national or regional schemes*~~***, in compliance with this Directive,*** in terms of environmental ambition of the criteria to award the label, coverage of relevant environmental impacts, and completeness of the underlying assessment. Member States should set up a procedure for the approval of new environmental labelling schemes based on a certificate of conformity drawn up by the independent verifier***, and assess the claims made by existing environmental and sustainability labelling and certification schemes***. This should apply to schemes established in the Union and outside of the Union***, including existing schemes***.	~~coverage of relevant environmental impacts, and completeness of the underlying assessment~~**, and meet all the requirements of this Directive**. Member States should set up a procedure for the approval of new environmental labelling schemes ~~based on a certificate of conformity drawn up by the independent verifier~~. This should apply to schemes established in the Union and outside of the Union.	
Recital 47				
57	(47) In order to provide legal certainty and facilitate enforcement of the provisions on new national and regional officially recognised environmental labelling schemes	(47) In order to provide legal certainty and facilitate enforcement of the provisions on ~~*new national and regional*~~ officially recognised ~~*environmental labelling schemes*~~	(47) In order to provide legal certainty and facilitate enforcement of the provisions on new national and regional officially recognised environmental labelling schemes	

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	and new private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.	~~*and new*~~ private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.	and new private labelling schemes, the Commission should publish a list of such schemes that may either continue to apply on the Union market or enter the Union market.	
Recital 47a				
57a			**(47a) National or regional EN ISO 14024 type I ecolabelling schemes that are officially recognised in the Member States should be informed to the Commission in order to be exempted from the verification procedure in accordance with Article 10 of this Directive, provided they comply with the requirements of this Directive. Member States should set up a procedure to officially recognise such type of labelling schemes. Recognition by one Member State should be sufficient for the whole Union market. The Commission should include the notified EN ISO 14024 type I ecolabelling schemes in this list of compliant environmental labelling schemes. Member States should inform the Commission in case those labels no longer meet the criteria for recognition. Those labelling**	

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			schemes should also comply with the requirements of Directive 2005/29/EC as amended by Empowering Consumers for the Green Transition Directive. As per article 2, point (s) of Directive 2005/29/EG environmental claims based on these EN ISO 14024 type I labels shall be deemed to have recognised excellent performance.	
Recital 48				
58	(48) In order to ensure a harmonised approach by the Member States to the assessment and approval of environmental labelling schemes developed by private operators, and to establish an approval procedure by the Commission for proposed schemes established by public authorities outside of the Union, implementing powers should be conferred on the Commission to adopt common rules specifying detailed requirements for approval of such environmental labelling schemes, the format and content of supporting documents and rules of procedure to approve such schemes. Those powers should be exercised in accordance with	(48) In order to ensure a harmonised approach by the Member States to the assessment and approval of environmental labelling schemes developed by private operators~~,~~ and to establish an approval procedure by the Commission for proposed schemes established by public authorities outside of the Union, ~~*implementing powers should be conferred on*~~ the Commission ***is empowered*** to adopt ***delegated acts setting out*** common rules specifying detailed requirements for approval of such environmental labelling schemes, the format and content of supporting documents and rules of procedure to approve such	(48) In order to ensure a harmonised approach by the Member States to the assessment and approval of environmental labelling schemes developed by private operators, and to establish an approval procedure by the Commission for proposed schemes established by public authorities ~~outside of the Union~~, implementing powers should be conferred on the Commission to adopt common rules specifying detailed requirements for approval of such environmental labelling schemes**, in particular on how added value should be assessed**, the format and content of supporting documents and rules of procedure to approve such	

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	Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	schemes. ~~*Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council*[1].~~ _____ ~~*1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*~~	schemes. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. **If the new environmental labelling scheme has received an approval and has been verified accordance to Article 10 resulting in a certificate of conformity, it can award environmental labels which are to be used on the Union market.** _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 49				
59	(49) It is essential that explicit environmental claims reflect correctly the environmental performance and environmental impacts covered by the claim, and consider the latest scientific evidence. Member States should therefore ensure that the trader making the claim reviews and updates the substantiation and communication of the claims at	(49) It is essential that explicit environmental claims ***and environmental labelling schemes*** reflect correctly the environmental performance and environmental impacts covered by the claim ***both directly on the product and accompanying the product***, and consider the latest scientific evidence. Member States should therefore ensure that the trader	(49) It is essential that explicit environmental claims **and environmental labels** reflect correctly the environmental ~~performance and environmental impacts~~**characteristics** covered by the claim **or label**, and consider the latest scientific evidence**, technical information or international standards**. Member States should therefore ensure that	

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	least every 5 years to ensure compliance with the requirements of this Directive	making the claim ~~*reviews and updates*~~ ***and environmental labelling schemes review and update*** the substantiation and communication of the claims at least every 5 years to ensure compliance with the requirements of this Directive**.**	the trader ~~making the~~**generating the explicit environmental** claim **or the environmental labelling scheme owner awarding the environmental label** reviews and updates**–, where necessary,** the substantiation ~~and communication~~ of the ~~claims~~**claim or label** at least every 5 years to ensure compliance with the requirements of this Directive**.**	
Recital 49a				
59a		***(49a) Article 13(1)e of the EU Tobacco Products Directive 2014/40/EU prohibits environmental claims on tobacco products and packaging, however it does not prohibit tobacco industry entities from making green claims about their activities as a whole, particularly through advertising campaigns on their environmental performance which could mislead consumers; therefore no environmental claims on tobacco industry activities should be allowed.***		
Recital 50				
60	(50) To ensure that explicit environmental claims are reliable, it is necessary that Member States set up procedure for verifying that	(50) To ensure that explicit environmental claims are reliable, it is necessary that Member States set up procedure for verifying that	(50) To ensure that explicit environmental claims **and environmental labels** are reliable, it is necessary that Member States	

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	the substantiation and communication of explicit environmental claims, including environmental labels, or the environmental labelling schemes, comply with the requirements set out in this Directive.	the substantiation and communication of explicit environmental claims, including environmental labels, or the environmental labelling schemes, comply with the requirements set out in this Directive.	set up ~~procedure~~**procedures** for verifying that ~~the substantiation and communication of~~ explicit environmental claims, ~~including environmental labels, or the~~**or** environmental labelling schemes **and the corresponding environmental labels**, comply with the requirements set out in this Directive. **Traders shall submit their explicit environmental claims for verification of the substantiation requirements, while environmental labelling scheme owners shall submit their environmental labelling scheme and the corresponding environmental label for verification of the substantiation requirements and the environmental labelling scheme requirements. Traders may use the labels awarded to them by compliant labelling schemes, without having to go through the verification procedure under this Directive.**	
Recital 51				
61	(51) In order to allow the competent authorities to control more efficiently the implementation of the provisions	(51) In order to allow the competent authorities to control more efficiently the implementation of the provisions	(51) In order to allow the competent authorities to control more efficiently the implementation of the provisions	

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	of this Directive and to prevent as much as possible unsubstantiated explicit environmental claims, including environmental labels, from appearing on the market, verifiers complying with the harmonised requirements set up by the Directive should check that both the information used for the substantiation and communication of explicit environmental claims meet the requirements of this Directive. In order to avoid misleading consumers, the verification should in any case take place before the environmental claims are made public or environmental labels are displayed. The verifier can, if appropriate, indicate several ways of communicating the explicit environmental claim that comply with the requirements of this Directive to avoid the need for continuous re-certification in case the way of communication is slightly modified without affecting the compliance with the requirements of this Directive. To facilitate the traders compliance with the rules on substantiation and communication of explicit environmental claims, including the environmental labels, the	of this Directive and to prevent as much as possible unsubstantiated explicit environmental claims, including environmental labels, from appearing on the market, verifiers complying with the harmonised requirements set up by the Directive should check that both the information used for the substantiation and communication of explicit environmental claims meet the requirements of this Directive. In order to avoid misleading consumers, the verification should ~~*in any case*~~ take place before the environmental claims are made public or environmental labels are displayed***. However, in order to avoid waste of products or packaging which have already been printed prior to the entry into force of this Directive, Member States may introduce a transitional period between the date of entry into force and the date of application of this Directive, during which time existing environmental claims submitted for verification can be used. Member States may prioritise the verification of claims made prior to the entry into force of this Directive***. The	of this Directive and to prevent as much as possible unsubstantiated explicit environmental claims, ~~including~~**and** environmental labels, from appearing on the market, verifiers complying with the harmonised requirements set up by the Directive should check that ~~both the information used for the substantiation and communication of~~ explicit environmental claims **and environmental labelling schemes and the corresponding environmental labels** meet the requirements of this Directive. In order to avoid misleading consumers, the verification should in any case take place before the **explicit** environmental claims are made public or environmental **labelling schemes and the corresponding environmental** labels are ~~displayed~~**made available**. The verifier can, if appropriate, indicate several ways of communicating the explicit environmental claim **or environmental label** that comply ~~with the requirements of this Directive to avoid the need for continuous re-certification in case the way of communication is slightly modified without affecting~~	

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	verification should take into account the nature and content of the claim or the environmental label, including whether they appear to be unfair in the light of Directive 2005/29/EC.	verifier can, if appropriate, indicate several ways of communicating the explicit environmental claim that comply with the requirements of this Directive to avoid the need for continuous re-certification in case the way of communication is slightly modified without affecting the compliance with the requirements of this Directive. To facilitate the traders compliance with the rules on substantiation and communication of explicit environmental claims, including the environmental labels, the verification should take into account the nature and content of the claim or the environmental label, including whether they appear to be unfair in the light of Directive 2005/29/EC.	~~the compliance~~ with the requirements of this Directive. To facilitate the traders**' or environmental labelling scheme owners'** compliance with the rules on substantiation ~~and communication~~ of explicit environmental claims, ~~including the~~**and** environmental labels, the verification should take into account the nature and content of the claim or the environmental label, including whether they appear to be unfair in the light of Directive 2005/29/EC.	
Recital 52				
62	(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be recognised by the competent authorities across the Union. Microenterprises should be	(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims with the requirements of this Directive, the certificate of conformity should be recognised by the competent authorities across the Union. Microenterprises ***as well as small***	(52) In order to provide traders with legal certainty across the internal market as regards compliance of the explicit environmental claims **or environmental labelling schemes and the corresponding environmental labels** with the requirements of this Directive, the certificate of conformity should be	

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	allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition across the Union. The certificate of conformity should however not prejudge the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.	***enterprises that make use of the transitional phase*** should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition across the Union. The certificate of conformity should however not prejudge the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.	recognised by the competent authorities ~~across the Union. Microenterprises should be allowed to request such certificate if they wish to certify their claims in line with the requirements of this Directive and benefit from the certificate's recognition~~ across the Union. The certificate of conformity should however not prejudge the assessment of the environmental claim by the public authorities or courts which enforce Directive 2005/29/EC.	
Recital 53				
63	(53) In order to ensure uniform conditions for the provisions on verification of explicit environmental claims and environmental labelling schemes and to facilitate the enforcement of the provisions on verification of this Directive, implementing powers should be conferred on the Commission to adopt a common form for certificates of conformity and the technical means for issuing such certificates. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____	(53) In order to ensure uniform conditions for the provisions on verification of explicit environmental claims and environmental labelling schemes and to facilitate the enforcement of the provisions on verification of this Directive, implementing powers should be conferred on the Commission to adopt a common form for certificates of conformity and the technical means for issuing such certificates. ***This common form should facilitate the recognition of certificates of conformity by the competent authorities across the Union.*** Those powers should be exercised	(53) In order to ensure uniform conditions for the provisions on verification of explicit environmental claims and environmental labelling schemes **and the corresponding environmental labels** and to facilitate the enforcement of the provisions on verification of this Directive, implementing powers should be conferred on the Commission to adopt a common form for certificates of conformity and the technical means for issuing such certificates. Those powers should be exercised in accordance with Regulation (EU)	

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	1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 53a				
63a			**(53a) The verifier should be an independent third-party conformity assessment body and should be accredited in accordance with Regulation (EC) No 765/2008[1] or an environmental verifier as defined in Article 2 No. 20 of Regulation (EC) No. 1221/2009. Thus, the provisions of Regulation 765/2008, including of Chapter II, apply to the accredited verifiers. Furthermore, the verifier should carry out its activities in an impartial and objective manner. The policies and procedures under which the verifier**	

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			operates, and the administration of them, shall be non-discriminatory. The accredited verifier should comply with EN ISO/IEC 17029 'Conformity assessment – General principles and requirements for validation and verification bodies'. _____ **1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).**	
Recital 53b				
63b			**(53b) The Internal Market Information System ('IMI') established by Regulation (EU) No 1024/2012 is an online software application developed by the Commission, in cooperation with the Member States. It provides a centralised communication mechanism to facilitate the cross-border exchange of information and mutual assistance between Member States authorities. Member States should notify the information on accreditation or licensing of a verifier via the IMI**	

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			and may choose if this is done by the accreditation or licensing bodies, or by the competent authorities. The national competent authorities designated by the Member States for the application and the enforcement of this Directive should be able to mutually assist each other when performing regular checks and exchange information between themselves by using IMI as a secure platform. In addition, in order to support the national competent authorities in the enforcement of this Directive, the competent authorities should have direct access to the certificates of conformity which should be submitted to IMI and kept up to date by the verifiers via the public interface connected to IMI.	
Recital 53c				
63c			**(53c) In order to ensure good functioning of the internal market and to allow citizens and businesses to have easy access to clear, reliable, user-friendly and multilingual information on ways to comply with the requirements of this Directive,**	

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			including an up-to-date list of the accredited verifiers, as well as a list of the certificates of conformity submitted by those verifiers to IMI via the public interface connected to the system, the Commission shall make this information publicly available. The Single Digital Gateway established in Regulation (EU) 2018/1724 of the European Parliament and the Council , with its user interface Your Europe and its associated national portals, is an appropriate tool to meet this objective.	
Recital 54				
64	(54) Small and medium-sized enterprises (SMEs) should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties with some of the requirements on substantiation and verification of explicit environmental claims. The Member States should provide adequate information and raise	(54) ***Micro,*** small and medium-sized enterprises ~~*(SMEs)*~~ should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties with some of the requirements on substantiation and verification of explicit environmental claims. The Member States ***and the***	(54) **Microenterprises,** small and medium-sized enterprises (SMEs) should be able to benefit from the opportunities provided by the market for more sustainable products but they could face proportionately higher costs and difficulties with some of the requirements on substantiation and verification of explicit environmental claims. The Member States **and the**	

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	awareness of the ways to comply with the requirements of this Directive, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs wishing to make explicit environmental claims on their products or as regards their activities. Member States actions should be taken in respect of applicable State aid rules.	***Commission*** should provide adequate information and raise awareness of the ways to comply with the requirements of this Directive, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs wishing to make explicit environmental claims on their products or as regards their activities. Member States actions should be taken in respect of applicable State aid rules. ***To ensure a level playing field for micro, small and medium-sized enterprises across the Union, Member States should engage in regular dialogue regarding support measures for micro, small and medium-sized enterprises that are in place on regional and national levels respectively. In addition, and to ensure micro, small and medium-sized enterprises do not face disproportionately higher costs and difficulties with respect to the requirements of this Directive, the Commission should consider some initiatives within the framework of financial programmes dedicated to micro, small and medium-sized***	**Commission** should provide adequate information and raise awareness of the ways to comply with the requirements of this Directive~~, ensure~~. **Supporting measures by the Commision and by the Member States could entail** targeted and specialised training, and provide specific assistance and support, including financial, to SMEs**, in particular to microenterprises,** wishing to make explicit environmental claims on their products or as regards their activities. Member States **may consult organisations that represent SMEs on the kind of measures SMEs consider useful. Due to the important role of life cycle assesment in the assessment of the substantiation of explicit environmental claims, the Commission should provide for life cycle assessment calculation tools including relevant data inventories. Member States** actions should be taken in respect of applicable State aid rules.	

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		enterprises, for cases where they wish to make explicit environmental claims with regard to their products or activities.		
Recital 54a				
64a			**(54a) In order to ensure that the impacts on the smallest companies are proportionate while ensuring that eventually all traders have to comply with the respective obligations laid down in this Directive, microenterprises should benefit from a later application date for certain obligations, so that they have sufficient time to adapt their behaviour and processes accordingly.**	
Recital 55				
65	(55) In order to ensure a level-playing field on the Union market, where claims about the environmental performance of a product or a trader are based on reliable, comparable and verifiable information, it is necessary to establish common rules on enforcement and compliance.	(55) In order to ensure a level-playing field on the Union market, where claims about the environmental performance of a product or a trader are based on reliable, comparable and verifiable information, it is necessary to establish common rules on enforcement and compliance.	(55) In order to ensure a level-playing field on the Union market, where **explicit environmental** claims **or environmental labels** about the environmental ~~performance~~**characteristics** of a product or a trader are based on reliable, comparable and verifiable information, it is necessary to establish common rules on enforcement and compliance.	
Recital 56				

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66	(56) In order to ensure that the objectives of this Directive are achieved and the requirements are enforced effectively, Member States should designate their own competent authorities responsible for the application and enforcement of this Directive. However, in view of the close complementarity of Articles 5 and 6 of this Directive with the provisions of Directive 2005/29/EC, Member States should also be allowed to designate for their enforcement the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC. For the sake of consistency, when Member States make that choice, they should be able to rely on the means and powers of enforcement that they have established in accordance with Article 11 of Directive 2005/29/EC, in derogation from the rules on enforcement laid down in this Directive. In cases where there is more than one designated competent authority in their territory and to ensure effective exercise of the duties of the competent authorities, Member State should ensure a close	(56) In order to ensure that the objectives of this Directive are achieved and the requirements are enforced effectively, Member States should designate their own competent authorities responsible for the application and enforcement of this Directive. However, in view of the close complementarity of Articles 5 and 6 of this Directive with the provisions of Directive 2005/29/EC, Member States should also be allowed to designate for their enforcement the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC. For the sake of consistency, when Member States make that choice, they should be able to rely on the means and powers of enforcement that they have established in accordance with Article 11 of Directive 2005/29/EC~~, in derogation from the rules on enforcement laid down in this Directive~~. In cases where there is more than one designated competent authority in their territory and to ensure effective exercise of the duties of the competent authorities, Member State should ensure a close	(56) In order to ensure that the objectives of this Directive are achieved and the requirements are enforced effectively, Member States should designate their own competent authorities responsible for the application and enforcement of this Directive. However, in view of the close complementarity of Articles 5 and 6 of this Directive with the provisions of Directive 2005/29/EC, Member States should also be allowed to designate for their enforcement the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC. For the sake of consistency, when Member States make that choice, they should be able to rely on the means and powers of enforcement that they have established in accordance with Article 11 of Directive 2005/29/EC, in derogation from the rules on enforcement laid down in this Directive. **Member States may also designate the same competent authorities as those responsible for the enforcement of Directive 2005/29/EC, for the application and enforcement of the**	

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	cooperation between all designated competent authorities.	cooperation between all designated competent authorities.	**provisions of this Directive. Nevertheless, for the enforcement of the other Articles than Articles 5 and 6 of this Directive, Member States may not derogate from the rules on enforcement laid down in this Directive.** In cases where there is more than one designated competent authority in their territory and to ensure effective exercise of the duties of the competent authorities, Member State should ensure a close cooperation between all designated competent authorities.	
Recital 56a				
66a			**(56a) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union and present in the constitutional traditions of the Member States. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles. When exercising the powers foreseen in this Directive, the competent authorities should strike an appropriate balance between the**	

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			interests protected by fundamental rights.	
Recital 57				
67	(57) Without prejudice to the powers already conferred by Regulation (EU) 2017/2394[1] to consumer protection authorities, competent authorities should have a minimum set of investigation and enforcement powers in order to ensure compliance with this Directive, to cooperate with each other more quickly and more efficiently, and to deter market actors from infringing this Directive. Those powers should be sufficient to tackle the enforcement challenges of e-commerce and the digital environment effectively and to prevent non-compliant market actors from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities may be less equipped to tackle unlawful practices. _____ 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation	(57) Without prejudice to the powers already conferred by Regulation (EU) 2017/2394[1] to consumer protection authorities, competent authorities should have a minimum set of investigation and enforcement powers in order to ensure compliance with this Directive, to cooperate with each other more quickly and more efficiently, and to deter market actors from infringing this Directive. Those powers should be sufficient to tackle the enforcement challenges of e-commerce and the digital environment effectively and to prevent non-compliant market actors from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities may be less equipped to tackle unlawful practices. _____ 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation	(57) Without prejudice to the powers already conferred by Regulation (EU) 2017/2394[1] to consumer protection authorities, competent authorities should have a minimum set of investigation and enforcement powers in order to ensure compliance with this Directive **by traders and environmental labelling scheme owners**, to cooperate with each other more quickly and more efficiently, and to deter market actors from infringing this Directive. Those powers should be sufficient to tackle the enforcement challenges of e-commerce and the digital environment effectively and to prevent non-compliant market actors from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities may be less equipped to tackle unlawful practices. _____ 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible	

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	(EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).	(EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).	for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).	
Recital 58				
68	(58) Competent authorities should be able to use all facts and circumstances of the case as evidence for the purpose of their investigation.	(58) Competent authorities should be able to use all facts and circumstances of the case as evidence for the purpose of their investigation.	(58) Competent authorities should be able to use all facts and circumstances of the case as evidence for the purpose of their investigation.	
Recital 59				
69	(59) In order to prevent the occurrence of misleading and unsubstantiated explicit environmental claims on the Union market, competent authorities should carry out regular checks of explicit environmental claims made, and the environmental labelling schemes applied, to verify that the requirements laid down in this Directive are fulfilled.	(59) In order to prevent the occurrence of misleading and unsubstantiated explicit environmental claims on the Union market, competent authorities should carry out regular checks of explicit environmental claims made, and the environmental labelling schemes applied, to verify that the requirements laid down in this Directive are fulfilled.	(59) In order to prevent the occurrence of misleading and unsubstantiated explicit environmental claims **and environmental labels** on the Union market, competent authorities should carry out regular checks of explicit environmental claims made, and the environmental labelling schemes applied, to verify that the requirements laid down in this Directive are fulfilled.	
Recital 60				
70	(60) When competent authorities detect an infringement of requirements of this Directive they should carry out an evaluation and based on its results notify the trader about the infringement detected and require that	(60) When competent authorities detect an infringement of requirements of this Directive they should carry out an evaluation and based on its results notify the trader about the infringement detected and require that	(60) When competent authorities detect an infringement of requirements of this Directive they should carry out an evaluation and based on its results notify the trader **or the environmental labelling scheme owner** about the	

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	corrective actions are taken by the trader. To minimise the misleading effect on consumers of the non-compliant explicit environmental claim or non-compliant environmental labelling scheme, the trader should be required by the competent authorities to take an effective and rapid action to remediate that infringement. The corrective action required should be proportionate to the infringement detected and its expected harmful effects on the consumers.	corrective actions are taken by the trader. To minimise the misleading effect on consumers of the non-compliant explicit environmental claim or non-compliant environmental labelling scheme, the trader should be required by the competent authorities to take an effective and rapid action to remediate that infringement. The corrective action required should be proportionate to the infringement detected and its expected harmful effects on the consumers.	infringement detected and require that corrective actions are taken by the trader **or the environmental labelling scheme owner, where the competent authority considers this is necessary and appropriate**. To minimise the misleading effect on consumers of the non-compliant explicit environmental claim or non-compliant environmental labelling scheme, the trader **or the environmental labelling scheme owner** should be required by the competent authorities to take an effective and rapid action to remediate that infringement. The corrective action required **by the competent authority** should be proportionate to the infringement detected and its expected harmful effects on the consumers. **Examples of corrective measures could be modifications to advertising, relabelling of products or corrections on a website or in the media. When the trader generating an explicit environmental claim, the environmental labelling scheme owner or the trader displaying an environmental label would fail to take corrective action or where the non-compliance**	

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			persists, competent authorities may require the distributor of a product with a non-compliant explicit environmental claim or environmental label which they made available on the market to take corrective measures. Moreover, such a corrective action does not prevent the imposition of penalties, as the corrective action is aimed to resolve the non-compliance, whereas a penalty is a punitive measure.	
Recital 61				
71	(61) Where an infringement is not restricted to their national territory, and the explicit environmental claim has been advanced between traders, competent authorities should inform the other Member States of the results of evaluation they have carried out and of any action that they have required the trader responsible to take.	(61) Where an infringement is not restricted to their national territory, and the explicit environmental claim has been advanced between traders, competent authorities should inform the other Member States of the results of evaluation they have carried out and of any action that they have required the trader responsible to take.	(61) Where an infringement is not restricted to their national territory, and the explicit environmental claim **or the environmental label** has been advanced between traders, competent authorities should inform the other Member States of the results of evaluation they have carried out and of any action that they have required the trader responsible to take.	
Recital 62				
72	(62) Competent authorities should also carry out checks of explicit environmental claims on the Union market when in	(62) Competent authorities should also carry out checks of explicit environmental claims on the Union market when in	(62) Competent authorities should also carry out checks of explicit environmental claims **and environmental labelling schemes**	

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	possession of and based on relevant information, including substantiated concerns submitted by third parties. Third parties submitting a concern should be able to demonstrate a sufficient interest or maintain the impairment of a right.	possession of and based on relevant information, including substantiated concerns submitted by third parties. Third parties submitting a concern should be able to demonstrate a sufficient interest or maintain the impairment of a right.	**and the corresponding environmental labels** on the Union market when in possession of and based on relevant information, including substantiated concerns submitted by third parties. Third parties submitting a concern should be able to demonstrate a sufficient interest or maintain the impairment of a right.	
Recital 63				
73	(63) In order to ensure that traders are effectively dissuaded from non-compliance with the requirements of this Directive, Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that those rules are implemented. The penalties provided for should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common non-exhaustive criteria for determining the types and levels of penalties to be imposed in case of infringements. That criteria should include, inter alia, the nature and gravity of the infringement as well as the economic benefits derived	(63) In order to ensure that traders are effectively dissuaded from non-compliance with the requirements of this Directive, Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that those rules are implemented. The penalties provided for should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common non-exhaustive criteria for determining the types and levels of penalties to be imposed in case of infringements. That criteria should include, inter alia, the nature and gravity of the infringement as well as the economic benefits derived	(63) In order to ensure that traders **and environmental labelling scheme owners** are effectively dissuaded from non-compliance with the requirements of this Directive, Member States should lay down rules on penalties applicable to infringements of this Directive and ensure that those rules are implemented. The penalties provided for should be effective, proportionate and dissuasive. To facilitate a more consistent application of penalties, it is necessary to establish common **indicative** non-exhaustive criteria for determining the types and levels of penalties to be imposed in case of infringements. That criteria should include, ***inter alia***~~inter alia~~, the	

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	from the infringement in order to ensure that those responsible are deprived of those benefits.	from the infringement in order to ensure that those responsible are deprived of those benefits.	nature and gravity of the infringement as well as the economic benefits derived from the infringement ~~in order to ensure that those responsible are deprived of those benefits~~.	
Recital 64				
74	(64) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant trader from the economic benefit derived from using the misleading or unsubstantiated explicit environmental claim or non-compliant environmental labelling scheme, including in cases of repeated infringements. The measures for infringements foreseen by the Member States should therefore also include confiscation of the relevant product from the trader or revenues gained from the transactions affected by this infringement or a temporary exclusions or prohibitions from placing products or making available services on the Union market. The gravity of the	(64) When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant trader from the economic benefit derived from using the misleading or unsubstantiated explicit environmental claim or non-compliant environmental labelling scheme, including in cases of repeated infringements. The measures for infringements foreseen by the Member States should therefore also include confiscation of the relevant product from the trader or revenues gained from the transactions affected by this infringement or a temporary exclusions or prohibitions from placing products or making available services on the Union market. The gravity of the	(64) ~~When setting penalties and measures for infringements, the Member States should foresee that, based on the gravity of the infringement, the level of fines should effectively deprive the non-compliant trader from the economic benefit derived from using the misleading or unsubstantiated explicit environmental claim or non-compliant environmental labelling scheme, including in cases of repeated infringements. The measures for infringements foreseen by the Member States should therefore also include confiscation of the relevant product from the trader or revenues gained from the transactions affected by this infringement or a temporary exclusions or prohibitions from placing products or making available services on the Union market. The gravity of the~~	

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	infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should be dissuasive and set at least at the level of 4% of the trader's total annual turnover in the Member State or Member States concerned in case of widespread infringements with a Union dimension that are subject to coordinated investigation and enforcement measures in accordance with Regulation (EU) 2017/2394[1]. 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).	infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should be dissuasive and set at least at the level of 4% of the trader's total annual turnover in the Member State or Member States concerned in case of widespread infringements with a Union dimension that are subject to coordinated investigation and enforcement measures in accordance with Regulation (EU) 2017/2394[1]. 1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).	~~infringement should be the leading criterion for the measures taken by the enforcement authorities. The maximum amount of fines should be dissuasive and set at least at the level of 4% of the trader's total annual turnover in the Member State or Member States concerned in case of widespread infringements with a Union dimension that are subject to coordinated investigation and enforcement measures in accordance with Regulation (EU) 2017/2394[1].~~ ~~1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).~~	
Recital 65				
75	(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid	(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations***, including with the consultation forum,*** during its preparatory work, including at expert level, and that those consultations be	(65) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid	

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	down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	
Recital 66				
G 76	(66) In order to assess the performance of the legislation against the objectives that it pursues, the Commission should carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council. In order to inform an evaluation of this Directive, Member States should regularly collect information on the application of this Directive and provide it to the Commission on an annual basis.	(66) In order to assess the performance of the legislation against the objectives that it pursues, the Commission should carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council. In order to inform an evaluation of this Directive, Member States should regularly collect information on the application of this Directive and provide it to the Commission on an annual basis.	(66) In order to assess the performance of the legislation against the objectives that it pursues, the Commission should carry out an evaluation of this Directive and present a report on the main findings to the European Parliament and the Council. In order to inform an evaluation of this Directive, Member States should regularly collect information on the application of this Directive and provide it to the Commission on an annual basis.	Commission Proposal G
Recital 67				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77	(67) Where based on the results of the monitoring and evaluation of this Directive the Commission finds it appropriate to propose a review of this Directive, the feasibility and appropriateness of further provisions on mandating the use of common method for substantiation of explicit environmental claims, the extension of prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society, or further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or environmental impacts should also be considered.	(67) Where based on the results of the monitoring and evaluation of this Directive the Commission finds it appropriate to propose a review of this Directive, the feasibility and appropriateness of further provisions on mandating the use of common method for substantiation of explicit environmental claims, ~~*the extension of prohibition of environmental claims for products containing hazardous substances except where their use is considered essential for the society,*~~ or further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or environmental impacts should also be considered.	(67) Where based on the results of the monitoring and evaluation of this Directive the Commission finds it appropriate to propose a review of this Directive, the feasibility and appropriateness of further provisions on mandating the use of common method for substantiation of explicit environmental claims **or environmental labels**, the extension of prohibition of environmental claims for products containing **certain** hazardous substances ~~except where their use is considered essential for the society~~, or further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental ~~aspects or environmental impacts~~**characteristics** should also be considered.	
Recital 68				
78	(68) The use of the most harmful substances should ultimately be phased-out in the Union to avoid and prevent significant harm to human health and the environment, in particular their use in consumer products. Regulation (EC) 1272/2008 of the	(68) The use of the most harmful substances should ultimately be phased-out in the Union to avoid and prevent significant harm to human health and the environment, in particular their use in consumer products***. The Commission should provide a***	(68) The use of the most harmful substances should ultimately be phased-out in the Union to avoid and prevent significant harm to human health and the environment, in particular their use in consumer products. Regulation (EC) 1272/2008 of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council[1] prohibits the labelling of mixtures and substances that contain hazardous chemicals as 'non-toxic', 'non-harmful', 'non-polluting', 'ecological' or any other statements indicating that the substance or mixture is not hazardous or statements that are inconsistent with the classification of that substance or mixture. Member States are required to ensure that such obligation is fulfilled. As committed in the Chemicals Strategy for Sustainability the Commission will define criteria for essential uses to guide its application across relevant Union legislation. . _____ 1. 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, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	***report on the use of explicit environmental claims on products containing harmful substances and evaluate for which products or product groups the use of explicit environmental claims is misleading. Since the use of such claims can encourage consumption of those products that contain substances harmful to the environment or human health, the Commission should have the power to adopt delegated acts to introduce restrictions or prohibitions on the use of such explicit environmental claims. In its report, the Commission could also evaluate whether it would be appropriate that certain EU Ecolabel criteria set under Regulation (EC) No 66/2010 concerning the use of substances or preparations/mixtures be used for the potential restrictions or prohibitions on the use of explicit environmental claims under this Directive***. Regulation (EC) 1272/2008 of the European Parliament and of the Council[1] prohibits the labelling of mixtures and substances that contain hazardous chemicals as 'non-toxic', 'non-harmful', 'non-polluting', 'ecological' or any	European Parliament and of the Council[1] prohibits the labelling of mixtures and substances that contain hazardous chemicals as 'non-toxic', 'non-harmful', 'non-polluting', 'ecological' or any other statements indicating that the substance or mixture is not hazardous or statements that are inconsistent with the classification of that substance or mixture. Member States are required to ensure that such obligation is fulfilled. As committed in the Chemicals Strategy for Sustainability the Commission ~~will define~~**has published a Communication on the Guiding** criteria **and principles for the**~~for~~ essential ~~uses to guide its application across relevant Union~~**use concept in EU** legislation~~.~~ **dealing with chemicals**.[2] _____ 1. 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, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1). **2. Communication from the Commission – Guiding criteria and principles for the essential use concept**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		other statements indicating that the substance or mixture is not hazardous or statements that are inconsistent with the classification of that substance or mixture. Member States are required to ensure that such obligation is fulfilled. As committed in the Chemicals Strategy for Sustainability the Commission will define criteria for essential uses to guide its application across relevant Union legislation. . _____ 1. 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, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	**in EU legislation dealing with chemicals (OJ C, C/2024/2894, 26.4.2024)**	
Recital 69				
79	(69) Since the objectives of this Directive, namely to improve the functioning of the internal market for economic actors operating in the internal market and consumers relying on environmental claims, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in	(69) Since the objectives of this Directive, namely to improve the functioning of the internal market for economic actors operating in the internal market and consumers relying on environmental claims, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in	(69) Since the objectives of this Directive, namely to improve the functioning of the internal market for economic actors operating in the internal market and consumers relying on environmental claims **and environmental labels**, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	
Recital 70				
G 80	(70) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	(70) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	(70) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	Commission Proposal G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 71				
81	(71) The Annex to Regulation (EU) 1024/2012 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate the administrative cooperation between the competent authorities through the Internal Market Information System. _____ 1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).	(71) The Annex to Regulation (EU) 1024/2012 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate the administrative cooperation between the competent authorities through the Internal Market Information System. _____ 1. Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).	(71) The Annex to Regulation (EU) 1024/2012 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate the administrative cooperation between the competent authorities through the Internal Market Information System. _____ 1. Regulation (EU) ~~No 1024/2012~~**No 1024/2012** of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).	Commission Proposal
Recital 72				
82	(72) The Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate cross-border cooperation on enforcement of this Directive. _____ 1. OJ L 345, 27.12.2017, p. 1	(72) The Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate cross-border cooperation on enforcement of this Directive. _____ 1. OJ L 345, 27.12.2017, p. 1	(72) The Annex to Regulation (EU) 2017/2394 of the European Parliament and of the Council[1] should be amended to include a reference to this Directive so as to facilitate cross-border cooperation on enforcement of this Directive. _____ 1. OJ L 345, 27.12.2017, p. 1	Commission Proposal
Recital 73				
83	(73) Annex I of Directive (EU) 2020/1828 of the European	(73) Annex I of Directive (EU) 2020/1828 of the European	(73) Annex I of Directive (EU) 2020/1828 of the European	Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council[1] should be amended to include a reference to this Directive so as to ensure that the collective interests of consumers laid down in this Directive are protected. _____ 1. Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).	Parliament and of the Council[1] should be amended to include a reference to this Directive so as to ensure that the collective interests of consumers laid down in this Directive are protected. _____ 1. Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).	Parliament and of the Council[1] should be amended to include a reference to this Directive so as to ensure that the collective interests of consumers laid down in this Directive are protected. _____ 1. Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).	
Recital 73a				
83a			**(73a) Annex I of Regulation (EU) 2018/1724 of the European Parliament and of the Council[29] should be amended to include a reference to this Directive so as to facilitate transparent dissemination of information about the requirements of this Directive and ways to comply. For businesses, several pieces of legislation exist at EU level that regulate this, including without limitation those that require them to carry out corporate sustainability due diligence, as well as those that require the disclosure of sustainability-related information to investors, consumers, or to other**	

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			stakeholders. To facilitate this, Regulation (EU) 2018/1724 should allow for the dissemination of relevant information in a sufficiently coherent and comprehensive manner, based on applicable Union law, in accordance with its provisions, and as set forth herein. _____ **29. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1)**	
Formula				
G	84	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	Commission Proposal	G
Article 1				
Y	85	Article 1 Scope	Article 1 ***Subject matter and*** scope	Article 1 Scope		Y
Article 1(-1)				
Y	85a		***-1. The purpose of this Directive is to provide for a high level of consumer and environmental protection, while contributing to the functioning of***		***-1. The purpose of this Directive is to contribute to the proper functioning of the internal market, while ensuring a high***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the internal market, by approximating the laws, regulations and administrative provisions of the Member States related to environmental claims made on or with reference to products made available on the market or to traders making products available on the market.		***level of consumer and environmental protection.*** COUNCIL can confirm agreement of all of the texts agreed at technical level Agreed at technical level EP mandate amended
Article 1(1)				
86	1. This Directive applies to explicit environmental claims made by traders about products or traders in business-to-consumer commercial practices.	1. This Directive applies to explicit environmental claims made by traders about products ***placed on the market or put into service, including through online platforms*** or traders ***and environmental labelling schemes*** in business-to-consumer commercial practices.	1. This Directive applies to explicit environmental claims made **voluntarily** by traders about products or **about** traders**, and to environmental labelling schemes that allow for the use of the corresponding environmental labels,** in business-to-consumer commercial practices.	1. This Directive applies to explicit environmental claims made ***voluntarily*** by traders about products or ***about*** traders***, and to environmental labelling schemes that allow for the use of the corresponding environmental labels,*** -in business-to-consumer commercial practices. ***+ agreement to add to recital 5 "both offline and online": Detailed Union rules on substantiation of explicit environmental claims, applicable to companies operating on the Union market in business to consumer communication, both offline and online, will contribute to the green transition towards a circular, climate-neutral and clean economy in the Union by***

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				enabling consumers to take informed purchasing decisions, and will help create a level-playing field for market operators making such claims. […] Agreed at technical level Text Origin: Council Mandate
Article 1(2)				
Y 87	2. This Directive does not apply to environmental labelling schemes or to explicit environmental claims regulated by or substantiated by rules established in:	2. This Directive does not apply to environmental labelling schemes or to explicit environmental claims regulated by or substantiated by rules established in:	2. This Directive does not apply **to explicit environmental claims, environmental labels or** to environmental labelling schemes ~~or to explicit environmental claims~~ regulated by or substantiated by rules established in:	Y
Article 1(2), point (a)				
G 88	(a) Regulation (EC) No 66/2010 of the European Parliament and of the Council[1], _____ 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).	(a) Regulation (EC) No 66/2010 of the European Parliament and of the Council[1], _____ 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).	(a) Regulation (EC) No 66/2010 of the European Parliament and of the Council[1]~~,~~**;** _____ 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).	Commission Proposal G
Article 1(2), point (b)				
G 89	(b) Regulation (EU) 2018/848 of the European Parliament and of the Council[1], _____	(b) Regulation (EU) 2018/848 of the European Parliament and of the Council[1], _____	(b) Regulation (EU) 2018/848 of the European Parliament and of the Council[1], _____	Commission Proposal G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).	1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).	1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).	
Article 1(2), point (c)				
90	(c) Regulation (EU) 2017/1369 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).	(c) Regulation (EU) 2017/1369 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).	(c) Regulation (EU) 2017/1369 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1).	Commission Proposal
Article 1(2), point (d)				
91	(d) Directive 2009/125/EC of the European Parliament and of the Council[1], _____ 1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast) (OJ L 285, 31.10.2009, p. 10).	(d) Directive 2009/125/EC of the European Parliament and of the Council[1], _____ 1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast) (OJ L 285, 31.10.2009, p. 10).	(d) Directive 2009/125/EC of the European Parliament and of the Council[1], _____ 1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast) (OJ L 285, 31.10.2009, p. 10).	Commission Proposal
Article 1(2), point (e)				
92	(e) Regulation (EU) No 305/2011 of the European Parliament and of the Council[1] _____ 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised	(e) Regulation (EU) No 305/2011 of the European Parliament and of the Council[1] _____ 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised	(e) Regulation (EU) No 305/2011 of the European Parliament and of the Council[1] **and Regulation (EU) [No to be published] of the European Parliament and of the Council**	(e) Regulation (EU) No 305/2011 of the European Parliament and of the Council[1] ***and Regulation (EU) [No to be published] of the European Parliament and of the Council***

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	conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).	conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).	**(future updated Construction Products Regulation);** _____ 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).	***(future updated Construction Products Regulation);*** _____ 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5). Agreed at technical level Text Origin: Council Mandate
Article 1(2), point (f)				
Y 93	(f) Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]; _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	(f) Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]; _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	(f) ~~Regulation (EC) No 765/2008 of the European Parliament and of the Council[1];~~ _____ ~~1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).~~	(f) ***~~Regulation (EC) No 765/2008 of the European Parliament and of the Council[1];~~*** _____ ***~~1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).~~*** Agreed at technical level Text Origin: Council Mandate
Article 1(2), point (g)				
G 94	(g) Regulation (EC) No 1221/2009 of the European Parliament and of the Council[1]; _____	(g) Regulation (EC) No 1221/2009 of the European Parliament and of the Council[1]; _____	(g) Regulation (EC) No 1221/2009 of the European Parliament and of the Council[1]; _____	Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).	1. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).	1. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).	
Article 1(2), point (h)				
G 95	(h) Directive 1999/94/EC of the European Parliament and of the Council[1]; _____ 1. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars (OJ L 12, 18.1.2000, p. 16).	(h) Directive 1999/94/EC of the European Parliament and of the Council[1]; _____ 1. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars (OJ L 12, 18.1.2000, p. 16).	(h) Directive 1999/94/EC of the European Parliament and of the Council[1]; _____ 1. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars (OJ L 12, 18.1.2000, p. 16).	Commission Proposal G
Article 1(2), point (i)				
G 96	(i) Regulation (EU) No 305/2011 of the European Parliament and of the Council[1]; _____ 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).	*deleted*	(i) ~~Regulation (EU) No 305/2011 of the European Parliament and of the Council[1];~~ _____ ~~1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5).~~	*deleted* EP/Council mandate G
Article 1(2), point (j)				

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97	*(j)* Directive 2006/66/EC of the European Parliament and of the Council[1]; 1. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1).	(j) Directive 2006/66/EC of the European Parliament and of the Council[1]; 1. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1).	(j) ~~Directive 2006/66/EC~~**Regulation (EU) 2023/1542** of the European Parliament and of the Council[1]; 1. ~~Directive 2006/66/EC~~**Regulation (EU) 2023/1542** of the European Parliament and of the Council of ~~6 September 2006 on~~**12 July 2023 concerning** batteries ~~and accumulators~~ and waste batteries**, amending Directive 2008/98/EC and Regulation (EU) 2019/1020** ~~and accumulators~~ and repealing Directive ~~91/157/EEC (OJ L 266, 26.9.2006, p. 1).~~**2006/66/EC**	(j) ~~*Directive 2006/66/EC*~~***Regulation (EU) 2023/1542*** of the European Parliament and of the Council[1]; 1. ~~*Directive 2006/66/EC*~~***Regulation (EU) 2023/1542*** of the European Parliament and of the Council of ~~*6 September 2006 on*~~***12 July 2023 concerning*** batteries ~~*and accumulators*~~ and waste batteries**,** ***amending Directive 2008/98/EC and Regulation (EU) 2019/1020*** ~~*and accumulators*~~ and repealing Directive ~~*91/157/EEC (OJ L 266, 26.9.2006, p. 1).*~~***2006/66/EC*** Agreed at technical level Text Origin: Council Mandate
Article 1(2), point (k)				
98	(k) Directive 94/62/EC of the European Parliament and of the Council[1]; 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).	*deleted*	(k) Directive 94/62/EC of the European Parliament and of the Council[1]; 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).	
Article 1(2), point (l)				

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G 99	(l) Regulation (EU) 2020/852 of the European Parliament and of the Council[1] 1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).	(l) Regulation (EU) 2020/852 of the European Parliament and of the Council[1] 1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).	(l) Regulation (EU) 2020/852 of the European Parliament and of the Council[1] 1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).	Commission Proposal G
Article 1(2), point (m)				
Y 100	(m) Regulation (EU) … /… of the European Parliament and of the Council[1]; 1. Regulation (EU) … /… of the European Parliament and of the Council establishing a Union certification framework for carbon removals (OJ L …).	(m) Regulation (EU) … /… of the European Parliament and of the Council[1]; 1. Regulation (EU) … /… of the European Parliament and of the Council establishing a Union certification framework for carbon removals (OJ L …).	(m) ~~Regulation (EU) … /… of the European Parliament and of the Council[1];~~ ~~1. Regulation (EU) … /… of the European Parliament and of the Council establishing a Union certification framework for carbon removals (OJ L …).~~	(m) ~~*Regulation (EU) … /… of the European Parliament and of the Council[1];*~~ ~~*1. Regulation (EU) … /… of the European Parliament and of the Council establishing a Union certification framework for carbon removals (OJ L …).*~~ Agreed at technical level Text Origin: Council Mandate Y
Article 1(2), point (n)				
G 101	(n) Directive 2012/27/EU of the European Parliament and of the Council[1]; 1. Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).	(n) Directive 2012/27/EU of the European Parliament and of the Council[1]; 1. Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).	(n) Directive 2012/27/EU of the European Parliament and of the Council[1]; 1. Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).	Commission Proposal G

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Article 1(2), point (o)				
102	(o) Directive 2013/34/EU of the European Parliament and of the Council[1] and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products; _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	(o) Directive 2013/34/EU of the European Parliament and of the Council[1]***, Regulation (EU) 2019/2088 of the European Parliament and of the Council***[2] and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products; _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19). ***2. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector***	(o) Directive 2013/34/EU of the European Parliament and of the Council[1] and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products; _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	(o) Directive 2013/34/EU of the European Parliament and of the Council[1]***, Regulation (EU) 2019/2088 of the European Parliament and of the Council***[2]***, Regulation 2024/3005 of the European Parliament and of the Council***[3], and other Union, national or international rules, standards or guidelines for financial services, financial instruments, and financial products; _____ ***1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).*** ***2. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability- related disclosures in the financial services sector***

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				3. Regulation (EU) 2024/3005 of the European Parliament and of the Council of 27 November 2024 on the transparency and integrity of Environmental, Social and Governance (ESG) rating activities, and amending Regulations (EU) 2019/2088 and (EU) 2023/2859 ~~*1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).*~~ Agreed at technical level EP text amended
Article 1(2), point (oa)				
102a		***(oa) Regulation (EU) No 1007/2011 of the European Parliament and of the Council[1];*** ***1. Regulation (EU) No 1007/2011 of the European Parliament and of the Council on textile fibre names and related labelling and marketing of the fibre composition of textile products***		*deleted* *Agreed at technical level*

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Article 1(2), point (oa)				
102b			**(oa) Council Directive 92/43/EEC[1];** **1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora**	
Article 1(2), point (ob)				
102c			**(ob) Regulation (EU) [No to be published] of the European Parliament and of the Council (Refuel EU Aviation)**	
Article 1(2), point (oc)				
102d			**(oc) Regulation (EC) 2020/740 of the European Parliament and of the Council[1]** **1. Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009 (OJ L, L 177, 5.6.2020, p. 1–31)**	
Article 1(2), point (od)				
102e			**(od) Directive (EU) 2023/2413 of the European Parliament and of the Council[1]** **1. Directive (EU) 2023/2413 of the European Parliament and of the**	

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			Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 (OJ L, 2023/2413, 31.10.2023)	
Article 1(2), point (p)				
103	(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.	*deleted*	(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**.	
Article 1(2a)				
103a		***2a. The Commission is empowered to adopt delegated acts in accordance with Article 18 to amend the list referred to in paragraph 2 to delete or add new or revised legislation where they provide a level of requirements***		

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		that can be considered equivalent to those provided by this Directive. The requirements that shall be required to be equivalent include:		
Article 1(2a), point (a)				
Y 103b		***(a) the level of disclosure of information;***		Y
Article 1(2a), point (b)				
Y 103c		***(b) the requirements on third-party verification prior to the claim being put on the market;***		Y
Article 1(2a), point (c)				
Y 103d		***(c) the level of enforcement.***		Y
Article 2				
G 104	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Commission Proposal G
Article 2, first paragraph				
G 105	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	Commission Proposal G
Article 2, first paragraph, point (1)				
G 106	(1) 'environmental claim' means environmental claim as defined in Article 2, point (o), of Directive 2005/29/EC;	(1) 'environmental claim' means environmental claim as defined in Article 2, point (o), of Directive 2005/29/EC;	(1) 'environmental claim' means environmental claim as defined in Article 2, point (o), of Directive 2005/29/EC;	Commission Proposal G
Article 2, first paragraph, point (2)				

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Y 107	(2) 'explicit environmental claim' means an environmental claim that is in textual form or contained in an environmental label;	(2) 'explicit environmental claim' means an environmental claim that is in textual form or contained in an environmental label;	(2) 'explicit environmental claim' means an environmental claim ~~that is in textual~~**made in written** form or ~~contained in an~~**orally, including through audiovisual media, excluding** environmental ~~label~~**labels**;	(2) 'explicit environmental claim' means an environmental claim ~~*that is in textual*~~***made in written*** form or ~~*contained in an*~~***orally, including through audiovisual media, excluding*** environmental ~~*label*~~***labels***; Agreed at technical level Text Origin: Council Mandate
Article 2, first paragraph, point (3)				
G 108	(3) 'trader' means trader as defined in Article 2, point (b), of Directive 2005/29/EC;	(3) 'trader' means trader as defined in Article 2, point (b), of Directive 2005/29/EC;	(3) 'trader' means trader as defined in Article 2, point (b), of Directive 2005/29/EC;	Commission Proposal
Article 2, first paragraph, point (4)				
G 109	(4) 'product' means product as defined in Article 2, point (c), of Directive 2005/29/EC;	(4) 'product' means product as defined in Article 2, point (c), of Directive 2005/29/EC;	(4) 'product' means product as defined in Article 2, point (c), of Directive 2005/29/EC;	Commission Proposal
Article 2, first paragraph, point (5)				
G 110	(5) 'consumer' means consumer as defined in Article 2, point (a), of Directive 2005/29/EC;	(5) 'consumer' means consumer as defined in Article 2, point (a), of Directive 2005/29/EC;	(5) 'consumer' means consumer as defined in Article 2, point (a), of Directive 2005/29/EC;	Commission Proposal
Article 2, first paragraph, point (6)				
G 111	(6) 'business-to-consumer commercial practices' means business-to-consumer commercial practices as defined in Article 2,	(6) 'business-to-consumer commercial practices' means business-to-consumer commercial practices as defined in Article 2,	(6) 'business-to-consumer commercial practices' means business-to-consumer commercial practices as defined in Article 2,	Commission Proposal

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	point (d), of Directive 2005/29/EC;	point (d), of Directive 2005/29/EC;	point (d), of Directive 2005/29/EC;	
Article 2, first paragraph, point (6a)				
Y 111a			**(6a) 'generating an explicit environmental claim' means introducing an explicit environmental claim in a business-to-consumer commercial practice towards a consumer in the Union or its subsequent replication in a business-to-consumer commercial practice by the same trader who had introduced the claim;**	***(6a) 'generating an explicit environmental claim' means introducing an explicit environmental claim in a business-to-consumer commercial practice towards a consumer in the Union or its subsequent replication in a business-to-consumer commercial practice by the same trader who had introduced the claim;*** Agreed at technical level Text Origin: Council Mandate
Article 2, first paragraph, point (7)				
G 112	(7) 'sustainability label' means sustainability label as defined in Article 2, point (r), of Directive 2005/29/EC;	(7) 'sustainability label' means sustainability label as defined in Article 2, point (r), of Directive 2005/29/EC;	(7) 'sustainability label' means sustainability label as defined in Article 2, point ~~(r)~~**(q)**, of Directive 2005/29/EC;	(7) 'sustainability label' means sustainability label as defined in Article 2, point ~~*(r)*~~***(q)***, of Directive 2005/29/EC; Council Mandate (technical update)
Article 2, first paragraph, point (8)				
Y 113	(8) 'environmental label' means a sustainability label covering only or predominantly environmental	(8) 'environmental label' means a sustainability label covering ~~*only or predominantly*~~***one or more***	(8) 'environmental label' means a sustainability label covering only or predominantly environmental	COUNCIL: EP amendment not acceptable

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	aspects of a product, a process or a trader;	environmental aspects of a product, a process or a trader;	~~aspects~~**characteristics** of a product, a process or a trader;	
Article 2, first paragraph, point (8a)				
Y	113a			**(8a) 'environmental labelling scheme' means a certification scheme that certifies that a product, a process or a trader complies with certain requirements and that allows for the use of a corresponding environmental label;**	***(8a) 'environmental labelling scheme' means a certification scheme that certifies that a product, a process or a trader complies with certain requirements and that allows for the use of a corresponding environmental label;*** Agreed at technical level Text Origin: Council Mandate
Article 2, first paragraph, point (8b)				
Y	113b			**(8b) 'aggregated environmental label' means an environmental label that displays a cumulative or aggregated environmental rating or score of two or more environmental impacts of a product or a trader;**	***(8b) 'aggregated score' means an environmental information obtained by combining two or more environmental indicators representing different environmental impacts or environmental aspects of a product or a trader;*** COUNCIL: Accept Council text amended
Article 2, first paragraph, point (8c)				
Y	113c			**(8c) 'environmental labelling scheme owner' means a natural**	***(8c) 'environmental labelling scheme owner' means a natural***

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			or legal person, public authority, agency or other body responsible for developing and maintaining a specific environmental labelling scheme;	***or legal person, public authority, agency or other body responsible for developing and maintaining a specific environmental labelling scheme;*** Agreed at technical level Text Origin: Council Mandate
Article 2, first paragraph, point (9)				
G	114	(9) 'product group' means a set of products that serve similar purposes or are similar in terms of use or have similar functional properties;	(9) 'product group' means a set of products that serve similar purposes or are similar in terms of use or have similar functional properties;	(9) 'product group' means a set of products that serve similar purposes or are similar in terms of use or have similar functional properties;	Commission Proposal	G
Article 2, first paragraph, point (10)				
G	115	(10) 'certification scheme' means a certification scheme as defined in Article 2, point (s), of Directive 2005/29/EC;	(10) 'certification scheme' means a certification scheme as defined in Article 2, point (s), of Directive 2005/29/EC;	(10) 'certification scheme' means a certification scheme as defined in Article 2, point ~~(s)~~**(r)**, of Directive 2005/29/EC;	(10) 'certification scheme' means a certification scheme as defined in Article 2, point ~~(s)~~***(r)***, of Directive 2005/29/EC; Council Mandate (technical update)	G
Article 2, first paragraph, point (11)				
Y	116	(11) 'verification' means the conformity assessment process carried out by a verifier to verify whether the substantiation and communication of the explicit environmental claims are in compliance with the requirements set out in this Directive or whether	(11) 'verification' means the conformity assessment process carried out by a verifier to verify whether the substantiation and communication of the explicit environmental claims are in compliance with the requirements set out in this Directive or whether	(11) 'verification' means the conformity assessment process carried out by a verifier to verify whether the substantiation ~~and communication~~ of the explicit environmental claims ~~are~~**is** in compliance with the requirements set out in this Directive or whether	COUNCIL: Maintain position	Y

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	environmental labelling schemes comply with this Directive;	environmental labelling schemes comply with this Directive;	environmental labelling schemes **and the corresponding environmental labels** comply with this Directive;	
Article 2, first paragraph, point (12)				
Y 117	(12) 'value chain' means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing;	(12) 'value chain' means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing***, reuse, recycling and end-of-life***;	(12) 'value chain' means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing;	(12) 'value chain' means all activities and processes that are part of the life cycle of a product or activity of a trader, including remanufacturing***, reuse, repurposing and end-of-life***; Agreed at technical level Text Origin: EP Mandate
Article 2, first paragraph, point (13)				
G 118	(13) 'life cycle' means the consecutive and interlinked stages of a product's life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair, upgrading, refurbishment as well as re-use, and end-of-life;	(13) 'life cycle' means the consecutive and interlinked stages of a product's life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair, upgrading, refurbishment as well as re-use, and end-of-life;	(13) 'life cycle' means the consecutive and interlinked stages of a product's life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair, upgrading, refurbishment as well as re-use, and end-of-life;	Commission Proposal
Article 2, first paragraph, point (14)				
G 119	(14) 'primary information' means information that is directly measured or collected by the trader from one or more facilities	(14) 'primary information' means information that is directly measured or collected by the trader from one or more facilities	(14) 'primary information' means information that is directly measured or collected by the trader from one or more facilities	Commission Proposal

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	that are representative for the activities of the trader;	that are representative for the activities of the trader;	that are representative for the activities of the trader;	
Article 2, first paragraph, point (15)				
Y 120	(15) 'secondary information' means information that is based on other sources than primary information including literature studies, engineering studies and patents.	(15) 'secondary information' means information that is based on other sources than primary information including ***peer-reviewed*** literature studies, engineering studies and patents.	(15) 'secondary information' means information that is based on other sources than primary information including literature studies, engineering studies and patents-**;**	(15) 'secondary information' means information that is based on other sources than primary information including literature studies, engineering studies and patents. Agreed at technical level Text Origin: Commission Proposal
Article 2, first paragraph, point (16)				
G 121	(16) 'public' means one or more natural or legal persons and their associations, traders or groups;	(16) 'public' means one or more natural or legal persons and their associations, traders or groups;	(16) 'public' means one or more natural or legal persons and their associations, traders or groups;	Commission Proposal
Article 2, first paragraph, point (17)				
G 122	(17) 'environmental performance' means the performance of a certain product or product group or trader or sector related to the environmental aspects or environmental impacts of that product or product group or the activities of that trader or sector;	(17) 'environmental performance' means the performance of a certain product or product group or trader or sector related to the environmental aspects or environmental impacts of that product or product group or the activities of that trader or sector;	(17) 'environmental performance' means the performance of a certain product or product group– or trader or sector related to the environmental aspects or environmental impacts of that product or product group or the activities of that trader or sector;	Commission Proposal
Article 2, first paragraph, point (18)				
G 123	(18) 'environmental aspect' means an element of a trader's or	(18) 'environmental aspect' means an element of a trader's or	(18) 'environmental aspect' means an element of a trader's or	Commission Proposal

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	sector's activities or of products or product groups that interact or can interact with the environment.	sector's activities or of products or product groups that interact or can interact with the environment.	sector's activities or of products or product groups that interact or can interact with the environment**;**	
Article 2, first paragraph, point (19)				
124	(19) 'environmental impact' means any change to the environment, whether positive or negative, that wholly or partially results from a trader's or sector's activities or from a product or product group during its life cycle.	(19) 'environmental impact' means any ***measurable*** change to the environment, whether positive or negative, that wholly or partially results from a trader's or sector's activities or from a product or product group during its life cycle.	(19) -'environmental impact' means any change to the environment, whether positive or negative, that wholly or partially results from a trader's or sector's activities or from a product or product group during its life cycle**;**	(19) -'environmental impact' means any change to the environment, whether positive or negative, that wholly or partially results from a trader's or sector's activities or from a product or product group during its life cycle**;** Agreed at technical level Text Origin: Council Mandate
Article 2, first paragraph, point (19a)				
124a		***(19a) 'environmental labelling scheme' means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.***		*deleted* *Agreed at technical level* *See row 113a*
Article 2, first paragraph, point (19a)				
124b			*deleted*	
Article 2, first paragraph, point (19b)				

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	124c		**(19b) 'making available on the market' means making available on the market as defined under Article 3, point (1), of Regulation (EU) 2019/1020;**	*deleted* *Agreed at technical level*
	Article 2, first paragraph, point (19c)			
	124d		**(19c) 'environmental characteristic' means an environmental aspect, environmental impact or environmental performance;**	***(19c) 'environmental characteristic' means an environmental aspect, environmental impact or environmental performance;*** Agreed at technical level Text Origin: Council Mandate
	Article 2, first paragraph, point (19d)			
	124e		**(19d) 'contribution claim' means an explicit environmental claim related to climate, where the trader claims to have contributed to [...] climate action by purchasing carbon credits, but without using those carbon credits for balancing out a share of its emissions;**	
	Article 2, first paragraph, point (19e)			
	124f		**(19e) 'offset claim' means an explicit environmental claim related to climate, where the trader claims to have balanced**	

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			out a share of its emissions by purchasing carbon credits;	
Article 2, first paragraph, point (19f)				
124g			**(19f) 'total greenhouse gas emissions' means a trader's scope 1, 2, and 3 emissions in tCO2eq calculated pursuant to Disclosure Requirements on Gross Scopes 1, 2, 3 and Total GHG Emissions, and related Application Requirements in accordance with Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards;**	
Article 2, first paragraph, point (19d)				
124h			**(19g) 'SME' means a small and medium-sized enterprise within the meaning of Article 2(1) of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.**	
Article 3				
125	Article 3 Substantiation of explicit environmental claims	Article 3 Substantiation of explicit environmental claims	Article 3 ***Substantiation of explicit environmental claims* and environmental labels**	Article 3 ***Substantiation of explicit environmental claims and environmental labels***

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			~~Substantiation of explicit environmental claims~~	~~*Substantiation of explicit environmental claims*~~ Agreed at technical level Text Origin: Council Mandate
Article 3(1)				
126	1. Member States shall ensure that traders carry out an assessment to substantiate explicit environmental claims. This assessment shall:	1. Member States shall ensure that traders carry out an assessment to substantiate explicit environmental claims. This assessment shall:	1. Member States shall ensure that ~~traders carry~~**the trader generating an explicit environmental claim carries** out an assessment to substantiate **that** explicit environmental ~~claims~~**claim**. This assessment shall:	1. Member States shall ensure that ~~*traders carry*~~***the trader generating an explicit environmental claim carries*** out an assessment to substantiate ***that*** explicit environmental ~~*claims*~~***claim***. This assessment shall: Agreed at technical level Text Origin: Council Mandate
Article 3(1), point (a)				
127	(a) specify if the claim is related to the whole product, part of a product or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim;	(a) specify if the claim is related to the whole product, part of a product***, part of a life-cycle of a product,*** or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim;	(a) specify if the claim is related to the whole product, part of a product or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim;	(a) specify if the claim is related to the whole product, part of a product***, part of a life-cycle of a product,*** or certain aspects of a product, or to all activities of a trader or a certain part or aspect of these activities, as relevant to the claim; Agreed at technical level Text Origin: EP Mandate
Article 3(1), point (b)				

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128	(b) rely on widely recognised scientific evidence, use accurate information and take into account relevant international standards;	(b) rely on ***independent, peer-reviewed,*** widely recognised***, robust and verifiable*** scientific evidence, use accurate information and take into account relevant ***Union or*** international standards;	(b) rely on widely recognised scientific evidence, use accurate information and take into account relevant **methods and** international standards **as defined in Article 2 paragraph 1 of Regulation (EU) No 1025/2012**[1]; _____ **1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council**	(b) rely on widely recognised scientific evidence, use accurate information and take into account relevant ***methods and*** international standards ***as defined in Article 2 paragraph 1 of Regulation (EU) No 1025/2012***[1]; _____ ***1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council*** Agreed at technical level Text Origin: Council Mandate
Article 3(1), point (c)				
129	(c) demonstrate that environmental impacts, environmental aspects or environmental performance that are subject to the claim are significant from a life-cycle perspective;	(c) demonstrate that environmental impacts, environmental aspects or environmental performance that are subject to the claim are significant from a life-cycle perspective;	(c) demonstrate that environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** that are subject to the claim are **relevant and** significant **in**	(c) demonstrate that environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics*** that are subject to the claim are ***relevant and*** significant ***in***

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				particular from a life-cycle perspective ;	***particular*** from a life-cycle perspective ; Agreed at technical level Text Origin: Council Mandate	
Article 3(1), point (d)						
Y	130	(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to assessing the environmental performance;	(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to assessing the environmental performance, ***including from a life-cycle perspective***;	(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to ~~assessing~~**assess** the environmental performance;	(d) where a claim is made on environmental performance, take into account all environmental aspects or environmental impacts which are significant to ~~*assessing*~~***assess*** the environmental performance, ***including from a life-cycle perspective***; Agreed at technical level Text Origin: EP Mandate	Y
Article 3(1), point (e)						
G	131	(e) demonstrate that the claim is not equivalent to requirements imposed by law on products within the product group, or traders within the sector;	(e) demonstrate that the claim is not equivalent to requirements imposed by law on products within the product group, or traders within the sector;	(e) demonstrate that the claim is not equivalent to requirements imposed by law on products within the product group, or traders within the sector;	Commission Proposal	G
Article 3(1), point (f)						
Y	132	(f) provide information whether the product or trader which is subject to the claim performs significantly better regarding environmental impacts,	(f) provide information whether the product or trader which is subject to the claim performs significantly better regarding environmental impacts,	(f) ~~provide information whether the product or trader which is subject to the claim performs significantly better regarding environmental impacts,~~	COUNCIL: Maintain deletion	Y

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	environmental aspects or environmental performance which is subject to the claim than what is common practice for products in the relevant product group or traders in the relevant sector;	environmental aspects or environmental performance which is subject to the claim than what is common practice for products in the relevant product group or traders in the relevant sector;	~~environmental aspects or environmental performance which is subject to the claim than what is common practice for products in the relevant product group or traders in the relevant sector;~~	
Article 3(1), point (g)				
133	(g) identify whether improving environmental impacts, environmental aspects or environmental performance subject to the claim leads to significant harm in relation to environmental impacts on climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, biodiversity, animal welfare and ecosystems;	(g) identify whether improving environmental impacts, environmental aspects or environmental performance subject to the claim leads to ~~*significant harm*~~***negative trade-offs*** in relation to ***the environment and to specific*** environmental impacts***, including*** on climate change~~,~~ resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, biodiversity, animal welfare and ecosystems;	(g) ~~identify whether~~**demonstrate that** improving environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** subject to the claim**, does not lead** ~~leads~~ to significant harm ~~in relation~~ to **any of the** environmental ~~impacts on climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, biodiversity, animal welfare and ecosystems;~~**objectives as set out in Article 17 of Regulation (EU) 2020/852[1];** **1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13)**	(g) ~~*identify whether*~~***demonstrate that*** improving environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics*** subject to the claim***, does not lead*** ~~*leads*~~ to significant harm ~~*in relation*~~ to ***any of the*** environmental ~~*impacts on climate change, resource consumption and circularity, sustainable use and protection of water and marine resources, pollution, biodiversity,*~~***objectives as set out in Article 17 of Regulation (EU) 2020/852[1] or to*** animal welfare ~~*and ecosystems;*~~**;** ***1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13)***

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				COUNCIL: Compromise suggestion subject to an overall balanced compromise regarding substantiation of claims and labels and labelling schemes] Council text amended
Article 3(1), point (h)				
134	(h) separate any greenhouse gas emissions offsets used from greenhouse gas emissions as additional environmental information, specify whether those offsets relate to emission reductions or removals, and describe how the offsets relied upon are of high integrity and accounted for correctly to reflect the claimed impact on climate;	(h) separate any ~~*greenhouse gas emissions offsets*~~***carbon credits*** used from greenhouse gas emissions as additional environmental information, specify whether those ~~*offsets*~~***credits*** relate to emission reductions or removals~~*, and describe how the offsets relied upon are of high integrity and accounted for correctly to reflect the claimed impact on climate*~~;	(h) ~~separate any greenhouse gas emissions offsets used from greenhouse gas emissions as additional environmental information, specify whether those offsets relate to emission reductions or removals, and describe how the offsets relied upon are of high integrity and accounted for correctly to reflect the claimed impact on climate;~~	
Article 3(1), point (ha)				
134a		***(ha) for use of carbon credits in accordance with paragraph 3b, indicate the share of residual emissions expressed as a share of base-year emissions, the share of biogenic and fossil emissions within these residual emissions and the quantity and type of activity (permanent carbon removal, carbon storage in products, carbon farming***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		sequestration, or soil emission reductions, as defined in [Regulation (EU) .../... establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products]) underlying the credits used, providing evidence that the credits have been appropriately retired from the registry of the certification scheme, in order to avoid double counting;		
Article 3(1), point (i)				
Y	135	(i) include primary information available to the trader for environmental impacts, environmental aspects or environmental performance, which are subject to the claim;	(i) include primary information ~~available to the trader~~ for environmental impacts, environmental aspects or environmental performance, which are subject to the claim ***that is accessible or obtainable by the trader, including through possession, research or procurement***;	(i) include primary information available to the trader for environmental ~~impacts, environmental aspects or environmental performance~~**characteristics**, which are subject to the claim;	(i) include primary information available to the trader for environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics***, which are subject to the claim; Agreed at technical level Text Origin: Council Mandate	Y
Article 3(1), point (j)				
Y	136	(j) include relevant secondary information for environmental impacts, environmental aspects, or environmental performance which is representative of the specific value chain of the product or the	(j) include ***as a supplement to primary information,*** relevant secondary information for environmental impacts, environmental aspects, or environmental performance which	(j) include relevant secondary information for environmental ~~impacts~~**characteristics**, ~~environmental aspects, or environmental performance~~ which is representative of the specific	(j) include***, in addition to primary information,*** relevant ***and accurate*** secondary information for environmental ~~*impacts, environmental aspects, or environmental performance*~~	Y

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	trader on which a claim is made, in cases where no primary information is available.	is representative of the specific value chain of the product or the trader on which a claim is made, in cases where no primary information is available, ***accompanied with a justification of why secondary information has been used***.	value chain of the product or the trader on which a claim is made, in cases where no primary information is available.	***characteristics*** which is representative of the specific value chain of the product or the trader on which a claim is made, ~~***in cases***~~ where ~~***no***~~ primary information is ***incomplete or not*** available ***to the trader***. Agreed at technical level Text based on EP Mandate
Article 3(1), point (ja)				
136a		***(ja) for use of carbon credits for contribution claims, ensure no financial contribution is used to claim an improved climate or environmental impact of the product or trader, and separate any financial contributions from the climate or environmental impact of the product or trader as additional environmental information.***		
Article 3(1a)				
136b			**1a. When an explicit environmental claim regarding the trader is related to climate, including claims based on the use of carbon credits, the assessment shall, in addition to the requirements set out in paragraph 1 of this Article, take**	

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			into account the specific nature and aspects of that claim, to ensure that consumers are well informed about the use of the carbon credits and their effects. This assessment shall, as applicable, include but not be limited to:	
Article 3(1a), point (a)				
↓	136c		**(a) identification of the trader's total greenhouse gas emissions, as well as their reductions, future performance regarding the emissions, and any carbon credits used, including the quantity of credits acquired in tCO2eq, each presented separately, indicating the relevant time period;**	↓
Article 3(1a), point (b)				
↓	136d		**(b) specification of whether carbon credits used relate to emission reductions or carbon removals, whether or not the associated emission reductions or carbon removals represent a contribution to the reduction of greenhouse gas emissions in the host country, whether removals are permanent or temporary, under which scheme the credits were verified and certified, and**	↓

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			by which registry they were issued;	
Article 3(1a), point (e)				
˅	136e		**(e) if the explicit environmental claim is an offset claim, claiming that a trader has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions, the assessment shall as well:** IN Council mandate, there is no letter c) and d)	˅
Article 3(1a), point (e), subpoint (i)				
˅	136f		**(i) demonstrate that the trader has set a net zero target as set out in Directive 2013/34/EU as regards sustainability reporting standards, and is on a decarbonisation pathway to meet the target;**	˅
Article 3(1a), point (e), subpoint (ii)				
˅	136g		**(ii) disclose the percentage of total greenhouse gas emissions balanced out using carbon credits, for a specific time period.**	˅
Article 3(1a), point (f)				

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			(f) By way of derogation from point (a), (b) and (e), traders that are micro undertakings and small or medium-sized undertakings as defined in Article 3 paragraphs 1, 2 and 3 of Directive 2013/34/EU that are not public-interest entities as defined in point (a) of point (1) of Article 2 of Directive 2013/34/EU, are obliged to apply the obligations laid down in point (a), (b) and (e) only in relation to scope 1 and scope 2 emissions.	
Y	136h		**To ensure uniform conditions for the implementation of paragraph 1a, the Commission shall adopt implementing acts by 31 December 2027 laying down more detailed rules on the assessment to be carried out by the trader when generating an explicit environmental claim that is related to climate, including claims based on the use of carbon credits, to substantiate that claim, including on how to demonstrate the quality and integrity of the credits used. The Commission shall, where relevant, consider the following:**	Y

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			a. The different types of environmental claims related to climate made by traders, including contribution claims and offset claims, while recognising that different requirements are appropriate for different types of claims related to climate; **b. Sectoral decarbonisation pathways referenced in Art. 3.1a(e)(i), in line with Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards;** **c. Ease of access to information and data for the assessment and use of this information and data by SMEs.** **When adopting the implementing acts, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant, ensure consistency with relevant Union law.** **The implementing acts referred to in this Article shall be**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			adopted in accordance with the examination procedure referred to in Article 19(2). The empowerment covers all climate related provisions	
Article 3(1aa)				
136i			**(1aa) The environmental labelling scheme owner shall apply mutatis mutandis the requirements applicable to explicit environmental claims laid down in accordance with paragraphs 1, 1a, and 2 for the criteria of the environmental labelling scheme to award the respective environmental label.**	
Article 3(2)				
137	2. Where it is demonstrated that significant environmental impacts that are not subject to the claim exist but there is no widely recognised scientific evidence to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another aspect shall take account of available information and, if necessary, update the assessment in accordance with paragraph 1 once widely recognised scientific evidence is available.	2. Where it is demonstrated that significant environmental impacts that are not subject to the claim exist but there is no widely recognised scientific evidence to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another aspect shall take account of available information and, if necessary, update the assessment in accordance with paragraph 1 once widely recognised scientific evidence is available.	2. Where it is demonstrated that **negative** significant environmental impacts that are not subject to the claim exist but there is no widely recognised scientific evidence to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another ~~aspect~~**environmental characteristic** shall take account of available information and, if necessary, update the assessment in accordance with paragraph 1	2. Where it is demonstrated that significant environmental impacts that are not subject to the claim exist ~~*but*~~ ***and*** there is no widely recognised scientific evidence to perform the assessment referred to in point (c) of paragraph 1, the trader making the claim on another ~~*aspect*~~***environmental characteristic shall be transparent about the exclusion of these impacts,*** shall take account of available information and, if necessary, update the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			once widely recognised scientific evidence is available.	assessment in accordance with paragraph 1 once widely recognised ~~*scientific*~~ evidence is available. ***Recital 26 (row 36)*** ***add to recital from COM:*** ***Progress on the developments of scientific methods are to be encouraged at EU or national levels, for example as part of developments of the Environmental Footprint methods or other methodologies or standards, where appropriate with the involvement of a broad representation of stakeholders.*** Agreed at technical level Merge of EP and Council texts, incorporating parts of row 147k. See also row 162a
Article 3(3)				
138	3. The requirements set out in paragraphs 1 and 2 shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of	3. The requirements set out in paragraphs 1 and 2 shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of	3. ~~The requirements set out in paragraphs 1 and 2 shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of~~	

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	conformity in accordance with Article 10. _____ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	conformity in accordance with Article 10. _____ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	~~conformity in accordance with Article 10.~~ _____ ~~1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).~~	
Article 3(3a)				
Y	138a		***3a. Environmental claims on neutral, reduced or positive environmental impact for a product based on the use of carbon credits shall be prohibited, in line with Directive 2005/29/EC as amended by Directive (EU) .../... of the European Parliament and of the Council [Empowering Consumers for the Green Transition].***	Y
Article 3(3b)				
Y	138b		***3b. Compensation claims based on the use of carbon credits may only be made in respect of the residual emissions of a trader in accordance with the delegated act set out in Article 3(4a). For claims on future environmental performance based on the use of carbon credits, the trader shall comply with the relevant rules set out in Delegated Regulation (EU) 2023/2772. The carbon credits***	Y

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		used must be certified units issued in accordance with [Regulation of the European Parliament and of the Council establishing a Union certification framework for carbon removals], or other units in accordance with paragraph 3c. Where the use of units is for compensation of fossil emissions, the claim shall be substantiated by permanent removals as defined in [Regulation (EU) .../... of the European Parliament and of the Council establishing a Union certification framework for carbon removals].		
Article 3(3c)				
Y	138c			Y
		3c. Certified units other than those issued in accordance with [Regulation establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products] may be used in duly justified cases where those schemes are recognised by the Commission as part of the list of compliant schemes corresponding to at least equivalent requirements to those provided by [Regulation (EU) .../... establishing a Union certification		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		framework for permanent carbon removals, carbon farming and carbon storage in products], in particular with regard to monitoring, reporting, verification and liability requirements, and ensuring no double counting. The Commission is empowered to adopt delegated acts in accordance with Article 18 to list recognised carbon credit schemes that are considered to comply with such equivalent requirements.		
Article 3(3d)				
138d		***3d. 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***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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. 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.		
		Where the report concludes that the use of explicit environmental		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.		
Article 3(4)				
139	4. 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	4. When the regular monitoring of the evolution of ***explicit*** 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*~~***may have an adverse impact on*** the functioning of the internal market, or where the Commission identifies that the absence of requirements for specific claims ~~*leads*~~***may lead*** to widespread misleading of consumers, the Commission ~~*may*~~***shall*** adopt delegated acts in accordance with Article 18 to	**4. 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**	4. ***In order to foster greater harmonisation and ensure a level playing field in the single market, the Commission is empowered to adopt delegated acts in accordance with Article 18 to supplement this Article, based on the EU Environmental Footprint methods, including, where appropriate, incorporating PEFCRs and OEFSRs. 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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	explicit environmental claims laid down in paragraph 1 by:	supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 by:	**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**~~for specific~~ 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 ~~specific~~**certain explicit environmental** claims **or environmental labels** leads to widespread misleading of consumers, the Commission ~~may~~**is empowered to** adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 **and 1aa** by:	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***~~*for specific*~~ 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 ~~*specific*~~***certain explicit environmental*** claims ***or environmental labels*** leads to widespread misleading of consumers, the Commission ~~*may*~~***is empowered to*** adopt delegated acts in accordance with Article 18 to supplement the requirements for substantiation of explicit environmental claims laid down in paragraph 1 ***and 1aa*** by: COUNCIL Accept - to be seen together with rows 142 and row 144a. Keep "may lead " and "is empowered"
Article 3(4), point (-a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
139a		***(-a) determining the relevant environmental impacts that shall be covered by the substantiation;***		***deleted*** Agreed at technical level
Article 3(4), point (a)				
140	(a) determining the rules for assessing the environmental aspects, environmental impacts and environmental performance, including by determining the activities, processes, materials, emissions or use of a product, which contribute significantly or cannot contribute to the relevant environmental impacts, environmental aspects or environmental performance;	(a) determining the rules for assessing the environmental aspects, environmental impacts and environmental performance, including by determining the activities, processes, materials, emissions or use of a product, which contribute significantly or cannot contribute to the relevant environmental impacts, environmental aspects or environmental performance;	(a) determining the rules for assessing the environmental ~~aspects, environmental impacts and environmental performance~~**characteristics**, including by determining **methods for substantiating explicit environmental claims and environmental labels, and** the activities, processes, materials, emissions or **the** use of a product, which contribute significantly or cannot contribute to the relevant environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** ;	(a) determining the rules for assessing the environmental ~~*aspects,*~~ ***characteristics, including by:*** ***i. determining methods for substantiating explicit environmental claims and environmental labels, identifying the relevant*** environmental impacts ***or aspects, and*** ***ii.*** ~~*and environmental performance, including by*~~ determining the activities, processes, materials, emissions or ***the*** use of a product, which contribute significantly or cannot contribute to the relevant environmental ~~*impacts, environmental aspects or environmental performance;*~~***characteristics;*** Agreed at technical level Council text amended
Article 3(4), point (b)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 141	(b) determining for which environmental aspects or environmental impacts primary information shall be provided and determining criteria based on which the accuracy of the primary information and secondary information can be assessed; or	(b) determining for which environmental aspects or environmental impacts primary information shall be provided and determining criteria based on which the accuracy of the primary information and secondary information can be assessed; or	(b) determining for which environmental aspects or environmental impacts primary information shall be provided and determining criteria based on which the accuracy of the primary information and secondary information can be assessed; or	Commission Proposal
Article 3(4), point (c)				
Y 142	(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors.	(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 Environmental Footprint Sectorial Rules where those rules cover all environmental impacts or aspects relevant for the product category or trader***.	(c) establishing specific life-cycle-based rules on substantiation of explicit environmental claims for certain product groups and sectors.	(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 Environmental Footprint Sectorial Rules where those rules cover all relevant environmental impacts or aspects for the product category or trader. Their use shall be presumed to meet the requirements for substantiation established in paragraph 1.*** COUNCIL Accept - to be seen together with rows 142 and row 144a. Merge of EP and Council texts

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(5)				
142a		***5. To supplement the provisions on the use of certified units for residual emissions of a trader, the Commission shall adopt by [12 months from the date of entry into force of this Directive] a delegated act in accordance with Article 18 to establish a method for defining residual emissions, based on an emission reduction pathway compatible with limiting global warming to 1.5°C taking into account technological feasibility and in consultation with the European Scientific Advisory Board on Climate Change.***		
Article 3(6)				
142b		***6. By ... [1 year from the date of entry into force of this Directive], the Commission shall identify the most common explicit environmental claims made on the Union market and publish a working plan listing the claims that the Commission intends to supplement with the delegated act referred to in paragraph 4. That working plan shall be updated at least every 3 years.***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(7)				
Y 142c		***7. By ... [1 year from the date of entry into force of this Directive], the Commission shall adopt guidelines to facilitate the interpretation of Article 3(1) point (b).***		Y
Article 3(5)				
Y 143	5. When specifying further the requirements for substantiation of explicit environmental claims in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant consider the following:	5. When specifying further the requirements for substantiation of explicit environmental claims in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant consider the following:	5. When specifying further the requirements for substantiation of explicit environmental claims **or environmental labels** in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant consider the following:	5. When specifying further the requirements for substantiation of explicit environmental claims ***or environmental labels*** in accordance with previous paragraph, the Commission shall take into account scientific or other available technical information, including relevant international standards, and where relevant consider the following: Agreed at technical level Text Origin: Council Mandate Y
Article 3(5), point (a)				
G 144	(a) the specificities of the sectors and products that require a specific methodological approach;	(a) the specificities of the sectors and products that require a specific methodological approach;	(a) the specificities of the sectors and products that require a specific methodological approach;	Commission Proposal G
Article 3(5), point (aa)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y 144a		***(aa) existing Product Environmental Footprint Category Rules and Organisation Environmental Footprint Sectorial Rules;***	**(aa) deleted**	Y
Article 3(5), point (b)				
G 145	(b) the potential contribution of specific product groups or sectors to achieving Union climate and environmental objectives;	(b) the potential contribution of specific product groups or sectors to achieving Union climate and environmental objectives;	(b) the potential contribution of specific product groups or sectors to achieving Union climate and environmental objectives;	Commission Proposal G
Article 3(5), point (c)				
Y 146	(c) any relevant information derived from Union legislation;	(c) any relevant information derived from Union legislation;	(c) any relevant information derived from Union ~~legislation~~**law […]**;	(c) any relevant information derived from Union ~~*legislation*~~***law […]***; Agreed at technical level Text Origin: Council Mandate Y
Article 3(5), point (d)				
Y 147	(d) ease of access to information and data for the assessment and use of this information and data by small and medium-sized enterprises ('SMEs').	(d) ease of access to information and data for the assessment and use of this information and data by ***micro enterprises and*** small and medium-sized enterprises ('SMEs').	(d) ease of access to information and data for the assessment and use of this information and data by ~~small and medium-sized enterprises ('SMEs')~~**SMEs**.	(d) ease of access to information and data for the assessment and use of this information and data by small and medium-sized enterprises**,** ***including micro enterprises*** ('SMEs'). Agreed at technical level EP and Council texts merged Y
Article 3(6)				

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147a			**(6) Explicit environmental claims on the cumulative environmental impacts of a product or trader by a single environmental score based on an aggregated indicator of environmental impacts can be made only on the basis of rules to calculate such aggregated indicator that are established in Union law. Aggregated environmental labels may only be awarded when the aggregation methodology underlying the rating or score is established under Union law. In the case and as long as such aggregation methodology does not yet exist at the Union level, Member States may introduce or maintain an aggregation methodology in national law that can be used either to make such an explicit environmental claim based on an aggregated indicator or score of environmental impacts or as the basis for an aggregated environmental label, provided those explicit environmental claims and environmental labels comply with the requirements of this Directive.**	***(6) Explicit environmental claims and environmental labels about a product or trader based on one or more aggregated scores shall be made only on the basis of rules to calculate such aggregated scores that are established in Union law. As long as such rules do not exist in Union law, Member States may establish rules to calculate such aggregated scores in national law, provided that those rules comply with the requirements set in Articles 3 and 4. As long as such rules do not yet exist in Union or national law, traders may generate explicit environmental claims or display environmental labels based on one or more aggregated scores, provided that they comply with the requirements set in Articles 3 and 4.*** COUNCIL: Last part not acceptable
Article 3a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
147b			**Article 3a** **Simplified procedure for the substantiation of explicit environmental claims**	
Article 3a(1)				
147c			**1. In derogation from Articles 3 and 10, when a trader generates an explicit environmental claim stating that an environmental characteristic of a product or a trader exceeds minimum requirements set out in another Union act, and if the claim is based on the substantiation methodology as required in that Union act, the trader shall demonstrate compliance with the substantiation requirements of that other Union act via the Specific Technical Documentation pursuant to paragraph 4.**	
Article 3a(2)				
147d			**2. In derogation from Articles 3 and 10, when a trader that has been awarded an environmental label generates an explicit environmental claim regarding environmental characteristics certified by that label, the trader shall**	

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			demonstrate that the explicit environmental claim corresponds to the criteria certified by the environmental label via the Specific Technical Documentation pursuant to paragraph 4.	
Article 3a(2a)				
147e			**2a. In derogation from Articles 3 and 10, when a trader is a beneficiary of one or more eco-schemes established by a Member State in its Common Agricultural Policy Strategic Plan, in accordance with Article 31 of Regulation (EU) 2021/2115, and generates an explicit environmental claim regarding the observation of agricultural practices beneficial for the climate and the environment, the trader shall demonstrate that the claim corresponds to the commitments and actions envisaged in the relevant eco-scheme in the Specific Technical Documentation pursuant to paragraph 4.**	
Article 3a (2aa)				
147f			**2aa. In derogation from Articles 3 and 10, when a trader**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			is a beneficiary of an intervention established by a Member State in its Common Agricultural Policy Strategic Plan, in accordance with Article 70 or 72 of Regulation (EU) 2021/2115, and generates an explicit environmental claim that is directly linked to compliance with this intervention, the trader shall demonstrate that the claim corresponds to the relevant commitments in the Specific Technical Documentation pursuant to paragraph 4.	
Article 3a(3)				
˅	147g		**3. In derogation from Articles 3 and 10, a trader generating an explicit environmental claim that falls within the scope of claims defined by implementing acts adopted pursuant to the second subparagraph shall comply with the substantiation requirements laid down in these implementing acts and demonstrate compliance via the Specific Technical Documentation pursuant to paragraph 4. This derogation shall not apply to comparative explicit**	˅

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			environmental claims, explicit environmental claims related to climate or explicit environmental claims about future environmental performance. **The Commission shall adopt implementing acts defining the types of explicit environmental claims that given their nature typically do not require a complete assessment pursuant to Article 3 and a verification pursuant to Article 10 to achieve the objectives of this Directive and where such claims fulfil all of the following criteria:** **1. No full life-cycle assessment is deemed necessary to substantiate the claim;** **2. The claim is related to a single environmental characteristic;** **3. The claim does not concern an environmental characteristic that leads to significant trade-offs between different environmental impact categories.**	

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			The implementing acts referred to in the second subparagraph shall for each type of explicit environmental claim lay down the required substantiation assessment that should be complied with by the trader generating the explicit environmental claim when applying the derogation referred to in the first subparagraph. Such substantiation requirements shall be less burdensome for the trader than those under Article 3. **By … [18 months after the date of entry into force of this Directive], the Commission shall adopt an implementing act as set out in the second and third subparagraph specifying certain type(s) of explicit environmental claim(s) that can make use of the derogation described in the first subparagraph, prioritising the explicit environmental claims based on relevance, simplicity, and frequency of use.**	
Article 3(5), point (dh)				
	147h		**4. When a trader generates an explicit environmental claim pursuant to paragraphs 1, 2, 2a,**	

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			2aa or 3, this trader shall demonstrate compliance of the explicit environmental claim with the requirements referred to therein by means of a Specific Technical Documentation. The Specific Technical Documentation shall be completed and made available to competent authorities, before the explicit environmental claim is made public. **In order to ensure a uniform application across the Union, the Commission shall by … [18 months after the date of entry into force of this Directive], adopt an implementing act to specify further the format and content of the respective Specific Technical Documentation, at least containing the following elements:** **a. the type(s) of explicit environmental claim(s), the definition of the type(s) of product(s) or activities covered, and the environmental characteristics subject to the claim(s);** **b. where applicable, the substantiation requirements**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			related to the type(s) of claim(s) concerned, referred to in paragraph 3, and where applicable, related to the type(s) of product(s) or activities; **c. where applicable, the test, measurement, calculation or other methods to be used to determine the values to be declared in the Specific Technical Documentation;** **d. where relevant, the transitional methods, the harmonised standards or parts thereof or the common specifications to be used;** **e. the information to be provided by operators in the Specific Technical Documentation necessary to enable the verification of compliance of the declared claim with the substantiation requirements, including the format and the order;** **i. the date for the evaluation and possible revision of the implementing measure, taking into account**	

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			technological progress and market trends.	
Article 3(5), point (di)				
147i			**5. The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 19(2).**	
Article 3(5), point (dj)				
147j			**5a. The assessment in the Specific Technical Documentation shall not prejudge the assessment of the environmental claim by national authorities or courts in accordance with Directive 2005/29/EC.**	
Article 3(5a)				
147k		***5a. Where there is no recognised scientific method or insufficient evidence to assess environmental impacts and aspects, the exclusion of these impacts shall be transparent and efforts shall be made to develop methods and accumulate evidence to enable the assessment of the respective impact. Until the method meeting the requirements***		***5a. delete*** Agreed at technical level See rows 137 and 162a

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		set out in the first paragraph is developed, claims referring to such environmental impacts shall not be made.		
Article 4				
148	Article 4 Substantiation of comparative explicit environmental claims	Article 4 Substantiation of comparative explicit environmental claims	Article 4 ***Substantiation of comparative explicit environmental claims*** **and comparative environmental labels**~~Substantiation of comparative explicit environmental claims~~	Article 4 ***Substantiation of comparative explicit environmental claims and comparative environmental labels***~~*Substantiation of comparative explicit environmental claims*~~ Agreed at technical level Text Origin: Council Mandate
Article 4(1)				
149	1. The substantiation of explicit environmental claims that state or imply that a product or trader has less environmental impacts or a better environmental performance than other products or traders ('comparative environmental claims') shall, in addition to the requirements set out in Article 3, comply with the following requirements:	1. The substantiation of explicit environmental claims that state or imply that a product or trader has less environmental impacts or a better environmental performance than other products or traders ('comparative environmental claims') shall, in addition to the requirements set out in Article 3, comply with the following requirements:	1. The substantiation of explicit environmental claims **and environmental labels** that state or imply that a product or trader has less environmental impacts or a better environmental performance than other products or traders ~~('comparative environmental claims')~~ shall, in addition to the requirements set out in Article 3, comply with the following requirements:	1. The substantiation of explicit environmental claims ***and environmental labels*** that state or imply that a product or trader has less environmental impacts or a better environmental performance than other products or traders ~~*('comparative environmental claims')*~~ shall, in addition to the requirements set out in Article 3, comply with the following requirements: Agreed at technical level Text Origin: Council Mandate

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Article 4(1), point (-a)				
149a			**(-a) the product or trader subject to the comparative explicit environmental claim or comparative environmental label belongs to the same product group or sector as the product or trader against which the comparison is made. Comparative explicit environmental claims or comparative environmental labels must relate to products that serve a similar purpose or are similar in terms of use or have similar functional properties as the products against which the comparison is made.**	***(-a) the product or trader subject to the comparative explicit environmental claim or comparative environmental label belongs to the same product group or sector as the product or trader against which the comparison is made. Comparative explicit environmental claims or comparative environmental labels must relate to products that serve a similar purpose or are similar in terms of use or have similar functional properties as the products against which the comparison is made.*** Agreed at technical level Text Origin: Council Mandate
Article 4(1), point (a)				
150	(a) the information and data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made, are equivalent to the information and data used for assessing the environmental impacts, environmental aspects or	(a) the information ~~*and data*~~, ***data and methods*** used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made, are equivalent to the information ~~*and data*~~, ***data and methods*** used for assessing the environmental impacts, environmental aspects or	(a) the information and data used for assessing the environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** of the products or traders against which the comparison is made, are equivalent **and generated or sourced in an equivalent manner** to the information ~~and~~, data used	(a) the information and data used for assessing the environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics*** of the products or traders against which the comparison is made, are equivalent ***and generated or sourced in an equivalent manner*** to the information ~~*and*~~, data used

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	environmental performance of the product or trader which is subject to the claim;	environmental performance of the product or trader which is subject to the claim;	for assessing the environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** of the product or trader which is subject to the claim**. The method used for assessing the environmental characteristics shall be the same**;	for assessing the environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics*** of the product or trader which is subject to the claim***. The method used for assessing the environmental characteristics shall be the same***; Agreed at technical level Text Origin: Council Mandate
Article 4(1), point (b)				
Y 151	(b) the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;	(b) the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;	(b) ~~the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;~~	(b) ~~*the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders is generated or sourced in an equivalent manner as the data used for assessing the environmental impacts, environmental aspects or environmental performance of the products or traders against which the comparison is made;*~~***deleted*** Agreed at technical level
Article 4(1), point (c)				
Y 152	(c) the coverage of the stages along the value chain is equivalent for the products and traders compared and ensures that the	(c) the coverage of the stages along the value chain is equivalent for the products and traders compared and ensures that the	(c) the coverage of the stages along the value chain is equivalent for the products and traders compared and ensures that the	(c) the coverage of the stages along the value chain is equivalent for the products and traders compared and ensures that the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	most significant stages are taken into account for all products and traders;	most significant stages are taken into account for all products and traders;	most significant stages are taken into account for all products and traders **compared**;	most significant stages are taken into account for all products and traders ***compared***; Agreed at technical level Text Origin: Council Mandate	
Article 4(1), point (d)					
Y	153	(d) the coverage of environmental impacts, environmental aspects or environmental performances is equivalent for the products and traders compared and ensures that the most significant environmental impacts, environmental aspects or environmental performances are taken into account for all products and traders;	(d) the coverage of environmental impacts, environmental aspects or environmental performances is equivalent for the products and traders compared and ensures that the most significant environmental impacts, environmental aspects or environmental performances are taken into account for all products and traders;	(d) the coverage of environmental ~~impacts, environmental aspects or environmental performances~~**characteristics** is equivalent for the products and traders compared and ensures that the ~~most significant~~ environmental ~~impacts,~~**characteristics subject to the** environmental ~~aspects or environmental performances are taken into account~~**claim are significant** for all products ~~and~~**or** traders **compared or for the product group that the products belong to**;	(d) the coverage of environmental ~~*impacts, environmental aspects or environmental performances*~~***characteristics*** is equivalent for the products and traders compared and ensures that the ~~*most significant*~~ environmental ~~*impacts,*~~***characteristics subject to the*** environmental ~~*aspects or environmental performances are taken into account*~~***claim are significant*** for all products ~~*and*~~***or*** traders ***compared or for the product group that the products belong to***; Agreed at technical level Text Origin: Council Mandate	Y
Article 4(1), point (e)					
G	154	(e) assumptions used for the comparison are set in an equivalent manner for the products and traders compared.	(e) assumptions used for the comparison are set in an equivalent manner for the products and traders compared.	(e) assumptions used for the comparison are set in an equivalent manner for the products and traders compared.	Commission Proposal	G

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Article 4(2)				
155	2. Where a comparative environmental claim relates to an improvement in terms of environmental impacts, environmental aspects or environmental performance of a product that is subject to the claim compared to environmental impacts, environmental aspects or environmental performance of another product from the same trader, from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, the substantiation of the claim shall explain how that improvement affects other relevant environmental impacts, environmental aspects or environmental performance of the product subject to the claim and shall clearly state the baseline year for the comparison.	2. Where a comparative environmental claim relates to an improvement in terms of environmental impacts, environmental aspects or environmental performance of a product that is subject to the claim compared to environmental impacts, environmental aspects or environmental performance of another product from the same trader, from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, the substantiation of the claim shall explain how that improvement affects other relevant environmental impacts, environmental aspects or environmental performance of the product subject to the claim and shall clearly state the baseline year for the comparison.	2. ~~Where a~~ Comparative environmental ~~claim relates~~**claims shall not relate** to an improvement ~~in terms~~ of **the** environmental ~~impacts, environmental aspects or environmental performance of~~ **acharacteristics of the** product that is **the** subject ~~to~~**of** the claim compared to ~~environmental impacts,~~**the** environmental ~~aspects or environmental performance~~**characteristics** of another product from the same trader~~,~~**; or** from a competing trader that is no longer active on the market**;** or from a trader that no longer sells to consumers, **unless they are based on evidence proving that the improvement is significant and achieved in the last five years. In such cases,** the substantiation of the **explicit environmental** claim **or the environmental label** shall explain how that improvement– affects other relevant environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** of the product subject to the claim and shall clearly state the baseline year for the comparison.	2. ~~*Where a*~~ Comparative environmental ~~*claim relates*~~***claims shall not relate*** to an improvement ~~*in terms*~~ of ***the*** environmental ~~*impacts, environmental aspects or environmental performance of a*~~***characteristics of the*** product that is ***the*** subject ~~*to*~~***of*** the claim compared to ~~*environmental impacts,*~~***the*** environmental ~~*aspects or environmental performance*~~***characteristics*** of another product from the same trader~~*,*~~***; or*** from a competing trader that is no longer active on the market***;*** or from a trader that no longer sells to consumers, ***unless they are based on evidence proving that the improvement is significant and achieved in the last five years. In such cases,*** the substantiation of the ***explicit environmental*** claim ***or the environmental label*** shall explain how that improvement– affects other relevant environmental ~~*impacts, environmental aspects or environmental performance*~~***characteristics*** of the product subject to the claim and shall clearly state the baseline year for the comparison.

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				Agreed at technical level Text Origin: Council Mandate
Article 4(3)				
156	3. The requirements laid down in this Article shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10. _____ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	3. The requirements laid down in this Article shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10. _____ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	3. ~~The requirements laid down in this Article shall not apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC[1] unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.~~ _____ ~~1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).~~	
Article 5				
157	Article 5 Communication of explicit environmental claims	Article 5 Communication of explicit environmental claims	Article 5 ***Communication of explicit environmental claims* and environmental labels**~~Communication of explicit environmental claims~~	Article 5 ***Communication of explicit environmental claims and environmental labels***~~*Communication of explicit environmental claims*~~ Agreed at technical level Text Origin: Council Mandate
Article 5(1)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
158	1. Member States shall ensure that a trader is required to communicate an explicit environmental claim in accordance with the requirements set out in this Article.	1. Member States shall ensure that a trader is required to communicate an explicit environmental claim in accordance with the requirements set out in this Article.	1. Member States shall ensure that ~~a trader is~~**traders and environmental labelling scheme owners are** required to communicate ~~an~~**to consumers any** explicit environmental claim **or environmental label in a clear and comprehensible manner and** in accordance with the requirements set out in this Article **and, where applicable, in Article 6**.	1. Member States shall ensure that ~~*a trader is*~~***traders and environmental labelling scheme owners are*** required to communicate ~~*an*~~***to consumers any*** explicit environmental claim ***or environmental label in a clear and comprehensible manner and*** in accordance with the requirements set out in this Article ***and, where applicable, in Article 6***. Agreed at technical level Text Origin: Council Mandate
Article 5(2)				
159	2. Explicit environmental claims may only cover environmental impacts, environmental aspects or environmental performance that are substantiated in accordance with the requirements laid down in Articles 3, 4 and 5 and that are identified as significant for the product or trader concerned in accordance with Article 3 paragraph (1) point (c) or (d).	2. Explicit environmental claims may only cover environmental impacts, environmental aspects or environmental performance that are substantiated in accordance with the requirements laid down in Articles 3, 4 and 5 and that are identified as significant for the product or trader concerned in accordance with Article 3 paragraph (1) point (c) or (d).	2. Explicit environmental claims ~~may~~**and environmental labels shall** only cover environmental ~~impacts, environmental aspects or environmental performance that are substantiated in accordance with the requirements laid down in Articles 3, 4 and 5 and that are~~**characteristics** identified as significant for the product or trader concerned in accordance with ~~Article~~**Artice** 3 paragraph (1) point (c) or (d) **and substantiated in accordance with the**	2. Explicit environmental claims ~~*may*~~***and environmental labels shall*** only cover environmental ~~*impacts, environmental aspects or environmental performance that are substantiated in accordance with the requirements laid down in Articles 3, 4 and 5 and that are*~~***characteristics*** identified as significant for the product or trader concerned in accordance with ~~*Article*~~***Artice*** 3 paragraph (1) point (c) or (d) ***and substantiated in accordance with the***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			requirements laid down in Articles 3, and 4.	***requirements laid down in Articles 3, and 4***. Agreed at technical level Text Origin: Council Mandate
Article 5(3)				
160	3. Where the explicit environmental claim is related to a final product, and the use phase is among the most relevant life-cycle stages of that product, the claim shall include information on how the consumer should use the product in order to achieve the expected environmental performance of that product. That information shall be made available together with the claim.	3. Where the explicit environmental claim is related to a final product, and the use ***or end-of-life*** phase is among the most relevant life-cycle stages of that product, the claim shall include information on how the consumer should use ***or dispose of*** the product in order to achieve the expected environmental performance of that product. That information shall be made ***clearly visible and*** available together with the claim.	3. Where the explicit environmental claim **or environmental label** is related to a final product, and the use phase is among the most relevant life-cycle stages of that product, the **explicit environmental** claim **or the environmental label** shall **also** include information on how the consumer should use the product in order to achieve the expected environmental performance of that product. ~~That information shall be made available together with the claim.~~	
Article 5(4)				
161	4. Where the explicit environmental claim is related to future environmental performance of a product or trader it shall include a time-bound commitment for improvements inside own operations and value chains.	4. Where the explicit environmental claim is related to future environmental performance of a ~~*product or*~~***trader, the*** trader ~~*it*~~ shall ~~*include a time-bound commitment for improvements inside own operations and value chains.*~~***:***	4. ~~Where the explicit environmental claim is related to future environmental performance of a product or trader it shall include a time-bound commitment for improvements inside own operations and value chains.~~	COUNCIL: EP amendment not acceptable.
Article 5(4), point (a)				

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Y	161a		***(a) include a time-bound, science-based and measurable commitment for improvements inside own operations and value chains,***		
	Article 5(4), point (b)			
Y	161b		***(b) include an implementation plan containing measurable and verifiable interim targets and other relevant elements necessary to support implementation, such as allocation of resources, a monitoring plan and a reporting plan based on reporting and verifications at regular intervals,***		
	Article 5(4), point (c)			
Y	161c		***(c) make publicly available the information referred to in points (a) and (b), including the results of reporting.***		
	Article 5(5)			
Y	162	5. Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only on the basis of rules to calculate such aggregated indicator that are established in the Union law.	5. Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only ***when they are based on environmental labels compliant with Article 7. Where such claims are made,*** ~~*on*~~ the ~~*basis*~~	5. ~~Explicit environmental claims on the cumulative environmental impacts of a product or trader based on an aggregated indicator of environmental impacts can be made only on the basis of rules to calculate such aggregated indicator that are established in the Union law.~~	5. ***When*** explicit environmental claims ~~*on the cumulative*~~***and*** environmental ~~*impacts of*~~***labels about*** a product or trader ***are*** based on an aggregated ~~*indicator of*~~***score pursuant to Article 3 paragraph 6, the trader shall also present the individual scores related to, at least, the three***	Y

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		~~of~~ rules ***used*** to calculate ~~such~~***the*** aggregated indicator ~~that are established in the Union law~~***shall be communicated to the consumers***.		***main environmental impacts or environmental aspects that contribute to the aggregated score.*** ***Where relevant, information about the ranges and classes of performance shall be provided with the explicit*** environmental ~~impacts can be made only on the basis of rules to calculate such~~***claim or*** aggregated ~~indicator that are established in the Union law.~~***environmental label.*** COUNCIL: Accept Council text moved from row 171c and amended
Article 5(5a)				
162a				***5a. A claim in relation to environmental characteristics for which there is no widely recognised scientific evidence shall not be made.*** Agreed at technical level See also rows 137 and 147k
Article 5(6), first subparagraph				

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163	6. Information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation shall be made available together with the claim in a physical form or in the form of a weblink, QR code or equivalent.	6. Information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation shall be made ***publicly*** available together with the claim in a physical form or in the form of a weblink, QR code***, digital product passport*** or equivalent.	6. ~~Information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation shall be made available together with the claim in a physical form or in the form of a weblink, QR code or equivalent.~~	6. ***The trader shall make availaible*** information on the product or the trader that is the subject of the explicit environmental claim and on the substantiation ~~*shall be made available*~~ together with the claim ***free of charge*** in a physical form or in the form of a weblink, QR code or equivalent. COUNCIL compromise sugestions covering rows 163 – 169, 171, 171d, 172a - to be seen as part of an overall balanced compromise on communciation and verification.
Article 5(6), second subparagraph				
164	That information shall include at least the following:	That information shall include at least the following:	~~That information shall include at least the following:~~	That information shall include at least the following: Text Origin: Commission proposal
Article 5(6), second subparagraph, point (a)				
165	(a) environmental aspects, environmental impacts or environmental performance covered by the claim;	(a) environmental aspects, environmental impacts or environmental performance covered by the claim;	(a) ~~environmental aspects, environmental impacts or environmental performance covered by the claim;~~	(a) ~~*environmental aspects, environmental impacts or*~~***a summary of the assessment carried out in accordance with Article 3 or, if applicable, Article 3a, including the*** environmental ~~*performance*~~***characteristics*** covered by the claim~~;~~ ***and a brief explanation how the improvements that are subject to***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				the claim are achieved. The summary shall be presented in a clear and understandable way to the consumers targeted by the claim in a language determined by the Member State in which the claim is made. Point a) is the Council text in row 171d amended
Article 5(6), second subparagraph, point (b)				
166	(b) the relevant Union or the relevant international standards, where appropriate;	(b) the relevant Union or the relevant international standards, where appropriate;	(b) ~~the relevant Union or the relevant international standards, where appropriate;~~	(b) the ~~*relevant Union or the relevant international standards, where appropriate*~~***certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information of the verifier, excluding personal data, that drew up the certificate of conformity***;
Article 5(6), second subparagraph, point (c)				
167	(c) the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information	(c) the underlying studies***, methods*** or calculations***, including the assessment referred to in Article 3,*** used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and	(c) ~~the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information~~	(c) ***additional technical information, including:*** ***i) where appropriate, the relevant Union or the relevant international standards*** ***ii)*** the underlying studies or calculations used to assess, measure and monitor the environmental impacts, environmental aspects or environmental performance

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	is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943[1]; _____ 1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).	limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943[1]; _____ 1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).	~~is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943[1];~~ _____ ~~1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).~~	covered by the claim, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943[1]; _____ 1. ***[1]*** Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).
Article 5(6), second subparagraph, point (d)				
168	(d) a brief explanation how the improvements that are subject to the claim are achieved;	(d) a brief explanation how the improvements that are subject to the claim are achieved;	(d) ~~a brief explanation how the improvements that are subject to the claim are achieved;~~	(d) ~~*a brief explanation how the improvements that are subject to the claim are achieved;*~~***deleted*** Part of the summary of the assessment
Article 5(6), second subparagraph, point (e)				
169	(e) the certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information of the verifier that drew up the certificate of conformity;	(e) the certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information of the verifier that drew up the certificate of conformity;	(e) ~~the certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information of the verifier that drew up the certificate of conformity;~~	(e) ~~*the certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information of the verifier that drew up the certificate of conformity;*~~***deleted*** Moved up as point b)
Article 5(6), second subparagraph, point (ea)				

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	169a		***(ea) a description of the type of monitoring and evaluation system that the environmental labelling scheme has in place to ensure regular assessments of performance and impacts are carried out;***		COUNCIL: EP amendment not acceptable
Article 5(6), second subparagraph, point (f)				
	170	(f) for climate-related explicit environmental claims that rely on greenhouse gas emission offsets, information to which extent they rely on offsets and whether these relate to emissions reductions or removals;	(f) for climate-related explicit environmental claims that ~~*rely on greenhouse gas emission offsets*~~***use carbon credits***, information ***referred to in Article 3(1)(h), (ha) and (ja)*** ~~*to which extent they rely on offsets and whether these relate to emissions reductions or removals*~~;	(f) ~~for climate-related explicit environmental claims that rely on greenhouse gas emission offsets, information to which extent they rely on offsets and whether these relate to emissions reductions or removals;~~	
Article 5(6), second subparagraph, point (fa)				
	170a		***(fa) environmental claims by highly-polluting industries shall be made in relative terms to allow consumers to understand the product's overall negative impact on the environment;***		COUNCIL: EP amendment not acceptable
Article 5(6), second subparagraph, point (g)				
	171	(g) a summary of the assessment including the elements listed in this paragraph that is clear and understandable to the consumers targeted by the claim and that is provided in at least one	(g) a summary of the assessment including the elements listed in this paragraph that is clear and understandable to the consumers targeted by the claim and that is provided in at least one	(g) ~~a summary of the assessment including the elements listed in this paragraph that is clear and understandable to the consumers targeted by the claim and that is provided in at least one~~	(g) ~~*a summary of the assessment including the elements listed in this paragraph that is clear and understandable to the consumers targeted by the claim and that is provided in at least one*~~

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	of the official languages of the Member State where the claim is made.	of the official languages of the Member State where the claim is made.	~~of the official languages of the Member State where the claim is made.~~	~~*of the official languages of the Member State where the claim is made.*~~ ***deleted*** Moved up as point a)
Article 5(6a)				
171a			**6a. For explicit environmental claims based on the use of carbon credits, traders shall in the summary of the substantiation assessment referred to in paragraph 6d indicate that the claim is based on the use of carbon credits and explain whether the explicit environmental claim concerns emission reductions and/or carbon removals, as well as whether it concerns a contribution or an offset claim. If an environmental label is based on the use of carbon credits, it shall provide this information in the summary of the assessment referred to paragraph 6f.**	
Article 5(6b)				
171b			**6b. Where the explicit environmental claim or environmental label is related to future environmental performance of a product or**	COUNCIL: Maintain position

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			trader, the trader shall in the summary of the substantiation assessment referred to in […] paragraph 6d or the summary of the substantiation assessment referred to in […] paragraph 6f include the details of the implementation plan pursuant to paragraph 2, point (d) of Article 6 of Directive 2005/29 EC.	
Article 5(6c)				
Y	171c		**6c. When communicating an explicit environmental claim based on an aggregated indicator or score of environmental impacts or when displaying an aggregated environmental label, this aggregated indicator or score shall be communicated in a transparent and comprehensible way to consumers. Information about the ranges and available classes or levels and the relevant class or level shall be provided with the explicit environmental claim or aggregated environmental label.**	***(ga) deleted*** Council text incorporated in row 162
Article 5(6d)				
Y	171d		**6d. The trader shall provide a summary of the substantiation**	***(gb) deleted***

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			assessment carried out in accordance with Article 3 or, if applicable, Article 3a, free of charge together with the claim in a physical form or in a digital format via a data carrier or link or when the explicit environmental claim is made in the trader premises. This summary shall be presented in a clear and easy to understand manner to consumers, in a language determined by the Member State in which the claim is made; it shall indicate the environmental characteristics covered by the claim; and it shall, if applicable, include the certificate of conformity referred to in Article 10 regarding the substantiation of the claim and the contact information, excluding personal data, of the verifier that drew up the certificate of conformity.	COUNCIL: Text moved to rows 165 and 166
Article 5(6e)				
Y	171e		**6e. When traders display an environmental label, the website of the environmental labelling scheme shall be made accessible via a data carrier or link together with the environmental label.**	***6e. When traders display an environmental label, the website of the environmental labelling scheme shall be made accessible via a data carrier or link together with the environmental label.***

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				Agreed at technical level Text Origin: Council Mandate
Article 5(6f)				
171f			**6f. Environmental labelling scheme owners shall provide a summary of the substantiation assessment of the environmental label carried out in accordance with Article 3 on their website. This summary shall be presented in a clear and easy to understand manner to consumers. It shall indicate the environmental characteristics covered by the label. It shall include the certificate of conformity of the environmental labelling scheme and the corresponding label referred to in Article 10 and the contact information, excluding personal data, of the verifier that drew up the certificate of conformity, and, where applicable, the document of approval of the environmental labelling scheme.**	COUNCIL: To be adapted to agreement on claims
Article 5(7)				
172	7. The requirements set out in paragraphs 2, 3 and 6 shall not apply to traders that are microenterprises within the	7. The requirements set out in paragraphs 2, 3 and 6 shall not apply to traders that are microenterprises within the	7. ~~The requirements set out in paragraphs 2, 3 and 6 shall not apply to traders that are microenterprises within the~~	

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	meaning of Commission Recommendation 2003/361/EC unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.	meaning of Commission Recommendation 2003/361/EC unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.	~~meaning of Commission Recommendation 2003/361/EC unless they request the verification with the aim of receiving the certificate of conformity in accordance with Article 10.~~	
Article 5(7)				
172a			**7. Additional information related to the substantiation and to the compliance with the obligations of the trader or the environmental labelling scheme owner shall be provided in a digital format at the request of consumers, public authorities or other parties having a legitimate interest in protecting consumers' interests as provided for in EU law. This information shall include the following:** **i. the relevant Union or the relevant international standards, where appropriate;** **ii. the underlying studies or calculations used to assess, measure and monitor the environmental characteristics covered by the explicit**	***7a.*** ***deleted*** Text moved up to row 167

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			environmental claim or environmental label, without omitting the results of such studies or calculations and, explanations of their scope, assumptions and limitations, unless the information is a trade secret in line with Article 2 paragraph 1 of Directive (EU) 2016/943[1]. **1. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Text with EEA relevance)**	
Article 5(8)				
Y	172b		**8. For products covered by Regulation …/… [the Ecodesign for Sustainable Products Regulation] or other Union legislation requiring a digital product passport, the information set out in Article 5 shall be included in that product passport.** **In any case, the data carrier or link shall be clearly visible next to the claim. Furthermore, the data carriers and links between**	***8. For products covered by Regulation …/… [the Ecodesign for Sustainable Products Regulation] or other Union legislation requiring a digital product passport, the information set out in Article 5 shall be included in that product passport.*** ***In any case, the data carrier or link shall be clearly visible next to the claim. Furthermore, the data carriers and links between physical product and digital***

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			physical product and digital representation shall be made using harmonised standards on the Digital Product Passport, the reference numbers of which have been published in the Official Journal of the European Union.	***representation shall be made using harmonised standards on the Digital Product Passport, the reference numbers of which have been published in the Official Journal of the European Union.*** Agreed at technical level Text Origin: Council Mandate
Article 5(8)				
173	8. Where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c), the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of explicit environmental claims set out in Article 5 by specifying further the information that can be or shall be communicated regarding such environmental impacts, environmental aspects or environmental performance, so as	8. ~~*Where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c),*~~ The Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of explicit environmental claims set out in Article 5 by specifying further the information that can be or shall be communicated regarding such environmental impacts, environmental aspects or environmental performance, so as to make sure that the consumers	~~8~~**10**. Where the substantiation of certain environmental ~~impacts, environmental aspects or environmental performance~~**characteristics** is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c), the Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of explicit environmental claims **or environmental labels** set out in **this** Article ~~5~~ by **further** specifying ~~further~~ the information that can be or shall be communicated regarding such environmental ~~impacts,~~	~~8~~***10***. ~~*Where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c),*~~ The Commission may adopt delegated acts in accordance with Article 18 to supplement the requirements for communication of explicit environmental claims ***or environmental labels*** set out in ***this*** Article ~~*5*~~ by ***further*** specifying ~~*further*~~ the information that can be or shall be communicated regarding such environmental ~~*impacts, environmental aspects or*~~

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	to make sure that the consumers are not misled.	are not misled***, in particular where the substantiation of certain environmental impacts, environmental aspects or environmental performance is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c)***.	~~environmental aspects or environmental performance~~**characteristics**, so as to make sure that the consumers are not misled.	~~*environmental performance*~~***characteristics***, so as to make sure that the consumers are not misled***, in particular where the substantiation of certain environmental characteristics is subject to the rules established in delegated acts referred to in Article 3, paragraph 4(a) and paragraph 4(c)***. Agreed at technical level EP and Council texts merged
Article 6				
174	Article 6 Communication of comparative environmental claims	Article 6 Communication of comparative environmental claims	Article 6 ***Communication of comparative*** **explicit *environmental*** ~~Communication of comparative environmental~~ claims **and comparative environmental labels**	Article 6 ***Communication of comparative explicit environmental*** ~~*Communication of comparative environmental*~~ claims ***and comparative environmental labels*** Agreed at technical level Text Origin: Council Mandate
Article 6, first paragraph				
175	Comparative environmental claims shall not relate to an improvement of the environmental impacts, environmental aspects or	Comparative environmental claims shall not relate to an improvement of the environmental impacts, environmental aspects or	~~Comparative~~**Together with the information on the products or the traders which are compared, the following information shall**	

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	environmental performance of the product that is the subject of the claim compared to the environmental impacts, environmental aspects or environmental performance of another product from the same trader or from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, unless they are based on evidence proving that the improvement is significant and achieved in the last five years.	environmental performance of the product that is the subject of the claim compared to the environmental impacts, environmental aspects or environmental performance of another product from the same trader or from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, unless they are based on evidence proving that the improvement is significant and achieved in the last five years.	**in addition be included in the summary of the substantiation assessment of explicit** environmental claims ~~shall not relate to an improvement~~**referred to in Article 5 paragraph 6d or the summary** of the ~~environmental impacts, environmental aspects or~~**substantiation assessment of** environmental ~~performance of the product that is the subject of the claim compared to~~**labels referred to in Article 5 paragraph 6f :** **(1) The information and data used for assessing** the environmental ~~impacts, environmental aspects or environmental performance of another product from the same trader or from a competing trader that is no longer active on the market or from a trader that no longer sells to consumers, unless they are based on evidence proving that the improvement is significant and achieved in the last five years~~**characteristics of the products or traders subject to comparison, including how they have been generated or sourced.**	

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			(2) The methodology used for assessing and comparing the products or traders, including a reasoned justification of their comparability. **(3) The baseline year for the comparison.**	
Article 7				
176	Article 7 Environmental labels	Article 7 Environmental labels	Article 7 ~~Environmental labels~~	Article 7 ~~*Environmental labels*~~***deleted*** Agreed at technical level
Article 7(1)				
177	1. Member States shall ensure that environmental labels fulfil the requirements set out in Articles 3 to 6 and are subject to verification in accordance with Article 10.	1. Member States shall ensure that environmental labels fulfil the requirements set out in Articles 3 to 6 and are subject to verification in accordance with Article 10.	1. ~~Member States shall ensure that environmental labels fulfil the requirements set out in Articles 3 to 6 and are subject to verification in accordance with Article 10.~~	1. ~~*Member States shall ensure that environmental labels fulfil the requirements set out in Articles 3 to 6 and are subject to verification in accordance with Article 10.*~~***deleted*** Agreed at technical level
Article 7(1a)				
177a		***1a. If an environmental label demonstrates recognised excellent environmental performance as defined in ECGT Article 2(s) or is developed by recognised consumer organisations and when their method is based on the use of scientific and***		COUNCIL: EP amendment related to recognised consumer organisations not acceptable but open to explore options as part of an overall balanced compromise

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		reproducible assessment methods, the label shall only be subject to verification according to Article 10(2), but not the requirements and related testing for each individual product or service group covered by the label.		
Article 7(2)				
178	2. Only environmental labels awarded under environmental labelling schemes established under Union law may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader.	2. Only environmental labels ***complying with the requirements of the first paragraph and*** awarded under environmental labelling schemes ~~*established under Union law*~~***that are based on scientific, independent and reproducible assessment methods and a lifecycle approach*** may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or ***a*** trader.	2. ~~Only environmental labels awarded under environmental labelling schemes established under Union law may present a rating or score of a product or trader based on an aggregated indicator of environmental impacts of a product or trader.~~	COUNCIL: EP amendment not acceptable. See row 147a
Article 8				
179	Article 8 Requirements for environmental labelling schemes	Article 8 Requirements for environmental labelling schemes	Article 8 ***Requirements for* environmental labels and *environmental labelling schemes***~~Requirements for environmental labelling schemes~~	Article 8 ***Requirements for environmental labels and environmental labelling schemes***~~*Requirements for environmental labelling schemes*~~ Agreed at technical level

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				Text Origin: Council Mandate
Article 8(1)				
G 180	1. Environmental labelling scheme means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.	*deleted*	1. ~~Environmental labelling scheme means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.~~	1. ~~*Environmental labelling scheme means a certification scheme which certifies that a product, a process or a trader complies with the requirements for an environmental label.*~~ ***deleted*** G
Article 8(1a)				
Y 180a			**1a. Environmental labelling scheme owners shall submit their environmental labelling scheme and the corresponding environmental label for verification according to Article 10. Traders, that have been awarded an environmental label for their products or organisation by a compliant environmental labelling scheme, may display […] that environmental label, without having to go through the verification procedure referred to in […] Article 10.**	***1a. Environmental labelling scheme owners shall submit their environmental labelling scheme and the corresponding environmental label for verification according to Article 10.*** Agreed at technical level Text Origin: Council Mandate. Second part of text has been moved to row 213b Y
Article 8(1b)				
Y 180b			**1b. By way of derogation from the previous subparagraph and without prejudice to paragraph 6a of this Article, Member States may choose to exempt national**	***Deleted*** Agreed at technical level Council text moved to row 213b Y

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			or regional environmental labelling schemes established by public authorities from verification in accordance with Article 10 provided that they undergo equivalent procedures for verifying that they meet the requirements laid down in this Directive. **These procedures shall ensure that the verification is carried out by the National Accreditation Body as defined in Article 2, point 11 of Regulation (EC) No 765/2008 or a public body independent of the body setting up the environmental labelling scheme associated with the environmental label, which shall operate with the highest degree of professional integrity, impartiality and the requisite technical competence.** **Public authorities shall inform the Commission of such environmental labelling schemes.**	
Article 8(2)				
181	2. The environmental labelling schemes shall comply with the following requirements:	2. The environmental labelling schemes shall comply with the following requirements:	2. ~~The~~**An environmental label shall be based on an** environmental labelling ~~schemes~~**scheme. An**	2. ~~*The*~~***An environmental label shall be based on an*** environmental labelling ~~*schemes*~~***scheme. An***

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			environmental labelling scheme shall comply with the following requirements:	***environmental labelling scheme*** shall comply with the following requirements: Agreed at technical level Text Origin: Council Mandate
Article 8(2), point (a)				
182	(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible free of charge, easy to understand and sufficiently detailed;	(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible, free of charge, easy to understand and sufficiently detailed ***and available online or on a durable medium***;	(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible free of charge, easy to understand and sufficiently detailed;	(a) information about the ownership and the decision-making bodies of the environmental labelling scheme is transparent, accessible, free of charge, easy to understand and sufficiently detailed ***and available online or on a durable medium***; Agreed at technical level Text Origin: EP Mandate
Article 8(2), point (aa)				
182a		***(aa) the decision-making bodies of the environmental labelling scheme are free of conflicts of interest and independent from traders using the label;***		***(aa) the decision-making bodies of the environmental labelling scheme are free of conflicts of interest from traders awarded the label, or ensure a balanced representation of diverse stakeholder groups;*** ***Corresponding recital, also including recital on fees cf. row 184:***

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				(43) In order to combat misleadingenvironmental labels and increase consumer trust in environmental labels, all environmental labels, should be based on environmental labelling schemes, either established by private operators or by public authorities. This Directive should establish governance criteria that all environmental labelling schemes are to comply with, complementing thus the requirements set in Directive 2005/29/EC. The governance of the environmental labelling schemes should enshrine the principles of transparency, scientific robustness and societal relevance. The scheme's governance should also ensure consultation of relevant stakeholders, reliable monitoring of compliance and transparent and credible complaint and dispute resolution mechanism. The conditions for joining the scheme, including the fees, should be set in such way that participation of micro, small and medium-sized enterprises is not discouraged. Further, it is necessary to lay down rules on the decision-making bodies that

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				take the final decisions regarding the environmental labelling schemes. The applicable law, such as corporate or civil law, determines who is part of the decision-making body. In a company, this could be the members of its board who are engaged in the day-to-day management of the company, where these people make the final decisions regarding the environmental labelling schemes.The decision-making bodies of the scheme should be either free of conflicts of interest from traders awarded the label or, in cases where traders awarded the label take part in decision making, ensure a representation of diverse stakeholder groups to ensure well-balanced outcomes. COUNCIL compromise suggestion with corresponding recital
Article 8(2), point (b)				
183	(b) information about the objectives of the environmental labelling scheme and the requirements and procedures to monitor compliance of the environmental labelling scheme	(b) information about the objectives of the environmental labelling scheme and the requirements and procedures to monitor compliance of the environmental labelling scheme	(b) information about the objectives of the environmental labelling scheme and the requirements and procedures to monitor compliance of the environmental labelling scheme	Commission Proposal

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	are transparent, accessible free of charge, easy to understand and sufficiently detailed;	are transparent, accessible free of charge, easy to understand and sufficiently detailed;	are transparent, accessible free of charge, easy to understand and sufficiently detailed;	
Article 8(2), point (c)				
184	(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude small and medium enterprises;	(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude ***micro,*** small and medium enterprises***, including by setting reasonable and non-discriminatory fees***;	(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude small and medium enterprises;	(c) the conditions for joining the environmental labelling schemes are proportionate to the size and turnover of the companies in order not to exclude small and medium enterprises; ***the fees shall be set in a way as to not effectively preclude the participation of SMEs.*** COUNCIL: Agreed addition to recital 43 incorporated in row 182a Agreed at technical level
Article 8(2), point (d)				
185	(d) the requirements for the environmental labelling scheme have been developed by experts that can ensure their scientific robustness and have been submitted for consultation to a heterogeneous group of stakeholders that has reviewed them and ensured their relevance from a societal perspective;	(d) the requirements for the environmental labelling scheme have been developed by experts that can ensure their scientific robustness and have been submitted for ***transparent*** consultation to a heterogeneous group of stakeholders ***or the stakeholders' representatives that have*** ~~*that has*~~ reviewed them and ensured their relevance from a societal perspective***. The***	(d) the requirements for the environmental labelling scheme have been developed by **the environmental labelling scheme owner in consultation with relevant** experts **and stakeholders** that can ensure their scientific robustness ~~and have been submitted for consultation to a heterogeneous group of stakeholders that has reviewed them and ensured~~**[…] and […]**	(d) the requirements for the environmental labelling scheme have been developed by ***the environmental labelling scheme owner in consultation with relevant*** experts ***and stakeholders*** that can ensure their scientific robustness ~~*and have been submitted for consultation to a heterogeneous group of stakeholders that has reviewed them and ensured*~~***[…] and […]***

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		stakeholders shall be free of any conflicts of interest, including by being independent from the owner of the environmental labelling scheme, and include, as a minimum, relevant experts;	their relevance from a societal perspective;	their relevance from a societal perspective***. Those requirements shall be updated as necessary in order to reflect scientific evidence and technological and market developments***; Agreed at technical level Council text merged with part of EP amendment in row 187a
Article 8(2), point (e)				
186	(e) the environmental labelling scheme has a complaint and dispute resolution mechanism in place;	(e) the environmental labelling scheme has a complaint and dispute resolution mechanism in place;	(e) the environmental labelling scheme has a complaint and dispute resolution mechanism in place;	Commission proposal
Article 8(2), point (f)				
187	(f) the environmental labelling scheme sets out procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of persistent and flagrant non-compliance with the requirements of the scheme.	(f) the environmental labelling scheme sets out ***transparent*** procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of ~~*persistent and flagrant*~~ non-compliance with the requirements of the scheme.	(f) ~~the environmental labelling scheme sets out procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of persistent and flagrant non-compliance with the requirements of the scheme.~~	(f) the ~~*environmental labelling scheme sets out procedures for dealing with non-compliance and foresees the withdrawal or suspension of the environmental label in case of persistent and flagrant non-compliance with the requirements of the scheme*~~***criteria set out in Article 2 point (r) paragraph (iii) of Directive 2005/29/EC***. Agreed at technical level

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Article 8(2), point (fa)				
187a		***(fa) the environmental labelling scheme has a robust monitoring and evaluation system to regularly review its objectives, strategies, performance and impacts, based on the latest best practices, scientific data and evidence, and where relevant, to update its requirements in line with the findings.***		***(fa) the environmental labelling scheme has a robust monitoring and evaluation system to review, as necessary, its objectives and performance based on best practice, data and scientific evidence; the results of such monitoring and evaluation are accessible and free of charge;*** Agreed at technical level
Article 8(3), first subparagraph				
188	3. From [OP: Please insert the date = the date of transposition of this Directive] no new national or regional environmental labelling schemes shall be established by public authorities of the Member States. However, national or regional environmental labelling schemes established prior to that date may continue to award the environmental labels on the Union market, provided they meet the requirements of this Directive.	*deleted*	3. From [OP: Please insert the date = ***the date of* application *of this Directive*** ~~= the date of transposition of this Directive~~] ~~no new national or regional environmental labelling schemes shall be established by public authorities of the Member States. However,~~ **new** national or regional environmental labelling schemes established **by public authorities of the Member States, shall be subject to approval by the Commission prior to entering the Union market with the aim of ensuring that these environmental labelling schemes provide added value as defined**	

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			in the implementing acts specified in paragraph 8 of this Article, as compared to the existing Union, national or regional environmental labelling schemes, and meet the requirements of this Directive. National or regional environmental labelling schemes established by public authorities of the Member States prior to that date may continue to award the environmental labels on the Union market, provided they meet the requirements of this Directive.	
Article 8(3), second subparagraph				
G 189	From the date referred to in the first subparagraph, environmental labelling schemes may only be established under Union law.	*deleted*	~~From the date referred to in the first subparagraph, environmental labelling schemes may only be established under Union law.~~	~~*From the date referred to in the first subparagraph, environmental labelling schemes may only be established under Union law.*~~ ***deleted*** EP/Council Mandate
Article 8(4)				
Y 190	4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities in third countries awarding environmental labels to be used on the Union market, shall be subject	4. From [OP: Please insert the date = the date of transposition of this Directive] any new environmental labelling schemes established by public authorities ***of the Member States or*** in third countries awarding environmental labels to be used on the Union	4. From [OP: Please insert the date = ***the date of application of this Directive*** ~~= the date of transposition of this Directive~~] any new environmental labelling schemes established by public authorities in third countries awarding environmental labels to	

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	to approval by the Commission prior to entering the Union market with the aim of ensuring that these labels provide added value in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.	market, shall be subject to approval***, without undue delay,*** by the Commission prior to entering the Union market with the aim of ensuring that these labels provide added value in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector, as compared to the existing Union, national or regional schemes ~~*referred to in paragraph 3*~~, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities ***of the Member State or*** in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.	be used on the Union market, shall be subject to approval by the Commission prior to entering the Union market with the aim of ensuring that these ~~labels~~**environmental labelling schemes** provide added value **as defined in the implementing acts specified in paragraph 8 of this Article**~~in terms of their environmental ambition including notably their coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector~~, as compared to the existing Union, national or regional **environmental labelling** schemes ~~referred to in paragraph 3~~, and meet the requirements of this Directive. Environmental labelling schemes established by public authorities in third countries prior to that date may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.	
Article 8(5), first subparagraph				
191	5. Member States shall ensure that environmental labelling schemes established by private	5. Member States shall ensure that environmental labelling schemes established by private	5. Member States shall ensure that environmental labelling schemes established by private	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including notably their extent of coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs, as compared to the existing Union, national or regional schemes referred to in paragraph 3, and meet the requirements of this Directive.	operators after [OP: Please insert the date = the date of transposition of this Directive] are only approved if those schemes provide added value in terms of their environmental ambition, including ~~*notably*~~ their extent of coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs, ~~*as compared to the existing Union, national or regional schemes referred to in paragraph 3,*~~ and meet the requirements of this Directive. ***Environmental labelling schemes established by private operators prior to that date may continue to award environmental labels, which are to be used on the Union market, provided they meet the requirements of this Directive.***	operators after [OP: Please insert the date = ***the date of* application *of this Directive*** ~~the date of transposition of this Directive~~] are only approved if those **environmental labelling** schemes provide added value **as defined** in ~~terms of their environmental ambition, including notably their extent of coverage of environmental impacts, environmental aspects or environmental performance, or of a certain product group or sector and their ability to support the green transition of SMEs~~ **the implementing acts specified in paragraph 8 of this Article**, as compared to the existing Union, national or regional **environmental labelling** schemes ~~referred to in paragraph 3~~, and meet the requirements of this Directive.	
Article 8(5), second subparagraph				
192	This procedure for approval of new environmental labelling schemes shall apply to schemes established by private operators in the Union and in third countries.	This procedure for approval of new environmental labelling schemes shall apply to schemes established by private operators in the Union and in third countries.	This procedure for approval of new environmental labelling schemes shall apply to schemes established by private operators in the Union and in third countries.	Commission proposal
Article 8(5), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 193	Member States shall notify the Commission when new private schemes are approved.	Member States shall notify the Commission when new private schemes are approved.	Member States shall notify the Commission when new private schemes are approved.	Commission proposal G
Article 8(5), third subparagraph a				
Y 193a			**Environmental labelling schemes established by private operators in the Union and in third countries prior to the date of application may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.**	***Environmental labelling schemes established by private operators in the Union and in third countries prior to the date of application may continue to award the environmental labels which are to be used on the Union market, provided they meet the requirements of this Directive.*** Agreed at technical level Text Origin: Council Mandate Y
Article 8(6), first subparagraph				
Y 194	6. In order to receive the approvals referred to in paragraphs 4 and 5, the operators of new environmental labelling schemes shall provide supporting documents setting out the following:	6. In order to receive the approvals referred to in paragraphs 4 and 5, the operators of new environmental labelling schemes shall provide supporting documents setting out the following:	6. In order to receive the approvals referred to in paragraphs **3,** 4 and 5, the ~~operators~~**owners** of new environmental labelling schemes shall provide supporting documents setting out the following:	6. In order to receive the approvals referred to in paragraphs ***3,*** 4 and 5, the ~~*operators*~~***owners*** of new environmental labelling schemes shall provide supporting documents setting out the following: Agreed at technical level Text Origin: Council Mandate Y
Article 8(6), first subparagraph, point (a)				

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	195	(a) the rationale underlying the development of the scheme	(a) the rationale underlying the development of the scheme	(a) the rationale underlying the development of the scheme	Commission proposal	G
	Article 8(6), first subparagraph, point (aa)					
Y	195a		***(aa) a description of how the requirements set out in this Directive are met;***		***(aa) deleted*** Agreed at technical level	Y
	Article 8(6), first subparagraph, point (b)					
G	196	(b) the proposed scope of the scheme,	(b) the proposed scope of the scheme,	(b) the proposed scope of the scheme,	Commission proposal	G
	Article 8(6), first subparagraph, point (c)					
Y	197	(c) the evidence the scheme will provide added value as set out in in paragraph 4 for environmental labelling schemes established by public authorities in third countries, or in paragraph 5 for environmental labelling schemes established by private operators;	(c) the evidence the scheme will provide added value as set out in in paragraph 4 for environmental labelling schemes established by public authorities ~~*in third countries*~~, or in paragraph 5 for environmental labelling schemes established by private operators;	(c) the evidence the scheme will provide added value as set out in ~~in paragraph 4 for environmental labelling schemes established by public authorities in third countries~~**paragraphs 3, 4**~~, or in paragraph 5 for environmental labelling schemes established by private operators~~ **5 and 8**;	(c) the evidence the scheme will provide added value as set out in ~~*in paragraph 4 for environmental labelling schemes established by public authorities in third countries*~~***paragraphs 3, 4***~~*, or in paragraph 5 for environmental labelling schemes established by private operators*~~ ***5 and 8***; Agreed at technical level Text Origin: Council Mandate	Y
	Article 8(6), first subparagraph, point (d)					
G	198	(d) a proposal for draft criteria and the methodology used to develop and award the	(d) a proposal for draft criteria and the methodology used to develop and award the	(d) a proposal for draft criteria and the methodology used to develop and award the	Commission proposal	G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	environmental label and the expected impacts on the market;	environmental label and the expected impacts on the market;	environmental label and the expected impacts on the market;	
Article 8(6), first subparagraph, point (e)				
G 199	(e) a detailed description of the ownership and the decision-making bodies of the environmental labelling scheme.	(e) a detailed description of the ownership and the decision-making bodies of the environmental labelling scheme.	(e) a detailed description of the ownership and the decision-making bodies of the environmental labelling scheme.	Commission proposal
Article 8(6), second subparagraph				
Y 200	The documents referred to in the first subparagraph shall be submitted to the Commission in case of schemes referred to in paragraph 4 or to the Member States' authorities in case of schemes referred to in paragraph 5, together with the certificate of conformity for environmental labelling schemes drawn up in accordance with Article 10.	The documents referred to in the first subparagraph shall be ***made publicly available and*** submitted to the Commission in case of schemes referred to in paragraph 4 or to the Member States' authorities in case of schemes referred to in paragraph 5, together with the certificate of conformity for environmental labelling schemes drawn up in accordance with Article 10.	The documents referred to in the first subparagraph shall be submitted to the Commission in case of schemes referred to in ~~paragraph~~**paragraphs 3 and** 4 or to the Member States' authorities in case of schemes referred to in paragraph 5~~, together with the certificate of conformity for environmental labelling schemes drawn up in accordance with Article 10~~.	The documents referred to in the first subparagraph shall be submitted to the Commission in case of schemes referred to in ~~*paragraph*~~***paragraphs 3 and*** 4 or to the Member States' authorities in case of schemes referred to in paragraph 5~~*, together with the certificate of conformity for*~~***. The*** environmental labelling ~~*schemes drawn up in accordance with*~~ ***scheme owners can submit request for verification as per*** Article 10 ***paragraph 2 after the approval referred to in paragraph 3, 4 or 5 is granted***. Agreed at technical level Council text amended
Article 8(6a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			6a. The national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in the Member States are exempted from verification in accordance with Article 10 provided they comply with the requirements of this Directive. Member States shall set up procedures for official recognition of such schemes. Member States shall inform the Commission of such officially recognised EN ISO 14024 type I ecolabelling schemes that can benefit from this exemption. Member States shall inform the Commission in case such schemes shall no longer be recognised based on the criteria above.	COUNCIL: Maintain Council text
	200a			
Article 8(6a), first subparagraph				
			Traders that have been awarded an officially recognised EN ISO 14024 type I ecolabel, generating an explicit environmental claim regarding environmental characteristics certified by that environmental label shall be exempted from the assessment in accordance with Article 3a, paragraph 2.	
	200b			
Article 8(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
201	7. The Commission shall publish and keep-up-to date a list of officially recognised environmental labels that are allowed to be used on the Union market after [OP: Please insert the date = the date of transposition of this Directive] pursuant to paragraphs 3, 4 and 5.	7. The Commission shall publish and keep-up-to date a list of ~~*officially recognised*~~***environmental labelling schemes that comply with this Directive and*** environmental labels ***as laid down in Regulation (EC) No 66/2010,*** that are allowed to be used on the Union market after [OP: Please insert the date = the date of transposition of this Directive] pursuant to paragraphs 3, 4 and 5***, including the information provided in accordance with paragraph 6. This list shall be available to the public free of charge and be presented in an understandable manner.***	7. The Commission shall publish and keep-up-to date a list of officially recognised **national or regional EN ISO 14024 type I ecolabels that have been informed to the Commission by the Member States pursuant to paragraph 6a, and other** environmental labels that are allowed to be used on the Union market ~~after~~**from** [OP: Please insert the date = ***the date of transposition of this Directive***~~the date of transposition of this Directive~~] pursuant to paragraphs 3, 4 and 5.	
Article 8(8), first subparagraph				
202	8. In order to ensure a uniform application across the Union, the Commission shall adopt implementing acts to:	8. In order to ensure a uniform application across the Union, the Commission shall ***by ... [12 months from the date of entry into force of this Directive]*** adopt ~~*implementing acts*~~ ***delegated acts in accordance with Article 18*** to:	8. In order to ensure a uniform application across the Union, the Commission shall **by … [18 months after the date of entry into force of this Directive]** adopt implementing acts to:	
Article 8(8), first subparagraph, point (a)				
203	(a) provide detailed requirements for approval of environmental labelling schemes	(a) provide detailed requirements for approval ***and review*** of environmental labelling	(a) provide detailed requirements for approval of environmental labelling schemes pursuant to the criteria referred to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to the criteria referred to in paragraphs 4 and 5;	schemes pursuant to the criteria referred to in paragraphs 4 and 5;	in paragraphs **3,** 4 and 5; **especially on how added value should be evaluated. The assessment of added value shall take into account the following criteria:** **1. The environmental ambition of the environmental labelling scheme;** **2. The coverage of environmental characteristics […] of the environmental label […];** **3. The product group(s) or sector(s) covered by the labelling scheme;** **4. The ability to support the green transition for SMEs; or** **5. […] The geographic market in which the environmental labelling scheme operates.**	
Article 8(8), first subparagraph, point (b)				
204	(b) specify further the format and content of supporting documents referred to in paragraph 6;	(b) specify further the format and content of supporting documents referred to in paragraph 6;	(b) specify further the format and content of supporting documents referred to in paragraph 6;	Commission proposal
Article 8(8), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
205	(c) provide detailed rules on the procedure for the approval referred to in paragraph 4.	(c) provide detailed rules on the procedure for the approval referred to in paragraph 4.	(c) provide detailed rules on the procedure for the approval referred to in ~~paragraph~~ 4**paragraphs 3, 4 and 5**.	(c) provide detailed rules on the procedure for the approval referred to in ~~*paragraph 4*~~***paragraphs 3, 4 and 5***. Agreed at technical level Text Origin: Council Mandate
Article 8(8), second subparagraph				
206	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.	*deleted*	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19 **paragraph 2**.	
Article 9				
207	Article 9 Review of the substantiation of explicit environmental claims	Article 9 Review of the substantiation of explicit environmental claims	Article 9 Review of the substantiation of explicit environmental claims **and environmental labels**	Article 9 Review of the substantiation of explicit environmental claims ***and environmental labels*** Agreed at technical level Text Origin: Council Mandate
Article 9, first paragraph				
208	Member States shall ensure that the information used for substantiation of explicit environmental claims is reviewed and updated by traders when there are circumstances that may affect the accuracy of a claim, and no later than 5 years from the date when the information referred to	Member States shall ensure that the information used for substantiation of explicit environmental claims is reviewed and updated by traders when there are circumstances that may ~~*affect*~~***change*** the accuracy of a claim, and no later than 5 years from the date when the	Member States shall ensure that the information used for substantiation of explicit environmental claims is reviewed and updated **accordingly by the trader […] generating the explicit environmental claim**~~by traders~~ when there are circumstances that may affect the	

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	in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.	information referred to in Article 5(6) is provided. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4 are fully complied with.	accuracy of a claim, and no later than 5 years from the date when the ~~information~~**[…] certificate of conformity** referred to in Article ~~5(6) is provided~~**10(6) is issued […], or where applicable, the date when the Specific Technical Documentation referred to in Article 3a is made available to competent authorities […]**. In the review, the trader shall revise the used underlying information to ensure that the requirements of Articles 3 and 4**, and where applicable Article 3a,** are fully complied with.	
Article 9, first paragraph a				
208a			**The information used for substantiation of explicit environmental labels shall be reviewed and updated by the environmental labelling scheme owners when there are circumstances that may affect the accuracy of an environmental label, and no later than 5 years from the date when the certificate of conformity referred to in Article 10(6) is issued. In the review, the environmental labelling scheme owner shall revise the used underlying information to**	***The information used for substantiation of explicit environmental labels shall be reviewed and updated by the environmental labelling scheme owners when there are circumstances that may affect the accuracy of an environmental label, and no later than 5 years from the date when the certificate of conformity referred to in Article 10(6) is issued. In the review, the environmental labelling scheme owner shall revise the used underlying information to ensure that the***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			ensure that the requirements of Articles 3 and 4 are fully complied with	***requirements of Articles 3 and 4 are fully complied with*** Agreed at technical level Text Origin: Council Mandate
Article 9, first paragraph b				
208b		***The trader shall not be obliged to review the substantiation nor reapply for certification in case of spelling mistakes or other cosmetic changes in the text of the claim if it does not affect the substance and accuracy of the claim.***		***deleted*** ***+ add to recital 49:*** ***(49) (...) The trader should not be obliged to review the substantiation nor reapply for ex ante verification in case of clerical errors, cosmetic changes and other modifications in the formulation of the claim if those modifications remain supported by the substantiation for which a valid certificate of conformity exists.*** Agreed at technical level
Article 9, second paragraph				
209	The updated explicit environmental claim shall be subject to verification in accordance with Article 10.	The updated explicit environmental claim shall be subject to verification in accordance with Article 10.	The updated **substantiation of the** explicit environmental claim **or the environmental label** shall be subject to verification in accordance with Article 10. **If an explicit environmental claim falls under the scope of Article 3a, the trader generating the**	

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			claim shall update the Specific Technical Documentation with the updated substantiation.	
Article 10				
210	Article 10 Verification and certification of the substantiation and communication of environmental claims and environmental labelling schemes	Article 10 Verification and certification of the substantiation and communication of environmental claims and environmental labelling schemes	Article 10 ***Verification of the substantiation of* explicit *environmental claims*, environmental labels *and environmental labelling schemes*~~Verification and certification of the substantiation and communication of environmental claims and environmental labelling schemes~~	
Article 10(1)				
211	1. Member States shall set up procedures for verifying the substantiation and communication of explicit environmental claims against the requirements set out in Articles 3 to 7.	1. Member States shall set up procedures for verifying the substantiation and communication of explicit environmental claims against the requirements set out in Articles 3 to 7. ***The Commission shall regularly review those procedures.***	1. Member States shall set up procedures for verifying ~~the substantiation and communication of~~ explicit environmental claims against the requirements set out in Articles 3 ~~to 7~~**and 4**.	COUNCIL: Maintain Council text EP amendment - see text in row 301
Article 10(2)				
212	2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes with the requirements set out in Article 8.	2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes with the requirements set out in Article 8. ***The Commission shall regularly review those procedures.***	2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes **and the corresponding environmental label** with the requirements set out in ~~Article 8.~~**Articles 3, 4 and 8.**	2. Member States shall set up procedures for verifying the compliance of environmental labelling schemes ***and the corresponding environmental label*** with the requirements set out in ~~*Article 8.*~~ ***Articles 3, 4 and 8.***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Agreed at technical level Text Origin: Council Mandate. EP amendment see row 301
Article 10(3)				
213	3. The verification and certification requirements shall apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC only if they so request.	3. The verification and certification requirements shall apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC only if they so request.	3. ~~The verification and certification requirements shall apply to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC only if they so request.~~	
Article 10(3a)				
213a		***3a. 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.***		***3a. When setting up the procedures referred to in paragraphs 1 and 2, Member States shall ensure that the verification is carried out in a proportionate manner, notably in terms of costs with a particular regard to micro, small and medium-sized enterprises. The verification shall be carried out taking due account of the degree of complexity of the explicit environmental claim or label in question, and where relevant, the sector in which the trader operates and its structure.*** COUNCIL:

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Accept EP text amended. EP has indicated that it can accept the text
Article 10(3b)				
213b		***3b. The verification requirements shall not apply to traders displaying an environmental label verified in accordance with this Article when making an explicit environmental claim regarding environmental aspects, impacts and environmental performance certified by that label. The information required in Article 5(6) shall be that of the environmental labelling scheme.***		***3b The verification requirements shall not apply to traders displaying an environmental label verified in accordance with this Article.*** Agreed at technical level Council text moved from row 180a
Article 10(3c)				
213c				***3c. By way of derogation Member States may choose to exempt national or regional environmental labelling schemes established by public authorities from verification in accordance with this article provided that they undergo equivalent procedures for verifying that they meet the requirements laid down in this***

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				Directive. These procedures shall ensure that the verification is carried out by the National Accreditation Body as defined in Article 2, point 11 of Regulation (EC) No 765/2008 or a public body independent of the body setting up the environmental labelling scheme associated with the environmental label, which shall operate with the highest degree of professional integrity, impartiality and the requisite technical competence. Public authorities shall inform the Commission of such environmental labelling schemes. Agreed at technical level Council text moved from row 180b
Article 10(4)				
214	4. The verification shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the environmental claim is made public or the environmental label is displayed by a trader.	4. The verification shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the environmental claim is made public or the environmental label is displayed by a trader.	4. **Without prejudice to Article 8, paragraphs 1b and 6a,** the verification shall be undertaken by a verifier fulfilling the requirements set out in Article 11, in accordance with the procedures referred to in paragraphs 1 and 2, before the **explicit** environmental claim is	Council text in principle agreed but reference to paragraph 6a is bracketed

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			~~made public~~**generated by the trader** or the environmental **labelling scheme and the corresponding environmental** label ~~is displayed by a trader~~**are made available by the environmental labelling scheme owner**.	
Article 10(4a)				
214a		***4a. 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.***		COUNCIL: EP amendment not acceptable but to be discussed - see row 228
Article 10(5)				
215	5. For the purposes of the verification the verifier shall take into account the nature and content of the explicit environmental claim or the environmental label.	5. For the purposes of the verification the verifier shall take into account the nature and content of the explicit environmental claim or the environmental label.	5. For the purposes of the verification the verifier shall take into account the nature and content of the explicit environmental claim or the environmental **labelling**	5. For the purposes of the verification the verifier shall take into account the nature and content of the explicit environmental claim or the environmental ***labelling***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			scheme and the corresponding environmental label.	***scheme and the corresponding environmental*** label. Agreed at technical level Text Origin: Council Mandate
Article 10(6)				
216	6. Upon completion of the verification, the verifier shall draw up, where appropriate, a certificate of conformity certifying that the explicit environmental claim or the environmental label complies with the requirements set out in this Directive.	6. Upon completion of the verification, the verifier shall draw up, where appropriate, a certificate of conformity certifying that the explicit environmental claim or the environmental label complies with the requirements set out in this Directive.	6. Upon completion of the verification **and where compliance of an explicit environmental claim or an environmental labelling scheme and the corresponding environmental label with the requirements of this Directive has been demonstrated**, the verifier shall draw up~~, where appropriate,~~ a certificate of conformity ~~certifying~~**declaring** that the explicit environmental claim or the environmental **labelling scheme and the corresponding environmental** label ~~complies~~**comply** with the requirements set out in this Directive. **Without prejudice to article 9, the certificate of conformity shall be valid for a maximum period of 5 years.**	6. Upon completion of the verification ***and where compliance of an explicit environmental claim or an environmental labelling scheme and the corresponding environmental label with the requirements of this Directive has been demonstrated***, the verifier shall draw up~~, where appropriate,~~ a certificate of conformity ~~certifying~~***declaring*** that the explicit environmental claim or the environmental ***labelling scheme and the corresponding environmental*** label ~~complies~~***comply*** with the requirements set out in this Directive. ***Without prejudice to article 9, the certificate of conformity shall be valid for a maximum period of 5 years.*** Agreed at technical level Text Origin: Council Mandate
Article 10(7)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
217	7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. Member States shall notify the list of certificates of conformity via the Internal Market Information System established by Regulation (EU) No 1024/2012.	7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. Member States shall notify the list of certificates of conformity via the Internal Market Information System established by Regulation (EU) No 1024/2012. ***Once a certificate of conformity is delivered and notified, the labelling scheme or the environmental claim can be used within the Union, insofar as that the scheme or the claim is communicated in a language that can be understood by consumers in the Member States where the product or service is marketed. The certificates of conformity shall be made publicly available in a searchable database clearly identifying the trader, the type of claim, the assessment method and the sector.***	7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. ~~Member States shall notify the list of certificates of conformity via the Internal Market Information System established by Regulation (EU) No 1024/2012.~~	7. The certificate of conformity shall be recognised by the competent authorities responsible for the application and enforcement of this Directive. ~~*Member States shall notify the list of*~~ ***+*** ***text of recital 53c from Council mandate + To assist traders and consumers in finding the relevant information, the interface on the Single Digital Gateway should include user-friendly tools to search for verifiers and for*** certificates of conformity ~~*via the Internal Market Information System established by Regulation (EU) No 1024/2012.*~~***.*** Agreed at technical level Council text
Article 10(7a)				
217a			**7a. Verifiers shall submit and communicate:** **a) the certificates of conformity referred to in**	***7a. Verifiers shall submit and communicate:*** ***a) the certificates of conformity referred to in***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			paragraph 6 with a validity period of maximum 5 years, **b) the certificates of conformity issued following the review of the substantiation of explicit environmental claims referred to in Article 9,** **c) the withdrawal of, or other updates to, certificates of conformity including pursuant a decision by the competent authorities as per Article 15 paragraph 3b,** **to the national competent authorities using a multilingual standard form of the public interface connected to the Internal Market Information System established by Regulation (EU) No 1024/2012 (IMI).** **Based on the certificates of conformity submitted to IMI, the Commission shall publish the up-to-date list of certificates of conformity on the Single Digital Gateway.**	***paragraph 6 with a validity period of maximum 5 years,*** ***b) the certificates of conformity issued following the review of the substantiation of explicit environmental claims referred to in Article 9,*** ***c) the withdrawal of, or other updates to, certificates of conformity including pursuant a decision by the competent authorities as per Article 15 paragraph 3b,*** ***to the national competent authorities using a multilingual standard form of the public interface connected to the Internal Market Information System established by Regulation (EU) No 1024/2012 (IMI).*** ***Based on the certificates of conformity submitted to IMI, the Commission shall publish the up-to-date and searchable list of certificates of conformity on the Single Digital Gateway.*** Agreed at technical level Council mandate amended, adding searchable in last sentence

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10(7b)				
217b			**7b. The public interface connected to IMI shall provide, in particular, for the technical functionalities necessary to allow the verifiers to manage their access and activity in the interface and to perform the actions related to the communication and management of the certificates of conformity as well as any changes thereto, such as recording, submitting, updating them.** **The public interface shall also allow for the deletion of all data stored in it, including the verifiers' accounts, when that data is no longer needed for the purposes for which they were collected and processed.**	***7b. The public interface connected to IMI shall provide, in particular, for the technical functionalities necessary to allow the verifiers to manage their access and activity in the interface and to perform the actions related to the communication and management of the certificates of conformity as well as any changes thereto, such as recording, submitting, updating them.*** ***The public interface shall also allow for the deletion of all data stored in it, including the verifiers' accounts, when that data is no longer needed for the purposes for which they were collected and processed.*** Agreed at technical level Text Origin: Council Mandate
Article 10(7c)				
217c			**7c. Any information containing personal data recorded in or exchanged through IMI or the public interface connected to IMI shall be processed in IMI in**	***7c. Any information containing personal data recorded in or exchanged through IMI or the public interface connected to IMI shall be processed in IMI in***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			accordance with Articles 14 to 17 of Regulation (EU) No 1024/2012.	***accordance with Articles 14 to 17 of Regulation (EU) No 1024/2012.*** Agreed at technical level Text Origin: Council Mandate
Article 10(7d)				
Y	217d		**7d. Competent authorities registered in IMI for the consumer protection cooperation under Regulation (EU) 2017/2394 should be provided access in the system to the submitted certificates of conformity.**	***7d. Competent authorities registered in IMI for the consumer protection cooperation under Regulation (EU) 2017/2394 should be provided access in the system to the submitted certificates of conformity.*** Agreed at technical level Text Origin: Council Mandate
Article 10(8)				
G	218	8. The certificate of conformity shall not prejudge the assessment of the environmental claim by national authorities or courts in accordance with Directive 2005/29/EC.	8. The certificate of conformity shall not prejudge the assessment of the environmental claim by national authorities or courts in accordance with Directive 2005/29/EC.	8. The certificate of conformity shall not prejudge the assessment of the environmental claim by national authorities or courts in accordance with Directive 2005/29/EC. Commission proposal
Article 10(9)				
Y	219	9. The Commission shall adopt implementing acts to set out details regarding the form of the certificate of conformity referred	9. ***By ... [12 months from the date of entry into force of this Directive],*** the Commission shall adopt implementing acts to set out	9. **By ... 18 months from the date of entry into force of this Directive],** the Commission shall adopt implementing acts to set out

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	to in paragraph 5 and the technical means for issuing such certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.	details regarding the form of the certificate of conformity referred to in paragraph 5 and the technical means for issuing such certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19.	details regarding the form of the certificate of conformity referred to in paragraph ~~5 and~~**6,** the technical means **and the procedure** for issuing **and notifying** such certificate of conformity. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19 **paragraph 2**.	
Article 10(9a)				
Y 219a		***9a. Member States may prioritise the verification of existing environmental claims made before the entry into force of this Directive.***		***9a. deleted*** Agreed at technical level
Article 11				
G 220	Article 11 Verifier	Article 11 Verifier	Article 11 Verifier	Commission proposal
Article 11(1)				
Y 221	1. The verifier shall be a third-party conformity assessment body accredited in accordance with Regulation (EC) No 765/2008[1]. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and	1. The verifier shall be a third-party conformity assessment body accredited in accordance with Regulation (EC) No 765/2008[1]. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and	1. The verifier shall be a ~~third-party~~ conformity assessment body accredited in accordance with Regulation (EC) No 765/2008[1] **for verification activities or environmental verifier as defined in Art. 2 No. 20 of Regulation (EC) No. 1221/2009.** _____	1. The verifier shall be a ~~*third-party*~~ conformity assessment body accredited in accordance with Regulation (EC) No 765/2008[1] ***for verification activities or environmental verifier as defined in Art. 2 No. 20 of Regulation (EC) No. 1221/2009.*** _____

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	repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and ~~market surveillance relating to the marketing of products and~~ repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and ~~*market surveillance relating to the marketing of products and*~~ repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30). Agreed at technical level Text Origin: Council Mandate
Article 11(1a)				
v 221a			**1a. The accredited verifier shall comply with EN ISO/IEC 17029 'Conformity assessment – General principles and requirements for validation and verification bodies'.**	***1a. The accreditation of verifiers shall be carried out by national accreditation bodies in accordance with the relevant harmonised standard which contains the general principles and requirements applicable to validation and verification bodies, the reference of which has been published in the Official Journal of the European Union (OJEU) pursuant to Regulation (EC) No 765/2008[1].*** ***The Commission is empowered to adopt an implementing act specifying the relevant harmonised standard. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 19.*** ***1. OJ L 408, 4.12.2020, p. 6.***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				COUCIL: Accept suggestion with empowerment
Article 11(2)				
222	2. The accreditation shall, in particular, include the evaluation of compliance with the requirements in paragraph 3.	2. The accreditation shall, in particular, include the evaluation of compliance with the requirements in paragraph 3.	2. The accreditation shall, in particular, include the evaluation of compliance with the requirements in paragraph 3.	Commission proposal
Article 11(3)				
223	3. The verifier shall comply with the following requirements:	3. The verifier shall comply with the following requirements:	3. The verifier shall comply with the following requirements:	Commission proposal
Article 11(3), point (a)				
224	(a) the verifier shall be independent of the product bearing, or the trader associated to, the environmental claim;	(a) the verifier shall be independent of the product bearing, or the trader associated to, the environmental claim;	(a) the verifier shall be **a third-party body** independent of the product bearing, or the trader associated to, the environmental claim**, or the environmental labelling scheme owner associated to the environmental label**;	(a) the verifier shall be ***a third-party body*** independent of the product bearing, or the trader associated to, the environmental claim***, or the environmental labelling scheme owner associated to the environmental label***; Agreed at technical level Text Origin: Council Mandate
Article 11(3), point (b)				
225	(b) the verifier, its top-level management and the personnel responsible for carrying out the	(b) the verifier, its top-level management and the personnel responsible for carrying out the	(b) the verifier, its top-level management and the personnel responsible for carrying out the	(b) the verifier, its top-level management and the personnel responsible for carrying out the

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	verification tasks shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to the verification activities;	verification tasks shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to the verification activities;	verification tasks shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to the verification activities **for which they are accredited**;	verification tasks shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to the verification activities ***for which they are accredited***; Agreed at technical level Text Origin: Council Mandate	
Article 11(3), point (c)					
Y	226	(c) the verifier and its personnel shall carry out the verification activities with the highest degree of professional integrity and the requisite technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their verification activities,	(c) the verifier and its personnel shall carry out the verification activities with the highest degree of professional integrity and the requisite technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their verification activities,	(c) the verifier and its personnel **shall operate in a non-discriminatory manner and** shall carry out the verification activities with the highest degree of professional integrity and the requisite technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their verification activities**. The impartiality of the verifiers, their top-level management and of the personnel responsible for carrying out the verification tasks shall be guaranteed.**	(c) the verifier and its personnel shall carry out the verification activities with the highest degree of professional integrity***, impartiality and operate in a non-discriminatory manner, and with*** ~~*and*~~ the requisite technical competence and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their verification activities~~,~~. Agreed at technical level Council text redrafted	Y
Article 11(3), point (d)					
G	227	(d) the verifier shall have the expertise, equipment and infrastructure required to perform	(d) the verifier shall have the expertise, equipment and infrastructure required to perform	(d) the verifier shall have the expertise, equipment and infrastructure required to perform	Commission proposal	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the verification activities in relation to which it has been accredited;	the verification activities in relation to which it has been accredited;	the verification activities in relation to which it has been accredited;	
Article 11(3), point (e)				
	228	(e) the verifier shall have a sufficient number of suitably qualified and experienced personnel responsible for carrying out the verification tasks;	(e) the verifier shall have ***adequate resources, in particular technical capabilities and*** a sufficient number of suitably qualified and experienced personnel***, with experience in life-cycle assessments, where necessary,*** responsible for carrying out the verification tasks;	(e) the verifier shall have **adequate resources, the technical capabilities and** a sufficient number of suitably qualified and experienced personnel **with sufficient experience with working with environmental assessment methods, such as life-cycle assessment,** responsible for carrying out the verification tasks;	(e) The verifier shall have ***adequate resources, the technical capabilities and*** a sufficient number of suitably qualified and experienced personnel ***with sufficient experience with working with environmental assessment methods, such as life-cycle assessment,*** responsible for carrying out the verification tasks; ***The verifier shall complete the verification of explicit environmental claims and environmental labelling schemes tasks within a deadline of 30 days after receiving all the necessary information from the trader. The verifier may decide to extend the period for verification when the nature of verification so requires.*** COUNCIL: Reference to 30 days deadline for verification not acceptable but to be discussed Merging text from row 214a with Council text

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Article 11(3), point (f)				
229	(f) the personnel of a verifier shall observe professional secrecy with regard to all information obtained in carrying out the verification tasks;	(f) the personnel of a verifier shall observe professional secrecy ***and act in compliance with applicable Union law on the protection of trade secrets, in particular Directive (EU) 2016/943,*** with regard to all information obtained in carrying out the verification tasks; ***where the verifier does not receive the prerequisite information for verification due to the protection of trade secrets, the verifier shall not issue a certificate of conformity;***	(f) the personnel of a verifier shall observe professional secrecy with regard to all information obtained in carrying out the verification tasks;	(f) the personnel of a verifier shall observe professional secrecy ***and act in compliance with applicable Union law on the protection of trade secrets, in particular Directive (EU) 2016/943,*** with regard to all information obtained in carrying out the verification tasks~~;~~***. The verifier may only issue a certificate of conformity after having received all the prerequisite information necessary to carry out the verification tasks*** Agreed at technical level EP amendment amended
Article 11(3), point (g)				
230	(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall take full responsibility for the tasks performed by subcontractors or subsidiaries and shall assess and monitor the qualifications of the subcontractor or the subsidiary and the work carried out by them.	(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall take full responsibility for the tasks performed by subcontractors or subsidiaries and shall assess and monitor the qualifications of the subcontractor or the subsidiary and the work carried out by them. ***Requirements of paragraph 3, points (a) to (f), shall apply also***	(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall take full responsibility for the tasks performed by subcontractors or subsidiaries and shall assess and monitor the qualifications of the subcontractor or the subsidiary and the work carried out by them. **Only the tasks that fall in the scope of accreditation of the**	(g) where a verifier subcontracts specific tasks connected with verification or has recourse to a subsidiary, it shall ***only subcontract the tasks that are within the scope of its accreditation,*** take full responsibility for the tasks performed by subcontractors or subsidiaries, and ~~*shall*~~ assess and monitor the qualifications of the subcontractor or the subsidiary and

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		to subcontractors and subsidiaries.	**verifier may be performed by subcontractors or subsidiaries. Verifiers shall ensure that the activities of their subcontractors or subsidiaries do not affect the confidentiality, objectivity or impartiality of their verification activities.**	the work carried out by them. ***The requirements of paragraph 3, points (a) to (f) shall apply to subcontractors and their subsidiaries.*** Agreed at technical level EP and Council texts merged
Article 11(3), point (ga)				
230a		***(ga) the verifier shall have a complaint and dispute resolution mechanism in place;***		*deleted* *Agreed at technical level*
Article 11(3a)				
230b			**3a. National Accreditation Bodies, Licensing Bodies or competent authorities shall notify the accreditation or licensing, the withdrawal of the accreditation or licensing or other updates in the accreditation or licensing of a verifier via the Internal Market Information System ('IMI'). Based on the information notified in IMI, the Commission shall make public the up-to-date list of verifiers on the Single Digital Gateway.**	***3a. National Accreditation Bodies, Licensing Bodies or competent authorities shall notify the accreditation or licensing, the withdrawal of the accreditation or licensing or other updates in the accreditation or licensing of a verifier via the Internal Market Information System ('IMI'). Based on the information notified in IMI, the Commission shall make public the up-to-date and searchable list of verifiers on the Single Digital Gateway.*** Agreed at technical level

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Council Mandate amended (searchable)
Article 11(3), point (gc)				
Y 230c		***(gb) the verifier who grants the certificate of conformity shall be responsible for the accuracy of the assessment of the claim which is being certified and be held accountable if an investigation finds that it has been negligent in its assessment. This accountability applies, however, only insofar as the trader did not engage in misleading commercial practices as underlined in Annex 1 of Directive 2005/29/EC.***		***(gb) the verifier who grants the certificate of conformity shall be responsible for the accuracy of the assessment of the claim which is being certified and be held accountable if an investigation finds that it has been negligent in its assessment.*** Agreed at technical level EP amendment redrafted
Article 11(3a)				
Y 230d		***3a. Accredited verifiers established in one Member State in accordance with Regulation (EC) No 765/2008 may perform verification activities in any other Member State under the same conditions as accredited verifiers established in that Member State.***		*deleted* *Agreed at technical level*
Article 12				
G *231*	Article 12 Small and medium sized enterprises	Article 12 ***Micro,*** small and medium sized enterprises	Article 12 ~~Small~~**Micro, *small and medium sized enterprises*** ~~and medium sized enterprises~~	Article 12 ***Micro,*** small and medium sized enterprises Agreed at technical level

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 12, first paragraph -a				
231a			**The Commission shall take appropriate measures including at least making available digital tools, such as for life cycle assessment calculation including relevant data inventories, adopting guidelines, and taking awareness-raising measures for facilitating the application of this Directive by SMEs, in particular by simplifying and easing the process of applying the requirements for microenterprises. The Commission shall consult Member States and organisations representing SMEs in the drafting of the guidelines and other measures. The Commission shall adopt the guidelines referred to in this subparagraph at least by … [48 months after the date of entry into force of this Directive].**	Council text agreed in principle subject to the reference to 48 months and possible editorial changes.
Article 12, first paragraph				
232	Member States shall take appropriate measures to help small and medium sized enterprises apply the requirements set out in this Directive. Those measures	Member States***, in cooperation with the Commission,*** shall take appropriate measures to help ***micro,*** small and medium sized enterprises ***to*** apply the	Member States shall take appropriate measures to help ~~small and medium sized enterprises~~**SMEs, in particular microenterprises,** apply the	Member States shall take appropriate measures to help ~~*small and medium sized enterprises*~~***SMEs, in particular microenterprises, to*** apply the

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	shall at least include guidelines or similar mechanisms to raise awareness of ways to comply with the requirements on explicit environmental claims. In addition, without prejudice to applicable state aid rules, such measures may include:	requirements set out in this Directive. Those measures shall at least include guidelines ~~*or similar mechanisms to raise awareness of ways*~~***with specific examples and procedures*** to comply with the requirements on explicit environmental claims. ~~*In addition,*~~ Without prejudice to applicable state aid rules, such measures ~~*may*~~***to be taken by the Member States shall*** include ***one or more of the following***:	requirements set out in this Directive. Those measures shall at least include guidelines or similar mechanisms to raise awareness of ways to comply with the requirements on explicit environmental claims **and the use of environmental labels**. In addition, **such measures taken by the Commission or the Member States, and** without prejudice to applicable state aid rules, ~~such measures~~ may include:	requirements set out in this Directive. Those measures shall at least include guidelines or similar mechanisms to raise awareness of ways to comply with the requirements on explicit environmental claims ***and the use of environmental labels, with specific examples. If relevant, the Commission may support the Member States in development of those measures.*** ~~.~~ In addition, without prejudice to applicable State aid rules, such measures ***to be taken by the Commission or the Member States*** may include ***one or more of the following***: Agreed at technical level EP and Council text merged
Article 12, first paragraph, point (a)				
233	(a) financial support;	(a) financial support;	(a) financial support;	Commission proposal
Article 12, first paragraph, point (aa)				
233a		***(aa) other mechanisms to raise awareness of ways to comply with the requirements on explicit environmental claims;***		***Deleted*** Agreed at technical level
Article 12, first paragraph, point (ab)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y 233b			**(aa) guidance on financial support available through the existing EU programmes;**	***(ab) guidance on financial support available through the existing EU programmes;*** Agreed at technical level Text Origin: Council Mandate
Article 12, first paragraph, point (b)				
G 234	(b) access to finance;	(b) access to finance;	(b) access to finance;	Commission proposal
Article 12, first paragraph, point (c)				
G 235	(c) specialised management and staff training;	(c) specialised management and staff training;	(c) specialised management and staff training;	Commission proposal
Article 12, first paragraph, point (d)				
Y 236	(d) organisational and technical assistance.	(d) ***tailor-made*** organisational and technical assistance.	(d) organisational and technical assistance.	(d) ***specialised*** organisational and technical assistance. Agreed at technical level Text Origin: Commission Proposal
Article 12, first paragraph, point (da)				
Y 236a		***(da) specialised management and staff training.***		***Deleted*** Agreed at technical level
Article 12, first paragraph a				
Y 236b		***In the context of Union programmes from which micro, small and medium-sized enterprises can benefit, the***		***In the context of Union programmes from which micro, small and medium-sized enterprises can benefit, the***

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		Commission shall take into account and promote initiatives which can facilitate the compliance of micro, small and medium-sized enterprises with the requirements set out in this Directive.		***Commission shall take into account and promote initiatives which can facilitate the compliance of micro, small and medium-sized enterprises with the requirements set out in this Directive.*** Agreed at technical level Text Origin: EP Mandate
Article 12, first paragraph b				
Y	236c	***Member States shall designate single points of contact for microenterprises and small and medium-sized enterprises from where they can request information on complying with the requirements on explicit environmental claims and on the available support referred to in the previous subparagraph.***		Parliament has signalled that it can agree to use existing structures. The Commission has pointed out that the Single Digital Gateway (SDG), will serve as one single interface where all companies, including SMEs, will be able to find the relevant information, and the Parliament has agreed to explore a recital along those lines (addition to recital 73a, row 83a - still to be drafted).
Article 12a				
Y	236d	***Article 12a*** ***Simplified verification system***		
Article 12a, first paragraph				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	236e		***By ... [18 months after the entry into force], the Commission shall establish, by means of a delegated act, a simplified verification system that allows traders to benefit from a simplified procedure, that may include a presumption of conformity, for certain environmental claims. In that simplified verification system, the Commission shall, where appropriate:***		Y
Article 12a, first paragraph, point (a)					
Y	236f		***(a) prioritise environmental claims that do not require the conduct of a full life-cycle analysis or the use of complex methods, due to the nature of the claim;***		Y
Article 12a, first paragraph, point (b)					
Y	236g		***(b) facilitate a faster approval of the most common environmental claims, in accordance with the list outlined in Article 3, paragraph 4a;***		Y
Article 12a, first paragraph, point (c)					
Y	236h		***(c) facilitate the approval of environmental claims that are based on and conform to***		Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		standards or methods, such as for life-cycle analysis, that have been officially recognised by the Commission, in accordance with paragraph 2 of this Article;			
Article 12a, first paragraph, point (d)					
Y	236i	***(d) allow for certification of environmental claims and environmental labels based on product specific and sectoral category rules developed pursuant to Article 3(4)(c) and 5(8), where such rules already foresee third-party verification.***			Y
Article 12a, second paragraph					
Y	236j	***In accordance with paragraph 1, the Commission shall develop a database of those recognised standards and methods that may benefit from a simplified procedure, which shall be regularly reviewed and updated.***			Y
Article 13					
G	237	Article 13 Designation of competent authorities and coordination mechanism	Article 13 Designation of competent authorities and coordination mechanism	Article 13 Designation of competent authorities and coordination mechanism	Commission proposal G
Article 13(1)					

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	238	1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Directive.	1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Directive.	1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Directive.	Commission proposal	G
Article 13(2)						
Y	239	2. For the purpose of the enforcement of Articles 5 and 6, Member States may designate the national authorities or courts responsible for the enforcement of Directive 2005/29/EC. In that case, Member States may derogate from Articles 14 to 17 of this Directive and apply the enforcement rules adopted in accordance with Articles 11 to 13 of Directive 2005/29/EC.	2. For the purpose of the enforcement of Articles 5 and 6, Member States may designate the national authorities or courts responsible for the enforcement of Directive 2005/29/EC. ~~*In that case,*~~ Member States ~~*may derogate from Articles 14 to 17 of*~~***shall ensure that consumers whose economic interests are harmed by non-compliance with*** this Directive ***have access to proportionate and effective remedies*** ~~*and apply the enforcement rules adopted*~~ in accordance with ~~*Articles 11 to 13*~~***Article 11a*** of Directive 2005/29/EC.	2. ~~For the purpose of the enforcement of Articles 5 and 6,~~**In the case that** Member States ~~may~~ designate the national authorities or courts responsible for the enforcement of Directive 2005/29/EC~~. In that case,~~ **for the purpose of the enforcement of Articles 5 and 6, those** Member States may derogate from Articles 14 to 17 of this Directive and apply the enforcement rules adopted in accordance with Articles 11 to 13 of Directive 2005/29/EC.		Y
Article 13(3)						
G	240	3. Where there is more than one competent authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that appropriate	3. Where there is more than one competent authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that appropriate	3. Where there is more than one competent authority in their territory, Member States shall ensure that the respective duties of those authorities are clearly defined and that appropriate	Commission proposal	G

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	communication and coordination mechanisms are established.	communication and coordination mechanisms are established.	communication and coordination mechanisms are established.	
Article 13(4)				
Y 241	4. Member States shall notify the Commission and other Member States without delay of the identity of the competent authorities in their Member State and the areas of competence of those authorities.	4. Member States shall notify the Commission and other Member States without delay of the identity of the competent authorities in their Member State and the areas of competence of those authorities.	4. Member States shall notify the Commission and other Member States without delay of the identity of the competent authorities in their Member State and the areas of competence of those authorities **via the Internal Market Information System**.	4. Member States shall notify the Commission and other Member States without delay of the identity of the competent authorities in their Member State and the areas of competence of those authorities ***via the Internal Market Information System***. Agreed at technical level Text Origin: Council Mandate
Article 14				
G 242	Article 14 Powers of the competent authorities	Article 14 Powers of the competent authorities	Article 14 Powers of the competent authorities	Commission proposal
Article 14(1)				
G 243	1. Member States shall confer on their competent authorities the powers of inspection and enforcement necessary to ensure compliance with this Directive.	1. Member States shall confer on their competent authorities the powers of inspection and enforcement necessary to ensure compliance with this Directive.	1. Member States shall confer on their competent authorities the powers of inspection and enforcement necessary to ensure compliance with this Directive.	Commission proposal
Article 14(2)				
G 244	2. The powers conferred on competent authorities under paragraph 1 shall include at least the following:	2. The powers conferred on competent authorities under paragraph 1 shall include at least the following:	2. The powers conferred on competent authorities under paragraph 1 shall include at least the following:	Commission proposal

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 14(2), point (a)					
G	245	(a) the power of access to any relevant documents, data or information related to an infringement of this Directive, in any form or format and irrespective of their storage medium, or the place where they are stored, and the power to take or obtain copies thereof;	(a) the power of access to any relevant documents, data or information related to an infringement of this Directive, in any form or format and irrespective of their storage medium, or the place where they are stored, and the power to take or obtain copies thereof;	(a) the power of access to any relevant documents, data or information related to an infringement of this Directive, in any form or format and irrespective of their storage medium, or the place where they are stored, and the power to take or obtain copies thereof;	Commission proposal	G
Article 14(2), point (b)					
G	246	(b) the power to require any natural or legal person to provide any relevant information, data or documents, in any form or format and irrespective of their storage medium or the place where they are stored, for the purposes of establishing whether an infringement of this Directive has occurred or is occurring and the details of such infringement;	(b) the power to require any natural or legal person to provide any relevant information, data or documents, in any form or format and irrespective of their storage medium or the place where they are stored, for the purposes of establishing whether an infringement of this Directive has occurred or is occurring and the details of such infringement;	(b) the power to require any natural or legal person to provide any relevant information, data or documents, in any form or format and irrespective of their storage medium or the place where they are stored, for the purposes of establishing whether an infringement of this Directive has occurred or is occurring and the details of such infringement;	Commission proposal	G
Article 14(2), point (c)					
G	247	(c) the power to start investigations or proceedings on their own initiative to bring about the cessation or prohibition of infringements of this Directive;	(c) the power to start investigations or proceedings on their own initiative to bring about the cessation or prohibition of infringements of this Directive;	(c) the power to start investigations or proceedings on their own initiative to bring about the cessation or prohibition of infringements of this Directive;	Commission proposal	G
Article 14(2), point (d)					
Y	248	(d) the power to require traders to adopt adequate and effective	(d) the power to require traders to adopt adequate and effective	(d) the power to require traders **or environmental labelling**	(d) the power to require traders ***or environmental labelling***	Y

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	remedies and take appropriate action to bring an infringement of this Directive to an end;	remedies and take appropriate action to bring an infringement of this Directive to an end;	**scheme owners** to adopt adequate and effective remedies and take appropriate action to bring an infringement of this Directive to an end;	***scheme owners*** to adopt adequate and effective remedies and take appropriate action to bring an infringement of this Directive to an end; Agreed at technical level Text Origin: Council Mandate
Article 14(2), point (e)				
G 249	(e) the power to adopt, where appropriate, injunctive relief with regard to infringements of this Directive;	(e) the power to adopt, where appropriate, injunctive relief with regard to infringements of this Directive;	(e) the power to adopt, where appropriate, injunctive relief with regard to infringements of this Directive;	Commission proposal
Article 14(2), point (f)				
G 250	(f) the power to impose penalties for infringements of this Directive in accordance with Article 17.	(f) the power to impose penalties for infringements of this Directive in accordance with Article 17.	(f) the power to impose penalties for infringements of this Directive in accordance with Article 17.	Commission proposal
Article 14(3)				
Y 251	3. Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose of their investigations, irrespective of the format in which or medium on which they are stored.	3. Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose of their investigations, irrespective of the format in which or medium on which they are stored.	3. Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose of their investigations **under this Directive**, irrespective of the format in which or medium on which they are stored.	3. Competent authorities may use any information, document, finding, statement or intelligence as evidence for the purpose of their investigations ***under this Directive***, irrespective of the format in which or medium on which they are stored.

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				Agreed at technical level Text Origin: Council Mandate
Article 14(3a)				
251a			**3a. The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of Fundamental Rights of the European Union. The investigation and enforcement measures adopted shall be appropriate to the nature and the overall actual or potential harm of the infringement.**	***3a. The implementation and the exercise of powers set out in this Article shall be proportionate and shall comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of Fundamental Rights of the European Union. The investigation and enforcement measures adopted shall be appropriate to the nature and the overall actual or potential harm of the infringement.*** Agreed at technical level Text Origin: Council Mandate
Article 15				
252	Article 15 Compliance monitoring measures	Article 15 Compliance monitoring measures	Article 15 ***Compliance monitoring* and corrective *measures*~~Compliance monitoring measures~~**	
Article 15(1)				
253	1. Competent authorities of the Member States designated in	1. Competent authorities of the Member States designated in	1. Competent authorities of the Member States designated in	1. Competent authorities of the Member States designated in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 13 shall undertake regular checks of the explicit environmental claims made and the environmental labelling schemes applied, on the Union market. The reports detailing the result of those checks shall be made available to the public online.	accordance with Article 13 shall undertake regular checks of the explicit environmental claims made and the environmental labelling schemes applied, on the Union market. The reports detailing the result of those checks shall be made available to the public online.	accordance with Article 13 shall undertake regular checks of the explicit environmental claims made and the environmental labelling schemes applied, on the Union market. The reports ~~detailing the result~~**consolidating the results** of those checks shall be made available to the public online.	accordance with Article 13 shall undertake regular checks of the explicit environmental claims made and the environmental labelling schemes applied, on the Union market. The reports ~~*detailing the result*~~***consolidating the results*** of those checks shall be made available to the public online. Agreed at technical level Text Origin: Council Mandate
Article 15(2)				
G 254	2. Where the competent authorities of a Member State detect an infringement of an obligation set out in this Directive, they shall carry out an evaluation covering all relevant requirements laid down in this Directive.	2. Where the competent authorities of a Member State detect an infringement of an obligation set out in this Directive, they shall carry out an evaluation covering all relevant requirements laid down in this Directive.	2. Where the competent authorities of a Member State detect an infringement of an obligation set out in this Directive, they shall carry out an evaluation covering all relevant requirements laid down in this Directive.	Commission proposal G
Article 15(3)				
Y 255	3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this	3. Where, further to the evaluation referred to in the first subparagraph, the competent authorities find that the substantiation and communication of the explicit environmental claim or the environmental labelling scheme does not comply with the requirements laid down in this	3. Where, further to the evaluation referred to in the ~~first subparagraph~~**second paragraph**, the competent authorities find that the substantiation ~~and communication~~ of the explicit environmental claim~~ or the environmental labelling scheme~~ does not comply with the	3. Where, further to the evaluation referred to in the ~~*first subparagraph*~~***second paragraph***, the competent authorities find that the substantiation and communication of the explicit environmental claim or ***environmental label or*** the environmental labelling scheme Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive, they shall notify the trader making the claim about the non-compliance and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard.	Directive, they shall notify the trader making the claim about the non-compliance ***prior to publishing the report referred to in Article 15(1)*** and require that trader to take all appropriate corrective action within 30 days to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or ***within 30 days,*** to cease the use of and references to the non-compliant explicit environmental claim. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard. ***The competent authorities may decide upon a duly justified request from the trader, in exceptional cases, to grant the trader one extension to the original 30 days, during which the trader will be required to take all appropriate corrective action.***	requirements laid down in this Directive, **and where the competent authority considers corrective measures necessary and appropriate,** they shall notify the trader ~~making~~**generating** the claim about the non-compliance and require that trader to take all appropriate corrective action ~~within 30 days~~**without delay** to bring the explicit environmental claim ~~or the environmental labelling scheme~~ into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim. ~~Such~~**Where the competent authorities find that a trader does not comply with the communication requirements laid down in this Directive, and where the competent authority considers corrective measures necessary and appropriate, they shall notify this trader about the non-compliance and require that trader to take all appropriate corrective** action **without delay to bring the communication of the explicit environmental claim into compliance with this Directive. Such actions** shall be as effective and rapid as possible, while complying with the principle	does not comply with the requirements laid down in this Directive, ***and where the competent authority considers corrective measures necessary and appropriate,*** they shall notify the trader ~~*making*~~ ***generating*** the claim ***or displaying the environmental label, or the environmental labelling scheme owner*** about the non-compliance and require that trader to take all appropriate corrective action ~~*within 30 days*~~***without delay*** to bring the explicit environmental claim or the environmental labelling scheme into compliance with this Directive or to cease the use of and references to the non-compliant explicit environmental claim ***or environmental label***. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard. Agreed at technical level Counil text amended, also incorporating row 255b.Typo corrected (deletion of "making" which was included in the text by mistake)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of proportionality and the right to be heard.	
Article 15(3a)				
255a		***3a. Where the competent authorities of a Member State establish that an explicit environmental claim or an environmental labelling scheme does not comply with the requirements laid down in this Directive, it shall require the trader to disclose, without undue delay, if the explicit environmental claim or the environmental labelling scheme has been communicated in another Member State. Where this is the case, the competent authorities who established the non-compliance shall notify without undue delay the competent authorities of the other Member States where the claim or label have been communicated of the result of the evaluation pursuant to Article 15(3).***		***3a. Where, further to the evaluation referred to in the second paragraph, the competent authorities of a Member State find that an explicit environmental claim or an environmental labelling scheme or the corresponding environmental label does not comply with the requirements laid down in this Directive, they shall require the trader to disclose, without undue delay, if the explicit environmental claim or the environmental label has been communicated in another Member State. Where this is the case, the competent authorities that established the non-compliance shall notify, without undue delay, the result of the evaluation to the competent authorities of the other Member States pursuant to paragraph 3c.*** Agreed at technical level EP text amended. reference to para 3c in row 255e
Article 15(3b)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
255b			**3a. Where, further to the evaluation referred to in the second paragraph, the competent authorities find that an environmental labelling scheme and the corresponding environmental label do not comply with the requirements laid down in this Directive, and where the competent authority considers corrective measures necessary and appropriate, they shall notify the environmental labelling scheme owner about the non-compliance and require that labelling scheme owner to take all appropriate corrective action without delay to bring the environmental labelling scheme and the corresponding environmental label into compliance with this Directive or to cease to allow for the use of and references to the non-compliant environmental label. Such action shall be as effective and rapid as possible, while complying with the principle of proportionality and the right to be heard. Where the competent authorities find that a trader displaying an environmental label does not comply with the communication requirements**	***3b.*** ***deleted*** Agreed at technical level Council text incorporated in row 255

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			laid down in this Directive, and where the competent authority considers corrective measures necessary and appropriate, they shall notify this trader about the non-compliance and require that trader to take all appropriate corrective action without delay to bring the communication of the environmental label into compliance with this Directive.	
Article 15(3c)				
255c		***3b. Where the competent authorities of a Member State establish that verifiers have repeatedly issued certificates of conformity for explicit environmental claims that do not comply with the requirements laid down in this Directive, the verifier's accreditation shall be withdrawn without undue delay.***		***3b. Where, further to the evaluation referred to in the second subparagraph, the competent authority finds that the certificate of conformity issued as per Article 10 is to be annulled or withdrawn and the verifier does not take action in line with Article 10 paragraph 7a, point c) following notification of this decision, the competent authority shall be empowered to take the appropriate actions in IMI. Where, the competent authority finds that the verifier has repeatedly issued certificates of conformity that do not comply with the requirements laid down in this Directive, the competent authority shall notify the National Accreditation Body***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				responsible for the verifier's accreditation or, as appropriate, the Licensing Body responsible for licensing of environmental verifiers as defined in Article 2 paragraph 20 of Regulation (EC) No 1221/2009 without undue delay. The relevant National Accreditation Body or Licensing Body shall take measures as set out in Article 5 paragraph 4 of Regulation (EC) n°765/2008 or, as appropriate, in Article 29 of Regulation (EC) No 1221/2009. Merging of EP and Council text in row 255d clarifying text on national accreditation bodies. The EP has indicated that it is willing to accept the text
Article 15(3d)				
255d			**3b. Where, further to the evaluation referred to in the second subparagraph, the competent authority decides that the certificate of conformity issued as per Article 10 is to be annulled or withdrawn, and the verifier does not take action in line with Article 10 paragraph 7a, point c) following notification of this decision, the competent authority shall be**	***deleted*** COUNCIL: To be deleted as incorporated in row 255c

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			empowered to take the appropriate action in IMI.	
Article 15(3e)				
Y 255e			**3c. Competent authorities shall mutually assist each other when performing compliance monitoring measures in the context of this Article and use IMI for this purpose.**	***3e. Competent authorities shall mutually assist each other when performing compliance monitoring measures in the context of this Article and use IMI for this purpose.*** Agreed at technical level Council text mvoed up to row 255c
Article 16				
G 256	Article 16 Complaint-handling and access to justice	Article 16 Complaint-handling and access to justice	Article 16 Complaint-handling and access to justice	Commission proposal
Article 16(1)				
Y 257	1. Natural or legal persons or organisations regarded under Union or national law as having a legitimate interest shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that a trader is failing to comply with the provisions of this Directive.	1. Natural or legal persons or organisations regarded under Union or national law as having a ~~*legitimate*~~***sufficient*** interest shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that ~~*a trader*~~***one or more traders or verifiers*** is failing to comply with the provisions of this Directive.	1. Natural or legal persons or organisations regarded under Union or national law as having a ~~legitimate~~**sufficient** interest**, or when they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition,** shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that a trader is	1. Natural or legal persons or organisations regarded under Union or national law as having a ~~*legitimate*~~***sufficient*** interest ***or maintaining the impairment of a right, where administrative procedural law of a Member State requires this as a precondition,*** shall be entitled to submit substantiated complaints to competent authorities when they deem, on the basis of objective circumstances, that a trader ***or a***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			failing to comply with the provisions of this Directive.	***verifier*** is failing to comply with the provisions of this Directive. Agreed at technical level EP and Council text merged
Article 16(2)				
G 258	2. For the purposes of the first subparagraph, non-governmental entities or organisations promoting human health, environmental or consumer protection and meeting any requirements under national law shall be deemed to have sufficient interest.	2. For the purposes of the first subparagraph, non-governmental entities or organisations promoting human health, environmental or consumer protection and meeting any requirements under national law shall be deemed to have sufficient interest.	2. For the purposes of the first subparagraph, non-governmental entities or organisations promoting human health, environmental or consumer protection and meeting any requirements under national law shall be deemed to have sufficient interest.	Commission proposal
Article 16(3)				
Y 259	3. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation, with a view to verify those complaints. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.	3. Competent authorities shall ***without undue delay*** assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation ***and traders or verifiers concerned***, with a view to ~~*verify*~~***detecting non-compliance with the provisions of this Directive and verifying*** those complaints. If confirmed~~,~~ the competent authorities shall take the necessary actions in accordance with Article 15.	3. Competent authorities shall assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation, with a view to verify those complaints. If confirmed, the competent authorities shall take the necessary actions in accordance with Article 15.	3. Competent authorities shall ***without undue delay*** assess the substantiated complaint referred to in paragraph 1 and, where necessary, take the necessary steps, including inspections and hearings of the person or organisation ***and traders or verifiers concerned***, with a view to ~~*verify*~~***detecting non-compliance with the provisions of this Directive and verifying*** those complaints. If confirmed~~,~~ the competent authorities shall take the necessary actions in accordance with Article 15.

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Agreed at technical level Text Origin: EP Mandate
Article 16(4)				
260	4. Competent authorities shall, as soon as possible and in any case in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it.	4. Competent authorities shall, as soon as possible and in any case ***within 30 days from receiving the substantiated concern and*** in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it ***and a description of the further steps and measures it will take. Competent authorities shall allow for additional information to be provided by the person who has submitted the concern.***	4. ~~Competent authorities shall, as soon as possible and in any case in accordance with the relevant provisions of national law, inform the person or organisation referred to in paragraph 1 that submitted the complaint of its decision to accede to or refuse the request for action put forward in the complaint and shall provide the reasons for it.~~	COUNCIL: Maintain deletion
Article 16(5)				
261	5. Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to	5. Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to	5. ~~Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to~~	5. Member States shall ensure that a person or organisation referred to in paragraph 1 submitting a substantiated complaint shall have access to a court or other independent and impartial public body competent to

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	~~review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.~~	review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Directive, without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings. Those judicial review procedures shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary. COUNCIL: Accept Commission text as part of overall balanced compromise Text Origin: Commission
Article 16(6)				
262	6. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	6. Member States shall ensure that practical information is made available to the public ***free of charge in an easily accessible and understandable manner*** on access to the administrative and judicial review procedures referred to in this Article.	6. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	6. Member States shall ensure that practical information is made available to the public ***free of charge in an easily accessible and understandable manner*** on access to the administrative and judicial review procedures referred to in this Article. Agreed at technical level

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 17				
G 263	Article 17 Penalties	Article 17 Penalties	Article 17 Penalties	Commission proposal G
Article 17(1)				
G 264	1. Without prejudice to the obligations of Member States under Directive 2008/99/EC40[1], Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. _____ 1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).	1. Without prejudice to the obligations of Member States under Directive 2008/99/EC40[1], Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. _____ 1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).	1. Without prejudice to the obligations of Member States under Directive 2008/99/EC40[1], Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. _____ 1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).	Commission proposal G
Article 17(2)				
Y 265	2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following:	2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following:	2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following**, non-**	COUNCIL: Maintain Council position Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			exhaustive and indicative criteria, where applicable:	
Article 17(2), point (a)				
G 266	(a) the nature, gravity, extent and duration of the infringement;	(a) the nature, gravity, extent and duration of the infringement;	(a) the nature, gravity, extent and duration of the infringement;	Commission proposal G
Article 17(2), point (b)				
Y 267	(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;	(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;	(b) the intentional or negligent character of the infringement and any action taken by the trader**, or the environmental labelling scheme owner […]** ~~to~~ to mitigate or remedy the damage suffered by consumers, ~~where applicable~~**[…]**;	(b) the intentional or negligent character of the infringement and any action taken by the trader***, or the environmental labelling scheme owner […]*** ~~to~~ to mitigate or remedy the damage suffered by consumers, ~~*where applicable*~~***[…]***; Agreed at technical level Text Origin: Council Mandate Y
Article 17(2), point (c)				
Y 268	(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;	(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;	(c) **and at Member States' discretion,** the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;	COUNCIL: Maintain Council position Y
Article 17(2), point (d)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	269	(d) the economic benefits derived from the infringement by those responsible;	(d) the economic benefits derived from the infringement by those responsible**, insofar as it can be determined**;	(d) the economic benefits derived from the infringement by those responsible***, insofar as it can be determined***; Agreed at technical level Text Origin: Council Mandate
	Article 17(2), point (e)			
G	270	(e) any previous infringements by the natural or legal person held responsible;	(e) any previous infringements by the natural or legal person held responsible;	(e) any previous infringements by the natural or legal person held responsible; Commission proposal
	Article 17(2), point (f)			
G	271	(f) any other aggravating or mitigating factor applicable to the circumstances of the case;	(f) any other aggravating or mitigating factor applicable to the circumstances of the case;	(f) any other aggravating or mitigating factor applicable to the circumstances of the case; Commission proposal
	Article 17(2), point (g)			
Y	272	(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394, where applicable.	(g) penalties imposed on the trader**, or the environmental labelling scheme owner** for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394~~, where applicable.~~ **;**	(g) penalties imposed on the trader***, or the environmental labelling scheme owner*** for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394~~, where applicable.~~ ***;*** Agreed at technical level Text Origin: Council Mandate
	Article 17(3), first subparagraph			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	273	3. Member States shall provide that penalties and measures for infringements of this Directive shall include:	3. ~~Member States shall provide that penalties and measures for infringements of this Directive shall include:~~	COUNCIL: Maintain deletion
	Article 17(3), first subparagraph, point (a)			
Y	274	(a) fines which effectively deprive those responsible of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;	(a) ~~fines which effectively deprive those responsible of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;~~	COUNCIL: Maintain deletion
	Article 17(3), first subparagraph, point (b)			
Y	275	(b) confiscation of revenues gained by the trader from a transaction with the relevant products concerned;	(b) ~~confiscation of revenues gained by the trader from a transaction with the relevant products concerned;~~	COUNCIL: Maintain deletion
	Article 17(3), first subparagraph, point (c)			
Y	276	(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.	(c) ~~temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.~~	COUNCIL: Maintain deletion
	Article 17(3), second subparagraph			
Y	277	For the purposes of point (a), Member States shall ensure that	~~For the purposes of point (a), Member States shall ensure that~~	COUNCIL:

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394[1], the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned. 1. OJ L 345, 27.12.2017, p. 1.	when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394[1], the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned. 1. OJ L 345, 27.12.2017, p. 1.	~~when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394[1], the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.~~ ~~1. OJ L 345, 27.12.2017, p. 1.~~	Maintain deletion	
	Article 18					
G	278	Article 18 Exercise of the delegation	Article 18 Exercise of the delegation	Article 18 Exercise of the delegation	Commission proposal	G
	Article 18(1)					
G	279	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	Commission proposal	G
	Article 18(2)					
Y	280	2. The power to adopt delegated acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of	2. The power to adopt delegated acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [OP please insert the date = the date of transposition of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of	2. The power to adopt delegated acts as referred to in Article 3(4) and Article 5(8) shall be conferred on the Commission for a period of five years from [***OP please insert the date = the date of transposition of this Directive***~~OP please insert the date = the date of transposition of this Directive~~]. The Commission shall draw up a report in respect of the delegation of power not later than nine	In principle agreement but provision needs to be adapated to final agreement on provisions that will be the subject of delegated acts. Subject to final confirmation, date of transposition as reference should be changed to date of entry into force.	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 18(3)				
G 281	3. The delegation of power referred to in Article 3(4) and Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 3(4) and Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 3(4) and Article 5(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	Commission proposal G
Article 18(4)				
G 282	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	Commission proposal G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(5)				
G	283	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 3(4) and Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 3(4) and Article 5(8) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 3(4) and Article 5(8)– shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	Commission proposal
Article 18a				
Y	283a		***Article 18a Consultation forum***		
Article 18a(1)				
Y	283b		***1. The Commission shall establish a green claims consultation forum (the Forum) involving balanced participation of Member States'***		

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		representatives and all relevant interested parties, such as industry representatives, including micro, small and medium-sized enterprises and craft industry representatives, trade unions, traders, retailers, importers, academic researchers, environmental protection groups and consumer organisations. The Commission shall consult the forum on the following:		
Article 18a(1), point (a)				
Y	283c	***(a) the establishment of the working plans referred to in Article 3(4a);***		Y
Article 18a(1), point (b)				
Y	283d	***(b) the development of delegated acts;***		Y
Article 18a(1), point (c)				
Y	283e	***(c) update to the requirements for the substantiation and communication of environmental claims;***		Y
Article 18a(1), point (d)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	283f		***(d) any evaluation of the requirements for the substantiation and communication of environmental claims;***		Y
Article 18a(1), point (e)					
Y	283g		***(e) any evaluation of the effectiveness of the existing requirements for the substantiation and communication of environmental claims.***		Y
Article 19					
G	284	Article 19 Committee procedure	Article 19 Committee procedure	Article 19 Committee procedure	Commission proposal G
Article 19(1)					
G	285	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	Commission proposal G
Article 19(2)					
Y	286	2. Where reference is made to this paragraph, Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, **Article 5 of Regulation (EU) No 182/2011 shall apply.** **Where the committee delivers no opinion, the Commission shall not adopt the draft**	Y

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
				implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.		
Article 20						
G	287	Article 20 Monitoring	Article 20 Monitoring	Article 20 Monitoring	Commission proposal	G
Article 20(1)						
G	288	1. Member States shall regularly monitor the application of this Directive based on:	1. Member States shall regularly monitor the application of this Directive based on:	1. Member States shall regularly monitor the application of this Directive based on:	Commission proposal	G
Article 20(1), point (a)						
Y	289	(a) an overview of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16;	(a) an overview of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16;	(a) ~~an overview of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16;~~	(a) an overview of the types of explicit environmental claims and of environmental labelling schemes which have been subject to substantiated complaints in accordance with Article 16; Agreed at technical level Text Origin: Commission Proposal	Y
Article 20(1), point (b)						
Y	290	(b) an overview of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader to take corrective action, in accordance with Article 15, or	(b) an overview of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader to take corrective action, in accordance with Article 15, or	~~(b)~~ an overview **of the types** of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader **or the environmental labelling scheme**	~~(b)~~ an overview ***of the types*** of explicit environmental claims and of environmental labelling schemes with regard to which competent authorities have required the trader ***or the environmental labelling scheme***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	have imposed penalties in accordance with Article 17.	have imposed penalties in accordance with Article 17.	**owner** to take corrective action, in accordance with Article 15, or have imposed penalties in accordance with Article 17.	***owner*** to take corrective action, in accordance with Article 15, or have imposed penalties in accordance with Article 17. Agreed at technical level Text Origin: Council Mandate
Article 20(2)				
291	2. The information referred to in paragraph 1 shall specify the explicit environmental claim or environmental labelling scheme, the nature of the alleged infringement, the nature and duration of the corrective action and, if applicable, the penalty imposed.	2. The information referred to in paragraph 1 shall specify the explicit environmental claim or environmental labelling scheme, the nature of the alleged infringement, the nature and duration of the corrective action and, if applicable, the penalty imposed.	2. The information referred to in paragraph 1 shall specify the explicit environmental claim or environmental labelling scheme, the nature of the ~~alleged~~ infringement, the nature and duration of the corrective ~~action~~**actions** and, if applicable, the penalty imposed.	2. The information referred to in paragraph 1 shall specify the explicit environmental claim or environmental labelling scheme, the nature of the alleged infringement, the nature and duration of the corrective ~~*action*~~***actions*** and, if applicable, the penalty imposed. Agreed at technical level Text Origin: Commission Proposal
Article 20(3)				
292	3. Member States shall provide the information referred to in paragraph 1 to the Commission on an annual basis.	3. Member States shall provide the information referred to in paragraph 1 to the Commission on an annual basis.	3. Member States shall provide the information referred to in paragraph 1 to the Commission on ~~an annual~~**a biennial** basis.	3. Member States shall provide the information referred to in paragraph 1 to the Commission on ~~*an annual*~~***a biennial*** basis. Agreed at technical level Text Origin: Council Mandate

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 20(3a)					
Y	292a		***3a. National competent authorities shall actively collaborate and regularly exchange best practices regarding the implementation of this Directive.***		***3a. deleted*** Agreed at technical level	Y
Article 20(4)					
G	293	4. Based on the information collected pursuant to paragraph 3 and the information made available by the Member States pursuant to Article 15(1), and, if necessary, additional consultations with competent authorities, the European Environmental Agency shall publish, every two years, a report containing an assessment of the evolution of explicit environmental claims and environmental labelling schemes in each Member State and for the Union as a whole. The report shall enable a differentiation according to the size of the trader making the claim and according to the quality of the substantiation.	4. Based on the information collected pursuant to paragraph 3 and the information made available by the Member States pursuant to Article 15(1), and, if necessary, additional consultations with competent authorities, the European Environmental Agency shall publish, every two years, a report containing an assessment of the evolution of explicit environmental claims and environmental labelling schemes in each Member State and for the Union as a whole. The report shall enable a differentiation according to the size of the trader making the claim and according to the quality of the substantiation.	4. Based on the information collected pursuant to paragraph 3 and the information– made available by the Member States pursuant to Article 15(1), and, if necessary, additional consultations with competent authorities, the European Environmental Agency shall publish, every two years, a report containing an assessment of the evolution of explicit environmental claims and environmental labelling schemes in each Member State and for the Union as a whole. The report shall enable a differentiation according to the size of the trader making the claim and according to the quality of the substantiation.	Commission proposal	G
Article 21					
G	294	Article 21 Evaluation and review	Article 21 Evaluation and review	Article 21 Evaluation and review	Commission proposal	G
Article 21(1)					

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	295	1. By [OP please insert the date = 5 years after the date of transposition of this Directive], the Commission shall carry out an evaluation of this Directive in light of the objectives that it pursues and present a report on the main findings to the European Parliament and the Council.	1. By [OP please insert the date = 5 years after the date of transposition of this Directive], the Commission shall carry out an evaluation of this Directive in light of the objectives that it pursues and present a report on the main findings to the European Parliament and the Council.	1. By [OP please insert the date = 5 years after the date of transposition of this Directive], the Commission shall carry out an evaluation of this Directive in light of the objectives that it pursues and present a report on the main findings to the European Parliament and the Council.	Commission proposal	G
Article 21(2)						
G	296	2. The report referred to in paragraph 1 shall assess whether this Directive has achieved its objective, in particular with regard to:	2. The report referred to in paragraph 1 shall assess whether this Directive has achieved its objective, in particular with regard to:	2. The report referred to in paragraph 1 shall assess whether this Directive has achieved its objective, in particular with regard to:	Commission proposal	G
Article 21(2), point (a)						
Y	297	(a) ensuring that explicit environmental claims made about the environmental performance of a product or trader are based on reliable, comparable and verifiable information;	(a) ensuring that explicit environmental claims made about the environmental performance of a product or trader are based on reliable, comparable and verifiable information;	(a) ensuring that explicit environmental claims **and environmental labels** made about the environmental performance of a product or trader are based on reliable, comparable and verifiable information;	(a) ensuring that explicit environmental claims ***and environmental labels*** made about the environmental performance of a product or trader are based on reliable, comparable and verifiable information; Agreed at technical level Text Origin: Council Mandate	Y
Article 21(2), point (aa)						
Y	297a			**(aa) ensuring the implementation and**	***(aa) the effectiveness of the simplified procedure set out in Article [3a], as regards ensuring***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			effectiveness of the simplified procedure set out in Article 3a;	***high level of consumer and environmental protection, effects on traders, in particular SMEs, and the functioning of the internal market;*** Agreed at technical level Council text amended, ref to art 3a in brackets
Article 21(2), point (b)				
G	298	(b) ensuring that environment labelling schemes are based on certification schemes and meet the relevant requirements set out in Article 8;	(b) ensuring that environment labelling schemes are based on certification schemes and meet the relevant requirements set out in Article 8;	(b) ensuring that environment labelling schemes are based on certification schemes and meet the relevant requirements set out in Article 8; Commission proposal
Article 21(2), point (c)				
Y	299	(c) ensuring that new private environmental labelling schemes concerning products or traders already covered by existing schemes are approved by the Member States only if they provide added value as compared to the existing schemes;	(c) ensuring that new ~~private~~ environmental labelling schemes concerning products or traders already covered by existing schemes are approved by the Member States **or the Commission** only if they provide added value as compared to the existing **Union, national or regional environmental labelling** schemes;	(c) ensuring that new ~~*private*~~ environmental labelling schemes concerning products or traders already covered by existing schemes are approved by the Member States ***or the Commission*** only if they provide added value as compared to the existing ***Union, national or regional environmental labelling*** schemes; Agreed at technical level Text Origin: Council Mandate
Article 21(2), point (d)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	300	(d) setting out the rules for communicating explicit environmental claims on the Union market, and avoiding duplication of costs when communicating such claims;	(d) setting out the rules for communicating explicit environmental claims **and environmental labels** on the Union market, and avoiding duplication of costs when communicating such claims **or labels**;	(d) setting out the rules for communicating explicit environmental claims ***and environmental labels*** on the Union market, and avoiding duplication of costs when communicating such claims ***or labels***; Agreed at technical level Text Origin: Council Mandate	Y
Article 21(2), point (da)					
Y	300a		***(da) ensuring that traders effectively prioritise emission reductions in their own operations and value chains, by assessing the adequacy of the provisions related to the use of carbon credits;***		Y
Article 21(2), point (e)					
G	301	(e) strengthening the functioning of the internal market.	(e) strengthening the functioning of the internal market.	(e) strengthening the functioning of the internal market, ***including by ensuring that verification procedures pursuant to Article 10 paragraphs 1 and 2 do not lead to its fragmentation***. Agreed at technical level	G
Article 21(2), point (ea)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	301a		***(ea) facilitating transition towards toxic free environment.***		Y
Article 21(2), point (ea)				
Y	301b			**(ea) the appropriateness and the effectiveness of the support for SMEs, in particular microenterprises.**	***(ea) the need for further measures to support SMEs in their application of this Directive.*** Agreed at technical level	Y
Article 21(2a)				
Y	301c			**2a. In the context of the reporting of Directive (EU) 2024/825, the Commission shall assess the complementarity of and need for more congruence between the Directive (EU) 2024/825 and this Directive. In light of this assessment, the Commission shall submit, as part of the review of Directive (EU) 2024/825, a report to the European Parliament and the Council no later than 27 September 2031.**	***(2a) In the context of the report referred to in paragraph 1, the Commission shall assess the interplay between this Directive and Directive 2005/29/EC.*** Agreed at technical level	Y
Article 21(3)				
G	302	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	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	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	Commission proposal	G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive, including considering further provisions on:	Directive, including considering further provisions on:	Directive, including considering further provisions on:	
Article 21(3), point (a)				
303	(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of mandating the use of common, and where relevant life-cycle based, method for substantiation of environmental claims;	(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of mandating the use of common, and where relevant life-cycle based, method for substantiation of environmental claims;	(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of mandating the use of common, and where relevant life-cycle based, ~~method~~**methods** for substantiation of **explicit** environmental claims **or environmental labels**;	(a) unlocking opportunities for the circular, bio and green economy by assessing the appropriateness and feasibility of mandating the use of common, and where relevant life-cycle based, ~~*method*~~***methods*** for substantiation of ***explicit*** environmental claims ***or environmental labels***; Agreed at technical level Text Origin: Council Mandate
Article 21(3), point (b)				
304	(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;	*deleted*	(b) facilitating **the** transition towards **a** toxic free environment by considering introducing a prohibition of **explicit** environmental claims **or environmental labels** for products containing **substance classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in any of the following hazard classes or hazard categories:** **- Carcinogenicity categories 1 and 2,** **- Germ cell mutagenicity categories 1 and 2,**	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			- 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 ~~substances~~ **to the aquatic environment, acute category 1 or chronic category 1,** **- Persistent, Mobile and Toxic or Very Persistent, Very Mobile properties,** **- Persistent, Bioaccumulative and Toxic or Very Persistent, Very Bioaccumulative properties,** except ~~where their use is considered essential for the society in line with the criteria~~**under specified conditions** to be developed by the Commission;	
Article 21(3), point (ba)				
304a		***(ba) further strengthening consumer protection and the functioning of the internal market by considering extending the requirements on substantiation of explicit environmental claims to micro enterprises;***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 21(3), point (c)					
Y	305	(c) further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or impacts such as durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance or sustainability, bio-based elements, biodegradability, biodiversity, waste prevention and reduction.	(c) further harmonisation as regards requirements on the substantiation of specific environmental claims on environmental aspects or impacts such as durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance or sustainability, bio-based elements, biodegradability, biodiversity, waste prevention and reduction.	(c) further harmonisation as regards requirements on the substantiation of ~~specific~~**certain types of explicit** environmental claims **or environmental labels** on environmental aspects or impacts such as durability, reusability, reparability, recyclability, recycled content, use of natural content, including fibers, environmental performance or sustainability, bio-based elements, biodegradability, biodiversity, **including the use of biodiversity credits,** waste prevention and reduction.		Y
Article 22					
G	306	Article 22 Amendment to Regulation (EU) 1024/2012	Article 22 Amendment to Regulation (EU) 1024/2012	Article 22 Amendment to Regulation (EU) 1024/2012	Commission proposal	G
Article 22, first paragraph					
G	307	In the Annex to Regulation (EU) 1024/2012, the following point is added:	In the Annex to Regulation (EU) 1024/2012, the following point is added:	In the Annex to Regulation (EU) 1024/2012, the following point is added:	Commission proposal	G
Article 22, first paragraph, amending provision, first paragraph					
Y	308	‘ X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of	‘ X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of	‘X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of	‘X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	… on substantiation and communication of explicit environmental claims (OJ L …, date, page: Articles 13(3) and 15). ’,	… on substantiation and communication of explicit environmental claims (OJ L …, date, page: Articles 13(3) and 15). ’,	… on substantiation and communication of explicit environmental claims **and environmental labels** (OJ L …, date, page: Articles 13(3) and 15)**’**. ’,	… on substantiation and communication of explicit environmental claims ***and environmental labels*** (OJ L …, date, page: Articles 13(3) and 15)***’***. ’, Agreed at technical level Text Origin: Council Mandate
Article 23				
G 309	Article 23 Amendments to Regulation (EU) 2017/2394	Article 23 Amendments to Regulation (EU) 2017/2394	Article 23 Amendments to Regulation (EU) 2017/2394	Commission proposal G
Article 23, first paragraph				
G 310	In the Annex to Regulation (EU) 2017/2394, the following point is added:	In the Annex to Regulation (EU) 2017/2394, the following point is added:	In the Annex to Regulation (EU) 2017/2394, the following point is added:	Commission proposal G
Article 23, first paragraph, amending provision, first paragraph				
Y 311	’, X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims (OJ L …, date, page). ’,	’, X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims (OJ L …, date, page). ’,	’, **’**X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims **and environmental labels** (OJ L …, date, page).**’** ’,	’, ***’***X. [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims ***and environmental labels*** (OJ L …, date, page).***’*** ’, Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Agreed at technical level Text Origin: Council Mandate
Article 24				
312	Article 24 Amendment to Directive (EU) 2020/1828	Article 24 Amendment to Directive (EU) 2020/1828	Article 24 Amendment to Directive (EU) 2020/1828	Commission proposal
Article 24, first paragraph				
313	In Annex I to Directive (EU) 2020/1828, the following point is added:	In Annex I to Directive (EU) 2020/1828, the following point is added:	In Annex I to Directive (EU) 2020/1828, the following point is added:	Commission proposal
Article 24, first paragraph, amending provision, first paragraph				
314	‘ (X) [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims (OJ L …, date, page). ’	‘ (X) [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims (OJ L …, date, page). ’	‘ ‘(X) [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims **and environmental labels** (OJ L …, date, page).-	‘ ‘(X) [OP: Please insert the next consecutive number] Directive (EU) … of the European Parliament and of the Council of … on substantiation and communication of explicit environmental claims ***and environmental labels*** (OJ L …, date, page).- Agreed at technical level Text Origin: Council Mandate
Article 24a				
314a			**Article 24a** **Amendments to Regulation (EU) No 2018/1724**	***Article 24a*** ***Amendments to Regulation (EU) No 2018/1724***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Agreed at technical level Text Origin: Council Mandate
Article 24a, first paragraph				
314b			**Regulation (EU) 2018/1724 is amended as follows:**	***Regulation (EU) 2018/1724 is amended as follows:*** Agreed at technical level Text Origin: Council Mandate
Article 24a, second paragraph				
314c			**1. In Annex I, in the second column, in the row "H. Consumer rights", the following point is added: '9. Substantiation and communication of environmental claims'**	***1. In Annex I, in the second column, in the row "H. Consumer rights", the following point is added: '9. Substantiation and communication of environmental claims'*** Agreed at technical level Text Origin: Council Mandate
Article 24a, third paragraph				
314d			**2. In Annex I, in the second column, in the row "J. Starting, running and closing a business", the following point is added: '13. Corporate sustainability and responsibility'** ,	***2. In Annex I, in the second column, in the row "J. Starting, running and closing a business", the following point is added: '13. Corporate sustainability and responsibility'*** , Agreed at technical level

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 25				
315	Article 25 Transposition	Article 25 Transposition	Article 25 Transposition	Commission proposal
Article 25(1), first subparagraph				
316	1. 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.	1. 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.	1. 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] the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately communicate the text of those measures to the Commission.	
Article 25(1), second subparagraph				
317	They shall apply those measures from [OP please insert the date = 24 months after the date of entry into force of this Directive].	They shall apply those measures from [OP please insert the date = ~~24~~***30*** months after the date of entry into force of this Directive].	**Subject to paragraph 1a,** they shall apply those measures from [OP please insert the date = ~~24~~**36** months after the date of entry into force of this Directive].	
Article 25(1), third subparagraph				
318	When Member States adopt those measures, 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	When Member States adopt those measures, 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	When Member States adopt those measures, 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	Commission proposal

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	determine how such reference is to be made.	determine how such reference is to be made.	determine how such reference is to be made.	
Article 25(1), third subparagraph a				
318a		***This Directive shall apply to small enterprises within the meaning of Commission Recommendation 2003/361/EC by 42 months after its entry into force.***		
Article 25(1a)				
318b			**1a. Member States shall apply Article 3 paragraphs 1, 1a, 2 and 6 […], Article 3a, Article 4 […], Article 5 paragraphs 1, 2, 3, 6a, 6b, 6c, 6d, 7 and 8 […], Article 6, Article 9, and Article 10 paragraph 4 from [OP please insert the date = 50 months after the date of entry into force of this Directive] to traders that are microenterprises within the meaning of Commission Recommendation 2003/361/EC.**	
Article 25(1a)				
318c		***1a. Member States may introduce a transitional period, between the date of entry into force and the date of application of this Directive, during which existing environmental claims submitted for verification can be used.***		***1a. deleted*** Agreed at technical level

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25(2)				
319	2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.	Commission Proposal
Article 26				
320	Article 26 Entry into force	Article 26 Entry into force	Article 26 Entry into force	Commission Proposal
Article 26, first paragraph				
321	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	Commission Proposal
Article 27				
322	Article 27 Addressees	Article 27 Addressees	Article 27 Addressees	Commission Proposal
Article 27, first paragraph				
323	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	Commission Proposal
Formula				
324	Done at Brussels,	Done at Brussels,	Done at Brussels,	Commission Proposal
Formula				
325	For the European Parliament	For the European Parliament	For the European Parliament	Commission Proposal
Formula				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
326	The President	The President	The President	Commission Proposal
Formula				
327	For the Council	For the Council	For the Council	Commission Proposal
Formula				
328	The President	The President	The President	Commission Proposal

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