

EEB draft feedback: Empowering the consumer for the green transition

The EEB welcomes the initiative “Empowering the consumer for the green transition”. Preventing greenwashing and early obsolescence are necessary priorities in the Green Deal, as well as Europe’s post Covid19 recovery. Consumer legislation should support the forthcoming sustainable products initiative, and its objective “to make sustainable goods, services and business models the norm”. The focus must be on removing unsustainable products from the EU market - not simply improving information provision and placing the burden on consumers to choose sustainable products. Any labels and schemes should be science-based, clearly certify only beyond average performance and be more ambitious than legislative requirements in the EU. Recommendations are given below for the two core areas addressed by this initiative:

Environmental claims

- A proliferation of environmental claims made about products and companies, has resulted in a high level of distrust and confusion from consumers.
- A white list of environmental labels should be established - this should identify only Type 1 ISO ecolabels (e.g. EU Ecolabel and Nordic swan) and a small number of credible independently verified labels (e.g. the EU organic label).
- Blacklisting confusing or misleading green claims should be carefully considered – examples include “climate friendly”, “climate neutral, and the “green dot” (for non-recyclable items).¹
- Conditions should be established for single issue or qualitative claims – like those in place for the organic label. Reports of abuse in established private labels (such as those for seafood, aquaculture, and forestry products certifying unsustainable or illegally harvested products) are widespread and should be investigated seriously by the Commission.
- Environmental Product Declarations (EPDs) should be permitted but only when following the rules set by the Commission in the initiative “substantiating green claims” (i.e. when based on a study following the product environmental footprint rules; when information is relevant to the product; there is no burden shifting between impact categories and when performance is above the benchmark).
- Environmental information, such as PEF results, repair manuals, toxicity, recycling guidelines, due diligence performance etc. should be made readily available to a range of actors in supply chains enabled by EU’s product passport initiative.
- An open and transparent pre-approval process such as the one applied by EFSA for health claims on food should be explored for claims and labels. Once approved, there should be a process in place to systematically increase the scheme’s level of ambition to reflect regulatory improvements and prevent backsliding.
- Legislation should set clear principles for approved labels, ensuring that independent bodies set the standards and limit the conflict of interest from certifiers and auditors – often there is a clear economic incentive for certification and compliance results to be positive. Broader

¹ See this recent report on how consumers are confused re Green Dot and other recycling labels: <https://www.consumersinternational.org/news-resources/news/releases/plastic-recycling-labelling-confusing-and-inconsistent/>

engagement of stakeholders, including independent civil society organisations, in establishing standards should be ensured, as well as transparency and availability of the criteria applied by the scheme throughout the life cycle and supply chain. In addition, standards should have appropriate grievance mechanisms in place to enable reports of abuses and access to remedies.² Companies should not be allowed to pick and choose between different criteria or be granted variances³ – i.e. achieving certification before they meet the criteria. Certificates should be removed in the case of non-compliance.

- Green products must also be fair and socially sustainable. Consumer information requirements should encourage due diligence and greater traceability in supply chains.

Product obsolescence

- Consumer legislation should support material efficiency objectives and set horizontal requirements for products on the EU market - notably for those product groups not prioritised in an expanded ecodesign directive
- Information requirements should be set on both the durability and reparability of products. The repair score index developed by the JRC is ready to be implemented. Information on the expected average lifetime of products should be made available.
- Access to spare parts and repair information for independent repairers and community groups is critical to developing a thriving repair economy in Europe. This includes the availability of diagnostic tools, preventing the use of software locks and digital rights management which prevent repair. Community repair plays a unique role filling the gap for small appliances (for which the cost of repair would be more than the price of the product) as well as providing an array of social benefits for often otherwise excluded groups.
- Making product and repair information as open and accessible as possible to all actors in a value chain (e.g. with clear warnings for live wires, toxicity, and compressed gases) is safer than not making the information available at all.
- Software updates should be made available for the expected lifetime of a device with an information requirement to make this visible to consumers. When support is terminated (e.g. because a manufacturer no longer exists) operating systems should be made open source to provide credible and legal means for third parties or users to continue using their products.
- An extension to legal guarantees could be given to product groups with significantly longer lifetime than 2 years (e.g. for a washing machine). If so, an extended period of burden of proof should also be placed on the manufacturer. N.b. Extended guarantees could have an unforeseen consequence/risk for the independent repair sector which should be carefully considered.
- Service or access-based business models should be based on value retention not replacement and unnecessary upgrades.
- The cost of repair relative to buying new should be managed, for example through VAT reductions and caps on the price of spares and taxation advantages for repair services.

² <https://www.msi-integrity.org/not-fit-for-purpose/key-insights/>

³ <https://www.seachoice.org/wp-content/uploads/2017/09/Seachoice-ASCMSC-Report-Online.pdf>