

EEB feedback on the proposal for a directive on empowering consumers for the green transition

The amendments proposed to the Unfair Commercial Practices Directive (UCPD) and the Consumer Rights Directive (CRD) are a step in the right direction to counter the lack of reliable information on products' durability and reparability, early obsolescence and greenwashing.

Boosting products durability and reparability

The proposal to achieve greater transparency on the length of commercial guarantees of durability and on how long software updates are available improve the current situation, but more is needed to achieve longer products' lifespan. An important limitation is that the seller will provide key information only if the producer makes it available. The following should be considered:

- Sellers should inform, in a harmonized way, about the availability of commercial guarantees of durability for all products (not just energy related) and also communicate when no information is provided by producers on software updates.
- Manufacturers should provide information on the expected lifetime for their products (with legal guarantees being adapted accordingly to this), as well as committing to software updates during the expected lifespan of products.

We welcome the obligation to inform consumers where a repair score is available, but this will take time to develop. Otherwise, the seller is required to provide information on repair only if provided by the manufacturer. However, consumers should systematically receive information on reparability for all products, such as the availability of spare parts, tools and manuals.

If the CRD has limitations to integrate these obligations, the Ecodesign regulation should require manufacturers to provide information on expected lifespan and on reparability as a horizontal requirement for all products.

Tackling early obsolescence

The prohibition through UCPD of practices leading to products' premature obsolescence is very relevant. However, proving the manufacturer's intention to limit the lifespan of products might be challenging to enforce. Introducing software updates which limit product functionality or features reducing durability should be prohibited, not simply allowed if consumers are informed. Similarly, preventing use of non-Original Equipment Manufacturer's consumables should be banned completely.

To reinforce the proposed measures, the legislation should generally ban premature obsolescence.

Tackling greenwashing

We welcome the ban of general green claims when the environmental performance of the product cannot be demonstrated by trustworthy schemes. However, the following aspects are unclear:

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*International non-profit association • Association internationale sans but lucratif (AISBL) • EC register for interest representatives:
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How will environmental claims not related to overall performance be tackled? Claims about specific attributes should be clearly regulated too.

Although the proposal blacklists general claims such as “climate neutral”, companies will still be allowed to make such claims if they are specific (e.g. “carbon neutral based on a given standard”). All carbon neutral claims should be blacklisted where they rely on offsetting.

More stringent rules on claims on future performance should also be considered, notably banning future claims which rely on offsetting schemes or technology which has not been proven at scale.

A ban of social claims not based on robust certification should also be considered.

Transparency and credibility of sustainability labels

We welcome the restriction of labels that are not third party verified. The criteria should be publicly available, developed through independent processes, periodically revised and represent a significant improvement compared to standard performance in the market.

Additional considerations

To facilitate market surveillance, the EU should introduce a “no data, no claim” principle by requiring public registration of green claims and evidence, or else oblige companies to make them publicly available ex-ante.

A list of approved sustainability labels and claims based on robust standards should be considered to prevent risk of greenwashing and enable efficient enforcement.

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