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On 30 March 2022, the Commission submitted a proposal for a directive on empowering consumers for the green transition, as part of the circular economy package.

With its resolution of 25 November 2020 on a more sustainable single market for business and consumers, the Parliament called on the Commission to consider a number of measures, such as improving information for consumers on the durability and reparability of products; protecting consumers from greenwashing and premature obsolescence; facilitating repair. It reiterated this call in its resolution on the New Circular Economy Action Plan, adopted on 10 February 2021.

The proposed directive proposed would amend the Unfair Commercial Practices Directive (UCPD) and the Consumer Rights Directive (CRD). It would include the following:

- Consumers would have to be informed which products are more durable and repairable. Environmental and social impact, durability and reparability would be added to the list of product characteristics about which traders are forbidden to mislead consumers (Article 6 UCPD);
- Traders providing a service that compares sustainability of products would be required to disclose information on the method of comparison, the products that are being compared and suppliers of the products or risk being found to be misleading consumers by means of omission of material information (Article 7 UCPD);
- Ten new commercial practices would be added to the list of commercial practices that banned in all circumstances (Annex I UCPD), including displaying a sustainability label that is not based on a certification scheme or not established by public authorities; making generic environmental claims; presenting requirements imposed by law on all products as a distinctive feature of a trader's offer; omitting to inform the consumer about a feature of a product that limits its durability; false claims about durability of a product; false claims about reparability of a product; persuading the consumer to replace a product earlier than necessary for technical reasons;
- When buying products, consumers would have to be informed that the producer offers a commercial guarantee of durability longer than the current two-year legal guarantee, if that is the case. Consumers would also have to be provided with a reparability score, if a reparability score is already established for that product under EU law, or information about the availability of spare parts and user and repair manual, if the producer has made such information available (Articles 6 and 7 CRD).

Member States would be required to transpose the directive 18 months from the adoption at the latest and would have additional six

months to start with its application.

In Parliament, the file was referred to the Committee on the Internal Market and Consumer Protection (IMCO), with Biljana Borzan (S&D, Croatia) as rapporteur. On 20 May 2022, the Committee on environment, public health and food safety was associated. On 29 September 2022, the draft rapport was published. Amendments were included to further strengthen the proposal. Their aim is to better regulate sustainability labels and sustainability information tools, as well as environmental claims.

Regarding the environmental claims, the rapporteur proposed to ban future environmental claims based solely on carbon offsetting schemes, since such schemes lack a regulatory background. Other future environmental claims must be adequately substantiated by a feasible implementation plan and verifiable targets. The rapporteur considers that claims related to future environmental performance should not be used on the product level as they can mislead the consumer on the current environmental performance of the products in question. Additionally, the rapporteur set a ban on claims exhibiting neutral or positive greenhouse gas emissions' impact on the environment as that is impossible to achieve from a scientific point of view.

The rapporteur also introduced a guaranteed lifespan label that reflects both, the minimum period the consumer is covered by a free legal guarantee of two years as well as an indication of the lifespan of the product. The producers and traders can prolong this guarantee beyond two years, but they can indicate it on a label only if it does not entail additional costs for the consumer and if it applies to the whole product.

To achieve a truly sustainable economy, it is key to encourage the repair of products. Consumers should therefore be informed before the purchase of a product on the availability and affordability of spare parts necessary to repair it, including the length of the period during which spare parts and accessories are available, the procedure of ordering them. The rapporteur suggested banning the marketing of goods which do not allow repair in accordance with legal requirements. The rapporteur believes that a complete ban on all forms of premature obsolescence should be imposed, ranging from software features that limit the durability of products, to hardware features introduced with a similar purpose.

During the Plenary session of May 2023, Parliament endorsed the report.

On 3 May 2023, the Council adopted its negotiating mandate. It reinforces consumer rights, bans generic environmental claims, and introduces a harmonised graphic format.

Three trilogues meetings were organised on 1 June, 26 June, and 19 September 2023 when a provisional agreement was found. It was agreed in particular to ban generic environmental claims and sustainability labels not based on approved certification schemes or established by public authorities. The agreement also includes improved visibility of guarantee information and the introduction of a new guarantee extension label.

On 28 November 2023, IMCO committee adopted unanimously (39 votes in favor, 1 abstention) the agreement. The Plenary endorsed the agreement on 17 January 2024 with 593 votes in favour, 21 against, and 14 abstentions.

References:

- EP Legislative Observatory, [Procedure file on Empowering consumers for the green transition through better protection against unfair practices and better information](#), 2022/0092(COD)
- European Parliament, [EU to ban greenwashing and improve consumer information on product durability](#), press release, 2023
- European Parliament, [Empowering consumers for the green transition](#), news alert, 2023
- European Parliament, [Empowering consumers for the green transition, subject file](#), 2023
- Council of the European Union, [documents register](#), 2023
- Council of the EU, [Empowering consumers for the green transition: Council adopts its position](#), press release, 2023
- European Commission, [Proposal for a directive as regards empowering consumers for the green transition through better protection against unfair practices and better information](#), COM(2022) 143
- European Parliament, [Resolution of 25 November 2020 Towards a more sustainable single market for business and consumers](#), 2020/2021(INI)
- European Parliament, [Resolution of 10 February 2021 on the New Circular Economy Action Plan](#), 2020/2077(INI)
- European Commission, [A new Circular Economy Action Plan: For a cleaner and more competitive Europe](#), COM(2020)98

Further reading:

- Council of the EU, [Progress report on the directive on empowering consumers for the green transition](#), 2022
- European Parliament, EPRS, [Empowering consumers for the green transition](#), Briefing, EU Legislation in Progress, June 2022
- European Parliament, IPOL, [Sustainable Consumption and Consumer Protection Legislation](#), In-depth analysis, April 2020
- European Parliament, EPRS, [Sustainable consumption: Helping consumers make eco-friendly choices](#), Briefing, October 2020
- European Parliament, EPRS, [Towards a more sustainable single market for business and consumers](#), At a glance, November 2020

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