

To:

Isabelle Perignon,
Director Consumers,
Directorate-General for Justice and Consumers (DG JUST)

CC:

Daniela Bankier,
Head of Unit Consumer Policy and Sustainability,
Directorate-General for Justice and Consumers (DG JUST)

Brussels, 7 November 2024

Subject: Industry calls for FAQ document to ensure harmonised implementation of the Directive on Empowering Consumers for the Green Transition

Dear Ms Perignon,

Our associations are fully committed to providing consumers with accurate, transparent and relevant information on the sustainability of products and companies. We support the objective of the European Commission's proposed Directive on Empowering Consumers for the Green Transition (ECGT), aimed at fighting greenwashing by ensuring consumers have reliable information to make sustainable choices and creating a level playing field for businesses.

With the Member State transposition of the ECGT Directive set for March 2026, followed by a compliance date of September 2026, companies have limited time to implement the necessary changes to conform with the new requirements. Given the typical lead time of 2 years to update packaging displaying environmental claims or sustainability labels, along with the need for companies to revise packaging artwork to meet upcoming labelling requirements for packaging, the timeline set in the ECGT Directive is considerably challenging. Therefore, companies' internal compliance processes must start now. This would prevent the destruction of packaging aimed at avoiding fines or reputational damage, which would be in contradiction with the EU environmental objectives. Moreover, **the lack of clarity on the measures introduced by the ECGT Directive raises concerns that Member States may transpose, interpret and enforce the rules inconsistently, leading to further uncertainty for businesses.**

A fragmented approach to enforcement of EU legislation creates significant obstacles for companies striving to improve the sustainability of their products and willing to communicate these efforts to consumers. As noted also in Mario Draghi's report "The Future of European Competitiveness", businesses rely on the consistency and scale of the EU Single Market to invest in sustainability improvements and drive innovation. This was also emphasized in the European Commission President von der Leyen's Political Guidelines, which highlight the need to streamline regulations and reduce administrative burdens.

The uncertainty, coupled with the potential for penalties and reputational risk, may discourage businesses from making and communicating such investments, ultimately impacting consumer access to sustainability information. This runs contrary to the objectives of the policies adopted by the European Commission.

The European Commission recently indicated it would not revise the Guidance Document for the Unfair Commercial Practices Directive (UCPD) in the near future. The absence of updated guidance increases the risk of divergent interpretations among stakeholders and Member States. **We therefore ask the European Commission to reconsider its decision not to promptly update the UCPD Guidance Document to reflect the ECGT Directive.**

If not, we urge the Commission to issue, as a minimum, a Frequently Asked Questions (FAQ) document to provide immediate clarifications and assist businesses in preparing for ECGT compliance.

We look forward to your support in ensuring the harmonised implementation of the ECGT Directive, guiding companies and Member States' authorities in a uniform and coordinated manner, for the benefit of all actors involved.

Kind regards,

List of signatories



ACE, The Alliance for Beverage Cartons and the Environment



AIM, European Brands Association



A.I.S.E., International Association for Soaps, Detergents and Maintenance Products



BusinessEurope



Cosmetics Europe



EFIC – European Furniture Industries Confederation



EUROPEN - The European Organisation for Packaging and the Environment



FESI, Federation of the European Sporting Goods Industry



NATRUE, the International Natural and Organic Cosmetic Association



TIE, Toy Industries of Europe



WFA, World Federation of Advertisers