



Green Claims Directive and Green Public Procurement: Strengthening trustworthy officially recognised ecolabels

For the new incoming European Parliamentary term, it is crucial to continue advancing the green transition and ensure consistency among different pieces of legislation in the Green Deal for legal certainty for consumers and businesses.

Officially recognised ISO 14024 Type I ecolabels such as the EU Ecolabel, the Nordic Swan Ecolabel, the German Blue Angel, Austrian Ecolabel and the Dutch Milieukeur, can all play an important role in the green transition. Significant progress has been made in helping consumers and procurers on how to choose more environmentally friendly products and combating greenwashing. Now is the chance to make public procurement greener and realise its full potential.

EU legislation should underpin this potential and to achieve this, consistency throughout the legislative framework is essential. Officially recognised ISO 14024 Type I ecolabels have proven to be effective instruments demonstrating environmental excellence. Legislation needs to be coherent and support the status of these ecolabels. This will make it easier for all parties using these ecolabels to contribute to a greener EU without unnecessary burdens and requirements, preserving the enthusiasm among the frontrunners in the green transition.

Green Claims Directive and the fight against greenwashing – ecolabels provide robust documentation and demonstrate excellent environmental performance

The Green Claims Directive should be consistent with the recently adopted Empowering Consumers for the Green Transition Directive in terms of highlighting the special role that officially recognised ISO 14024 Type I ecolabels perform. The Empowering Consumer directive states that *officially recognised ISO 14024 Type I ecolabels demonstrate environmental performance excellence, ensuring consumers' confidence in these claims and providing businesses a fair and efficient way to enhance their level of competition.*

As the trilogue negotiations for the Green Claims Directive commence, it is our hope that the Directive makes it clear that:

- officially recognised ISO 14024 Type I ecolabels should be exempted from verification in accordance with Article 10 since they are already under national/regional legislation/administration, and have a robust and independent system for developing and updating their criteria and include thirdparty independent certification.

We therefore support the Council's proposal to Article 8(6a): 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.



- businesses that hold a license to lifecycle based multicriteria ecolabels approved according to the directive should not need to further substantiate their green claims, as these ecolabels already provide robust documentation.

Towards a new greener Public Procurement Directive by easier use of ecolabels

The EU's public markets have a turnover of around 2 trillion euros and constitute 14 percent of the EU's GDP. EU Public procurement is governed by the Directive on Public Procurement from 2014. Too often, the lowest price is still the guiding principle, states the European Court of Auditors in a new report¹. This creates a gap between the ambitions under the Green Deal, public expectations of the Member States and the rules that govern the public procurement in daily business.

This Directive aimed to incorporate green ambitions into public procurement by allowing the use of particular labels, such as the EU Ecolabel and other Type I ecolabels. However, EU's goal to promote green public procurement has only partially been achieved especially due to the restrictions in the use of ecolabels. The main issues concern the interpretation of Art. 43 (1a) "*label requirements only concern criteria which are linked to the subject-matter of the contract ...*". Here are two examples on what constraints this entail in the green public procurement:

- It is not possible to set general requirements concerning business policy, such as environmental management system (EMS), or requirements on energy use in the factory in general, since this is not linked to the subject matter of the contract
- It is not possible (at least in some Member States) to set requirements concerning social issues such as labour conditions, since this is not directly connected to the contract of matter

It is counterintuitive and burdensome for the public contractor and the tenderer not to allow such issues as above mentioned through the labels. Both sides are forced to spend unnecessary time and resources on an alternative procedure instead of the possibility to rely on the third-party verifiers of the ISO 14024 Type I ecolabels.

Narrowing this green public procurement gap is essential for public procurement to contribute to the EU's green transition. The use of officially recognised ISO 14024 Type I ecolabels could play a prominent role in implementing green public procurement with less bureaucratic effort.

Therefore, we fully support the Commission President elect's ambitions to revise the Public Procurement Directive. We suggest that the use of officially recognized ISO 14024 Type I ecolabels should be made easier in public procurement by explicitly including officially recognised ISO 14024 Type I ecolabels without further constraints. Moreover, we suggest to delete Art. 43 1 (a) relating to the subject-matter of the contract. To achieve green ambitions, the rules must be easy to comply.

¹ European Court of Auditors, Special report 28/2023: <https://www.eca.europa.eu/en/publications/SR-2023-28>



The authors of this paper represent the major officially recognised ISO 14024 Type I ecolabels in Europe - the German Blue Angel, the Nordic Swan, the Austrian Ecolabel and the Dutch Milieukeur. The officially recognised ISO 14024 Type I ecolabels have more than 30 years of experience with ecolabelling of products and services, certifying in total about 80.000 products from 4.700 companies. Officially recognised ISO 14024 Type I ecolabels enjoy a high degree of awareness amongst consumers and for public procurement officials. ISO 14024 assures a multi-environmental and lifecycle perspective as well as control mechanisms by an independent third party under the responsibility of the ecolabelling organization. ISO 14024 Type I ecolabels provide guidance for companies' product evolution. They facilitate work for our public procurers to set ambitious but realistic purchasing requirements and both decent and fair standards.