

# LightingEurope's views on the European Parliament's draft report on Green Claims

We welcome the European Commission's proposal on Green Claims which, through a set of harmonised EU criteria, seeks to ensure that consumers receive reliable, comparable, and verifiable information that enable them to make more sustainable purchase decisions.

Our members are engaged in providing the market with well-grounded environmental information on their products, including through Environmental Products Declarations (EPDs) and Life-Cycle Assessment (LCA) studies and in this respect, we very much appreciate that the legislation does not impose a specific methodology for substantiating environmental claims and leaves flexibility to the market.

LightingEurope wishes to share its views on some proposed amendments to the Commission's proposal from the parliamentary IMCO-ENVI's draft report on Green Claims, in particular amendment 23 on hazardous substances.

## LightingEurope supports

- extending the requirements set on the communication of explicit environmental claims to online marketplaces, to ensure compliance at the broadest level possible, thus creating a real level playing field.  
[Support am. 21](#)
- clarifying that existing private environmental labelling schemes may continue awarding environmental labels if they meet the Directive's requirements.  
[Support am. 32](#)
- prioritising verification of existing environmental claims and introducing a transitional period for claims submitted for verification.  
[Support am. 43](#)
- helping micro companies and SMEs in applying the new requirements.  
[Support am. 39, am.45, am. 46, am. 47](#)

## LightingEurope is concerned about

- the ban on making any explicit environmental claim for products containing certain substances and we provide here after some background on our concerns.  
[Reject am. 23, am. 8, am. 55](#)

# Our concerns on the exclusion of products containing certain substances

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According to Amendment 23 of the draft report, making an explicit environmental claim is prohibited for products containing certain CLP hazard class substances or substances referred to in article 57 of REACH, except when their use is considered essential for society. Here below the reasons for our concerns.

## The exclusion of a wide range of products

While misleading claims should not be allowed, we wonder whether it is really the intention of the European Parliament **to prohibit any green claim for any electrical or electronic equipment (EEE) in the scope of this Directive, including those that may actually have a very positive impact on the environment, being very energy-efficient, long-lasting or smart** (e.g. LED luminaires with presence detectors, brightness sensor with daylight control). With the proposed amendment no green claim could be made for consumers EEE as a whole (all EEE contain at least one or more of the following impacted substances: lead, copper, silver, traces of SVHC in recycled plastics).

Such a broad-brush restrictive approach may lead to unintended consequences and actually prevent consumers from choosing the most energy efficient, repairable or long-lasting products, running contrary to the objective to enable them to make educated choices about the sustainability of products. If no product can make a claim, how can consumers choose the most environmentally friendly?

Existing EU rules already restrict the use of substances in products and require information to be provided to users. With the upcoming information requirements under the ESPR on the tracking of substances of concern, consumers will already know exactly what substances are contained in the product that they are buying and therefore cannot be misled.

Moreover, lighting products contain substances (such as those stated above) in components that are designed to be inaccessible to the consumer during a product's lifespan, so with no exposure risk.

Finally, this amendment also risks putting a stop to innovation. If no green claims can be made, there is little incentive to drive the improvement of the product's sustainability beyond the requirements that will be imposed on all products by law.

If a manufacturer is ultimately unable to communicate such an improvement, how can he differentiate his product from others vis-à-vis the consumer?

## Unclear concepts cannot be enforced and lead to fragmentation of the EU internal market

We also question the use of the '**essential use**' concept that is still very much under discussion as part of the delayed REACH revision. Without a clear definition, there will be a lack of legal certainty which will inevitably lead to a patchwork of approaches, where every Member State will enforce this requirement differently.

## LightingEurope's recommendation

We recommend rejecting the co-rapporteurs' approach (am. 23, am. 8, am. 55) to prohibit any green claim for products containing certain substances and to support, instead, the review clause as foreseen in the Commission's proposal (Art. 21), with an evaluation of the Directive after 5 years, including of the possibility to introduce a similar prohibition.

A revision clause will allow the Commission to assess the necessity for a prohibition of environmental claims for products containing hazardous substances, once a comprehensive evaluation of the potential consequences of implementing a ban on environmental claims for products containing certain hazardous substances is conducted and once the essential use concept is defined.

The European Commission itself has recently voiced concerns on the co-rapporteur's proposed ban, as it could on the one hand discourage innovation and on the other hand risk to multiply the requirements and result in divergences, while this issue should solely be covered by chemical regulations, such as REACH.

## Contact

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For further information on this topic, please contact Teresa Selvaggio, Director of Public Affairs ([teresa.selvaggio@lightingeurope.org](mailto:teresa.selvaggio@lightingeurope.org)) or Simon Wessels, Policy Officer ([simon.wessels@lightingeurope.org](mailto:simon.wessels@lightingeurope.org)).

LightingEurope is the voice of the lighting industry, based in Brussels and representing 31 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and wellbeing, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at [www.lightingeurope.org](http://www.lightingeurope.org).