

REPLY TO THE CONSULTATION ON THE INCEPTION STUDY ON ENVIRONMENTAL PERFORMANCE OF PRODUCTS AND BUSINESSES – SUBSTANTIATING GREEN CLAIMS

ACE contribution to the consultation on the inception impact assessment

ACE acknowledges the fact that existing claims are not always reliable and in some cases are greenwashing the reality.

ACE supports using the PEF methodology in the policy framework in complement to other existing tools to ensure credible and reliable information to the consumer and thus prevent greenwashing.

However, ACE believes that a number of issues need to be addressed to ensure that the tool is robust:

- PEF methodology: some of the categories need further accuracy and supportive science such as the land use impact category.
- Data gaps and data updates – the data available need to be robust and updated.
- The benchmark approach is in our view not robust as it entails too much uncertainty and sensitivity elements. It should not be promoted as a mandatory requirement.
- Verification procedure: how will verification be implemented to assure the robustness of claims and PEF methodology compliance/ PEFCR compliance? Experience with EPDs could provide a sound way forward.
- How will “additional environmental information” be treated if it supports an environmental claim?

ACE believes that the following should apply:

- The use of PEF should be voluntary, notably because of the above weaknesses. If PEF is used clear guidance needs to apply securing accuracy and robustness (to prevent confusing application). The policy framework must ensure that the use of data/quantitative information following the PEF methodology is verifiable, credible, scientifically reliable, comprehensive, clear, not misleading, and transparent, be it linked to a PEFCR or not (Product Environmental Footprint Category Rules).
- The use of the PEF in the context described above must be embedded in a reliable and flexible EU policy framework. Such framework should provide the tools on how to translate PEF results to communicable data along the chain and stakeholders. (ie. percentages, aggregation, indexes, indicators per impact category, hierarchisation of data per impact categories...). It should support all possible ways of communicating quantitative environmental information existing in the value chains today.
- Whenever quantitative information on environmental performance of a product is communicated or required for public purchase, the correct use of the PEF methodology according to the policy framework and provision of data according to the PEF methodology shall be controlled by the relevant authorities in a full and transparent way.



- The policy framework should always take into account and promote innovation to improve the performance of products, including their environmental performance along the life-cycle.
- Where the policy framework considers the application of the PEF methodology for the communication of a comparative assertion between products, robust requirements need to safeguard fair product comparison to avoid misleading and confusing consumers, particularly by oversimplification.
- The communication of any results to consumers or other stakeholders should remain voluntary with mandatory conditions of use. The policy framework should therefore not prescribe any favoured communication tool.

In essence, a mix between option 2 and 3 would be desirable.

** “Beverage cartons are recycled at scale across the EU, however, so based upon this consideration they should be categorised as recyclable packaging” – page 142 of the report “Effectiveness of the Essential Requirements for Packaging and Packaging Waste and Proposals for Reinforcement - Final Report and Appendices” led by Eunomia, February 2020*