

THE FAIRY TALE OF CLIMATE NEUTRAL PRODUCTS

Position of the Federation of German Consumer Organisations (vzbv) on advertising with climate neutrality

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I. SUMMARY

Climate neutrality is an important climate policy goal in the global fight against man-made climate change. However, the term is also increasingly found in advertising claims: Consumers are offered “climate neutral hair shampoo”, “climate positive pasta” and even “CO₂ neutral heating oil”. The Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband – vzbv) finds, however, that advertising for presumably “climate neutral” products, services or companies is highly problematic. It plays on consumers’ lack of knowledge about the connection between “climate neutrality” and offsetting measures and their dubious effectiveness, and gives the impression that a state has been reached that individual products or companies cannot achieve at all. It is thus classic greenwashing. The European Commission’s proposal to empower consumers for the green transition¹ offers approaches to combat this form of greenwashing, but in vzbv’s view, it does not go far enough.² The European Commission’s initiative on substantiating green claims, scheduled for early 2023, could also enable stricter legislation.

vzbv calls for the following:

- ❖ An explicit and general **ban on advertising the “climate neutrality”** of a product, service or company and the use of claims with equivalent meaning or scope. The suggested zero emissions or “neutrality” cannot be achieved at product or company level. The reliance on offsetting measures is completely unregulated and prevents more ambitious approaches to climate change.
- ❖ An explicit and general **ban on advertising with the targeted future climate neutrality** of a product, service or company. Environmental and climate related claims increasingly relate to future performance. However, even in the future climate neutrality cannot be achieved through the efforts of an individual company or at product level, as the concept fundamentally relates to the global level.
- ❖ A **blacklist of advertisement claims** that are impossible to substantiate, which should include advertisement with climate neutrality and claims with equivalent meaning or scope. The Green Claims Initiative should not introduce standardisation methods for measuring the environmental footprint of products, services and organisations as the basis for climate neutrality claims. Such a method necessarily refers to a concrete product, company or service, whereas climate neutrality cannot be achieved at all on this level. Therefore, offsetting payments must not be included as a parameter in a footprint calculation that forms the basis for a label or serves to substantiate advertisement claims.

¹ Proposal for a Directive of the European Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information dated 30/03/2022 (30/03/2022 COM(2022) 143 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A143%3AFIN&qid=1648730462931> (accessed on 02/03/2023).

² See in detail vzbv’s statement dated 16/08/2022, Grün waschen statt Grünwaschen (Green marketing instead of greenwashing): <https://www.vzbv.de/publikationen/gruen-waschen-statt-gruenwaschen> (accessed on 18/10/2022)

II. CONSUMER RELEVANCE

Consumers are increasingly confronted with products and services that are advertised as “climate neutral” or similar-sounding claims³. Whether it is the “climate neutral” toothbrush at the drugstore, the loan from the “CO₂ positive” bank or the “CO₂ neutral” holiday flight, the selection of products that consumers can buy and thereby supposedly protect the climate is huge.

In September 2022, research by the German weekly newspaper “Die Zeit” revealed how easy it is to obtain a label from the major providers of “climate neutral” labels. Two reporters made up information about the alleged greenhouse gas emissions of a fictitious flower delivery company on different websites, paid a few hundred euros and shortly afterwards received several certificates from well-known label providers by mail. These certificates confirmed the climate neutrality of their completely fictitious flower delivery company without it having delivered a single bouquet. Also, only a fraction of the money paid ended up going to climate protection projects.⁴

The concept of climate neutrality has become popular due to the negotiations for the Paris Agreement, which is setting the United Nations’ climate change targets as a successor to the Kyoto Protocol. Climate neutrality is defined therein as “balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases.”⁵ The European Parliament has taken up this definition and made it more concrete: “Climate neutrality means having a balance between emitting carbon and absorbing carbon from the atmosphere in carbon sinks. Removing carbon oxide from the atmosphere and then storing it is known as carbon sequestration. In order to achieve net-zero emissions, all worldwide greenhouse gas (GHG) emissions will have to be counterbalanced by carbon sequestration.”⁶

There are two aspects here that also play an important role in advertising “climate neutral” products or companies: carbon sequestration and the global nature of climate neutrality. The reference to the fact that all greenhouse gases must be bound worldwide in order to achieve net zero emissions makes it clear that “climate neutrality” cannot be achieved at all at the product or company level, but only globally if – in accordance with the Paris Climate Agreement – emissions are massively reduced in all countries worldwide.⁷ Moreover, “climate neutrality” always relates to the sequestration or offsetting of emissions, because these cannot be completely avoided at present. Offsetting

³ The terms “CO₂ neutral” and “climate neutral” are used synonymously in this paper. Although the states they describe are slightly different (“climate neutrality” also includes greenhouse gases other than CO₂), these nuances are irrelevant to the subject of the paper, since “climate neutrality” and “CO₂ neutrality” are achieved in similar ways and both give consumers the false impression that the advertised product has no negative impact on the climate.

⁴ Die Zeit: Ein Strauß leerer Versprechen (A Bouquet of Empty Promises), <https://www.zeit.de/2022/37/klimalabel-klimaneutralitaet-klimaschutz-versprechen> (accessed on 20/09/2022)

⁵ UNFCCC: Paris Agreement, https://unfccc.int/sites/default/files/english_paris_agreement.pdf (accessed 20/09/2022)

⁶ European Parliament: What is carbon neutrality and how can it be achieved by 2050?, <https://www.europarl.europa.eu/news/en/headlines/society/20190926STO62270/what-is-carbon-neutrality-and-how-can-it-be-achieved-by-2050> (accessed on 20/09/2022)

⁷ WWF: Fit für Paris – Ein Leitfaden, wie sich unternehmerische Klimastrategien mit dem Pariser Abkommen vereinbaren lassen (Fit for Paris – A guide to reconciling corporate climate strategies with the Paris Agreement), <https://www.wwf.de/fileadmin/fm-wwf/Publikationen-PDF/Unternehmen/WWF-Leitfaden-Klimastrategien-Fit-fuer-Paris.pdf> (accessed on 20/10/2022)

measures, however, should only be used to offset the portion of emissions that cannot be reduced; this is the only way to ensure a long-term decrease in emissions. Surveys show that the vast majority of consumers are unaware of this.⁸

III. PROBLEM BREAKDOWN: ADVERTISING WITH CLIMATE NEUTRALITY

1. LACK OF TRANSPARENCY

Apparent “climate neutrality” can only be achieved at the product or company level if the greenhouse gas emissions generated in production are offset by compensation projects, since the production of goods or services always involves climate gas emissions. However, a “climate neutral” product is not necessarily produced in a climate friendly way. Moreover, according to scientific opinion, actual climate neutrality in the future can in any case only be achieved on a global level, and not on the individual product or company level.⁹

Nevertheless, there are numerous labels certifying individual products, services or companies with “climate neutrality”. To do this, companies calculate the amount of emissions generated in production and pay money to offset them in compensation projects intended to bind at least the calculated amount of greenhouse gases in “CO₂ sinks”, such as forests or moors, or to help save the amount of greenhouse gas elsewhere, usually in Southern Hemisphere countries. However, this connection is usually not communicated.

The lack of transparency about how “climate neutrality” is achieved at the product or company level is playing on consumers’ lack of knowledge and in itself risks deceiving them. Various court rulings from recent years confirm this view. In 2011, for example, Koblenz District Court ruled that advertising for “climate neutral” memorial candles was misleading because it gave consumers the impression that the memorial candles themselves did not produce any harmful emissions or have a negative impact on the atmosphere.¹⁰ In 2021, the Higher District Court of Hamm also ruled that the advertising claim “CO₂ reduced” in relation to the packaging of the candles was misleading, because its generality left it completely open as to which specific aspect of the production process, packaging and distribution was meant to be environmentally friendly or CO₂ reduced and according to which standard.¹¹ A number of other rulings go in a similar direction.¹²

⁸ Verbraucherzentrale Nordrhein-Westfalen: Klimaneutrale Produkte: 89 Prozent für klare Regeln und geprüftes Siegel (Verbraucherzentrale Nordrhein-Westfalen: Climate Neutral Products: 89 percent for clear rules and audited seal), 2022: <https://www.verbraucherzentrale.nrw/presse-meldungen/presse-nrw/klimaneutrale-produkte-89-prozent-fuer-klare-regeln-und-geprueftes-siegel-77472> (accessed on 04/10/2022); Morning Consult, Most U.S. Consumers Don’t Know What ‘Carbon Neutral’ Means, 2022: <https://morningconsult.com/2022/08/02/carbon-neutral-consumer-awareness/> (accessed on 04/10/2022)

⁹ ADEME: Utilisation de l’argument de “neutralité carbone” dans les communications, 2022, <https://librairie.ademe.fr/developpement-durable/5335-utilisation-de-l-argument-de-neutralite-carbone-dans-les-communications.html> (accessed on 22/09/2022)

¹⁰ Koblenz District Court: judgement dated 11/01/2011, Ref. 4 HK O 22/10

¹¹ OLG Hamm, judgement dated 19/08/2021, Ref. 4 U 57/21

¹² Wettbewerbszentrale: Annual Report 2021, <https://www.wettbewerbszentrale.de/media/getlivedoc.aspx?id=39912> (accessed on 23/09/2022)

In contrast, the Higher District Court of Schleswig in a case involving “climate neutral” refuse bags¹³ and the District Court of Kleve in a case involving “climate neutral” confectionary¹⁴ in 2022, for example, reached an opposite judgement and did not object to the claims in each respective case. The different rulings show that a clarification of the legal situation is necessary.

A survey conducted by the Verbraucherzentrale Nordrhein-Westfalen shows that many consumers are unaware of the concept behind climate neutrality claims. While 80 percent of those surveyed had already consciously noticed “climate neutral” products in stores, when asked to explain the claims only 13 percent of consumers made reference to the offsetting mechanisms, and only three percent were able to correctly interpret the designation in detail. At the same time, many consumers are not even aware of this problem: 45 percent of respondents thought they knew what the advertising claim meant, but then could not explain it correctly.¹⁵

2. OFFSETTING AND THE DANGER OF GREENWASHING

Consumers who purchase and use “climate neutral” products may therefore be under the false impression that no damage was done to the climate during its production. Education about the fact that “climate neutrality” can only be achieved through offsetting does not usually take place.

But recourse to offsetting payments in itself also holds potential for deception. Thus, it is impossible for consumers to verify whether the amount of emissions that a company has declared and for which it has made offset payments actually corresponds to the amount of emissions generated in production, and whether the projects into which the offset payments have been made are actually as effective in binding or preventing greenhouse gases as they pledge to be. Both points are not subject to any public or official control. Instead, they are the sole responsibility of the manufacturers and suppliers of a product or service, as well as the likewise exclusively privately controlled providers of the label with which “climate neutrality” is “proven”.¹⁶

Moreover, it is impossible to predict with certainty how permanently greenhouse gas emissions will be bound in offsetting-projects. In the case of reforested woodlands – the subject of very many offsetting-projects – bound CO₂ can be released again, for example, by forest fires, which are increasing worldwide as a result of the climate catastrophe.¹⁷ However, if a product is advertised as “climate neutral” on the basis of corresponding projects, this presupposes a permanent sequestration of the same amount of emissions that occurred during production.

Another problem is that greenhouse gases captured by offsetting-projects are in many cases counted more than once. For example, on the one hand in the carbon footprints of companies that buy greenhouse gas certificates, and on the other in the carbon footprints of the countries in which the projects are implemented and which have committed

¹³ OLG Schleswig, judgement dated 30/06/2022, Ref. 6 U 46/21

¹⁴ LG Kleve, judgement dated 22/06/2022, Ref. 8 O 44/21

¹⁵ Verbraucherzentrale Nordrhein-Westfalen: Klimaneutrale Produkte: 89 Prozent für klare Regeln und geprüftes Siegel (Verbraucherzentrale Nordrhein-Westfalen, Climate Neutral Products: 89 percent for clear rules and audited label), 2022, <https://www.verbraucherzentrale.nrw/presse-meldungen/presse-nrw/klimaneutrale-produkte-89-prozent-fuer-klare-regeln-und-geprueftes-siegel-77472> (accessed on 04/10/2022)

¹⁶ Cf. Oppermann, Silke: Climate Neutrality on Sale! Assessment of Climate Neutrality Labels and their Contribution to Achieving the Paris Climate Targets, 2021

¹⁷ This happened, for example, in 2020 with wildfires in the USA: <https://taz.de/Waldbrand-in-den-USA/!5718935/> (accessed on 03/11/2022)

themselves to their own reduction targets in the Paris Agreement, some of which are also achieved through offsetting. The same offsetting-project then appears in two different carbon footprints and is used to offset emissions from different sources.

Advertising with “climate neutrality” at the product level is therefore classic greenwashing, regardless of whether any reference to offsetting-projects is made together with the claim: Consumers are given the impression of an excellent environmental performance, which is not actually feasible at the product or company level and is neither transparent nor verifiable at the offset level. The use of carbon offsets, even assuming that the problems described above could be overcome by regulatory scrutiny of offset providers, always means shifting the responsibility for greenhouse gas emissions onto consumers: Instead of reducing emissions in productions, companies ask consumers to choose between “climate neutral” and “non-climate neutral” products. Offsetting thus offers an easy way out for companies looking to maintain the status quo of their production methods, thus preventing an urgently needed system change towards truly lower-emission production.

It is true that an ambitious climate policy, even at the global and national level, cannot do without the sequestration of greenhouse gases in sinks: The reforestation of woodlands and the rewetting of peatlands, for example, are an important part of global efforts to achieve climate neutrality. However, they should only ever be an auxiliary instrument and used at global, national, company and product level to offset that part of the emissions that is unavoidable. Instead of relying on offsetting to achieve “climate neutrality”, corporate climate protection efforts should focus on reducing the company’s own emissions. In this way, companies can and should take responsibility for climate protection and make a real contribution without using advertising claims to create the impression that they are “climate neutral”.

3. OFFSETTING CLAIMS ENCOURAGE BEHAVIOUR HARMFUL TO THE CLIMATE

In addition, beyond the limited effectiveness of offsetting, the offset products and services do not have to be climate compatible in themselves, nor does their consumption. This problem is particularly obvious when, for example, heating oil is advertised as “climate neutral” – a claim that the Konstanz District Court ruled “not transparent” in 2021, as no information was provided on how “climate neutrality” was supposed to have been achieved.¹⁸ There is a risk here that advertising products obviously harmful to the climate as “climate neutral” can even stimulate their consumption if the claims create the impression that the climate damaging effects of the products have been prevented – the so-called halo effect.¹⁹ This assumption is supported by studies showing that consumers are more willing to pay for presumably sustainable products²⁰, and thus suggest that perceived sustainability can prevent the reduction in the consumption of certain products that is necessary for climate protection. This is especially true when products

¹⁸ LG Konstanz, judgement dated 19/11/2021, Az. 7 O 6/21 KfH

¹⁹ In social psychology, the halo effect is an error of judgement in which a person’s entire character is inferred on the basis of a single characteristic. Transferred to the topic of climate neutrality, it is, for example, conceivable that consumers resort to “climate neutral” air travel under the false assumption that such flights have no harmful effects on the climate.

²⁰ At a glance: Scientific Advisory Board on Agricultural Policy, Food and Consumer Health Protection (WBAE) at BMEL, 2020, Promoting sustainability in food consumption: Developing an integrated food policy and creating fair food environments – WBAE Expert Report, p. 468: https://www.bmel.de/SharedDocs/Downloads/EN/Ministry/Scientific_Advisory_Board-Promoting-sustainability-food-consumption.pdf?__blob=publicationFile&v=2 (accessed on 06/10/2022)

are advertised as “climate positive” by means of overcompensation, which can create the absurd impression that, for example, a “climate positive” flight not only has no negative effect on the climate, but even has a positive one.

The advertised “climate neutrality” of companies or products is often achieved through offsetting alone, rather than being accompanied by a prior reduction of emissions to an unavoidable level.²¹ Due to the halo effect described above, there is thus a danger that “climate neutral” claims not only mislead consumers with regard to a company’s actual climate efforts, but even promote consumption and production patterns that are harmful to the climate. In a recent vzbv survey, however, 88 percent of consumers were in favour of pushing ahead with climate protection even in the current inflationary times.²²

IV. POLITICAL SOLUTIONS

1. REGULATION OF CLIMATE NEUTRAL CLAIMS AS “GENERIC ENVIRONMENTAL CLAIMS”

A European Commission directive proposal to “empower consumers for the green transition through better protection against unfair practices and better information” provides for more strict regulation of generic environmental claims about products, services or companies.²³ To this end, Directives 2005/29/EC (Unfair Commercial Practices Directive) and 2011/83/EU (Consumer Rights Directive) are to be amended accordingly. The aim is to ban generic environmental claims without proof of a “recognised excellent environmental performance relevant to the claim” on the grounds of being unfair.

While vzbv welcomes the approach to more strictly regulate generic environmental claims, it sees an urgent need clarify and improve the proposed directive. Environmental claims should only be allowed to be specified on the basis of a uniform, scientifically proven life-cycle method, so as not to fall under the prohibition of generic environmental claims. The method required for this should be rapidly determined.²⁴ vzbv assumes that if the present proposal for a directive were to be implemented with the recommended additions by vzbv, at least “generic environmental claims” such as “climate friendly”, “CO₂ friendly”, “CO₂ neutral”, “CO₂ positive” and “climate neutral” would be considered misleading if the consumers are not provided with evidence of a “recognised excellent environmental performance”, or if it is not specified on the product as to which performance, specifically based on a (still to be defined) recognised life cycle method.

²¹ Wettbewerbszentrale: Hintergrundpapier zu Wettbewerbszentrale beanstandet verschiedene Werbungen im Zusammenhang mit der Aussage „klimaneutral“ als irreführend und intransparent (Centre for Protection against Unfair Competition, background paper criticises various advertisements in connection with the statement “climate neutral” as misleading and not transparent), 2021, <https://www.wettbewerbszentrale.de/media/getlivedoc.aspx?id=38894> (accessed on 20/10/2022)

²² Federation of German Consumer Organisations (vzbv): Consumer Report 2022, <https://www.vzbv.de/verbraucherreport/2022/klimaschutz> (accessed on 06/10/2022)

²³ European Commission: Proposal for a Directive as regards Empowering Consumers for the Green Transition and Annex, 2022: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0143&from=EN> (accessed on 03/11/2022)

²⁴ Cf. vzbv: Grün waschen statt Grünwaschen (Green marketing instead of greenwashing), 2022, <https://www.vzbv.de/publikationen/gruen-waschen-statt-gruenwaschen> (accessed on 21/09/2022)

Such a recognised scientific method for proving climate neutrality does not exist at the moment. However, the ISO 14068²⁵ standard is currently under development and is scheduled for publication in 2023.²⁶ The ISO standard aims to provide a harmonised approach to achieving CO₂ neutrality and communicating all related claims. Companies that follow the guidelines of the standard could therefore advertise climate neutrality.

However, since – as explained above – it is not possible to achieve climate neutrality without recourse to offsetting measures at company and product level, ISO standard 14068 – just like any other conceivable standard for demonstrating “excellent environmental performance” in the area of climate neutrality – will also have to resort to offsetting mechanisms. The regulation of climate neutrality claims as “generic environmental claims” is therefore insufficient to prevent consumer deception in this area. Moreover, it is insufficient to make truly effective contributions to climate protection and to more climate friendly consumption patterns, even if vzbv’s recommendations to improve the regulatory proposal are adopted.

2. EXPLICIT BAN ON ADVERTISING WITH CLIMATE NEUTRALITY

Climate neutrality claims and their equivalents should be explicitly banned in vzbv’s view. Guidance can be provided by a corresponding French law, which prohibits claiming “that a product or service is CO₂ neutral, or using wording with equivalent meaning or scope.”²⁷ However, the French law also has loopholes, as it still allows the use of climate neutrality claims under certain conditions.²⁸ The French consumer protection organisation “Consommation, logement et cadre de vie” (CLCV) therefore describes it as a project lacking in ambition.²⁹ In vzbv’s view, there should be no such exceptions in the European legislation.

The ban should also explicitly extend to advertising “climate positivity” through over-compensation of emissions.

Since claims about climate neutrality increasingly refer to future performance (for example, “climate neutral production by 2035”), but climate neutrality at company or product level alone will not be achievable in the future, claims promising climate neutrality at company or product level in the future should also be prohibited.

²⁵ ISO: ISO/CD 14068, Greenhouse gas management and climate change management and related activities – Carbon neutrality, (accessed on 21/09/2022)

²⁶ Ecostandard: No such thing as ‘carbon neutral’ – can laws and ISO standards tame the Wild West of green claims?: https://ecostandard.org/news_events/no-such-thing-as-carbon-neutral-can-laws-and-iso-standards-tame-the-wild-west-of-green-claims/ (accessed on 21/09/2022)

²⁷ Code de l’environnement, Article L229-68, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043960256 (accessed on 22/09/2022). Formulation in French law: “neutre en carbone ou d’employer toute formulation de signification ou de portée équivalente”

²⁸ The claims may be used if the advertiser makes the following publicly available: (1) a greenhouse gas emissions inventory that integrates direct and indirect emissions from the product or service; (2) the process by which greenhouse gas emissions from the product or service are first avoided, then reduced, and finally off-set (3) the methods for offsetting remaining greenhouse gas emissions that meet minimum standards established by regulation (cf. Code de l’environnement, Article L229-68, https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000043960256 (accessed on 22/09/2022)).

²⁹ CLCV: Décret neutralité carbone: un projet qui manque d’ambition, 2022, <https://www.clcv.org/communiqués-de-presse/decret-neutralite-carbone-un-projet-qui-manque-dambition> (accessed on 22/09/2022)

Instead of striving for “climate neutrality” through offsetting alone, companies should place reducing emissions at the centre of their sustainability and climate protection efforts. Communication about such a reduction in emissions should then be subject to the regulation of explicit environmental claims and should only be allowed if the reduction can be proven using a uniform and scientifically proven method (life-cycle method), which must be specified by the legislator.³⁰

V. WHAT VZBV IS CALLING FOR

1. ON THE EUROPEAN COMMISSION PROPOSAL TO EMPOWER CONSUMERS FOR THE GREEN TRANSITION

vzbv calls for climate neutrality claims and their equivalents to be explicitly banned in the Unfair Commercial Practices Directive (UCPD) without exception.

- The following item should be added to Annex I to Directive 2005/29/EC under “Commercial practices which are in all circumstances considered unfair”:

To claim that a trader’s business, product or service is or will in the future be climate neutral or climate positive, or to use wording with equivalent meaning or scope.

- Recital 9 of the European Commission proposal for a directive for empowering consumers for the green transition should be amended as follows (highlighted amendment to European Commission proposal):

Annex I to Directive 2005/29/EC should be amended to prohibit generic environmental claims without the recognised excellent environmental performance which is relevant to the claim. Examples of such generic environmental claims are: “environmentally friendly”, “eco-friendly”, “eco”, “green”, “nature friendly”, “ecological”, “environmentally correct”, “**climate friendly**”, “gentle on the environment”, “**carbon friendly**”, “**carbon neutral**”, “**carbon positive**”, “**climate neutral**”, “energy efficient”, “biodegradable”, “biobased” or similar statements, as well as broader statements such as “conscious” or “responsible” that suggest or create the impression of excellent environmental performance. Such generic environmental claims should be prohibited whenever there is no excellent environmental performance demonstrated or whenever the specification of the claim is not provided in clear and prominent terms on the same medium, such as the same advertising spot, product’s packaging or online selling interface. For example, the claim ‘biodegradable’, referring to a product, would be a generic claim, whilst claiming that ‘the packaging is biodegradable through home composting in one month’ would be a specific claim, which does not fall under this prohibition. **Claims regarding the climate neutrality of a trader’s business, product or service, or wording with equivalent meaning or scope, should generally be prohibited. Examples of such claims are “climate friendly”, “carbon friendly”, “carbon neutral”, “carbon positive” or “climate neutral”. The prohibition should also apply to future claims on climate neutrality, analogous to the proposed amendment relating to future environmental performance in Article 6(2)(d).**

³⁰ Cf. vzbv: Grün waschen statt Grünwaschen (Green marketing instead of greenwashing), 2022, <https://www.vzbv.de/publikationen/gruen-waschen-statt-gruenwaschen> (accessed on 21/09/2022)

2. ON THE INITIATIVE TO SUBSTANTIATE GREEN CLAIMS

As part of the 2019 European Green Deal and the 2020 Action Plan for the Recycling Economy, the European Commission has also announced plans to address the problem of misleading and unsubstantiated environmental claims. The European Green Deal states: “Companies making ‘green claims’ should substantiate these against a standard methodology to assess their impact on the environment.”³¹ The Action Plan for the Recycling Economy fleshes out this intention. “The Commission will also propose that companies substantiate their environmental claims Product and Organisation Environmental Footprint methods.”³² A corresponding European Commission initiative is expected in early 2023.³³

VZBV CALLS FOR THE FOLLOWING:

Potential standard methods for measuring the environmental footprint of products and organisations introduced in the initiative on substantiating green claims must not be used as a basis to substantiate climate neutrality claims. Instead, the regulation should include a **blacklist of advertising claims** that are impossible to substantiate, which should include climate neutrality claims and phrases with equivalent meaning or scope. Besides “climate neutral”, such claims could include, for example, “CO₂ neutral”, “climate positive”, “climate negative” and “CO₂ positive”.

³¹ European Commission: The European Green Deal, 2019, https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC_1&format=PDF (accessed on 23/09/2022)

³² European Commission: A New Circular Economy Action Plan. For a cleaner and more competitive Europe, 2020, https://eur-lex.europa.eu/resource.html?uri=cellar:9903b325-6388-11ea-b735-01aa75ed71a1.0017.02/DOC_1&format=PDF (accessed on 23/09/2022)

³³ Comprehensive BEUC position paper on this initiative: BEUC, Getting rid of green washing – Restoring consumer confidence in green claims, 2020, https://www.beuc.eu/publications/beuc-x-2020-116_getting_rid_of_green_washing.pdf (accessed on 23/09/2022)