

- The Directive should **immediately identify the claims that are eligible for the “simplified procedure”** to guarantee predictability and legal certainty, including:
 - Article 3a(1) In derogation from Articles 3 and 10, when a trader generates an explicit environmental claim stating that an environmental characteristic of a product or a trader exceeds minimum requirements set out in another Union act, and if the claim is based on the substantiation methodology as required in that Union act, the trader shall demonstrate compliance with the substantiation requirements of that other Union act. ***In case the other Union act does not require documentation of this substantiation, the trader shall demonstrate compliance*** via the Specific Technical Documentation pursuant to paragraph 4.
 - Article 3a(2) In derogation from Articles 3 and 10, when a trader that has been awarded an environmental label generates an explicit environmental claim regarding environmental characteristics certified by that label, the trader shall demonstrate ***compliance of*** that the explicit environmental claim by providing the information required in Article 5(6e). ~~corresponds to the criteria certified by the Technical Documentation pursuant to paragraph 4. environmental label via the Specific Technical Documentation pursuant to paragraph 4.~~
 - ⊖ Article 3a(3) In derogation from Articles 3 and 10, a trader generating an explicit environmental claim ***indicated in the second subparagraph*** that falls within the scope of claims defined by implementing acts adopted pursuant to the second subparagraph shall comply with the substantiation requirements laid down in these implementing acts and demonstrate compliance via the Specific Technical Documentation pursuant to paragraph 4. This derogation shall not apply to comparative explicit environmental claims, explicit environmental claims related to climate or explicit environmental claims about future environmental performance. ~~The Commission shall adopt implementing acts defining~~ The types of explicit environmental claims that given their nature typically do not require a complete assessment pursuant to Article 3 and a verification pursuant to Article 10 to achieve the objectives of this Directive ***are*** and where such claims fulfil all of the following criteria: 1. No full life-cycle assessment is deemed necessary to substantiate the claim; 2. The claim is related to a single environmental characteristic; 3. The claim does not concern an environmental characteristic that leads to significant trade-offs between different environmental impact categories:
 - ***Explicit environmental claims related to an environmental aspect, as defined in Article 2(1)(18);***
 - ***Claims regarding a product’s or trader’s environmental characteristics that exceed the minimum requirements set by other EU legislation and are substantiated using a methodology prescribed in that legislation;***
 - ***Claims related to a product’s or trader’s environmental characteristics that have already been certified under an awarded environmental label.***
 - ***Explicit environmental claims whose substantiation is based on and conform to methodologies set in ISO or OECD standards, the Framework for Responsible Environmental Marketing Communications by the ICC^[1] or those aligned with EU frameworks, such as referenced by the European Parliament in Article 12a(1)(c) or methodologies officially recognised by the European Commission, and which are included in a public database.***
 - ***To ensure clarity and consistency, the European Commission shall within 12 months, identify, in consultation with stakeholders, the robust standards and methodologies eligible for this simplified process. This should be***

^[1] The ICC’s rules supplement EU and national regulations and often form the basis for assessment in some countries’ court practice e.g., in Sweden. Self-regulation has the advantage of being quicker, more flexible, and cost-effective.

facilitated through a mechanism such as a database, as suggested by the EP (Article 12a), which can be updated periodically. Any specifications defined via a delegated act must be published with a sufficiently long lead time, enabling companies to implement necessary process changes and production adjustments.

The implementing acts referred to in the second subparagraph shall for each type of explicit environmental claim lay down the required substantiation assessment that should be complied with by the trader generating the explicit environmental claim when applying the derogation referred to in the first subparagraph. Such substantiation requirements shall be less burdensome for the trader than those under Article 3. FBy ... [18 months after the date of entry into force of this Directive], the Commission shall adopt an implementing act as set out in the second and third subparagraph specifying certain type(s) of explicit environmental claim(s) that can make use of the derogation described in the first subparagraph, prioritising the explicit environmental claims based on relevance, simplicity, and frequency of use:

The claims mentioned above can instead be addressed via self-verification for which guidance already exists in several Member States.

- Article 3(5),
 - When a trader generates an explicit environmental claim pursuant to paragraphs 1 *second subparagraph, 2, and paragraphs 2a, 2aa or 3, and in case a documentation of this substantiation is not required by other Union acts*, this trader shall demonstrate compliance of the explicit environmental claim with the requirements referred to therein by means of a Specific Technical Documentation. The Specific Technical Documentation shall be completed *before the explicit environmental claim is made public* and made available to competent authorities *upon request, before the explicit environmental claim is made public*. In order to ensure a uniform application across the Union, the Commission shall by ... [18 months after the date of entry into force of this Directive], adopt an implementing act to specify further the format of *the Specific Technical Documentation*, ~~and content of the respective~~. This Specific Technical Documentation, ~~at least containing~~ *shall contain* the following elements: a. ~~the type(s) of explicit environmental claim(s), the definition of the type(s) of product(s) or activities~~ *subject to the claim(s) covered*, and the environmental characteristics subject to the claim(s); b. where applicable, the substantiation requirements *pursuant to Article 3 paragraph 1, sub-paragraphs a), b), i), j)*, related to the type(s) of claim(s) concerned, referred to in paragraph 3, and where applicable, related to the type(s) of product(s) or activities; c. where applicable, the test, measurement, calculation or other methods ~~to be~~ used to determine the values to be declared in the Specific Technical Documentation; d. where relevant, the transitional methods, the harmonised standards or parts thereof or the common specifications ~~to be~~ used; e. the information ~~to be provided by operators in the Specific Technical Documentation~~ necessary to enable the verification of compliance of the declared claim with the substantiation requirements, including the format and the order; i. ~~the date for the evaluation and possible revision of the implementing measure, taking into account technological progress and market trends.~~