

Empowering consumers for the green transition

2022/0092(COD) - 17/01/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 593 votes to 21, with 14 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on 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.

The Commission's proposal aims to **empower consumers to make better-informed transactional decisions** to promote sustainable consumption, eliminate practices that undermine the sustainable economy and prevent consumers from making sustainable consumption choices, and ensure better and consistent enforcement of the EU consumer protection legal framework.

The amending directive introduces **specific rules in Union consumer law to tackle unfair commercial practices** that mislead consumers and prevent them from making sustainable consumption choices, such as practices associated with the early obsolescence of goods, misleading environmental claims ('greenwashing'), misleading information about the social characteristics of products or traders' businesses, or non-transparent and non-credible sustainability labels.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Misleading commercial practices

The amended text stressed that in order for consumers to be able to make better-informed decisions, the overall presentation of a product must not mislead them as to its environmental or social characteristics or aspects linked to circularity, such as durability, reparability or recyclability. It is therefore planned to amend Directive 2005/29/EC on unfair commercial practices by adding **environmental and social characteristics and aspects linked to circularity** to the list of the main characteristics of a product for which the trader's practices may be considered misleading, following a case-by-case assessment.

A practice will also be misleading if it involves:

- **an environmental claim relating to future environmental performance** without clear, objective, publicly available and verifiable commitments set out in a detailed and realistic implementation plan which includes measurable and time-bound targets and other relevant elements required to support its achievement, such as resource allocation, and which is regularly verified by an independent third party expert, whose findings are made available to consumers;
- **the advertising of benefits to consumers** that are irrelevant and do not result from any feature of the product or business.

Amendments to Directive 2011/83/EU on consumer rights

Before the consumer is bound by a contract other than a distance or an off-premises contract, or any corresponding offer, the trader should provide the consumer with the following information in a clear and comprehensible manner:

- a reminder of the existence of the legal guarantee of conformity for goods and its main elements, including its **minimum duration of two years**, in a prominent manner, using the harmonised notice;

- where the producer offers the consumer a commercial guarantee of durability at no additional cost, covering the entire good and with a duration of more than two years and makes that information available to the trader, the information that that good benefits from such a guarantee, its duration and a reminder of the existence of the legal guarantee of conformity, in a prominent manner, using the harmonised label;
- a reminder of the existence of the legal guarantee of conformity for digital content and digital services;
- where applicable, the existence and the conditions of after-sales services and commercial guarantees;
- for goods with digital elements, for digital content and for digital services, where the producer or provider makes the information available to the trader, the minimum period, whether expressed as a period of time or by reference to a date, during which the producer or the provider provides software updates.

For distance contracts, the trader should provide information on the **payment and delivery terms**, including environmentally friendly delivery options where applicable, performance, the time by which the trader undertakes to deliver the goods or to perform the services and, where applicable, the trader's complaint handling policy.

Harmonised notice and harmonised label

To ensure that consumers are well informed and can easily understand their rights throughout the Union, a harmonised notice and a harmonised label should be used for the provision of information.

Their layout and content will be specified by implementing acts. The harmonised notice and the harmonised label must be easily recognisable and understandable for consumers and easy to use and reproduce for professionals.

Misleading commercial practices in all circumstances

The amended text added new practices to the existing 'blacklist' of unfair commercial practices prohibited in all circumstances, such as:

- making an environmental claim about the entire product or the trader's entire business when it concerns only a certain aspect of the product or a specific activity of the trader's business;
- claiming, based on the offsetting of greenhouse gas emissions, that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions;
- presenting a software update as necessary when it only enhances functionality features;
- any commercial communication in relation to a good containing a feature introduced to limit its durability despite information on the feature and its effects on the durability of the good being available to the trader;
- falsely claiming that under normal conditions of use a good has a certain durability in terms of usage time or intensity;
- withholding information concerning the impairment of the functionality of a good when consumables, spare parts or accessories not supplied by the original producer are used, or falsely claiming that such impairment will happen.

Member States will have 24 months to transpose this amending Directive and should apply those measures from 30 months from the date of its entry into force.