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Steel for packaging industry feedback on EC's Inception Impact Assessment "Substantiating green claims"

1. CONTEXT

The broad objective of the EC's **Single Market for Green Products Initiative** launched in 2013, was to improve transparency and clarity, for both industry and consumers, in the environmental performance of products and companies.

In light of this Single Market for Green Products Initiative, the EC developed two measuring tools as a common way for measuring this environmental performance throughout the entire value chain (from raw material extraction to the end-of-life), being the **Product Environmental Footprint (PEF)**¹ and the **Organizational Environmental Footprint (OEF)**.

These measuring tools, using **16 environmental impact categories**, were developed as voluntary standards for the EU Member States. This EC approach was tested in a pilot phase (2013-2018), followed by a transition phase, the latter probably only ending in 2024.

In its **new Circular Economy Action Plan (2020)**, the EC also did foresee proposing companies substantiating their environmental claims using the PEF and OEF methods. This initiative is part of different interconnected EC initiatives, among other the Farm to Fork Strategy (incl. an action to examine ways to harmonize voluntary green claims for food), establishing product policy framework stimulating making sustainable products the norm, resulting in **resource-efficient, climate-neutral true circular economy**.

¹ *The Product Environmental Footprint (PEF) is a life cycle assessment (LCA) based method to quantify the environmental impacts of products (goods or services). It builds on existing approaches and international standards. The overarching purpose of PEF information is to enable to reduce the environmental impacts of goods and services taking into account supply chain activities (from extraction of raw materials, through production and use and to final waste management). This purpose is achieved through the provision of detailed requirements for modelling the environmental impacts of the flows of material/energy and the emissions and waste streams associated with a product throughout its life cycle. The rules provided in the PEF method enable to conduct PEF studies that are more reproducible, comparable and verifiable, compared to existing alternative approaches. However, comparability is only possible if the results are based on the same Product Environmental Footprint Category Rules (PEFCR). The development of PEFCRs complements and further specifies the requirements for PEF studies. (JRC - Suggestions for updating the PEF method, p.8)*

2. Feedback on the EC's substantiating green claims initiative

APEAL, the Association of European Producers of Steel for Packaging, welcomes the opportunity granted to stakeholders to provide feedback on the EC's substantiating green claims initiative.

APEAL supports the EC establishing legal framework that provides a level playing field, limits the proliferation of methods to measure and assess environmental impacts, limits the proliferation of labels and claims related to environmental information and ensures that the environmental impact of the products placed on the EU market, incl. the imported ones, can be properly assessed.

With regard to the in the Inception Impact Assessment proposed options that will be further identified during the impact assessment and the consultation process, APEAL believes that:

- the **existing 2013 Recommendations (2013/179/EU) should be updated;**
- in absence of a move towards one accepted method, establishing a **voluntary EU legal framework**, that could be used as a complement to existing methods, **will not create a level playing field** and will not eliminate misleading claims;
- establishing EU legal framework requiring companies making claims related to the impacts covered by the PEF and OEF methods to substantiate them via these methods, could, however only in case of reviewing the current impact indicators, evaluating adding indicators and establishing more specific PEFCR's, create a level playing field, allowing comparing the environmental impact of similar products.

The 2013 Recommendations could be improved and specific attention should be given to improving the 16 current environmental footprint impact indicators, among others the ecotoxicity indicator, and to exploring the possibilities of adding indicators lacking quantification, such as marine litter and resource use. Needless to state that the data to be put in the PEF model should be high quality, representative and up-to-date data.

APEAL would like to recommend that this **policy initiative** would be **consistent with other policy initiatives**, among others the product policy initiative (EC SWD 2019 92 final). A full life cycle approach, from raw material extraction to the end-of-life (EoL), should be taken into account. An important issue within this LCA approach is to **establish a consistent approach for the assessment of the recycling performance**, with among others clear definitions on recyclability and high-quality recycling.

Within the waste hierarchy, **high-quality recycling** should also be recognized, linking it to the ability of materials to be recycled over and over again with no loss of the intrinsic material properties. A detailed methodology should be developed to define '**multiple recycling**', stimulating this high-quality recycling as opposed to down-cycling.

APEAL believes that the PEF and OEF methods themselves could be rendered even more robust, taking into account environmental issues that aren't yet incorporated, as the before-mentioned multiple recycling, but also littering.

APEAL would also like to flag the importance of clearly defining what a 'green claim' is. Of the two potential ways to look at it, being defining it as a stand-alone communication on a product's environmental performance or defining it as **the product's performance compared to others**, APEAL believes the latter approach should be taken considered.

APEAL would also like to suggest that products with low environmental performances, for which no claims would be made, also need to be subject to further assessment and need to comply to requirements in view the circular economy.

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