ICC position to European Commission’s Directive on substantiation and communication of explicit environmental claims (Green Claims Directive)

and revised ICC Advertising and Marketing Communications Code

Dear XXXXXX,

As the major rule-setter for advertising self-regulation since 1937, the International Chamber of Commerce (ICC) has consistently prioritised ensuring responsible marketing practices. Recognising the increasing prevalence of environmental marketing claims, ICC has generally supported the broader aims of the European Union’s Green Claims Directive and developed several official position papers since [its inception](https://iccwbo.org/news-publications/news/icc-welcomes-european-commissions-green-claims-directive/#:~:text=ICC%20has%20welcomed%20a%20recently,greenwashing%20and%20misleading%20environmental%20claims.) in March 2023 and has developed [several official position papers](https://iccwbo.org/news-publications/policies-reports/icc-response-to-european-commissions-green-claims-directive/) that we have shared with the previous EU administration. ICC’s position papers, which are attached as annexes to this letter, outline our concerns and proposed recommendations conveyed over the past two years, principally including formal recognition of self-regulation, the withdrawal of the third-party verification mechanism, and the importance of credible climate claims.

The Green Claims Directive proposed by the European Commission aims to ensure that environmental claims made by companies are well-substantiated, thereby avoiding greenwashing and empowering consumers to make environmentally sound choices. Whilst the overarching goals of the directive are commendable, we respectfully believe that there are several reasons why a fundamental reassessment of its necessity should be considered. Instead of introducing an additional layer of new regulations, ICC is of the strong view that existing EU regulations, coupled with self-regulatory frameworks such as the newly revised [ICC Advertising and Marketing Communications Code](https://iccwbo.org/business-solutions/the-icc-advertising-and-marketing-communications-code/), could provide a more effective and balanced approach.

In this regard, and building upon our previous submissions, we wish to highlight the following key points for consideration as trilogues are currently underway:

* **Regulatory overload:**businesses are already subject to a broad range of regulatory compliance requirements. By imposing additional regulatory burdens on European businesses, the Green Claims Directive could inadvertently stifle innovation and hinder the green transition it aims to promote. It is crucial to ensure that European companies are not disadvantaged in the global market due to overly stringent regulations. It is important to consider the broader global regulatory landscape to ensure that European companies do not face a competitive disadvantage in the global market, as a result of overly stringent regulations in the EU.
* **Ex-ante verification - a barrier to environmental communication:** one of our key concerns with the Green Claims Directive, as raised previously, is the ex-ante verification process for environmental claims. This process, while intended to ensure the accuracy of claims, may inadvertently compromise the primary objective of the directive due to anticipated administrative burdens, increased costs, compliance risks, and the looming threat of sanctions. The additional time and expense required for verification are likely to result in companies avoiding environmental communications altogether, which could further lead to a reduction in their efforts to enhance environmental sustainability. The costs of marketing environmental initiatives may outweigh the potential benefits, thereby discouraging companies from pursuing sustainable practices.
* **Overlooking self-regulation - the role of industry standards:** furthermore, we are of the view that the Directive does not adequately consider existing self-regulatory measures by the industry, such as the ICC Advertising and Marketing Communications Code and the ICC Framework for Responsible Environmental Marketing Communications. These self-regulatory frameworks have long-standing recognition in serving as a practical and useful resource to help practitioners craft marketing communications that adhere to the basic global principles of legal, decent, honest and truthful communications and to ensure that environmental claims are truthful and not misleading and are appropriately substantiated.

ICC believes that existing EU regulations (i.e. the recent Directive on empowering consumers for the green transition through better protection against unfair practices and through better information or the long-term Unfair Commercial Practices Directive or the Consumer Rights Directive), combined with robust self-regulatory frameworks such as the ICC Advertising and Marketing Communications Code, provide a more balanced and effective approach to ensuring the accuracy of environmental claims. Effective enforcement and oversight by established authorities, including self-regulatory organisations across Europe, can fulfill the Directive's objectives without imposing unnecessary burdens on businesses. By leveraging existing frameworks and promoting self-regulation, we can foster a competitive and innovative market that encourages sustainable practices while protecting consumers from greenwashing.

**New** **ICC Advertising and Marketing Communications Code (September 2024)**

We are also writing to bring to your attention the recent revisions to the [International Chamber of Commerce (ICC) Advertising and Marketing Communications Code](https://iccwbo.org/business-solutions/the-icc-advertising-and-marketing-communications-code/) (ICC Code), which has been a globally recognised standard for responsible marketing since 1937. After two years of dedicated effort, the ICC Code underwent its most comprehensive revision in over a decade in 2024. This eleventh revision continues to provide a robust framework for businesses to navigate the complexities of responsible marketing and advertising, ensuring that their practices remain legal, decent, honest, and truthful.

The ICC Code serves as the benchmark for almost 50 self-regulatory codes worldwide, protecting consumers and supporting advertising and creative freedom. In today's rapidly evolving business landscape, sustainability has become a cornerstone of corporate responsibility. Companies worldwide are increasingly recognising the importance of integrating sustainable practices into their operations and marketing strategies.

Chapter D – Environmental Claims in Marketing Communications – of the ICC Code is dedicated to ensuring that environmental claims in marketing communications are truthful and not misleading, and appropriately substantiated. This newly revised Chapter D of the ICC Code provides detailed guidance on how environmental claims should be communicated in marketing communications. One particular update of relevance is the new Article D1, which sets stronger rules for substantiation, requiring all environmental claims, including aspirational claims, to be backed by reliable scientific evidence. This ensures that claims are accurate and verifiable, preventing greenwashing. Another key addition is Article 2, which expands the scope of the ICC Code to explicitly cover both social and environmental responsibility, reflecting a shift towards a broader, principle-based approach that prioritizes truthfulness and transparency in environmental claims.The updated guidance in this chapter now covers a wider range of issues such as sustainability and circularity. Article D6 tackles claims regarding components and elements, ensuring every detail is accurate and transparent. Chapter D now includes broader definitions, such as "environmental attribute" and "qualification," and offers specific examples to clarify vague or misleading terms.

In order to provide further clarity on responsible environmental marketing practices we also recommend consulting the [ICC Framework for Responsible Environmental Marketing Communications](https://iccwbo.org/news-publications/policies-reports/icc-framework-for-responsible-environmental-marketing-communications-2/), which offers more specific guidance and a detailed roadmap on how to implement these principles effectively. Furthermore, this paper is scheduled for an imminent revision to ensure its alignment with the ICC Code and to incorporate recent developments in the field. These resources, along with the certification program that ICC developed in 2024, the [ICC Certificate in Responsible Green Marketing Communications](https://academy.iccwbo.org/sustainability/certifications/certificate-in-responsible-green-marketing-communications-rgmc/) (RGMC) helps businesses confidently navigate their sustainability journey in marketing communications, ensuring that their environmental claims are both truthful and impactful.

ICC is committed to maintaining the highest standards of responsible environmental marketing practices and will continue to update its guidelines to reflect the latest advancements and best practices. ICC’s approach underscores the importance of industry collaboration, ensuring that our guidelines are developed and refined with input from a broad range of stakeholders.

We believe that our insights and recommendations can help shape a more balanced and effective regulatory framework, and we hope that you will find this contribution useful in your deliberations. Should you require any further information or wish to discuss our views in more detail, we stand ready to provide additional information and support as needed.

We look forward to continued collaboration and constructive dialogue on this important matter.

ADD ANNEXES

**ANNEX 1:** [**ICC position paper on the Green Claims Directive – 30 May 2024**](https://iccwbo.org/news-publications/policies-reports/icc-response-to-european-commissions-green-claims-directive/)

**ANNEX 2:** [**ICC response to European Commission’s Green Claims Directive – 27 July 2023**](https://iccwbo.org/news-publications/policies-reports/icc-response-to-european-commissions-green-claims-directive/)