



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Message 303

Communication from the Commission - TRIS/(2022) 00909

Directive (EU) 2015/1535

Notification: 2021/0904/F

Observations from the Commission (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

Observaciones - připomínky - Bemärkninger - Bemerkungen - Märkused - Παρατηρήσεις - Comments - Observations - Osservazioni - Piezīmes - Komentarai - Megjegyzések - Kummenti - Opmerkingen - Uwagi - Observacoes - Comentáre- Pripombe - Huomautuksia - Synpunkter - Коментари - Comentarii.

Sin plazo de statu quo - Doba pozastavení prací se neaplikuje - Ingen status quo frist - Keine Stillhaltefrist - Ooteaeg ei ole kohaldatav - Δεν υπάρχει statu quo - Standstill period does not apply - Pas de délai de statu quo - Termine di status quo non previsto - Bezdarbības periods netiek piemērots - Atidējimo periodas netaikomas - A halasztási időszak nem alkalmazandó - Il-perijodu ta' waqfien ma japplikax - Geen status quo-periode - Okres odroczenia nie ma zastosowania - Prazo do statu quo não previsto - Períoda pozastavenia neplatí - Obdobje mirovanja ne velja - Ei status quon määraaika - Ingen tidfrist för status quo - Не се прилага период на прекъсване - Perioada de stagnare nu se aplică.

(MSG: 202200909.EN)

1. MSG 303 IND 2021 0904 F EN 29-03-2022 17-03-2022 COM 5.2 29-03-2022

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2021/0904/F - X40M

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Within the framework of the notification procedure laid down by Directive (EU) 2015/1535, the French authorities notified to the Commission on 28 December 2021 the draft 'Decree on carbon offsetting and claims of carbon neutrality in advertising' ('the notified draft').

According to the notification message, the notified draft lays down the communication procedures for advertisers regarding the carbon neutrality of products or services.

Examination of the notified draft has prompted the Commission to issue the following comments.

According to Article 2 of the notified draft, 'Chapter IX of Title II of Book II of the Environment Code is supplemented by Section 9 as follows: [...] Article D. 229-106.- An advertiser referred to in Article D. 229-105 shall produce a greenhouse gas emissions balance sheet for the product or service concerned covering its entire life cycle. This balance sheet shall be updated annually. This balance sheet shall be worked out in accordance with the requirements of standard NF EN ISO 14067, or any other standard consistent with the requirements of that standard. An order of the Minister responsible for the environment may supplement these requirements in order to bring the methodology of the emissions balance sheet in line with that of the environmental signage provided for in Article L. 541-9-11 of this Code.'

Annex I to Commission Recommendation on the use of common methods for measuring and communicating the life cycle environmental performance of products and organisations (Commission Recommendation 2021/2279, OJ L 471, 30.12.2021, p. 1-396) lays down the Product Environmental Footprint method as a common method. This method includes instructions on how to quantify impacts of products on climate change along the whole life cycle.

The text of the Recommendation specifically invites Member States to use the common methods:

"Member States should:

3.1. Use the PEF method or the OEF method and related PEFCRs and OEFSRs in voluntary policies involving the measurement or communication of the life cycle environmental performance of products or organisations, as appropriate



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while ensuring that such policies do not create obstacles to the free movement of goods in the EU.”

Also, Commission Delegated Regulation (EU) 2021/2139 on climate mitigation and adaptation under Regulation (EU) 2020/852, (Taxonomy Regulation) requires the quantification of greenhouse gas emissions for some activities based on ISO 14067 or the Commission Recommendation 2021/2279.

Among the issues covered by requirements under the upcoming Sustainable Products Initiative, carbon and environmental footprints are also expected to be covered, taking the Product Environmental Footprint method into account .

The Commission encourages the use of Commission recommendations on product environmental footprint, while noting that several developments on removals are ongoing, including:

- the revision of the Energy Performance of Building Directive, where it is proposed that Member States shall also address carbon removals associated to carbon storage in or on buildings;
- the Standardisation package, where the Commission has included the topic Dynamic life-cycle assessment for estimating carbon removals in construction products in the 2022 Annual Union Work Programme for European Standardisation ;
- the upcoming carbon removal certificatory framework, following the Communication on Sustainable Carbon Cycles .

The Commission invites the French authorities to take the above comments into account.

The Commission furthermore reminds the French authorities that once the definitive text has been adopted, they are required to communicate it to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

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European Commission

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