



BRIEF ASPECTS REGARDING GREENWASHING AND THE EUROPEAN UNION'S GREENWASHING PROPOSED DIRECTIVE

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Abstract: *As the whole world is more and more concerned with aspects regarding the protection of the environment, many companies, including those in the textile field, adopt an environment-friendly attitude in their marketing and advertising policies. This attitude is noticeable through the use, in advertising campaigns, of expressions like: “sustainability”, “eco products”, “green products”. However, these statements are not always true. Greenwashing involves creating a false impression or generating misleading information about a company's products as being environmentally sound. From another perspective, greenwashing can materialize in the form of attempts of a certain company to emphasize the sustainable aspects of the products, in order to overshadow its involvement in environmentally damaging practices. Due to these facts, it is extremely important for the European Union to take measures to combat this phenomenon, by adopting the Greenwashing Directive. The aim of this paper is to present the essential aspects of greenwashing and how it seriously affects the environment, in strong connection with the human rights. Moreover, some details regarding the future Greenwashing Directive will be presented, along with those regarding the Green Claims Directive, made in order to protect consumers from misleading marketing practices or advertising and help them make better purchasing choices.*

Key words: *environment, human rights, consumer, misleading information, legal protection*

1. INTRODUCTION

The phenomenon that consists of creating a false appearance according to which a product, an activity or a policy of a company appears to be more friendly to the environment than it is in reality or less harmful to the environment than it is in fact, is called greenwashing. The purpose of using these techniques, which are practically induced in the consumer, is to make the products more attractive and, as a consequence, to increase the number of potential buyers, especially those who are also interested in protecting the environment. By using greenwashing, a significant impact is made on environmental protection, because this practice represents an obstacle in the fight against climate change. Greenwashing promotes false solutions to climate change and at the same time distracts attention from concrete actions that could be taken.

2. ENVIRONMENTAL PROTECTION AND THE HUMAN RIGHTS

There is a strong connection between aspects related to environmental protection and human rights, because through the existence of a clean, healthy and thus sustainable environment, the



fulfilment of several fundamental human rights can be ensured.

Among the fundamental human rights that have an inherent connection with environmental protection, the first target is the right to life. According to art. 3 of the Universal Declaration of Human Rights [1], “everyone has the right to life, liberty and security of the person”. The International Covenant on Civil and Political Rights (ICCPR) [2] reiterates in its art. 6 that “every human being has the inherent right to life”. It is obvious that actions harmful to the environment directly affect the right to life, especially through climate changes that may occur as a result of these actions. Regarding the right to health; art. 25 of the Universal Declaration of Human Rights states that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”. According to World Bank reports, climate change will cause “health impacts [that] are likely to increase and be exacerbated by high rates of malnutrition,” including potential increases in vector-borne diseases and “heat-amplified levels of smog [that] could exacerbate respiratory disorders” [3].

Due to the fact that the global market, therefore including the European one, is more and more concerned with sustainability, the practice of greenwashing has unfortunately become a fairly common practice, due to the desire of companies to be in the best possible position in these circumstances. The close connection between the protection of consumer rights and the protection of the environment can also be seen from the perspective of promoting sustainable practices and responsible consumption, by encouraging them, having the direct effect of combating greenwashing.

3. ASPECTS REGARDING GREENWASHING

As shown before, greenwashing refers to the practice of the companies that includes conveying false or misleading information by presenting their products as being environmentally friendly. It usually involves using deceptive advertising or marketing tactics to convince the consumers that the company’s products, goals and policies are indeed environmentally sound. Greenwashing can be found in advertising, sponsorship and public messaging in the media, including on social media.

Examples of greenwashing tactics are [4], [5]: changing the name or label of a product to make it seem more natural, even if it contains harmful chemicals; launching elaborate and expensive campaigns that portray highly polluting companies as being eco-friendly; claiming to take measures in order to reduce a company’s polluting emissions, while in reality there is no plan in this sense; applying on products, in an intentional way, misleading labels such as “green” or “eco-friendly,” which can be easily misinterpreted as these terms do not have standard definitions; claiming to avoid illegal or non-standard practices that are, in fact, irrelevant to a product; communicating the sustainability attributes of a product in isolation of brand activities (and vice versa) – e.g. a garment made from recycled materials that is produced in a high-emitting factory that pollutes the air and nearby waterways.

The textile industry is one that generates quite many environmental problems, one of the most common of them being that of the gas emissions, causing air pollution, being known that 10% of the global greenhouse gas emissions is caused only by the textile industry [6].

In 2015, the leaders of the world that gathered at the United Nations Climate Change Conference in Paris reached a historical agreement, known as the Paris Agreement, in order to tackle climate change and its negative impact on the environment, by setting goals in order to substantially reduce global greenhouse gas emissions [7]. Since the adoption of this Agreement, that entered into force in 2016, an increasing number of companies have declared themselves willing to reduce their greenhouse emissions to net-zero, but the plans on which these decisions are based are quite



questionable, as the companies have not shown much transparency regarding this aspect. However, it has been shown that, although greenwashing remains a challenge in the fashion industry, significant efforts are made to stop the pollution phenomenon. A recent report found that 60 per cent of sustainability claims by European fashion giants are “unsubstantiated” and “misleading”, a fact that has led to confusion for consumers and growing mistrust of what is and is not sustainable [5].

4. THE PROPOSED GREENWASHING DIRECTIVE

All the before-shown aspects are relevant and extremely important if we want to find if we want to find a motivation for the fact that the European Union is interested in adopting legislation on greenwashing.

At the middle of January 2024, the European Parliament adopted a proposal of a European Directive which aims at improving product labelling and banning the use of misleading environmental claims [8]. The first steps were taken by the European Commission, on March 2022, by submitting a Proposal for a Directive of the European Parliament and of the Council 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. In the explanatory memorandum, it is shown that: “the proposal aims to contribute to a circular, clean and green EU economy by enabling consumers to take informed purchasing decisions and therefore contribute to more sustainable consumption. It also targets unfair commercial practices that mislead consumers away from sustainable consumption choices. Furthermore, it ensures a better and more consistent application of EU consumer rules” [9]. The aim of this Directive is to protect consumers from misleading marketing practices or advertising and help them make better purchasing choices, as they will be provided with better product information. In order to achieve this, a number of marketing practices related to greenwashing will be added to the EU list of prohibited commercial practices and in addition, new rules on informing consumers on a product’s durability will be introduced in the new Directive [10].

The future Directive will define the notion of “environmental claims” as “any non-mandatory messages or representations, irrespective of their form, used in the context of a commercial communication, and which state or imply that a product, product category, brand or trader has a positive, zero, less damaging or improved impact on the environment” [10].

Summarizing, by enforcing the future Directive [8], [10]: the advertising and product labelling will become clearer and more trustworthy for the consumers by banning the use of general environmental claims like “environmentally friendly”, “natural”, “green”, “energy efficient”, “biodegradable”, “climate neutral” or “ecological” without proof; in other words, making generic environmental claims without being able to demonstrate excellent environmental performance relevant to the claim will be prohibited; the use of sustainability labels will also be regulated and only sustainability labels based on official certification schemes or established by public authorities will be allowed in the EU; this means that, for example, displaying a voluntary trust mark or quality mark that is not established by public authorities will be prohibited; another aim is to make both consumers and producers focus more on the durability of the products. In case of infringements, companies will be subject to penalties, including fines and confiscation of revenues.

This future directive is intended to coexist and to be completed by the one referring to the Green Claims Directive, which will be more specific and elaborate the conditions for using environmental claims in greater detail, aiming to prevent companies from making misleading claims



about the environmental benefits of their products and services and to assure consumers that the claims regarding the green nature of the products are reliable, comparable and verifiable [11].

5. CONCLUSIONS

This paper addresses a topic of maximum interest nowadays, showing the concern of the European Union in this aspect. Greenwashing is a very it is a very harmful process, first of all for the environment. As the environment is affected, some fundamental rights of the individuals are also affected, such as the right to life. The lack of uniform European regulations for green claims favours greenwashing and has also a negative impact on the consumer's buying decisions. In addition to these, companies that have opted for sustainability as a priority in their operations are also disadvantaged. Therefore, the rapid adoption of legislation in this field is essential.

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