

## **ASMoR position on the Green Claims Directive**

ASMoR, the Alliance for Sustainable Management of Risk, made up of more than 30 sector associations, in principle supports the adoption of ambitious legislation like the Green Claims Directive, which could empower consumers to make informed choices. However, we emphasize that while promoting informed choices, it is crucial not to hinder the green transition, allowing companies to meet the objectives of the Green Deal.

ASMoR believes that the provision currently introduced in Article 21(3b), which foresees the possibility of prohibiting green claims for products containing hazardous substances, should be amended.

A substance classified as hazardous does not necessarily pose a risk to workers, consumers or the environment. With proper management, emissions and/or exposure can be minimized, controlled, or prevented, ensuring the safe use of a product. If the use of a substance is proven to be safe for human health and the environment in its application, banning green claims for such application based on the mere presence of a hazardous substance is a disproportionate measure.

ASMoR believes that the prescription referred to in Art. 21(3b) would only over-regulate and duplicate measures already present in existing regulations that are more specific to chemicals.

Indeed, existing legislative frameworks, such as the REACH Regulation, the Cosmetics Products Regulation, and the Food Contact Materials Regulation, and other product-specific legislation, already address the hazard and safety of chemical substances based on high-quality science and application-specific risk assessments.

### **Impact on strategic products for the EU Green Deal**

Additionally, the presence of hazardous substances does not inherently imply a negative impact on a product's performance. In fact, these substances often enhance performance due to their specific – sometimes unique – properties, contributing to the product's functionality, efficiency, or longevity.

There are many examples of products that are key to achieve the objectives of the European Green Deal, but safely contain hazardous substances because of their unique properties. Such examples include:

- Stainless steel commonly contains large amounts of nickel, and is used in a wide array of applications, ranging from surgical instruments to railway cars.
- Lead steel improves energy efficiency when machining is needed for end products.
- Concrete admixtures, containing substances such as melamine and formaldehyde, are used in concrete to increase durability and strength, and to reduce carbon emissions.
- Battery metals, such as lead and lithium, are used in electric vehicles.
- Silver, lead, arsenic, and cadmium are used in solar panels.
- Metal residuals, which include lead, cadmium, and cobalt, are present in metallic products and in nature.
- Natural Complex Substances, naturally present in plants, and used as ingredients in several products from food to cosmetics, contribute to the circularity of consumer products and the sustainable use of renewable natural resources.
- Mercury-containing lamps are necessary to cure via UV radiation paints.

This over-prescriptive measure would prevent the possibility of green claims for such products, even when hazardous substances are used safely without any adverse effects on human health and/or the environment. ASMoR is of the opinion that this measure would not bring any benefits to society and would only hinder the achievement of the Green Deal objectives for many strategic sectors identified by the EU. We therefore kindly ask EU Member States to reconsider the provisions currently introduced in Article 21(3b).