



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Maritime Policy and Blue Economy  
The Director-General

Brussels  
MARE.A.4/GH

Mr. Guus Pastoor,  
Chairman  
Market Advisory Council  
rue de la Science, 10  
B-1000 Brussels

**Subject: MAC Advice – Empowering the Consumer for the Green Transition**

Dear Mr Pastoor,

I would like to thank the MAC for its advice of 17 October 2022 in relation to the Commission proposal on empowering consumer for the green transition.

We welcome the advice and appreciate the support expressed for the proposal, in particular the targeted amendments to the Unfair Commercial Practices Directive that aim to fight greenwashing.

As mentioned in your letter, the proposal is currently subject to inter-institutional negotiations and, as such, in the hands of the co-legislators with limited influence for the Commission and its lead service on this initiative (DG JUST). Nonetheless, our colleagues in DG JUST kindly provided some feedback as to where and how the MAC advice could potentially be taken into account.

As regards the definitions in the proposal, some of the comments raised by the MAC were also brought up in the context of the discussions by the co-legislators. Therefore, it is expected that further revisions, improvements and simplifications will be reflected in the final legal text and the recitals in order to provide legal certainty to traders and to ensure a consistent interpretation.

With respect to the proposal's sections on misleading actions and, for example, the MAC's request to better define 'social impact' and 'objective and verifiable commitments', it can be expected based on the discussions by the co-legislators that the final text and recitals will further clarify these concepts.

In relation to Annex 1 of the proposal and, for example, the MAC's comment on '*Presenting requirements imposed by law on all products in the relevant product category on the Union market as a distinctive feature of the trader's offer*', it can be also expected that the recital in the Commission's proposal ('*Conversely, the prohibition should not cover commercial practices promoting traders' or products' compliance with legal requirements that only apply to some products but not to other competing products*

*of the same category on the Union market, such as products of non-EU origin.')* will address the issue raised in the MAC advice on this point.

Finally, we also want to highlight that the proposal (and the two Directives that it has amended) aim to function as a 'consumer protection safety net' in all sectors, by complementing sector- and product-specific Union law that prevails in case of conflict.

We are grateful for the MAC feedback and look forward to continue our cooperation on this important subject. Should you have any further queries, please contact Ms Pascale COLSON, coordinator of the Advisory Councils ([Pascale.COLSON@ec.europa.eu](mailto:Pascale.COLSON@ec.europa.eu)); +32.2.295.62.73), who will forward them to relevant colleagues.

Yours sincerely,

Charlina VITCHEVA

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