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Technical Assistance for Assessment of Türkiye's Potential on Transition to Circular Economy

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Deposit Studies in Türkiye

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Activity 3.2.4. Training on Integrated Waste Management in Circular Economy
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TÜRKİYE CUMHURİYETİ
TİCARET BAKANLIĞI

CONSUMER PROTECTION IN THE GREEN TRANSITION

EU and Türkiye Examples

October 10, 2024

EU LEGISLATION

- **Directive 2024/825: Consumer Empowerment in the Green Transformation**
- **Draft Directive on Environmental Declarations**

TÜRKİYE APPLICATIONS

- **Regulation on Commercial Advertising and Unfair Commercial Practices**
- **Guidelines on Advertisements Containing Environmental Declarations**
- **Advertising Board Decisions**

IS IT TOO GREEN TO BE TRUE?



1) EU Directive 2024/825

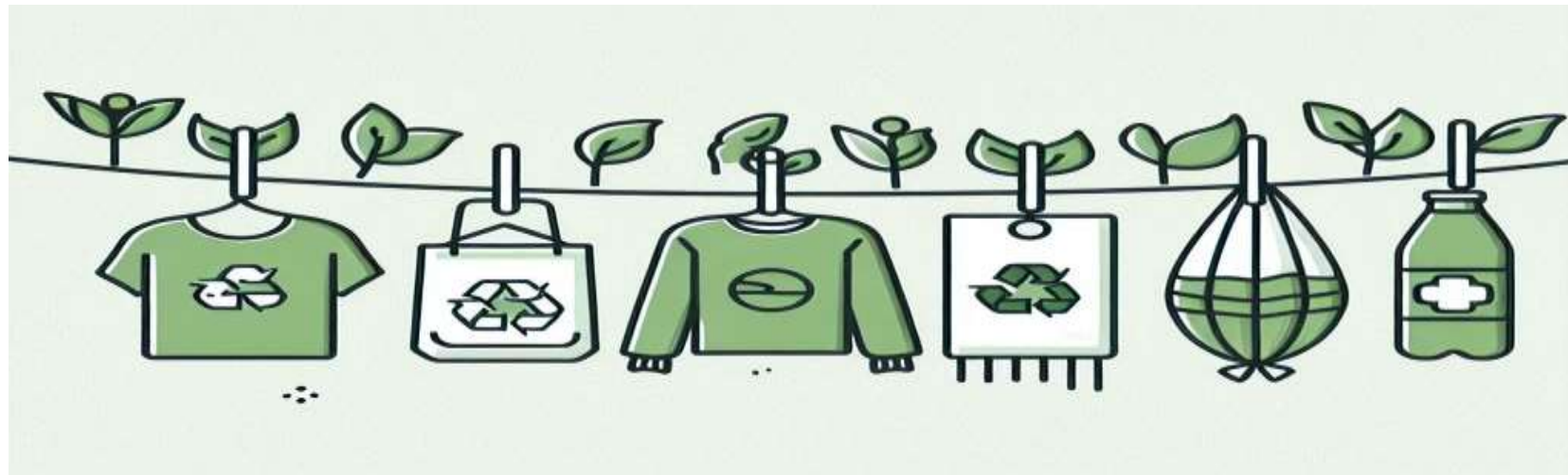
(Directive on empowering consumers for the green transition through better protection against unfair practices and through better information)

- **Publication Date:** 6 March 2024 **Transition to Implementation:** 27 March 2026
- **Scope:** Revision of Directives 2005/29 and 2011/83
- **Objective:** Empowering consumers in the green transformation process through better information and better protection against unfair commercial practices
- **Contents:**
 - Protection against misleading environmental statements (Prevention of Greenwashing)
 - Durability and Repairability Information
 - Certification and Labelling Standards
 - Transparency of Software Updates
 - Preventive Measures for Premature Ageing
 - Promoting Sustainable Consumer Behaviour
- **Importance:** Promote sustainable consumption patterns, create a market where environmental claims can be trusted and support the green transition process

How EU Directive 2024/825 Protects Consumers in the Green Transition

«FIVE TIPS»

1. «Check whether the "green claims" have been substantiated: “*Environmentally friendly artificial plant*”
2. Check which stage of the product life cycle the claim is aimed at: “*Green delivery*”
3. Check whether the claim is a legal requirement or common practice: “*CFC free*”.
4. Check whether a comparative environmental claim is disclosed: “*-30% CO₂*”
5. Check whether labels or certificates are disclosed: “*Sustainability certification*”



2) Draft Directive on Environmental Declarations

(Directive on Substantiation and Communication of Explicit Environmental Claims- Green Claims Directive)



- **Publication Date:** March 22, 2023
- **Objective:**
 - *Consumer Safety:*
Ensuring the accuracy of environmental declarations by preventing misleading consumers.
 - *Prevention of Green Washing:*
Preventing misleading statements by requiring companies claiming to be environmentally sensitive to support these claims with scientific bases.
 - *Protection of the Internal Market:*
To ensure that businesses operate on equal terms and to increase the competitiveness of environmentally superior products

Why is there a need for the Draft Directive on Environmental Declarations?

(Directive on Substantiation and Communication of Explicit Environmental Claims- Green Claims Directive)

150 examples of environmental declarations for a wide range of products were analysed according to the principles of the HTU Directive in 2014 and 2020.

A significant proportion (**53.3 %**) of environmental declarations used across the EU and across a wide range of product categories were found to contain **ambiguous, misleading or unsubstantiated information** about the environmental characteristics of products.

The accuracy, clarity and extent to which environmental claims are supported by verifiable evidence were also analysed and it was found that **40%** of the statements **could not be verified**.

«Green washing is a problem.
and
Consumers' trust in green claims is low.»

2) Draft Directive on Environmental Declarations

(Directive on Substantiation and Communication of Explicit Environmental Claims- Green Claims Directive)

Building a Basis

- Scientific Basis
- Life Cycle Assessment
- Clarity of Scope
- Consideration of All Important Impacts
- Beyond Legal Obligations
- Carbon Dioxide Emissions

Comparative Claims

- Equivalent Data
- Standardized Method
- Time Frame (Improvement-The last 5 years)

Labeling and Certification Standards

- Independent Certification
- Accessibility of Label Information
- Restriction of New Labels

TR LEGISLATION : Advertisements Containing Environmental Declarations



Regulation on Commercial Advertising and Unfair Commercial Practices

Advertisements containing environmental statements

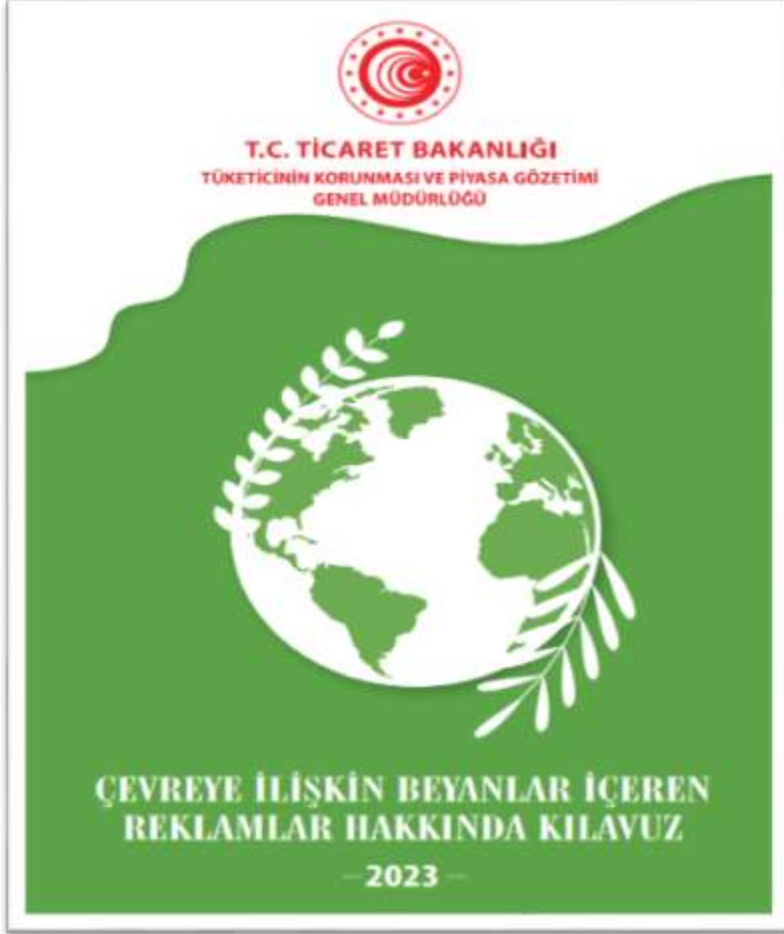
ARTICLE 17 –(1) Advertisements cannot be made in such a way as to exploit consumers' environmental sensitivity or possible lack of knowledge in this area.

(2) Environmental signs, symbols and approvals may not be used in adverts in a deceptive manner.

(3) Only scientific findings and technical demonstrations based on scientific studies recognised by academic institutions may be used in advertisements on environmental impact.

(4) In the advertisements for goods for which energy labelling is mandatory pursuant to the relevant legislation, if information on energy efficiency or price is included, it is obligatory to indicate the energy efficiency class of the relevant goods.

GUIDE



TO ACCESS THE GUIDE



<https://tuketici.ticaret.gov.tr/duyurular/cevreye-iliskin-beyanlar-iceren-reklamlar-hakkinda-kilavuz>



OBJECTIVE OF THE GUIDE

- Providing guidance to advertisers, media organisations and advertising agencies

- Increasing the level of knowledge of consumers

Ensure transparency in adverts containing environmental statements

Prevention of advertisements and commercial practices in which consumers' environmental sensitivities are exploited, consumers are manipulated and misled

To contribute to the achievement of a certain standard in the application of advertisements containing environmental declarations

CONTENTS OF THE GUIDE

Basic Principles

Certificates and Approvals

**Declarations on Degradability,
Recyclability & Recycled Content**

**Declarations on Renewable Energy & Reclaimed
Water**

Responsibilities and Obligations

BASIC PRINCIPLES

Advertisements **CANNOT** be made in such a way as to exploit consumers' environmental sensitivity or possible lack of knowledge in this area.



Environmental signs, symbols and approvals **CANNOT** be used in a deceptive manner to consumers.



Concepts such as "Green", "Sustainable", "Eco", "Nature Friendly" or "Environmentally Friendly" **CANNOT** be used without explanation in a way that may cause uncertainty in the eyes of consumers.

If the realisation of the environmental statements in the advertisements depends on the existence of special conditions, these conditions **MUST BE CLEARLY STATED.**

If the medium in which the advertisement is published is limited to provide the necessary information, consumers should be directed to the medium/website where they can get detailed information.



It **MUST BE CLEARLY STATED** whether the environmental statements in the advertisements relate to the whole or any part, part or process of that good or service.

BASIC PRINCIPLES



With regard to environmental impacts, advertisements may include statements about future objectives **only if there is a publicly available and verifiable strategy for achieving those objectives.**

It **MUST BE CLEARLY SPECIFIED** what the comparative environmental statements in the advertisements relate to.

For example, with the expression '20% more recycled content' on the packaging of a plastic bottle, it **MUST BE CLEARLY STATED** whether the advertiser is making a comparison with its previous product of the same brand and content or with the products of its competitors.



Advertisements should be prepared with a sense of responsibility towards the target audience and society



In Advertisements;

- downplaying consumer behaviour that leads to environmental pollution or excessive waste accumulation,
- encouraging non-recyclable packaging,
- directing consumers to ignore the negative environmental impacts of their actions,
- encourages or tolerates inappropriate littering,
- communications that are far from sustainable consumption understanding should be avoided.

CERTIFICATES AND APPROVALS

Certificates and approvals specified in advertisements regarding a good or its packaging or a service;

- ✓ **MUST BE VERIFIED** by information and documents obtained from authorised public institutions and organisations, relevant departments of universities or accredited research, testing and evaluation institutions.



- ✓ **explanatory information** on what kind of environmental impacts it is related to and what kind of benefits it refers to **MUST BE INCLUDED** in the area where the advertisement is published or on a website or pop-up screen where consumers can get detailed information by directing them with a link or warning sign.


For example, on the packaging of a beverage product, there is an approval image with the phrase "Eco-Friendly Packaging Association".

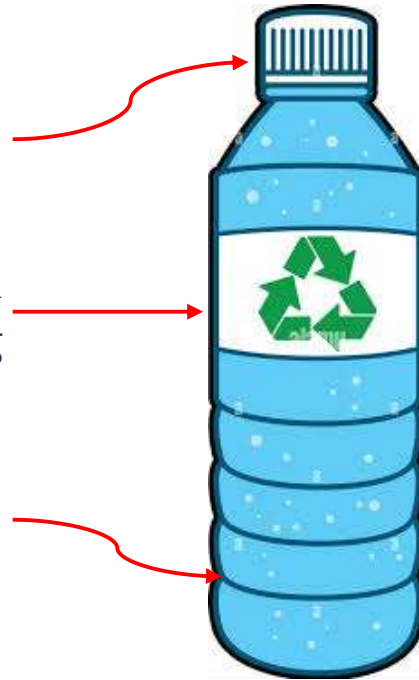
However, no research and examination on the environmental impacts of packaging is carried out by the association mentioned in the packaging.

STATEMENTS REGARDING DEGRADABILITY, RECYCLABILITY & RECYCLED CONTENT

- ❑ Whether declarations that a good is "**biodegradable**", "**degradable**" or "**recyclable**" relate to the whole or part of the product, including the packaging of the good,

Is it the bottle, the label, the cap?

The  " image or the expression "recyclable" may be misleading to consumers.



Where the product is not recyclable, or only certain parts or parts of the product are recyclable, the product advertisement must not state or in any way give the impression that the entire product is recyclable



For products made from partially recycled material, consumers must be clearly informed about **the amount or proportion of recycled content** in the final good or its packaging.



STATEMENTS REGARDING RENEWABLE ENERGY & RECLAIMED WATER

- ❑ Consumers should not be directly or indirectly misled about the use of renewable energy and recycled water in the production of a good or its packaging or the provision of a service by the statements and visuals in advertisements.
- ❑ Advertisers should ensure that consumers are informed by indicating the source of renewable energy (e.g. wind or solar energy) in the advertisements.



- ❑ Advertisers must clearly and prominently state the proportion of renewable energy and the percentage of recycled water used in the production processes of the good or its packaging.

RESPONSIBILITY

Advertisers, advertising agencies and media organisations are **INDIVIDUALLY RESPONSIBLE** for compliance with these Guidelines.

Subsequent correction or compensation of the advertisement or commercial practice that does not comply with Articles 61 and 62 of the Law No. 6502, the Regulation and this Guideline **DOES NOT ELIMINATE THE LIABILITY** of the advertiser or the commercial practitioner regarding the detected contradiction.

EXAMPLES OF ADVERTISING BOARD DECISIONS : Aviation Sector

- The meeting of the Advertising Board dated 11.10.2022 and numbered 326

As a result of the official examination:

Ülkemizin ve bölgemizin en yeşil hava yolu olma hedefimizle, uçuş kaynaklı karbon emisyon yoğunluğumuzu 2030'a kadar %20 azaltıyoruz! 🍀🍀



- Within the scope of corporate sustainability policy, environmental strategies are shaped in line with ISO 14001:2015 Environmental Management System; Carbon Disclosure Project ('CDP'); International Civil Aviation Organization (ICAO) Carbon Conversion and Reduction Programme for International Aviation Activities (CORSA); European Union Emissions Trading System (EU ETS) standards,
- By 2030, the use of alternative (sustainable aviation fuel) fuel and other preventive measures, in particular the transformation of the company's fleet,
- For being the Turkish airline with the highest rating of B in the Carbon Disclosure Project (CDP)

decision; **not to be contrary to the law.**

EXAMPLES OF ADVERTISING BOARD DECISIONS: Cleaning Products

- The meeting of the Advertising Board dated 08.11.2022 and numbered 327 -



Regarding the promotions of "X" branded detergent products labelled "*More Sensitive to Nature*";

It has been assessed that the comparative environmental statement 'More Sensitive to Nature' does not clearly state whether the comparison is made with the previous products of the 'X' brand or with the products of its competitors, and the studies that comparatively prove the general environmental impact of the 'X' brand detergents throughout the whole or part of the life cycle are not presented, and it has been decided **to impose administrative fines and penalties for the cancellation of the aforementioned advertisements.**

EXAMPLES OF ADVERTISING BOARD DECISIONS: Furniture and Decoration

- The meeting of the Advertising Board dated 14.12.2023 and numbered 330 -



With regard to 'X' branded furniture products with the slogan '*Flat Pack: An environmentally friendly idea*' in relation to promotions;

'Flat Pack: An environmentally friendly idea', according to the submitted information documents and calculation sample, it was evaluated that flat packaging of the products resulted in the use of fewer vehicles during the transportation of the products, thus reducing fuel use and carbon emissions, and therefore, it was decided that the promotions subject to review **were not contrary**.

EXAMPLES OF ADVERTISING BOARD DECISIONS: Personal Care

- The meeting of the Advertising Board dated 13.06.2023 and numbered 334 -



Bio Natural ve Ecologic
Hijyenik Ped Serisi! Hiç yok ki
Doğal ve organik içerikli ürünleriyle çığır açan
Sleepy, havayı koruyan biyopolimer içerikli ve
toprak çözünen yapıya sahip hijyenik ped
serileriyle de fark yaratıyor. Nil'in de dediği gibi;

Regarding the "X" branded sanitary pad product *"It also makes a difference with its hygienic pad series with biopolymer content that protects the air and has a soil-soluble structure"* in relation to the phrased introductions;

'Soluble in soil' and 'Soluble in nature', but the claim that all of the said products are soluble in soil and nature was not supported by evidence from public institutions and organisations, relevant departments of universities or accredited research, testing and evaluation organisations, thus, it was decided to impose a **fine on the company to stop the relevant advertisements.**

EXAMPLES OF ADVERTISING BOARD DECISIONS: Food products

- The meeting of the Advertising Board dated 12.09.2023 and numbered 337 -

Related to "X" branded food products *"Don't throw away this box for a sustainable world!"* in relation to the phrased introductions;

The use of such declarations and visuals targeting the environmental sensitivity of consumers in the absence of any process and/or innovation that eliminates or reduces the negative effects of the product itself, its production/supply processes or its packaging on the environment, in other words, contributing to the goal of a sustainable world, and at the same time placing the onus on consumers to ensure sustainability, It has been assessed that the advertisement exploits the possible lack of knowledge and sensitivity of consumers in this field, and that a general concept such as 'a sustainable world' is used in the advertisement without explanation or in a way that causes uncertainty in the eyes of consumers regarding the environmental impacts of the production processes of the food and/or its packaging, and it has been decided to impose a fine on the organisation **to stop the aforementioned advertisements.**



EXAMPLES OF ADVERTISING BOARD DECISIONS: Ready-to-Wear Sector

- The meeting of the Advertising Board dated 09.01.2024 and numbered 341 -



Regarding the promotions titled "**We have a promise to the world**" on the website of the "X" branded company and the company's Instagram account;

The statement "**We promise to make all our packaging 100% sustainable in 2024.**" does not specify which brand product or product group it is related to, or does not direct the consumer to a website or other medium where the consumer can obtain information on this subject,

The statement "**We have a promise to nature and people with the goal of zero waste and zero emission**" is included, but reports prepared/verified by an organisation accredited according to the applicable standards to support this statement are not presented,

It was evaluated and it was decided to impose a penalty to stop the aforementioned advertisements.

GREENWASHING vs. GREENHUSHING





**TÜRKİYE CUMHURİYETİ
TİCARET BAKANLIĞI**

Thank You

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Relations**

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Thanks for your attention.



Türkiye Döngüsel Ekonomi

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