

## The Association for Renewable Energy and Clean Technology's response to the Scottish Government consultation on misleading environmental claims

<https://www.gov.uk/cma-cases/misleading-environmental-claims>

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### About the REA

Trade association representing British renewable energy producers and clean technology and promoting the use of renewable energy in the UK. Amongst our 550 corporate members, the REA's Organics and Natural Capital forum and its Biogas forum together comprise 422 members, numerous of which operate commercial composting facilities and commercial scale anaerobic digestion (AD) facilities. The REA works with stakeholders with the aim of achieving policy and regulatory frameworks for renewables and organic waste recycling that deliver an increasing contribution to the UK's electricity, heat, recycling and transport needs. More info available at [www.r-e-a.net](http://www.r-e-a.net)

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Response submitted by: [REDACTED] 16/07/2021.

### REA's comments on the CMA's draft guidance on environmental claims on goods and services

Excerpts from draft guidance:

- 3.52 Claims that products are 'biodegradable', 'compostable' or 'recyclable' can also be problematic. Often, they only apply to parts of products or in certain conditions.
- 3.53 If a product will only biodegrade or compost in certain conditions, for example, this should be explained. Otherwise, consumers are liable to assume the claim applies to the typical methods for disposing of the product.

Much more protection against the considerable number of fake products, incorrectly assessed products, and products with misleading environmental claims could be achieved by changing paragraph 3.53 so it reads:

'Where there is a current, published standard formally accepted by government and/or environment protection regulators and which specifies minimum criteria for the product's biodegradation in a clearly defined natural and/or human controlled environment, any product within that standard's scope must only be placed on the market if it complies with that standard.'

Please insert a following paragraph that reads: 'Any product designed to be used and/or managed in its end of life phase in a way that is outside the scope of any such standard (as referred to in 3.53) must not be placed on the market with any kind of biodegradability claim;

development, publication and formal acceptance of a suitable standard (as referred to in 3.53) must first be achieved.

Please insert a following paragraph that reads: 'Independent laboratory test services and compliance assessment and certification services provided by independent certification bodies must become available and provide sufficient service capacity within a maximum of three years of publication of any such standard (as referred to in 3.53).'

**3.54 For similar reasons, it must also be clear whether claims about product recyclability relate to the whole product, including its packaging, or part of it. Instructions on how to recycle the product should be provided.**

Paragraph 3.54 would be clearer and more preventive of misleading environmental claims if changed to read:

'For similar reasons, it must also be clear whether claims about product recyclability – be that mechanically, chemically or organically recyclable or recyclable via another means – relate to the product inside the packaging, its packaging, both the product and its packaging or just a manually separatable part of the product and/or its packaging.'

~ End of response ~