EUROsimA 2024

European Parliament

1. Transparency and Targeting of Political Advertising
2. Substantiation of Green Claims

Study Guide

European Parliament
Study Guide

European Union Simulation in Ankara (EUROsimA) 2024

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Table of Contents

I. LETTERS
A. Letter from the Secretary-General

Esteemed participants,

I would like to welcome you all to EUROsimA 2024. My name is Alkım Özkazanç, and I am a third-year Political Science and Public Administration student at the Middle East Technical University. This year, I will be serving as the Secretary-General of this esteemed conference during its 20th annual session. EUROsimA has always held a special place for me since my first participation in the conference back in 2019; thus, being able to contribute to such a valuable session simply fills me with pride and excitement. An incredible amount of hard work has been dedicated to this conference, so I am confident that EUROsimA 2024 will not break the tradition and satisfy its participants as perhaps the most academically qualified Model European Union (MEU) simulation in Türkiye.

Our academic team, consisting of competent students who come from different departments and universities yet are definitely united by a strong team spirit, is the reason why I have been able to make the claim that stands just a few lines above. The Under-Secretaries-General and the Academic Assistants have been working hard for the last few months to produce a conference that is rich in content and educatory. I would like to thank every member of the academic team for their commitment.

Moreover, I would like to especially thank our Director-General, Miss Deren Ertan, whose support and company I can never disregard. I am quite grateful for her motivation, diligence, and solidarity, all of which she has exercised to an excellent degree. Seeing her and her team's efforts assures me that EUROsimA 2024 is going to be an unforgettable experience for all participants. Thus, I would like to thank every member of the organisation team for their commitment as well.

The European Parliament has always been one of the flagships of EUROsimA. The European Parliament will be again working in collaboration with the Council of the European Union through a procedure known as the OLP, just like how it is handled by their real-life counterparts. It will be Mr. Enes Okkay and his academic assistants Mr. Derin Engür and Mr. Ata Yağız Topaloğlu who are going to ensure the smooth functioning of this procedure on the European Parliament side, which is not an easy task. I would thus like to thank all of them for the preparations of this committee and for their upcoming efforts to sustain the OLP.

I strongly advise the participants to read the study guides in detail in order to get a firm understanding of the agenda item and to fully immerse themselves in their committees. Only through that immersion could one get a full taste of the committee and accumulate good memories. After this short piece of advice, I would like to once again welcome you all to EUROsimA 2024, hoping that it will be a remarkable experience for you.

Kind Regards,

Alkım Özkazanç

Secretary-General of EUROsimA 2024

B. Letter from the Under-Secretary-General

Most distinguished participants,

I am Enes Okkay, a second-year psychology student from TED University. I have been doing MUNs for quite some time and EUROsimA, counting this year, has been present for the last three years of that career. EUROsimA will always have a different place at my heart. I have two reasons for that, my first committee board member experience and my first academic assistant experience both are from EUROsimA, and from this exact committee, the European Parliament. The other reason would be the friends that I made from this amazing conference. So, I want to welcome you all to this conference which I hold dear to me.

This year, I am the Under-Secretary General of the European Parliament, which is in my opinion, the signature of EUROsimA. Working together with the Council of the European Union, this committee will definitely be a unique experience for all of you. This year our first topic will be about "greenwashing," a concept that is destroying the trust between the public and the companies and a big obstacle to humanity when it comes to our battle with the climate crisis. I and my academic assistants Derin Engür and Ata Yağız Topaloğlu have tried to explain the topic as best as we can, and I hope you will read what we have produced and get ready for the conference. Our second topic will be about "transparency in political advertising"; this agenda will be delivered to you by Bora Oğuz, the USG of the Council of the European Union. Even though I have many positive words for them, those words will probably be uttered in the upcoming times.

And last, but not least, I would like to talk about our Secretary-General, Alkım Özkazanç. Alkım has been a valuable friend that I got to know through MUNs and MEUs, and I truly believe he is one of the finest men that I have ever got to know. We always had lots of fun, and truly enjoyed our times. On the other hand, I also think that I learnt lots of things from him, especially while writing this study guide. Let's have some more fun in EUROsimA'24.

You can always get in contact with me through sending an email to okkay@eurosima.org.

Sincerely,

Enes Okkay

Under-Secretary General of the European Parliament

II. INTRODUCTION TO THE EUROPEAN PARLIAMENT

The European Parliament (EP) is one of the seven main institutions of the European Union (EU). It is also one of the legislative bodies of the EU, and together with the Council of the European Union, it is tasked to amend and approve the proposals of the European Commission (EC). The EP is the only directly elected EU institution with 705 MEPs.

A. History of the European Parliament

The European Parliament was formed in 1952 as the Common Assembly of the European Coal and Steel Community (ECSC) (CVCE.eu n.d.). Among other institutions, the Common Assembly is the archaic form of the European Parliament, and meetings held at the Common Assembly included representatives from the member states of the ECSC. The Common Assembly was renamed in 1962 to its current name: the European Parliament. In 1979, the procedural structure with regards to the MEPs changed and from that time onwards the Parliament's members have been directly elected. With the Lisbon Treaty of 1 December 2009, the power of the EP on budgetary tasks concerning the whole EU budget was increased (Kahraman 2021). Furthermore, the treaty increased the legislative powers of the EP to equal the Council in most areas as well as linking the appointment of the EC to the Parliament's elections.

B. Mandate of the European Parliament

The EP has three main roles: legislative, supervisory, and budgetary. Firstly, legislative duties of the EP include passing EU laws, deciding on international agreements and enlargements, and reviewing the work programme of the EC and asking it to propose legislation. Secondly, the supervisory role of the EP involves democratic scrutiny of all EU institutions, electing the EC President and approving the Commission as a body. granting discharge, examining citizens'

petitions and setting up inquiries discussing monetary policy, questioning the EC and Council, and observing elections. Finally, the budgetary duties of the EP are establishing the EU budget and approving the EU's long-term budget (European Union n.d.).

In the process of these actions, the EP works in two main parts, committees, and plenary sessions. In the twenty committees and three subcommittees concerning particular policy areas, the legislation is prepared. The proposals are examined, and participants can put forward amendments or reject bills. In the plenary sessions, Members of the European Parliament (MEPs) gather to vote on the legislation and proposed amendments (European Union n.d.).

C. EU's Legal Structure

The legal structure of the European Union depends on the rule of law, meaning that every action taken by the EU is based on the treaties democratically approved by its members. Laws of the EU aid the accomplishment of objectives specifically determined by the treaties. EU laws are categorized as primary and secondary laws. Primary law consists of the treaties while the body of law created after the approval of the treaties constitute the secondary law (European Council 2017). There are certain key definitions which must be understood when it comes to the EU's legal structure.

EU treaties: They are the legal documents which draw the objectives of the European Union, rules for the EU institutions, the way decisions are made, and the relation between the EU and its member countries (European Council 2017).

Regulations: They are legal acts that are automatically and uniformly binding on all Member States immediately after approved and implemented. For the regulations, there is no need for the transition to national law (European Council 2017).

Directives: They are used to call upon Members States to achieve a certain result. However, the way Member States organise the procedure to fulfil this specific result is left up to the Member States themselves. The framework created by the directives should be transferred to the national law of the member countries (European Council 2017).

D. Ordinary Legislative Procedure

The Ordinary Legislative Procedure is also called "co-decision" (European Council 2017). Almost 85 EU policy areas, from the fight against discrimination to the defence policies, are determined with the ordinary legislative procedure. It was first adopted in 1992, and its area of the use has been enlarged in 1999. With the Lisbon Treaty, it became the main procedure for the adaptation of EU legislation.

The OLP has three different reading processes. These stages begin with the Commission presenting a proposal to the European Parliament. During the 1st reading, the European Parliament examines the proposal of the Commission and may directly adopt proposal or introduce amendments to it (European Council 2017). After the examination of the Parliament, the proposal is then sent to and scanned by the Council. In this stage, the Council may decide to accept the Parliament's position on the proposal, which means that the act will be adopted, or introduce amendments on top of Parliament's additions. In the latter case, the proposal is returned to the Parliament, which starts the 2nd reading process. During the 1st reading process, there is no time limit (European Council 2017).

In the 2nd reading process, Parliament examines the Council's proposition on the proposal (European Council 2017). After this, it can approve the text, reject it, or propose additional amendments to it. If the Parliament approves, the act is adopted. In the case of a rejection, the

legislative act will not enter into force and the whole procedure fails. If it introduces amendments, the proposal returns to the Council for the 2nd reading (European Council 2017). In the latter case, the Council examines the Parliament's 2nd reading proposition on the proposal, and it can either approve all amendments proposed by the Parliament or reject them. In the first possibility, the act is adopted. If Council rejects the proposal goes, the Conciliation Committee is convened, and the 3rd reading stage begins. The time limit for the 2nd reading is three months which can be extended by one month (European Council 2017).

The Conciliation Committee consists of equal numbers of members from the Parliament and Council representatives (European Council 2017). The role of the Conciliation Committee is to reach a common ground between the Parliament and Council and agree on a joint text that would be acceptable to both institutions. If the Conciliation Committee cannot reach a joint text, the act is not adopted. In the opposite case, the text is forwarded to the Parliament and Council for further examinations. If one of the institutions rejects the joint text, the whole procedure ends, and the act cannot be adopted (European Council 2017).
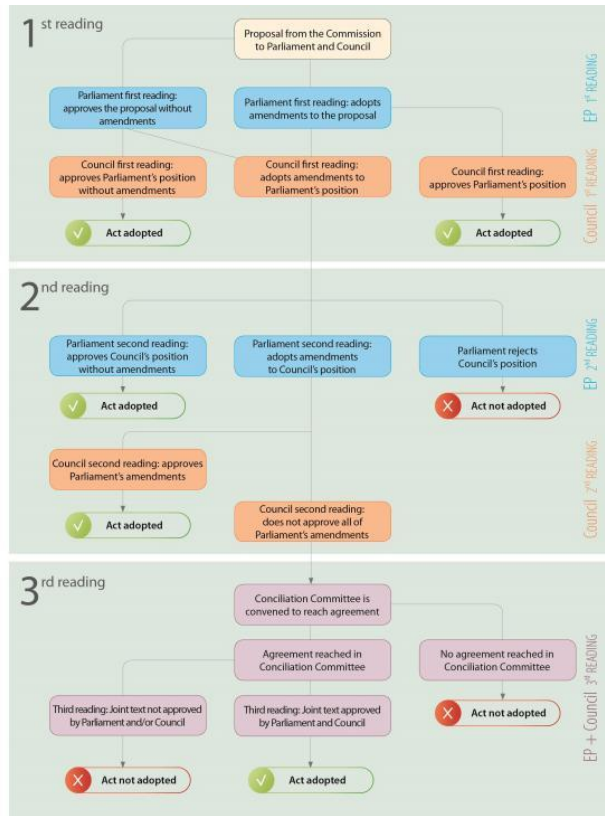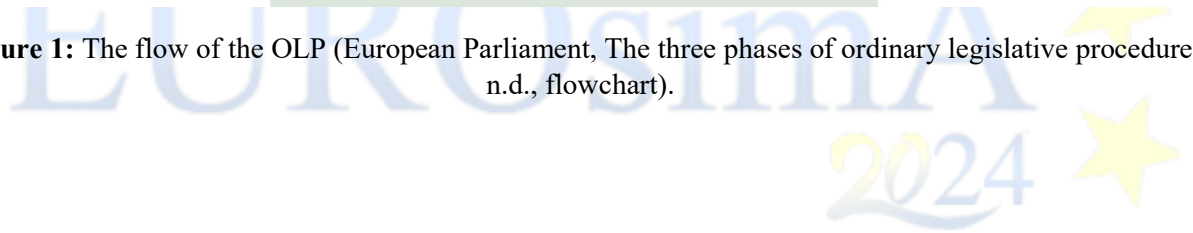
Figure 1: The flow of the OLP (European Parliament, The three phases of ordinary legislative procedure, n.d., flowchart).

PROPOSAL FOR A REGULATION ON THE TRANSPARENCY AND TARGETING OF POLITICAL ADVERTISING

2021/0381 (COD)

Table of Contents

I. BACKGROUND OF POLITICAL ADVERTISING

A. Definition of Political Advertising

Political advertising (PA) is a reality and an issue that the citizens of the EU have been a part, target, or consumer of throughout their lifespan. Nevertheless, the controversy surrounding this reality starts as soon as one tries to define it. There is no agreed-upon definition that was codified into the EU laws concerning political advertisement.

While it is hard to define exactly what political advertising is and what its scope is, there are universally agreed-upon characteristics of it. In the EU and throughout the world, these characteristics are used to understand political advertising on a case-to-case basis. The makeshift definitions given by most parties often focus on traditional media forms and thus seldom cover the full extent of political advertisement. Political advertising can be done through a variety of channels and media, including traditional media platforms and newer media such as the internet and video games (Corasaniti 2024).

These definitions also range from a total disregard (in the shape of finding any political advertising as propaganda) to an acceptance of their existence in human lives as a pillar of democracy (Gurumurthy and Jha 2019). Moreover, they are seldom free of interference due to political interests. Nevertheless, political advertisement, in its most common definition, refers to an effort to influence a group of people for or against an issue, person, group, party, or identity through traditional or modern channels of social interaction or fora.

B. History of Political Advertising

At first glance, political advertising might be seen as a new phenomenon for humanity. On the contrary, PA has a long history stretching from modern capitalism to ancient civilizations. At first, interactions between elites and masses led to PA's emergence in ancient Greece and Rome. Politicians recognized PA as a tool to grasp and gain hegemonic power in the pursuit of personal desires and aims (Manolov 2019, 55).

When we look at the early examples of PA in Ancient Greece, slogans, brochures, and visual motives were common. This was natural, given that political rhetoric was crucial in Greek intellectual and social life. Another example from antiquity was the social life of ancient Rome (c. III–I century BC), which contained early examples of pre-modern political communication dating back to the political activities of Julius Caesar. These include parchments with the words "Daily Public Records (Acta Diurna)" written on them, which informs the citizens about the actions of the Roman rulers (Manolov 2019, 55). Further examples include the first political poster, "*Vote for Cicero! He is a Good Man*," a significant advertising tool during the election campaign for Cicero's consulship (Manolov 2019, 55). The further development of the strong rhetorical tradition in antiquity was enabled through public political speeches, such as those given by Caesar in the first century BC. It is vital to understand that PA in the ancient ages was generally based on false guidance and channelization to manipulate the masses by concealing the real nature of political power structures and establishments (Manolov 2019, 55).

During the Middle Ages, there was little to no PA due to the political and social landscape being dominated by the Catholic Church. There was simply no space for PA in such an environment, given that neither the Church nor the nobility were politically accountable. However, it was the Catholic Church that made the first PA attempt in 1622 with the *Holy Congregation for the Propagation of the Faith*, or the renowned College of Propaganda (Manolov 2019, 56). The main

goal of this establishment was to earn the support of people through the heart and mind and convince them of the church dogma (Manolov 2019, 56). The other significant milestone in the Middle Ages came in 1629 when the first advertising agency was established in France, the Rennodo Announcement Bureau, which began mass advertising of sheets in printed forms (Ilieva 1996 as cited in Manolov 2019).

One of the most significant milestones for PA was the rise of early-vulgar capitalism. With the market economy rising, the need for advertisement rose as well. Many newspapers started to be printed wholesale, and in them, there were many advertisements, many of which were of a political nature. In this era, many improvements in PA occured, such as the usage of photographs for the first time.

The next significant steps were taken by **Franklin D. Roosevelt**, who was notable for the advertisements prepared for his campaign after 1916. He published his messages in the *Saturday Evening Post* and in some other American magazines (Burudjieva and Kaneva 2007 as cited in Manolov 2019). In 1917, the Congress on the Political Advertising Act was already discussed in the US Congress (Burudjieva and Kaneva 2007 as cited in Manolov 2019). The acknowledgement of it by the US Congress opened a new chapter for PA.

This coincided with other acknowledgements throughout the world for PA. For example, the Bolshevik leader Vladimir Ilyich Lenin used the term **election advertising** to describe PA as early as 1912 in his article *Political Parties in Russia*. While it was the first acknowledgement of the PA as a concept, it was not widely recognized (Manolov 2019, 55).

Around the 1920s – 1930s, the first professionally prepared election campaigns were organized in the United States and Western Europe, bringing the term to a more widescale usage (Manolov

2019, 55). After this era, PA took a shape that resembles its contemporary form. Print became even more popular, radio was introduced, and later broadcast was used. However, it can be observed that during its entire history, many problems arose from or surrounded PA.

Figure 2: Cicero publicly denounces the conspirator Catiline (Cesare Maccari, Cicero Denounces Catiline, 1889, fresco).

C. Recent Developments in Political Advertising

As was previously covered in the previous chapters, the phenomenon of political advertising has evolved over time and was influenced by social, economic, political, and technological advancements. In order to provide more insight into the discussions on the agenda, developments in the recent past can be elaborated on in further detail.

The scientific research on political advertising is regarded to be relatively recent. In earlier periods of research, advertising was not often studied separately from other types of mass communication

(Faber 1992, 1). The "recent era" commenced in the late 1940s and early 1950s with groundbreaking research about the impact of mass media on voting patterns. Qualified interdisciplinary studies on the topic of political advertising are available today. Furthermore, a recurring theme and key point in such studies have been the emphasis on digitalization (Bach et al. 2019).

The political advertising industry has witnessed a noticeable transition in recent years from traditional advertising techniques to digital media. Digital platforms, as opposed to conventional media channels like print, radio, and television, have unmatched possibilities for interaction and creativity in political advertising. The mentioned developments seem parallel to the advancements in the rise of big data and the expansion of data collection techniques during the last decade. Political campaigns are currently more data-driven and can target particular demographic groupings, geographic regions, or interest-based segments with messages specifically catered to them by utilizing social media, search engines, email, and online video platforms (Heblich 2016). Even though such profiling of individuals to deliver a personalized political message is not directly an effect of digitalization to the political advertising industry, its scope and intensity have grown substantially due to the trend of digitalization.

Behavioural profiling, microtargeting, regulatory challenges, and policy debates have arisen since contemporary political advertising methods of our age rely heavily on tactics like algorithmic optimization. Even though some governing bodies and organizations have attempted to apply regulations associated with mass media and communication to the digital realm, concerns in relation to the lack of legislation in the field have become a political agenda (Dommet 2019, 15).

As for the recent developments on the side of the European Union, considerable policy efforts have been made in the last couple of years. **Code of Practice on Disinformation** of 2018, **Data Protection Regulation** of 2018, **Election Integrity Action Plan** of 2020, and **Digital Services Act (DSA)** of 2020 have emerged as some of the ambitious legislations and initiatives tackling the topic of political advertising.

II.   ISSUES RELATED TO POLITICAL ADVERTISING

A. Transparency

Lack of transparency is one of the issues that occurs during political advertisement processes. It refers to the lack of clear and coherent information about the sources of funding, the motives behind those advertisements and the entities that are responsible for the creation and dissemination (European Partnership for Democracy 2022, 1).

The issue concerns multiple layers and actors, and focuses on various aspects as stated before. Those issues play a crucial role at undermining transparency. Different aspects include:

a. *Opaque Funding Sources*

Opaque funding sources mean non-transparency in the sources of funds. Some political advertisements fail to disclose their funding. Without having the knowledge of who is financing the ads, voters may not fully comprehend the motives behind the campaigns (International IDEA and Open Government Partnership 2019, 3). Lack of transparency, for this matter of fact, can erode public interest in political institutions and undermine the integrity of the electoral process (International IDEA and Open Government Partnership, 3).

b. Misleading Messaging

Political ads may employ misleading or deceptive messaging that might sway the public opinion (Hsu, Thompson, and Myers 2024). As stated before, without the clear information of the motive, voters may easily be manipulated by those false or exaggerated claims. Furthermore, those messaging can lead to undermining the democratic process by hindering voters' ability to make proper decision based on accurate information; thus, it can lead to distortion of public discourse and polarise communities (Hsu, Thompson, and Myers 2024).

c. Foreign and Hidden Corporate Influences

Some political parties and foundations are funded by foreign elements or coporations and industry groups that seek to advance their agendas without transparently disclosing their involvement (Martin, Shapiro, and Nedashkovskaya 2019, 21). An important method for them to apply this influence is through using the social media platforms, a method which plays a vital role in allowing political actors to target multiple audiences simultaneously. Thus, this issue raises concerns about potential outside actors to manipulate domestic political processes through advertising campaigns (Martin, Shapiro, and Nedashkovskaya, 21).

Moreover, there have been some past cases within the EU which have brought attention to the transparency problem. For example, there have been concerns about foreign interference in domestic political processes and campaigns. An important example that occurred recently is the Russian disinformation about the Dutch general elections in 2017. Russia had tried to influence last month's elections by spreading fake news according to the Dutch intelligence service, AIVD.

The head of AIVD, Rob Bertholee, told the media that Russia failed to influence the process. Moreover, prior to the elections, Dutch government decided to adapt a new way of counting votes since there were raised concerns related to the prospects of Russian hacking (POLITICO 2017).

In some EU member states, political parties and interest groups exploit the regulations in order to obscure their funding sources. A notable example occurred in relation to the 2016 Brexit referendum in the United Kingdom. There was a notable absence of regulations governing the funding and transparency of political advertising, specifically in the digital sphere. The Pro-Brexit campaign groups, most notably *Vote Leave* and *Leave.EU*, ran extensive advertising campaigns across social media platforms such as *Twitter* (now known as *X*), *Facebook*, and *Instagram*. On 21st of April 2017, the Electoral Commission announced that they launched an investigation into the electoral spendings of the campaign. The investigation focused on whether impermissible donations were taken and whether the group's spending return was complete. In May 2018, the campaign Leave.EU was fined £70,000 for breaking electoral laws by failing to report the spendings of at least £77,380 during the Brexit referendum that occurred in 2016 (The Guardian 2017).

During the 2017 French Presidential Election between Marine Le Pen and Emmanuel Macron, Le Pen's party, *The National Front* (now known as *The National Rally*) benefited from opaque funding sources. The party faced allegations of receiving loans from a Russian bank, which lead to concerns about party's independence and susceptibility whether they are under the influence of a foreign element. This instance is a good example for showing that the Russian influence operations in abroad involve not only internet and military adventurism, but also **secretive financing** as well. Even though Le Pen denied financing from a Russian owned bank, her party received a €11 Million loan from *First Czech-Russian Bank*. There were claims regarding the

reason why Le Pen received this loan in the first place. Some claimed that it was regarded as a "reward" for her support for Putin's stance on Crimea.

Figure 3: Le Pen and fellow MEPs launching a far-right group (Francois Lenoir, Marine Le Pen, surrounded by fellow MEPs, launching a new far right European Parliament group, 2019, photograph, Brussels).

At another incident in April 2015, a group of Russian hackers claimed to leak the messages between Timur Prokopenko, who was a high-ranking Russian state official, and Le Pen (The Washington Post 2018). However, Le Pen denied those claims. First Czech-Russian Bank later went on bankrupt in 2014, passing the loan to the Russian company *Aviazapchast*. The party later announced on 19 September 2023 that they have fully paid their controversial Russian loan of €6 Million to the *Aviazapchast S.A.* (POLITICO 2023).

After the increasing amount of misleading political advertisements and the lack of transparency, the European Commission developed a new regulation to deal with those problems. **Regulation**

No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statue and funding of European political parties and European political foundations aims to increase the visibility, recognition, effectiveness, accountability and transparency of European political parties and the political foundations that are affiliated with them. The proposal came as a response to concerns about the influence of a possible dark money in the EU politics, particularly about the lack of transparency surrounding donations to certain political groups and the potential outside actors (European Parliament and the Council of the European Union 2014).

B. Political Profiling and Targeting

Political profiling is the process of employing data and analytical tools to categorize and target people, parties, or organizations based on their political ideas, actions, or connections (Pouliou 2018). Political organizations now find it simpler to target and profile citizens owing to recent advancements in the field of political advertising, which were covered in the previous sections. Notwithstanding, there are other moral, social, and legal questions to consider when evaluating the political advertising agenda from the perspective of political targeting and profiling.

It is essential to acknowledge that political profiling and targeting are not entirely novel phenomena. Over the course of time, an array of profiling methods, such as message-targeting and tailoring, have been applied in a number of contexts, including marketing, political campaigning, and law enforcement (European Union Agency for Fundamental Rights 2018). While social sciences have observed and studied traditional non-digital profiling and targeting strategies, the 21st century's digitalization wave has brought about the generation of detailed political profiles that incorporate online behaviour in addition to pre-existing demographic data.

Political targeting and profiling possess various motivations. Persuasion is the main objective of political profiling techniques. Campaigns typically concentrate on the accomplishments, policy recommendations, and compelling qualities of their candidates. Additionally, the intent of politically targeted advertising is to mobilize voter bases and boost turnout rates, particularly in political areas that are critical for electoral success. Nonetheless, non-electoral incentives for political profiling are existent within the political sphere. Political entities, for instance, target individuals for issue advocacy and fundraising. Advertisements may target donors with personalized appeals and acquire support based on their unique positions on significant agendas, which plays a key role in name recognition through visibility. Negative campaigning is also one of the most intriguing applications of political profiling and targeting; political advertising is not only preferred in cases of promotion but also to undermine the credibility and reputation of the opposing parties (Lau and Rovner 2009, 289).

Given that the majority of the standard procedures employed in the processes are data-driven, monitoring seems to be a prerequisite for political profiling and targeting . Three tiers of political targeting approaches have been identified by the literature: **less finely-defined targeting**, **more finely-grained micro-targeting**, and **more finely-grained psychographic targeting** (Burkell and Regan 2019). While less precise targeting relies on demographic information like age, gender, sex, occupation, class, race, and ethnicity, micro-targeting also takes into account social media usage, travel patterns, and purchasing habits. Psychographic targeting, meanwhile, includes the collection of information about attitudes, interests, values, beliefs, emotional patterns, and hobbies (Burkell and Regan).

Figure 4: Anti-Minority AfD ad (BBC, An AfD Election Poster in Berlin Says "Stop Islamisation, 2020, photograph, place unknown).

Data is gathered through a variety of methods in order to facilitate political targeting and profiling. Political organizations had used public records, door-to-door canvassing, phone surveys, public events, political meetings, mail and print materials, focus groups, event attendance lists, volunteer work, and public opinion polls to compile profiles of people in decades prior to the proliferation of the internet. Today, political profiling of individuals is carried out through the use of cookies, site tracking, petitions, newsletter subscriptions, location data, mobile apps, third-party sourcing, as well as social media data mining (Barassi 2016).

It is quite important to recognize the ethical, societal, and political issues linked with political targeting and profiling. Many contend that political targeting and profiling have exceeded what is morally acceptable (Yofira Karunian, Halme, and Söderholm 2019). The disclosure of sensitive data held by political associations for the purpose of political profiling is one of the most frequently manifesting points of controversy. There are plenty of considerable data security risks associated with political organizations and data brokers handling and storing vast amounts of personal data,

which may contribute to identity theft and data breaches. Political profiling alongside tailoring and target messaging may arguably accentuate already existing social inequalities. Many predictive algorithms based on already existing biases can lead to discrimination against marginalized and politically underrepresented groups (Holman, Schneider, and Pondel 2015). Such policies often result in increased social and partisan polarization while reinforcing ideological "echo chambers." Campaigns may contribute to the fragmentation of public discourse and the breakdown of civic inquiry across partisan lines by generating messages specifically directed at distinct voter segments.

From a legal standpoint, individuals might not be fully cognizant of the scope of the collection, analysis, and use of personal data for political targeting and profiling (European Union Agency For Fundamental Rights 2018, 106). Bearing the current number of online platforms and sources each with their unique terms and conditions in mind, developing a consistent and common regulative policy remains a challenge. In order to safeguard the right to privacy and encourage accountability in political advertising, it is imperative that informed permission be obtained and data-gathering procedures be transparent (European Union Agency For Fundamental Rights, 104-106).

Overall, political profiling and targeting in the context of political advertising does not only alter the content of the political message but also its form and timing. Scholars contend that excessive surveillance, message targeting, and tailoring have been eroding the moral responsibility taken in the pursuit of politics, although political profiling and targeting have been shown to enhance advertising efficiency in the industry. The aim of political advertising has been shifting from a persuasion and information-oriented outlook towards the manipulation of nonrational vulnerabilities and subversion of voter autonomy.

C. Fragmented Legislation between Member States

As mentioned, one of the most significant issues surrounding political advertising in the EU is the fragmentation of legislation between member states. The EU currently has no wholescale standing legislation concerning political advertising. What this means for the industry is that any issue concerning political advertising is subjected only to the concerned country's legislation. This creates various problems within the workings and goals of the EU.

The main problem concerns the EU institutions' goal of turning the Union into a "completely integrated" single market. Since the single market was established in 1993, it has constantly evolved and expanded under the "four freedoms" motto. These freedoms are the **free movement of goods**, **free movement of capital**, **freedom to establish and provide services**, and **free movement of people** (European Council n.d.). In light of these freedoms, the legislative authorities of the EU have been trying to reduce the fragmentation of regulations within member states regarding any commodity or service so that intra-EU transactions and connections can operate more smoothly.
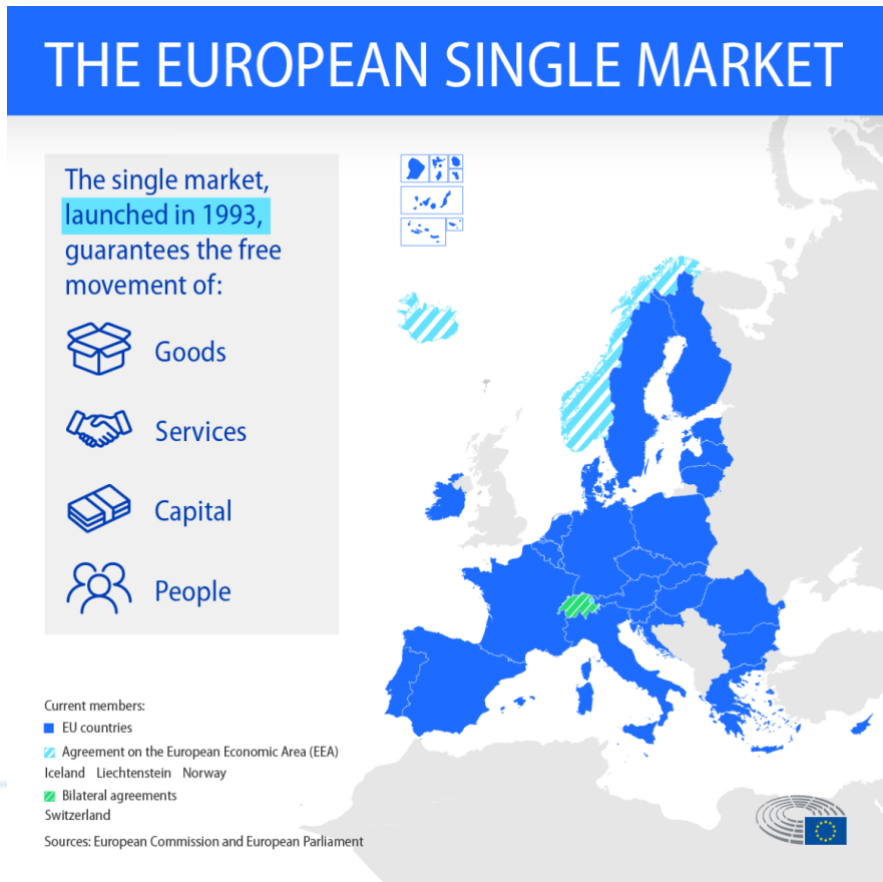
Figure 5: European Single Market infographic (European Parliament, Map of the EU and non-EU countries that are part of the single market, n.d., infographics).

The issue that the fragmentation of legislation concerning political advertising brings to the single market concerns these four freedoms. Firstly, the legislative differences make it difficult and expensive for service providers to go over the state borders within the EU (Huemer 2023). The legislative differences make it so that the providers need sizeable help concerning member-state legislation for their operations, and even more in the case of multi-state operations. While costly and highly consequential, getting this much-needed help is financially manageable for bigger enterprises. However, for small and medium-sized enterprsies (SMEs), the problem is nearly impossible to tackle (Huemer). This results is the SMEs being constrained to their home-states

market against the single market freedoms. Moreover, for enterprises of any size, the situation proves to be a strong deterrent against expansion (Huemer).

In such cases where PA enterprises decide to expand over the state borders or when the service is unintendedly diffused through the borders, further problems arise. Problematic consequences of PA caused intentionally or unintentionally by cross-border enterprises might be caused by mistakes due to differences in norms that the provider could not have foreseen, especially given the controversial and imprecise definitions of PA.

On the other hand, they may be through deliberate and bad-faith actions of the providers. Providers, some of whom might not be acting within the boundaries of the law, might use these differences as loopholes, and the fragmentation further provides a legal umbrella for these kinds of actions. After it is provided, political advertisement can be a very consequential reality. One example of how consequential PA can be is the January 6th Capitol Attack in the US. In the case of the Capitol attack, the igniting factor for the event was the actions of internal actors (Klarman 2021). However, events of this significance might be also perpetuated by third parties easily due to the nature of PA. The electoral side of these possible bad-faith actions by third parties is explained in depth in the "Electoral Integrity and Safety" section.

Another side of the issue concerns the target side of political advertising. Due to the nature of PA, most people are targeted by it without being aware of their condition as targets. What should be noted for this section is that targeting practices are related to fragmentation of legislation as legislation is the reality that . Fragmentation results in both insufficient public protection and an inability to pursue legal ways to pursue justice or compensation in situations where the targets are negatively affected. As mentioned, the PA services easily go through borders without regulation.

In this case, the member states' courts are not juristically able to try the perpetrator. The result is that the audience is not safe from the malevolent actions of the providers outside their states' borders.

While the EU has an overarching legal capacity over the states, the fact that there are different levels of regulation in member states and no Union-level legislation complicates jurisdiction. Thus, it becomes a complicated task to persecute such actions at the Union or member-state levels. All those issues could be tackled by enacting legislation at the Union level. The member-state level perceptions and the current legislation at the member-state level will be explained in detail in the "Country Stances" section.

D. Technological Advancements and Role of the Internet

The arrival of the information age has entailed significant changes in our lives. Data collection and processing have been especially affected and have undergone significant changes. Big data and advanced AI technologies have become an integral part of all sectors due to tremendous increases in the amount of information processed. The political advertisement industry is one of the areas where these advancements had the most significant impact. This issue has been examined in some aspects in the "Political Profiling and Targeting" section.

This section discusses the problems caused by the increased ability to dissipate political advertisement through the internet. The main issue caused by the internet is that any authority is limited in its ability to regulate it due to its ability to blur the boundaries between various entities (Hobbs 2020). The sheer size of the internet is another reason for this inability. While there have been many improvements in the regulation and moderation of the Internet since the turn of the millennium, especially in recent years, there is still a long way to go.

The result of the internet's unique nature is that it is a tremendous task to be able to enforce any legislation on the Internet. With social media sites acting as microcosms[1] of the Internet, transferring data to an intended audience is much easier. Many fringe political groups have been using the internet effectively to gain support, primarily through sites such as *Facebook* and *X* (Eksi 2021). Many of these instances are examples of **astroturfing** that contains disinformation and misinformation. According to the UNHCR definition, astroturfing is the process which masks the sponsors of a message, which is often times political advertisers and their customers (parties or groups that these advertisements are made in the name of), to make it appear as though it comes from grassroots participants i.e., the regular people (UNHCR 2021, 231). Astroturfing furthers the issue of transparency and makes regulating providers immensely more complicated.

Furthermore, most of these companies enjoy practical monopolies due to the positive externalities[2] (Malik 2018). There have been calls against misinformation on these companies, such as a call for Elon Musk following a report showing *X* to have the most amount of misinformative posts (Commission 2023); the call effectively threatened the site with an EU-wide ban (O'Carroll 2023). Even with instances like these, such monopolies and their regulation are controversial due to their widespread consequences on people and businesses (Kennedy 2020).

The Internet and its inherent permissiveness between member state borders also aggravate the issue of the fragmentation of legislation. Combined with astroturfing, it results in the geolocation of the provider, the contractor of the PA, and the audience being intermingled and hard to locate.

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[1] A microcosm is a small place, society, or situation that shares the same characteristics with something much more significant ("Microcosm" nd).

[2] An externality is an event that occurs as a byproduct of another event occurring (Kenton 2003). In the case of subjects related to the Internet, this externality usually is the network capacity created by the number of active users.

As explained, the legislation differs significantly within EU borders. It gives shelter to the legally grey actions within the industry (van Drunen, Helberger, and Ó Fathaigh 2022, 183). Furthermore, it complicates the process of prosecution significantly, given that it is highly likely that the sides in a dispute are operating or are a part of differing member states.

E. Election Integrity and Safety

A vast majority of political scientists put forward that the criteria for democratic legitimacy is the holding of elections that are anonymous and fair (Heywood 1997). The European Union prides itself on the principle of democracy and puts great emphasis on election integrity. However, election is a process that is dispersed over a period of time and covers a variety of activities such as campaigning, polling, balloting, open counting, and so on. Thus, the issue of election integrity will be inspected in three sections: pre-election, inter-election, and post-election.

i. Pre-Election

Prior to examining the ways through which electoral integrity can be ensured in the pre-election period, it is important to introduce the actions and practices that the term "pre-election" implies. The pre-election period is undeniably the longest electoral process. Candidate nomination, voter registration, voter outreach, campaigning, polling, observer accreditation as well as media coverage and reporting are all activities done during the pre-election period (Local Government Association, n.d.). Just as the term entails such a wide range of practices, it naturally introduces many threats.

Campaign financing is an aspect that must be professionally monitored to ensure electoral integrity. Transparency and accountability are central concepts to the procedures of campaign

financing. Electoral laws often require political parties and candidates to disclose their sources of funding and expenditures, allowing voters to assess the influence of money in politics (European Parliament and European Council 2014). Transparency measures, such as public disclosure of campaign donations and spending, help prevent corruption and undue influence in the electoral process, fostering trust in democratic institutions (Schmidthuber, Ingrams, and Hilgers 2020, 100).

Fraud and malpractice are serious threats to the integrity of electoral processes. Even though they may prevail in any electoral scenario, they are mostly experienced during voter registration, polling, and balloting (Lehoucq 2003, 235). Thus, election laws generally maintain preventive measures such as but not limited to voter information verification, polling station monitoring, and voter identification on the day of vote-casting.

Consequently, the pre-election period includes many activities spread throughout a long duration of time which commands for secure and ambitious legislation that protects electoral integrity that will cover this period completely and meticulously. The protection of electoral integrity is enable by credible and legitimate elections that are the pillars of European democracy (Identity and Democracy, n.d.). Data protection plays a critical role in preserving the privacy and security of voter information, and preventing unauthorized access and misuse of personal data. Political advertising, both digital and non-digital, has the potential to influence voter perceptions and behavior, highlighting the need for transparency, accountability, and ethical standards in campaign messaging. Societies can promote faith in democratic institutions and defend democratic values by encouraging ethical political advertising techniques, preserving the principles of election integrity, and respecting data privacy rights.

ii. **Inter-election**

The inter-election period includes the opening of the polling stations, voter check-in, ballot casting, ballot box deposit, domestic and international observation, the closing of polling stations, vote counting, and simultaneous media coverage of the election day (Elections And Boundaries Commission, n.d.). Therefore, it can be deduced that out of the three periods covered, it is the most active and civically engaged. A considerable majority of citizens participate in the given electoral procedures alongside political actors, especially in regions with high voter turnout rates.

Because of its highly interactive nature, elections are vulnerable to a notable amount of irregularities and infractions of rules. Since the day of the election is one of the most politically intense and busy days, it is prone to the influence of political advertising. On top of the possible unlawfulness touched on in the pre-election sub-title, violations of electoral laws are quite common (Mandilara 2024). Electoral integrity may be compromised by deliberate attempts to reduce voter participation through misleading advertising strategies or disinformation operations. Voters could become deceived or discouraged by misleading information being spread about voting processes, voting locations, or eligibility criteria (Vandewalker 2020).

Besides voter suppression strategies, on the election day, intensive political advertising and campaigning can make the area near polling stations hectic or intimidating for voters. Last minute campaign activities could violate laws that forbid electioneering[3] within specific proximity of voting locations, which could have an impact on voter behavior or hinder participation (Storm, 2024). These can morph into substantial issues considering the fact that member states may not reserve enough monitorship mechanisms or law enforcement resources to guarantee that not a single election law is broken throughout the inter-election process.

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[3] Electioneering is the act of actively and energetically taking part in a campaign to be elected to public office.

Even though there are unique election laws and policy initiatives that geographically vary in light of locally-specific government structures, the EU exercises some degree of effect on the standards and principles that are relevant to elections by virtue of its legislative framework. The mentioned treaties and legisilative framework are focal to the inter-election period and will be dealt with in detail under the chapter "Existing EU Legislations, Institutions, and Frameworks".

Figure 6: Local elections held by the Russian-installed authorities in Donetsk in eastern Ukraine (Reuters, Polling Stations in Occupied Ukraine, 2023, photograph, Donetsk).

iii. **Post-election**

Although the post-election period is considered to be the one with the least amount of activities, the harmful ramifications of unlawful political advertising can cause serious threats to the legitimacy of elections and consequently to democracy itself. The most vital steps that require legislative security during the post-election period are the processes of public outreach and feedback as well as post-election reporting of results.

Once the electoral outcomes are announced, the media proceeds to cover the event. The narrative keeps on, eventually culminating in the swearing-in of recently elected officials (ACE Electoral Knowledge Network, n.d.). Therefore, it is understood that political advertising is a phenomenon that exceeds formal election processes; the purposive spread of misinformation may lead to the questioning of electoral results published by official authorities. It is important to note that political actors' freedom of expression with regard to the elections and their results is constitutionally safeguarded and protected by the EU laws. Nevertheless, as will later be elaborated on, several European Union countries have struggled in the past with electoral fraud allegations in light of statements delivered by political figures that congest the smooth operation of post-election state affairs.

Public outreach and feedback in the context of political advertising during the post-election period is another notable point. This might be done to increase the interaction with the public to disseminate information, increase awareness, and get input about political campaigns and advertising strategies. The given mechanism does not properly work in many member states and policy efforts can be made to ensure that the electorate's comments on political advertising policies are well-taken.

III. EXISTING EU LEGISLATIONS, INSTITUTIONS, AND FRAMEWORKS

A. European Democracy Action Plan

The **European Democracy Action Plan** (EDAP) was adopted in 2020 and renewed in 2023 prior to the 2024 European Elections. It approaches the measures to be taken to strengthen democracy in a holistic manner, meaning that the plan goes beyond elections and emphasizes values surrounding a healthy democracy. The main areas that the action plan goes into are:

- Promoting free and fair elections,

- Strengthening media freedom and Pluralism,

- Countering disinformation.

Figure 7: EDAP main goals (European Commission, title unknown, n.d., infographic).

i. Promoting free and fair elections

The action plan aims to tackle issues surrounding the elections. According to the European Commission, safeguarding the European democracy requires determined action to protect electoral processes (European Commission, n.d.-c.). The Commission believes this will be done by keeping the elections free and fair, preserving open debate, and updating digital safeguards (European Commission, -c.).

All of these concepts are relevant to the issue of political advertisement and, specifically, to the **Proposal for a Regulation Of The European Parliament And Of The Council on the Transparency and Targeting of Political Advertising 2021/0381 (COD)**, which is a part of the EDAP. The areas in which the goal of promoting free and fair elections is pursued are transparency of sponsored media, funding of the political parties, and joint mechanisms for electoral resilience (European Commission, n.d.-c.).

The EDAP includes work on the existing framework of the **European Cooperation Network on Elections** to enhance the cooperation among member states regarding electoral issues such as transparency and cyber-security. Furthermore, the plan challenges issues presented by third-party state interference in elections, especially in the increasingly tolerant environment of the EU (European Commission, n.d.c).

At the economic level, EDAP aims to further democratic values and strengthen European democracy through regulations and repurposing existing funding. Thus, the **Regulation on Financing of the Political Parties**, the existing framework for political party funding in the EU, is intended to be renewed with the plan. Moreover, through using the existing EU structural funds, EDAP aims to increase the participation of its citizens, especially the European youth, in the democratic process through municipal elections to the European Parliament elections (European Commission 2020). This includes efforts to empower citizens to join elections as voters and candidates and challenge issues related to this (European Commission 2020). The European Cooperation Network on Elections will be explained in depth later in its own section.

ii. **Strengthening Media Freedom and Plurality**

In combination with the **Media and Audiovisual Action Plan**, EDAP aims to strengthen media freedom (Commission 2020). One of the main goals is to increase the safety of journalists and media workers worldwide, which is experiencing increasing polarisation and attacks on these groups. EDAP further aims to ensure that there are sufficient **recommendations**[4] concerning the use of abusive lawsuits against citizens and journalists alike in public participation. Lastly, through the newly launched **Media Ownership Monitor**, the EU aims to put forward further measures to support **media pluralism**[5] and to strengthen the transparency of media ownership and state advertising (European Commission 2020). This scheme will be explained in-depth in its own section.

iii. Countering Disinformation

Lastly, EDAP presents ways of challenging the disinformation that is highly prevalent in today's world. According to the European Commission (n.d.), protecting Europe's democracies from the threats and harmful effects of disinformation, information manipulation, and interference, particularly from foreign actors, has been a priority of the EU in recent years.

To tackle this issue domestically and internationally, the EU intends to increase accountability and transparency and strengthen monitoring and regulation. Firstly, in accordance with the **Digital Services Act**, EDAP foresees a strengthened **Code of Practice on Disinformation** transformed into a co-regulatory framework of obligation and regulations to ensure accountability of online services. These changes will be especially focused on foreign interference with the elections across

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[4] In the EU procedure, recommendations are guidelines on issues and proposed solutions presented to the member states to direct them to form their legislation.
[5] In this case, media pluralism is a plurality, a variety of voices, analyses, expressed opinions and issues (Reporters Sans Frontières 2016).

the EU borders. The Digital Services Act and the Code of Practice on Disinformation will be explained in depth in their respective sections.

B. Digital Services Act

The Digital Services Act Package comprises two acts: the **Digital Services Act** and the **Digital Markets Act**. It is an ambitious package covering a wide range of issues with strict and equally broad regulations. Within this wide range of issues to cover, the most relevant parts are:

1. prohibiting online platforms from targeted advertising created by the use of minors' data,

2. presenting regulations on the presentation of advertising and further regulations on the use of data profiling for targeted advertising,

3. for very large online platforms, obligations to use non-profiling-based recommendation systems,

4. For those same large online platforms, obligations to investigate possible externalities caused by them, which may affect elections, facilitate the spread of disinformation, and aggravate identity-based grievances.

While not directly focusing on PA, the package touches on many problematic areas of PA. Another relevant point of this package was that it functions irrespective of the origin country of service providers. This can be deduced from the fact that most of the very large online platforms affected by this package, such as Google, originate and are based in the USA (DSA, n.d.). Furthermore, this package harmonizes the rules for member-states at the union level, helping with the issue of fragmentation. In light of this, member states should refrain from making any further changes that

would entail deviations from Union policies in order to protect the smooth functioning of this package and not to compromise the single-market emphasis of this package (European Commission, n.d.-b.).

In short, the Digital Services Act Package aims to achieve more transparency, liability, and a more informed and able user base in online spaces. Transparency measures, especially in relation to data protection and profiling, are focused on protecting the general public with an emphasis on minors. A definitive ban on profiled advertising and usage of minors' data has been finalised (DSA, n.d.) on the grounds that minors cannot give legal consent. For others, though, they only serve as regulations to channel political advertisements to a type primarily based on the informed consent of the individuals; the exception thereto are the stricter bans on profiling done with sensitive information (DSA, n.d.).

Moreover, what is transparent is the new obligation to inform these users about the advertising they see, especially regarding profiling. Transparency obligations extend to the information about the sponsors of such advertising and to other pieces of information that needs to be shared with the general public (DSA, n.d.). Along with the further usage and spread of dangerous content, the package creates more liability for very large online platforms. These liabilities also cover the externalities created by the usage of said platforms (European Commission, n.d.-b.). This comes from the belief that these companies should be responsible for their effect on society. However, it also clarifies the areas of liability and conditions for defining violations, meaning that platforms, given that they act according to the package, can be exempt from liability if they undertake the necessary precautions and cleaning procedures afterwards (European Commission, -b.). In the end, through transparency and consent-based informed actions, the package hopes not only to

reinforece the users' ability to control their usage patterns but also to empower platforms to take action.

From a technical perspective, it is expected that the package's objectives will be achieved through the investigative powers granted to the Commission and national authorities to oversee transparency and disinformation problems (European Commission, n.d.-d.). In the case of infringement, the package further gives authority to sanction the offenders, first in the form of monetary reparations and then in the form of temporary suspension, after a judicial process (European Commission, -d.).

C. General Data Protection Regulation

On 25 May 2018, the European Union (EU) passed a comprehensive data privacy regulation known as the **General Data Protection Regulation (GDPR)** (GDPR n.d.-b). It has wide implications for businesses handling personal data and signifies a major revision to the EU's data protection laws.

The territorially unlimited scope of the GDPR, which applies to all companies processing personal data of persons inside the EU regardless of the location of the company, is one of its primary characteristics. This implies that businesses that operate outside of the EU must abide by the GDPR if they sell products or services to EU citizens or keep track of their online activities. Serious consequences, such as fines of up to €20 million or 4% of annual global revenue may arise from non-compliance with the GDPR (GDPR n.d.-a). The General Data Protection Regulation (GDPR) gives supervisory bodies in EU member states the authority to enforce data protection rules and penalize companies that break the regulations.

Under the scope of the agenda of transparency in political advertising, the GDPR has significant implications for the targeting and tailoring of advertising messages to specific audiences. Prior to collecting and utilizing information pertaining to individuals for advertising purposes, political actors are required to have individuals' explicit consent along with offering them clear information about how the data will be used. Moreover, in order to ensure that citizens are aware of their rights and have control over their data, political advertisers must follow the principles of accountability, fairness, and openness in their data processing protocols (Gallego, 2023). Furthermore, GDPR is often seen as a regulation empowering individuals to have greater control over their data, which may be used for PA purposes.

Figure 8: Information about European data protection (European Union, Data protection regulation, 2015, infographic).

D. European Data Protection Board

Established under the General Data Protection Regulation (GDPR), the **European Data Protection Board (EDPB)** is an autonomous authority within the EU. The main responsibilities of the EDPB are to facilitate collaboration between the national data protection agencies of the EU and to guarantee the uniform implementation and enforcement of data protection laws throughout the EU (European Data Protection Board, n.d.). The European Data Protection Board undertakes several primary functions and responsibilities.

One of the primary functions of the European Data Protection Board is to adopt binding decisions. However, the given decisions must fall into the scope of the enforcement of the GDPR and the disputes that may arise from the implementation of the legislation. It has been observed by the European Data Protection Board that the most common cases of disagreement emerge during cross-border execution of the GDPR (European Commission, n.d.-e).

The Board also takes on the responsibility of providing general guidance and advice. The task description of general guidance includes the interpretation of guidelines, informing on legislation, and proposing recommendations (European Data Protection Board, n.d.). General Data Protection Regulation is not the only piece of document that is referred to when listing the regulation that the EDPB can advise on. The Board can provide guidance and advice on the application of other relevant data protection laws within the EU (European Data Protection Board, n.d.). It is a common occurrence for queries and requests to be directed to the European Data Protection Board, and the EDPB has to respond to them. Some of the parties that demand such a service are stakeholders, nongovernmental organizations, DPAs, other European Union organizations, and even individuals.

The EDPB's final key role is the promotion of cooperation among international entities. The European Union is a supranational organization that is in constant engagement with many other national, international, and transnational parties. Therefore, the EDPB address the necessity to indulge in dialogue and establish cooperation with data protection authorities and supervisory bodies outside the EU and other stakeholders involved in data protection (European Data Protection Board, n.d.).

E. EU Code of Practice on Disinformation

The **Code of Practice on Disinformation** is a pioneering mechanism that has allowed relevant industry players to agree on self-regulatory criteria to combat disinformation for the first time in 2018. The revision process began in June 2021; after the revised Code was signed in June 2022, it will become part of a broader regulatory framework, alongside the legislation on **Transparency and Targeting of Political Advertising and the Digital Services Act**. The Code seeks to become a mitigating measure for signatories who are very large online platforms (European Commission 2022). The strengthened Code corresponds to multiple aspects of disinformation and contains 44 commitments and 128 specific measures in various areas. Those areas are demonetization, transparency of political advertising, ensuring the integrity of services, empowering users, empowering researchers, empowering the fact-checking community, transparency centre and task force, and strengthened monitoring framework.

The code recognizes the importance of political advertising. Moreover, the strengthened Code aims to promote stronger transparency measures that allows users to easily recognize political advertisements by providing more efficient labelling; in addition to this, the Code also commits to reveal the sponsors, display periods and the budget of those political advertisements. Furthermore,

signatories to the Code aim to create a searchable ad library for political advertising, which will be an efficient way to monitor the collective data. The Code aims to strengthen the measures to reduce manipulative behavior used to spread disinformation and establishes a stronger cooperation among signatories in order to fight the challenges posed by such techniques. In addition to this, users will be protected from disinformation through enhanced tools to recognize, understand and flag the disinformation in order to access authoritative sources, and through media literacy initiatives. The code also provides better support to research on disinformation. Therefore, the code will be providing better and wider access to platforms' data and ensure automated access to non-personal, anonymized, aggregated public data. The Transparency Centre (accessible to everyone) allows citizens to have an easy overview of the ways in which the Code has been implemented. This provides the EU citizens transparency on the implementation of the Code and regular updates of relevant data coming from these implementations. The permanent task force keeps the Code future-proof and fit-for-purpose by establishing a forum to review and adapt commitments in view of technological, societal, market and legislative developments. As stated before, the Code comes with a strong monitoring framework to measure the Code's implementation throughout the European Union and at the member state level (European Commission 2022).

F. Media Ownership Monitor

The **Media Ownership Monitor (MOM)** is an initiative by the Reporters Without Borders, RSF, and its partners; the initiative aims to promote transparency and pluralism in the media worldwide. The project is responsible for investigating and analyzing the media ownership structures in countries and providing details about who owns and controls the media within the country (MOM 2016).

The Media Ownership Monitor follows a research methodology. The systematic methodology that it follows aims to collect data on media ownership. The information is gathered from sources such as company registers, official publications, and media reports. Moreover, they conduct interviews with the journalists, media experts and the industry stakeholders to obtain a better view of the insights of the media sector (MOM 2016).

The initiative organizes and compiles the collected data into a comprehensive database – a source for journalists, civil organizations, and the general public (MOM 2016). The database contains information about the media ownership structures, companies, owners, affiliations, and marketing shares and strategies. The findings from that information are presented in detailed reports which give recommendations for promoting transparency and diversity in media ownership (MOM 2016). Through the reports, MOM aims to raise awareness about the importance of pluralism and transparency worldwide. Thus, the project incentivizes policymakers, regulators, and civil society organizations to advocate for reforms that promote media freedom and independence (MOM 2016).

The European Union funds and supports this initiative. Moreover, by monitoring media ownership structures and promoting transparency, the initiative contributes to the EU's efforts to ensure media pluralism, freedom of expression, and democracy across the member states. Therefore, the findings and recommendations of the Media Ownership Monitor can inform policy debates, advocacy campaigns, and regulatory reforms at both national and the EU level (MOM 2016). Furthermore, the EU's contribution to the initiative led to the promotion of independent journalism through programs such as **Creative Europe** (European Commission, n.d.-a) and the **European Instrument for Democracy and Human Rights**, also known as EIDHR (European External Action Service 2020). Although the EU institutions do not have direct authority over media

regulation, they still play a significant role in promoting and safeguarding media (Council of the European Union, n.d.).

IV. COUNTRY STANCES

1. Austria

Media freedom in Austria has been guaranteed by the constitution. Moreover, there is no censorship of the media. Limits to the media's freedom of expression is defined by law; the courts ensure that these limits are enforced and applied well. The Austrian Public Broadcasting, *ORF*, dominates the market and is independent by law. All parties in the parliament are represented on the ORF's oversight body, the Stiftungsrat. *ÖVP* leader Kurz had used the public money to influence the media on the 2017 electoral campaign through the publication of fake surveys for his and his party's benefit. Political party financing has been unsuccessful in the country. The flow of the money is uncontrolled, and the flow of this money create dependencies for the political parties; they tend to follow the interests of their contributor groups, institutions and persons, as reported. Although, the situation continues for Austria, some improvements have been made for the parties, such as requiring them to register the sums of the money that is given to the party, keeping records of their accounts and publishing their annual financial report, including donations (Sustainable Governance Indicators, 2022 s.v. "Austria" https://www.sgi-network.org/2022/Austria).

Figure 9: ÖVP leader Kurz (Thomas Kronsteiner, Sebastian Kurz, leader of the conservative Austrian People's Party, n.d., photograph, unknown place).

2. Belgium

Belgium has some issues concerning media. Firstly, equal media access for parties is not guaranteed. While mainstream parties are guaranteed access, it is not usually equal. For smaller parties, guaranteed access is related to whether or not they have representation in parliament. This situation is present in both public and private media instruments. Media is still primarily free from influence despite most public media managers being representatives of the main political parties. Still, most mainstream political parties are represented in public media management, and a plurality of opinions exist. In private media, oligopolistic[6] media ownership exists mainly due to the market size (Sustainable Governance Indicators, 2022 s.v. "Belgium" https://www.sgi-network.org/2022/Belgium). However, this does not translate to a limited representation of parties, and a plurality of opinions exists in private media as well. The problem is that low-quality and sensational news is starting to replace in-depth analysis in areas other than radio and television. In

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[6] An oligopoly is the monopolistic control of a specific market area by a few major companies.

radio and television, however, there is a high level of quality work compared to most countries. The *Data Protection Authority* leads data protection in Belgium. There are some concerns with respect to the Authority's independence and efficiency. Due to its members not being free of influence, Belgium risked being the first country to violate the GDPR (Sustainable Governance Indicators, 2022 s.v. "Belgium" https://www.sgi-network.org/2022/Belgium).

3.   Bulgaria

In legal terms, Bulgarian media is independent of the government. All media institutions are subject to licensing by two independent agencies, the *Council for Electronic Media* and the *Commission for Regulation of Communications* (Sustainable Governance Indicators, 2022 s.v. "Bulgaria" https://www.sgi-network.org/2022/Bulgaria). The administrators of the public *Bulgarian National Television* and the *Bulgarian National Radio* are elected by the *Council for Electronic Media*. However, some issues occurred in this matter, which led the individuals into thinking that the media and the selection procedures for the media is influenced by the pressure of unrevealed outsiders. Party financing in Bulgaria is regulated by the *Political Parties Act*. Parties are obliged to submit an annual financial report of their properties and their income statements. However, a recent report from 2021 illustrates that the transparency is not implemented, since some mainstream parties may be under-reporting how much they spend on their campaigns (Sustainable Governance Indicators, 2022 s.v. "Bulgaria" https://www.sgi-network.org/2022/Bulgaria).

4.   Croatia

Croatia does poorly on most issues concerning media and politics. Firstly, due to the amendments to its law concerning elections, the protection of media coverage of smaller parties is ineffective.

The amendments directly affected these parties in an attempt to end their "over-representation" by ending obligations on the private broadcasters to cover them equally. Furthermore, the *Electronic Media Council* does not act on misinformation by the parties despite having the right impose sanctions on misinformers (Sustainable Governance Indicators, 2022 s.v. "Croatia" https://www.sgi-network.org/2022/Croatia). The burden of combatting these misinformation campaigns is left to the offended party. Nevertheless, the coverage for most parties is still balanced.

Media freedom is severely lacking in Croatia. Both in private and public spheres of media, there are obvious issues. Public media is under the direct influence of politics, even so after the HDZ[7] intensified its control over in 2018 (Sustainable Governance Indicators, 2022 s.v. "Croatia" https://www.sgi-network.org/2022/Croatia). Private media is another problematic field in which wealthy people direct the media narrative and push their agendas as owners and advertisers. Pluralism is another issue, with conglomerates forming quasi-monopolies with a high concentration in media ownership (Reporters Sans Frontières 2024, -a). In any case, an overlying issue is the volume of lawsuits directed at journalists and institutions. Media workers and journalists covering controversial issues such as corruption are suppressed by these lawsuits, and public broadcaster *HRT* even opens lawsuits against their own journalists.

The *Croatian Personal Data Protection Agency (AZOP)* is the primary authority on data protection. It oversees personal data protection through the monitoring of data collectors. It has the authority to order the deletion or removal of personal data from the borders of Croatia and can prohibit the collection of personal data altogether by actors. However, due to many bureaucratic problems and an overwhelming workload caused by a the large volume of questions from various

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[7] Croatian Democratic Union. Center-right party of Croatia that is associated with EPP.

state agencies, it stands highly ineffective against misconduct. This ineffectiveness due to a lack of enforcement capacity, and results in many offenders not being punished.

5.   Republic of Cyprus

Regarding the issues related to the agenda, Cyprus performs better than some of the other countries with some noticeable issues. Media access for any party is regulated, but no current legislation exists for digital media and the press. The *Law on Radio and Television 7(l)/1998* and further regulations are in place to ensure non-discriminatory and equitable media (Sustainable Governance Indicators, 2022 s.v. "Cyprus" https://www.sgi-network.org/2022/Cyprus). It is equitable due to the law specifically requesting representation based on the parliamentary seats of the parties. The *Cyprus Radio Television Authority (CRTA)* monitors the in-house rules of the Cypriot companies with regard to their compliance with the regulations; still, it only presents reports on the public broadcaster (Sustainable Governance Indicators, 2022 s.v. "Cyprus" https://www.sgi-network.org/2022/Cyprus).

From a broader perspective, there are regulations concerning the traditional forms of media. However, there are, again, no regulations on digital media in place. Nevertheless, both the depth and the enforcement of these laws are problematic. The media sector is nearly totally defensive of the president concerning any criticism, with the columnists being an outlier (Reporters Sans Frontières 2024, -b).

Another problem is that the public broadcaster and the CRTA are riddled with politically motivated appointments rather than merit-based ones. On the media reporting side, the trend of low regulation and insufficient journalistic critique of issues at every level of journalism continue (Reporters Sans Frontières 2024, -b). This, coupled with the general public's apathy towards politics, ends in

minimal criticism of the government. Polarizing rhetoric also dominates these media channels. Despite these problems, Cyprus has no audit body for media, resulting in the government's inability to address these issues. On the data protection front, the *Office of the Commissioner for the Protection of Personal Data* was established (Sustainable Governance Indicators, 2022 s.v. "Cyprus" https://www.sgi-network.org/2022/Cyprus). The appointed Commissioner holds authority over the public and private sectors and monitors law compliance. Lastly, the Cypriot laws has been recently revised in accordance with the EU regulations and directives.

Figure 10: Former president of the Republic of Cyprus Nicos Anastasiades standing behind an EPP lectern (European People's Party, title unknown, 2014, photograph, Dublin).

6.   **Czech Republic**

Czechia has always been characterized by a high degree of media freedom which consists of the independence of the public media from the national and international factors. However, the replacement of foreign owners by domestic oligarchs and the capture of much of the Czechia media market by the previous Prime Minister Andrej Babis reduced the media freedom. Babis has used

media power to support his political position and to denigrate his opponents. The rules for party and campaign financing and their enforcement have been a major political issue for some time. Moreover, the Ministry of Interior submitted an amendment to the law on political parties to the Czech Parliament, which was based on the Council of Europe's recommendations to Czechia; the amendments were approved in 2017. According to this law, the political parties have financial limits for their party financing and electoral campaigns and are obliged to establish transparent accounts (Sustainable Governance Indicators, 2022 s.v. "Czechia" https://www.sgi-network.org/2022/Czechia).

7.   Denmark

Denmark is classified as a liberal democrat country. According to the Danish constitution section 77, freedom of speech is protected. Moreover, freedom of speech includes freedom of the press. Denmark is ranked 4th out of 180 countries in the Global Press Freedom Index. In addition to this, penal code limits to the freedom of speech are applicable for three cases: libel, blasphemy and racism. Public media outlets have to meet diversity and fairness criteria in their programming. All the political parties that are running for the elections have the right to be allocated equal programming time on the radio and on television. Private media is open to all candidates. Furthermore, candidates and parties equally have opportunity to distribute their pamphlets and posters. However, financing can be an issue in this regard since larger parties have more money to spend in comparison to smaller ones. Party financing has been done by the support from other institutions, membership fees and state subsides. Donations more than DKK 20,000 should be public, anything lower than this amount can stay private. However, the Danish branch of Transparency International has criticised this practice for failing to foster an sufficient amount of

transparency (Sustainable Governance Indicators, 2022 s.v. "Denmark" https://www.sgi-network.org/2022/Denmark).

8. Estonia

Estonia ranks third in democratic practices across the EU, after Sweden and Finland. Regulations governing campaign financing honesty, oversight authority, and the authority of the independent monitoring agency have all been bolstered. The *Act on Political Parties* administers political party financing. Each party must maintain accurate records of its books and accounts, clearly state the type and amount of donations and membership dues, and periodically post their financial information on the party website. There is broad respect for civil rights, and the government does not meddle in judicial proceedings. Legal guarantees exist for both equal treatment under the law and equal access to it. Additionally, online voting has proliferated over the country without notable complaints on voter registration and balloting safety which has increased political participation. From a media health perspective, Estonia is one of the greatest in the EU. Estonian media is free and fair, without government or malicious third-party influence (Sustainable Governance Indicators, 2022 s.v. "Estonia" https://www.sgi-network.org/2022/Estonia). The Data Protection Inspectorate (DPI) is tasked with the protection of personal data and works efficiently as well as freely. It has all the necessary authority to accomplish this task. It also oversees compliance with the GDPR (Sustainable Governance Indicators, 2022 s.v. "Estonia" https://www.sgi-network.org/2022/Estonia).

9. Finland

Regarding the issues related to the agenda, Finland has shown outstanding performance. The election process in relation to the media is close to completely free and fair, with only slight

regulations aimed at practicality. The traditional and contemporary forms of media are accessible and unrestricted for political actors. However, economic barriers to media access still exist. Nevertheless, this issue regarding the economic situation of the political actors is tackled by the requirement to report sources for campaign funds. This requirement was established with new legislation concerning campaign financing implemented between 2008 and 2009 following several political financing scandals (Sustainable Governance Indicators, 2022 s.v. "Finland" https://www.sgi-network.org/2022/Finland). This new legislation also solved issues such as donation-based foreign influence, corruption due to donations from corporations in relation to the government, and anonymous donations. Together with the media freedom guarantee of the *Act on the Exercise of Freedom of Expression* and a free and plural media scene, electoral security is largely established (Sustainable Governance Indicators, 2022 s.v. "Finland" https://www.sgi-network.org/2022/Finland). This free and plural media scene can be attributed to high media literacy and consumption, government non-interference, sufficient and successful legislation, favourable conditions for media workers, and a competitive media market. For example, the *Council for Mass Media* in Finland has established a great system of self-regulation among media outlets. Another essential part is the high readership of newspapers, which are privately owned but publicly funded as a rule. Usage of the internet is also free and widely prevalent. The only issue regarding media in Finland is the increasing concentration of the media in the hands of big corporations. Nevertheless, local newspapers, as well as independent media institutions and personalities, are still prevalent. Furthermore, these big corporations do not pose an issue to the health of the media sector.

There is no Finnish legislation concerning misinformation. However, the aforementioned Council for Mass Media, established by publishers and journalists, is respected and followed despite having

no legislative or executive authority. The institution promotes good working ethics and professional practices. Two authoritative institutions exist on the data protection side: the *Data Protection Board* and the *Data Protection Ombudsman*. The Data Protection Board is affiliated with the Ministry of Justice and is the most crucial body in decision-making regarding personal data issues. The Data Protection Ombudsman, on the other hand, is an independent institution in charge of supervising the processing of personal data in light of the Personal Data Act of 1999(Sustainable Governance Indicators, 2022 s.v. "Finland" https://www.sgi-network.org/2022/Finland).

10.   France

Even though the French laws safeguard a fair electoral process, a variety of factors deflate its democratic quality rank down. Firstly, according to the legal framework, equal access to public radio and television must be granted to each candidate. During the formal campaign, an ad hoc commission oversees the distribution of media time. However, it has been observed that privately owned media platforms are often dominated by political actors wishing to influence voter behavior through political advertising and propaganda. One of the most chronic agendas with regard to political advertising is unlawful campaign fraud in France. For instance, a Paris appeals court recently upheld a lower court's earlier decision, finding that former President Nicolas Sarkozy had engaged in unlawful campaign financing during his unsuccessful 2012 run for reelection (Jabkhiro 2024). Similarly, the far-right political party *National Rally*'s candidate Marine Le Pen has been investigated by the *European Anti-Fraud Office* on the account of their campaign in the 2022 presidential elections (Charlton 2022).

Figure 11: Sarkozy faces fraud charges (Bertrand Guay, Former President Nicolas Sarkozy of France, center, on Monday in Paris at the opening hearing of his trial for attempted bribery of a judge, 2021, photography, Paris).

11. Germany

The democratic quality rank acquired by Germany is relatively high. Access to information, party financing, media pluralism, electoral integrity, political liberties, rule of law, and the state of civil rights are all categories the country scores well under. Political parties in Germany are generally funded by the state, membership dues, donations, and sponsorships in accordance with the *Political Parties Act (PPA)*. Additionally, which pieces of government information are made publicly available is defined by the *Freedom of Information Act*, which went into force in 2006 (Deutsches Patent- und Markenamt, n.d.). As more people use their rights, federal authorities now see citizens' access to information as a prerequisite for a functioning civil society instead of as a nuisance.

Even though Germany is perceived as successful compared to its European counterparts when it comes to fighting corruption, The **Group of States Against Corruption (GRECO)** has raised a number of concerns regarding anti-corruption policies in Germany. Only three of GRECO's eight suggestions have been implemented or addressed successfully, according to the most current GRECO compliance report (Sustainable Governance Indicators, 2022 s.v. "Germany" https://www.sgi-network.org/2022/Germany). There are recent examples of political advertising scandals in German politics. In order to reach German voters receptive to its anti-immigrant message during the 2017 election, the far-right *Alternative for Germany (AfD)* party allegedly collaborated with Facebook and a US campaign consultant (Wong 2018). AfD rose to prominence, becoming the third-largest party in parliament, and received heavy criticism for its advertising policies.

12. Greece

Greece has a few problems concerning media. However, there are areas in which Greece is doing fine. The plurality of opinions and media access for parties is one of the areas. Both pro-government and opposition voices can be heard and have great and equal access to media channels. Nevertheless, depending on their business strategies, companies still choose the areas to cover. Still, this does not interfere with plurality of voices that are heard and is relevant mainly to the quality of the news (Sustainable Governance Indicators, 2022 s.v. "Greece" https://www.sgi-network.org/2022/Greece). However, this plurality does not extend to the media ownership area. Media is dominated by cartel-like oligopolies; this situation creates concerns as wealthy businesspeople can control the media narrative (Reporters Sans Frontières 2024, -c). This is aggravated by Greece having no effective anti-monopoly policy in this area.

Nevertheless, as mentioned before, this does not significantly affect the plurality of voices. Post-COVID-19 developments affected media freedom by increasing media's dependency on the government. Another issue was that funds during this period were given controversially. On data protection, Greece performs well. The *Hellenic Data Protection Authority*, as an independent institution with constitutional guarantees, implements Greek and EU law and is quite effective (Sustainable Governance Indicators, 2022 s.v. "Greece" https://www.sgi-network.org/2022/Greece). Its members are democratically elected by the Hellenic Parliament for four years.

13.   Hungary

After *Fidesz*'s return to power in 2010, media freedom has decreased drastically. The government has brought both public and private media under its control. Media outlets are now used by the government to influence and deceive public opinion. Although, many events have occurred since then, the in 2021 illustrate how media is affected by the government. In 2021, the government had used the spyware system called "Pegasus" to track journalists that are critical to the governments (Sustainable Governance Indicators, 2022 s.v. "Hungary" https://www.sgi-network.org/2022/Hungary). There were some incidents in which those journalists were no longer invited to the press conferences that involves the prime minister or individual ministers. In late 2021, the government dismissed the entire leadership of Mediaworks, and attempted to bring the pro-government media in line before the 2022 parliamentary elections. The country ranks at the last place amongst the European Union countries for media freedom. Media pluralism has suffered from increasing government control over the media since 2010. Even though there are still some independent media, they work under difficult financial and political circumstances and their products only reach out to a small part of the population. Access to media is highly uneven; the

visibility of opposition parties was extremely low, since the local and national public TV stations do not invite them or do not organize any public debates. Billboard advertising owners are closely associated with the Fidesz party; thus, the opposition cannot make itself heard via billboards. In addition to this, local authorities limited or banned the opposition parties, and in some cases, posters were removed by the officials or the Fidesz's gangs (Sustainable Governance Indicators, 2022 s.v. "Hungary" https://www.sgi-network.org/2022/Hungary).

14.   Ireland

Media in Ireland follows strict guidelines that are designed to ensure the equity of treatment between political parties. The state-owned national broadcasting company, *RTE*, allows access to political parties proportional to their number of representatives in the parliament. Thus, some smaller political parties often find it hard to gain access to the national media. Moreover, Ireland is ranked at the 6th place in the world in the 2022 Press Freedom Index. Financing of political parties is supervised by the *Standards in Public Office Commission*. The commission publish reports after elections. Political parties that have obtained at least 2% of the votes in the last elections qualify for public funding under the *Electoral Acts* (Sustainable Governance Indicators, 2022 s.v. "Ireland" https://www.sgi-network.org/2022/Ireland). A lack of transparency used to be a problem in the Irish politics; however, increased levels of state funding reduced this problem and strengthened the regulations for political donations and campaigns. In addition to this, both public and private media is independent from the government. The media is obliged to give balanced coverage of political events and guarantee access to a wide variety of political views. Thus, RTE does not monopolize the media sector (Sustainable Governance Indicators, 2022 s.v. "Ireland" https://www.sgi-network.org/2022/Ireland).

15.   Italy

Italy is an interesting case when it comes to media. There are some evident problems, like monopoly in traditional media, but there are also some improvements. Media in Italy cannot be discussed without referencing Silvio Berlusconi, a media superstar politician akin to Donald Trump of the US. Berlusconi rose to power through sheer populist and crude media presence. His power fluctuated between coalitions, losses, and wins; however, he always stayed relevant to Italian politics. This relevance and presence, at least as a significant part, can be attributed to his media monopoly. A sizeable portion of the traditional Italian media, formerly which formerly constituted a duopoly with the public media, is under the control of *Mediaset*, which was owned by Berlusconi; this portion completely followed Berlusconi's political stance (Sustainable Governance Indicators, 2022 s.v. "Italy" https://www.sgi-network.org/2022/Italy). This undoubtedly made him one of the strongest people in Italy. His case, however, is not an outlier, as Italian media has other superstar politicians. One of the most influential ones is Matteo Salvini, who, in contrast to Berlusconi, used digital media instead to gain popularity. His Facebook page granted him hundreds of thousands of right-wing followers (Stille 2018).

Nevertheless, despite this situation, opposition parties mostly had guaranteed coverage in the public media under *Radiotelevisione Italiana (RAI)*. Still, there are political influences and government control over RAI. However, it can be said that the situation is much better nowadays. With the Berlusconi influence fading and the existence of some alternatives in television, the television scene is much healthier. In print media, prominent groups from most of the political spectrum ensure a more pluralist space (Sustainable Governance Indicators, 2022 s.v. "Italy" https://www.sgi-network.org/2022/Italy). In the online scene, there is coverage for most opinions, and as can be seen with Salvini, who is gradually becoming more influential on the internet. In the

end, however, television is still the most prominent media channel, and the television scene is still a problematic area despite recent improvements. The *Italian Data Protection Authority* is an independent institution with powers of inquiry and authorization to redress grievances and inflict pecuniary sanctions. It works with guaranteed autonomy which, coupled with its extensive powers, renders it an effective institution (Sustainable Governance Indicators, 2022 s.v. "Italy" https://www.sgi-network.org/2022/Italy).

Figure 12: Berlusconi with Meloni (Yara Nardi, Silvio Berlusconi's passing gives Giorgia Meloni a chance to colonise the more centrist political terrain he vacates, 2022, photograph, Rome)

16.   Latvia

Latvia emerges as a country with a trusted set of policy initiatives and legislative structure overseeing political transparency and advertising. The *Law on Financing Political Organizations*, the *Law on Pre-election Campaign*, and the Law on *Corruption Prevention and Combating Bureau*

are pieces of the Latvian legislative framework that govern political advertising and campaign financing (Europam 2020). The participation of political actors in representative media procedures is observed to be fairly balanced. The Data State Inspectorate oversees the data protection in Latvia, in accordance with the Personal Data Protection Law (Sustainable Governance Indicators, 2022 s.v. "Latvia" https://www.sgi-network.org/2022/Latvia). While it is an independent organization on paper, there are significant influences over it.

17.   Lithuania

Lithuania performs appreciable work when it comes to media. Parties have free access to media. Public media is obligated to provide equal coverage to all parties, with the same terms. Furthermore, privately owned media is not dominated by larger and better-funded parties thanks to recent regulations on political advertising. The media is free from government influence, and there is a fee for spreading problematic misinformation, equal to 3% of the broadcaster's income (Sustainable   Governance   Indicators,   2022   s.v.   "Lithuania"   https://www.sgi-network.org/2022/Lithuania).

Nevertheless, there are problems with media ownership being oligopolistic and not transparent. The concentration of media ownership in the hands of a few is increasing, and differing opinions are being pushed to the fringes as a result (Sustainable Governance Indicators, 2022 s.v. "Lithuania" https://www.sgi-network.org/2022/Lithuania). Five big media company groups dominate the market. While public media somewhat compensates for this issue, it still results in a public distrust of media. Moreover, the quality of media products is somewhat low as the small market of Lithuania does not allow for widespread expensive analysis. Data protection in Lithuania is independent and efficient. The *State Data Protection Inspectorate* is the agency tasked with data

protection and implements GDPR. It has legal and policy independence necessary for making regulatory actions (Sustainable Governance Indicators, 2022 s.v. "Lithuania" https://www.sgi-network.org/2022/Lithuania).

18. Luxembourg

Luxemburg does an excellent job at tackling media issues. The political parties can freely advertise through any traditional media channel without being subjected to discrimination. Most of the parties have ties with these channels. Furthermore, public radio broadcaster *Radio 100,7* and the leading private broadcaster *Radio Télé Luxembourg (RTL)* are obligated to offer impartial and complete coverage. This obligation is overseen by the *Autorité Luxembourgeoise Indépendante de L'audiovisuel (ALIA)* (Sustainable Governance Indicators, 2022 s.v. "Luxembourg" https://www.sgi-network.org/2022/Luxembourg).

Along with ALIA and similar institutions, the *Press Council of Luxembourg and the Chamber of Deputies* works towards safeguarding free media (Reporters Sans Frontières 2024, -d). The Press Council lacks legal authority in contrast to the Chamber of Deputies. However, it is highly respected. It deals with issues ranging from journalistic ethics to fair and free media. Despite the country's size, there is a rich media scene. This richness is a byproduct of the highly pluralist media regarding languages and political views. The N*ational Data Protection Commission* oversees and regulates the data collection of citizens and ensures that the rights of the people regarding data protection and safety are respected. It operates based on the General Data Protection Regulation.

The two main problems of Luxembourg in the field of media is the ambiguious behaviour of its judiciary and the commonplace usage of foreign media that may leave the nation prone to misinformation sourced from abroad.

19. Malta

Malta performs relatively poor in adressing problems related to the media. Media access for small actors is limited, with the two largest parties dominating the scene. This is aggravated by the lack of a competent *Broadcasting Authority (BA)* in Malta. The main problems are that the BA is mainly concerned with public media, is not fully independent, lacks transparency on the appointments made to it, and acts only on complaints (Sustainable Governance Indicators, 2022 s.v. "Malta" https://www.sgi-network.org/2022/Malta). Recently, with private media outlets advancing, there have been minor improvements to the visibility of small parties. Private media acts without government interference. However, public trust is low due to the influential owners shaping the media scene, and, as such, it is not seen as free.

Furthermore, predatory lawsuits against journalists pose an issue to media freedom. The concentrated ownership of the media offers only a relative pluralism since differences in opinions are only arising due to the different opinions of media owners. Moreover, ownership is quite transparent and freedom of expression is guaranteed. Nevertheless, this does not affect public opinion, with 85% of the citizens believing that they have seen fake news. Data protection is overseen by the *Information and Data Protection Commissioner (IDPC)*. The appointments to this office are done through government and opposition consensus. IDPC is an effective and independent office that oversees the implementation of existing EU legislation, including GDPR (Sustainable Governance Indicators, 2022 s.v. "Malta" https://www.sgi-network.org/2022/Malta).

It helps the citizens who believe they have been wronged; the office can issue fines, reprimands and warnings.

20.   Netherlands

According to the Dutch *Media Law*'s Article 39g, political parties that hold one or more seats in the chamber of the States General allotted time on the national broadcasting stations (Sustainable Governance Indicators, 2022 s.v. "Netherlands" https://www.sgi-network.org/2022/Netherlands). Commercial media outlets decide on the representation granted to the political parties and candidates freely. Public debate on topics of financing of advertisement increased with the undisclosed financial support to the political parties and foreign interference in national elections. In addition to this, some parts of the society have been noted to threaten journalist who are opposing their views. Until a decade ago, party financing had not been an issue in Dutch politics. However, the debates emerged with new parties' funding from the businesses and foreign sources.

Freedom of media is formally guaranteed by the constitution's 7th article (Sustainable Governance Indicators, 2022 s.v. "Netherlands" https://www.sgi-network.org/2022/Netherlands). Even though the media is relatively free, the public-broadcast programming is produced by the sections of civil society, with some stakeholders reflecting their political and religious ideologies. Public broadcasting is privately and publicly funded. However, broadcasting corporations are required to comply with the government regulations that are laid down in the *Media Law*. In its new version, the law has abolished the monopoly of the incumbent public broadcasting corporations; moreover, it aims to boost competition by giving access to program providers who are outside of the official broadcasting corporations (Sustainable Governance Indicators, 2022 s.v. "Netherlands" https://www.sgi-network.org/2022/Netherlands).

21. Poland

Poland has been known for its people's ever-growing suspicion towards democratic procedures. In the case of media and political advertising, while the *Law and Justice (PiS)* government has left the legal framework more or less intact, it acted more restrictive than its predecessors in granting public access to information and has sometimes openly misinformed the public. This is also existent in the area of political advertisement and, from a larger perspective, media. Candidates have unequal access to media and government influence to media is a major problem (Sustainable Governance Indicators, 2022 s.v. "Poland" https://www.sgi-network.org/2022/Poland). Media freedom is close to nonexistent and plurality is not achieved (Sustainable Governance Indicators, 2022 s.v. "Poland" https://www.sgi-network.org/2022/Poland). Thus, access to information has been a prominent issue in Poland. Furthermore, given the government's hold on the judiciary, its repeated attacks on the *Commissioner for Human Rights*, and the xenophobic, discriminatory, and offensive language used by prominent government figures against women activists, minorities, and other people who do not share their worldview, there is little trust in the government's respect for civil rights and the advocacy of these political interests (Tilles 2021). The Office of Personal Data Protection oversees the data protection in Poland. This office is extraordinarily free of influence and acts quite independently (Sustainable Governance Indicators, 2022 s.v. "Poland" https://www.sgi-network.org/2022/Poland). However, budget limitations ultimately curbs its effectiveness.

22. Portugal

In Portugal, parties have access to the broadcast time on both television and radio for their political propaganda during the official campaign period. Time is divided equally among the parties'

number of candidates. Public and private media are independent of the government's influence as ordered by the 1976 Constitution. The media is regulated by *Entidade Reguladora da Comunicaçao Social,* also known as ERC. Portugal's media market is competitive and pluralist. Some media outlets are financed by groups; thus, smaller media outlets face considerable financial challenges. Political parties are funded by the state and private contributors. Each private contribution must be registered with the electoral commission. Parties' annual accounts and electoral-campaign accounts are published on the website of *Entidade das Contas e Financiamentos Politicos (EFCP)*. Even though ECFP reviews identify the irregularities and illegalities, the sanctions for this matter of fact is small and infrequent. A 2012 study based on the interviews with both ECFP and party representatives showed that ECFP lacked resources, which limited its capacity to monitor parties and election funding; the situation had worsened by the 2018 elections. Also in 2018, the same year party financing law changes came into effect; the new measurements increased ECFP's responsibilities, without increasing its resources and staff (Sustainable Governance Indicators, 2022 s.v. "Portugal" https://www.sgi-network.org/2022/Portugal).

23. Romania

Transparency of political advertising is a questionable topic in Romania. Romania usually falls on the bottom parts of the quality of democracy indexes, especially in terms of electoral processes and access to information. The reliability of the parliamentary and local elections of 2020 and 2021 respectively have been criticized. Several high-profile political and governmental figures are charged with fraud and corruption annually (Statista, n.d.). Romania's party financing framework has been strengthened to promote transparency in 2015 with updates to anti-corruption regulations. The prosecution of Iona Basescu was noteworthy in that regard even though no further adjustments

to the financial mechanism were made. Controversy with regard to political transparency have been accentuated in the pandemic and post-pandemic periods. Restriction of media coverage and the limitation of the right to protest have been justified through quarantine measures; outrage against such constrictions has reached the point of approximately 25 thousand people storming the Palace of Parliament on 21 December 2021 (Fodor 2021).

When the media side is looked at closely, it can be seen that the media owners largely control the agenda and thus can limit access to any candidates if they deem so. Moreover, the government itself, through some loopholes, is censoring the media. The result is a concentrated and dependent media, and a hostile environment (Sustainable Governance Indicators, 2022 s.v. "Romania" https://www.sgi-network.org/2022/Romania). While the data protection legislation of Romania is in accordance with GDPR, the National Authority for the Supervision of Personal Data Processing has severe budget limitations, decreasing its efficiency.

Figure 13: Romanian Anti-Green-Pass protester (Robert Ghement, No Green Pass Rally on December 21 2021, 2021, photograph, Bucharest)

24.   Slovakia

The processes of candidacy and registration are regarded to be fair and transparent in Slovakia. After long discussions and attempts, the *2014 Election Code* consolidated the regulations overseeing the election process. All candidates ought to be given equal access to the mass media, according to the *Election Campaign Act*, the *Broadcasting Act*, and the *Slovak Press Act*, which all regulate media behavior during elections. However, the assassination of investigative journalist Ján Kuciak brought media freedom and independence from state interference to the public's notice in February 2018 (Hajdari 2023). The popularity of the inquiries concerning civil rights, access to information, and media freedom has put Slovakia at the middle sections of democratic quality indexes among the European Union member states.

25.   Slovenia

The evaluation of political transparency as well as media freedom has been in slight decline in Slovenia over the last decade. Public and private funds are provided to political parties. Donations from private businesses or organizations are forbidden by law. The media industry is deeply divided and radicalized on political issues. The long potency of the previous Slovenian Prime Minister Janša, in particular, has been associated with his ties with the mainstream media outlets that were owned by Slovenian businesspeople and the Hungarian Prime Minister Orban (Mihajlovic, n.d.). Notwithstanding, the proliferation of public opinion about the influence of political actors on judicial decisions is observable. Thus, Slovenia is placed at the lower-middle ranks in democratic quality indexes.

26.   Spain

In Spain, political parties have access to the public media during the electoral campaigns; the outsiders, on the other hands, have very restricted access. Those practices has produced controversy in recent years since new policital parties disbenefited from them. Still, there is a variety of public and private media outlets; therefore, media pluralism is achieved. However, the public media is criticized for its lack of impartiality and credibility, since the privately owned media dominates the sector. Even though Spain has a diverse and free media, the struggling economy lead to difficulties for journalists. Moreover, the climate of polarization due to separatist movements has fueled hate speech against the media. Therefore, journalists have criticized the lack of transparency of media (Data Europa 2020). The incumbent governments of the autonomous regiones openly promote their partisan political objectives through the regional public-broadcast groups. A notable example in this respect is Catalonia, where the media has openly supported the nationalist regional's government's pro-secession view, while limiting the access for those who hold opposing perspectives; whereas in Madrid, the regional government passed a law for strengthening the control over the channel's board.

As stated before, even though media groups are formally independent, the parties in office have sought to support the media outlets that are ideologically closest to them. Political parties in Spain receive funds from the public budget and private associations. In 2015, the country passed a law that covers the transparency measures in political funding and imposes sanctions following the emergence of a number of scandals in previous years (RSF 2021). The *Audit Office* is responsible for auditing the party accounts and empowered to undertake investigations; however, they do not have the capacity to control the investigations effectively. Although improvements have been made, the office suffers from a lack of political independence, since its members are appointed by the political parties (OSCE 2017).

27.   Sweden

Sweeden has been known for its transparent and democratic electoral processes, consistently ranking first among the EU member states since 2014. The electoral procedures are quite well-managed. Both governmental and private funds are given to political parties; new laws have made this funding more transparent. However, it is important to note that despite the given advancements and extensive policy debates, political parties still do not publicly disclose their financial record. The media industry is competitive, press independence is fiercely guarded, and the role of online media is growing. No obstacles are faced by political entities with regard to equal access to media representation, no matter the level of their popularity. Sweden's *Freedom of the Press Act* and the *Fundamental Law on Freedom of Expression* bring a wide protection to the rigths and liberties related to the freedom of expression (European Union Agency for Fundamental Rights, n.d.)

V.   PARTY STANCES

A. European People's Party (EPP)

The **European People's Party** is a political party that represents the center-right and Christian-democratic ideologies' values in the European Parliament. It is the largest and one of the most influential political parties at the European level with members from various countries across the continent (EPP n.d.). As it states in its website, the EPP strives for a democratic, transparent and efficient Europe that is close to its citizens. In order to spread their agenda on political advertising and providing transparency, the EPP has hosted events with its MEPs (EPP 2022). The events held discussions on EPP's priorities for political advertising. Even though the EPP has shown support for transparency and political advertising, it attempted to water down the new rules on stronger rules for transparency, accountability and integrity in September 2023 (S&D 2023).

B. Progressive Alliance of Socialists and Democrats (S&D)

S&D is the parliamentary group that represents the progressive interests of the centre-left, represented by social democrats. Their position follows the political line of progressive ideals such as feminism, diversity, environmentalism, and democracy. (S&D, n.d.) S&D, as such, acknowledges the threats to the EU posed by unchecked political advertising, too. It pursues total transparency and the empowerment of the EU citizens through being informed (S&D 2023). They also believe that while doing so, the rights of the EU citizens should not be infringed. Furthermore, they support defending European democracy from outsider threats (S&D 2023).

C. Renew Europe

Renew Europe, formally known as the **Alliance of Liberals and Democrats for Europe – ALDE**, is a political group in the European Parliament that represents liberal and centrist ideologies; moreover, they advocate individual freedoms, economic liberalism, and European integration (Renew n.d.). The Renew Group believes that more transparency and harmonized rules on political advertising will protect the democratic processes. Renew Group has stated that it wants to fight more effectively and extensively against all forms of disinformation and external interferences in the democratic processes while preserving the openness of the public debate, which they see essential for the society, at the same time the. Renew group supports legislation that established rules for transparency in the political advertising context; they aim to tackle the obstacles in order to obtain truly transnational campaigns during the European elections (Renew 2023).

D. The Greens/European Free Alliance (Greens/EFA)

The Greens/European Free Alliance, also known as Greens/EFA, is a political group within the European Parliament that represents the green and regionalist values. The party advocates environmental sustainability, social justice, and the rights of minorities and regional groups within the European Union and Europe. The party states that they are committed to lobbying transparency and equal access to individuals and stakeholders. The party has stated that the Greens/EFA group has become the driving force for transparent reforms and has utilised different tools in order to guarantee the transparency of their activities and public expenditures (Greens/EFA n.d.).

E. European Conservatives and Reformists (ECR)

European Conservatives and Reformists is the parliamentary group representing the centre-right interests of the liberal economic model of free trade, decreased government and Union interference, self-determination for member states, and Eurorealism[8] (ECR, n.d.). Their conservative beliefs are visible here, as Eurorealism largely means conserving the current standing of the EU. This distinguishes ECR from Eurosceptics as they still put a great emphasis on European cooperation. They believe in the issues presented by political advertising; however, they differ in their understanding of solutions. They believe that while more transparent to protect consumers, targeted advertising should still be allowed (ECR 2021). They argue that targeted advertising is important in creating opportunities for small and medium-sized enterprises (SMEs). Furthermore, they believe there should be a balance in responsibility when it comes to political content; the platforms should not be burdened but they should not be left without responsibility either from the ECR's perspective (ECR 2023).

F. Identity and Democracy

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[8] Eurorealism means a reformed European Union that is neither overreaching nor powerless.

The **Identity and Democracy** group is made up of 59 MEPs from eight different countries; the majority of them are from the *Lega Party* in Italy, the *Rassemblement National* in France, and the *Alternative für Deutschland* in Germany. As a right-wing entity with Euroskeptic tendencies, ID prioritizes development and employment, bolstering security, combating illegal immigration, and streamlining EU bureaucracy (Identity and Democracy n.d.). From the perspective of political advertising agenda, the group highlights concerns about the freedom of expression, indicating the possibility of censorship and prejudice in transparency initiatives. They contend that initiatives to control advertising content or reveal the sources of funding can unfairly single out particular political philosophies, subjecting them to discrimination and repression (DSA Observatory n.d.). Additionally, their resistance to government intervention and skepticism of EU institutions has often lead the ID Group to vote against regulation and directive proposals.

G. The Left (GUE/NGL)

The Left was founded in 1995 as a left-wing political organization in the European Parliament, and was known as the **European United Left/Nordic Green Left (GUE/NGL)** prior to January 2021. Political parties with democratic socialist, communist, and eurosceptic doctrines make up the category (The Left n.d.a). *Die Linke* in Germany, *Podemos* in Spain, *Syriza* and the *New Left* in Greece, *Sinn Fein* in Ireland, and *Partij voor de Dieren* in the Netherlands are some of the most significant members of the Left group. The group emphasizes the problems of environment, democracy and ethics, women's rights, economic justice as well as rights and liberties. Thus, the Left voices concerns with regards to the disproportionate influence of corporate interests and increased spread of disinformation in media. They also support the promotion of transparency and accountability in political advertising since they prioritise public interest when it comes to the protection of democratic processes from any kind of interference (The Left n.d.b).

VI.   POINTS TO BE ADDRESSED BY THE REGULATION

1. What is the definition of Political Advertising? What should be included under that definition and what not?

2. How can transparency in Political Advertising be achieved?

3. How can data protection be extended to the sphere of political advertising?

4. How should the issues related to profiling be solved?

5. How should a "single market" (with common rules and procedures) be established in the Political Advertising sector?

6. How could fragmentation in legislation between EU member states be solved?

7. How will the new regulations on Political Advertising affect the citizens?

8. How will election security be guaranteed in relation to Political Advertising?

9. How does the internet affect Political Advertising? How can the internet be regulated in accordance with other issues related to Political Advertising?

10. What is the extent of the cross-border consequences of Political Advertising?

11. How can cross-border effects be regulated and mitigated?

12. How can political advertisements originating in a third-party state be regulated?

13. How could the measures against Political Advertising be coordinated in order not to harm SMEs and large enterprises?

14. To what extent should the member state be involved in addressing the issues related to Political Advertising?

15. Will systematic changes be made to the EU framework, and what will they be?

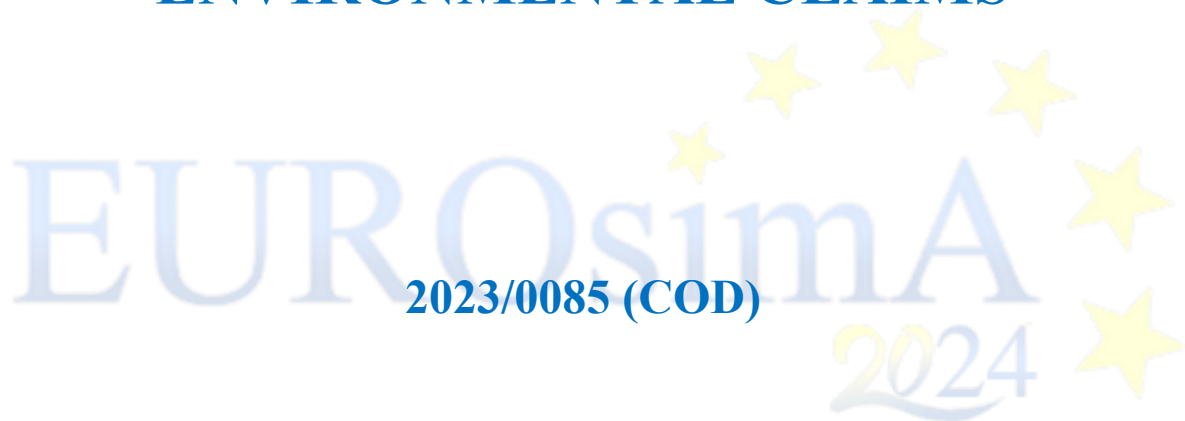# PROPOSAL FOR A DIRECTIVE ON SUBSTANTIATION AND COMMUNICATION OF EXPLICIT ENVIRONMENTAL CLAIMS

2023/0085 (COD)

Table of Contents

I. INTRODUCTION TO THE TOPIC AND RELATED TERMS

A. Glossary

Green Transition: The process of shifting from traditional methods and practices that harm the environment to more sustainable and eco-friendly alternatives. This transition aims to mitigate climate change, reduce pollution, and conserve natural resources (Netguru, 2023).

Greenwashing: The deceptive practice of conveying a false impression or providing misleading information about the environmental benefits of a product, service, or company. It involves presenting something as more environmentally friendly than it actually is, often to appeal to environmentally conscious consumers (Investopedia, 2024).

Environmental Claims: Statements or assertions made by individuals, organizations, or companies regarding the environmental attributes or impacts of their products, services, or operations. These claims may include assertions about energy efficiency, recyclability, carbon footprint, or other aspects related to environmental sustainability (European Parliament, 2023a).

Environmental Labels: Environmental labels are symbols, logos, or certifications affixed to products, packaging, or services to communicate their environmental attributes or compliance with specific environmental standards. These labels provide consumers with information about the environmental performance or impact of the labelled products or services, helping them make more informed and sustainable purchasing decisions (ECOLABEL n.d.)

B. Sustainability and Circularity

i. Sustainability

Sustainability is a concept that holds a crucial significance for the environment. Sustainability is one of the goals that the humankind needs to achieve in order to ensure the long-term health and well-being of individuals and the planet. Sustainability, among many other things, involves the conservation of natural

resources. It is important to highlight that those natural resources such as freshwater, forests, minerals, and fossil fuels are not infinite; thus, their overexploitation can lead to depletion. Sustainability furthermore extends to the realm of living organisms as well since unsustainable practices such as the destruction of habitat and pollution may threaten the diversity of species (UCLA n.d.).

Another important aspect of sustainability is that sustainability is also related to meeting people's needs, regardless of the generations. Sustainable practices help promote significant achievements such as social equity, justice, and inclusivity; meanwhile, unsustainable processes often affect marginalized communities, and create disparities. Sustainability aims to tackle those unsustainable practices that can give way to injustices (Patterson 2024).

The European Union has been actively working to further the efforts aimed at achieving sustainability. There have been multiple policy frameworks, which engage both the member states and stakeholders. Some important examples are:

- **European Green Deal**

- **Renewable Energy Directive (RED II)**

- **Circular Economy Action Plan**

- **Waste Framework Directive**

- **Water Framework Directive (WFD)**

- **Energy Efficiency Directive (EED)**

- **EU Emissions Trading System (EU ETS)**

With respect to sustainability and environmental policy, the flagship initiative of the European Union is its plan to achieve carbon neutrality by 2050, formulated in line **United Nations Sustainable Development Goals (SDGs)**. The EU aims to build a climate-neutral society and turn Europe into the world's first climate-neutral continent by the year 2050 in pursuit of leaving a better future for the next generations. In line with this goal, each EU member state has developed its own national long-term strategies for achieving

greenhouse gas emissions reductions. Still, governments are not the only actors in this scheme; various segments of the society and the economic sector play hold a crucial responsibility for the realization of this plan as well. (European Commission n.d.a).

Figure 1: Sustainable Development Goals (European Commission, "Sustainable Development Goals," infographic, accessed April 7, 2024. https://commission.europa.eu/strategy-and-policy/sustainable-development-goals/eu-and-united-nations-common-goals-sustainable-future_en.)

In conclusion, sustainability is crucial for the environment and the well-being of individuals, as well as the continuation of societies. Thus, the preservation of ecosystems, conservation of natural resources, and promotion of social equity and justice through sustainability practices are vital goals to be achieved. By embracing and expanding sustainability practices, human beings can ensure a sustainable future for the generations to come.

ii. Circularity

Circularity is another notable concept related to environmental policy. It offers a sustainable alternative to the **linear model of production,** in which the products are produced to be consumed for once without any

reuse of their materials. In the circular economic model, however, the goal is to use resources efficiently and obtain minimum waste through keeping the materials in continuous circulation, thereby reducing environmental impact and conserving resources (What is Circularity? n.d.).

Circular economic model's fundamental goal is to keep materials' added value while reducing waste as much as possible. Thus, the priority is to focus on utilizing products as resources. Circular economy is directly related to the **3R initiative**, a collective name given to the practices of reducing, reusing, and recycling, as the relevant processes reuse and utilize products to the greatest extent possible. The model is long-term and focuses on maintaining multiple life cycles as opposed to the linear model's "purchase to sale" based system; it minimizes CO2 emissions, preserves raw materials, and protects the environment. It also presents new business opportunities for the businesses and new job opportunities for the individuals (European Parliament 2023).

One of the main objectives of circularity, as stated in the previous chapters, is to ensure resource conservation. It is important to highlight that sources are finite, and keeping resources through processes like recycling, refurbishment, and remanufacturing help maintain a circular economy. Another objective is to lower the environmental footprint. Circular economic practices tend to produce less environmental footprint compared to linear production and consumption models.

Another aspect (and contribution) of circularity is that it helps businesses create **green jobs** and new economic opportunities that are concerned with sustainability. Green jobs are the jobs that contribute to preserving and restoring the environment and our planet. Such jobs are concerned with protecting the natural environment, addressing climate change, and promoting biodiversity. By investing in the circular economy and green technologies, businesses and countries can stimulate economic development, create green jobs, reduce environmental impact and improve resource efficiency (European Parliament 2023).

The European Union has already taken action to promote circular economy. In that regard, the preeminent objective of the EU has been the implementation of the **Circular Economy Action Plan**, which was

adopted in 2015 and later updated in 2020. The action plan outlines the strategies that shall be used and the initiatives that shall be taken for promoting circularity across various sectors. Thus, the plan targets increased resource productivity, reduced waste generation, and the promotion of the use of secondary raw materials, all which reinforce circularity (European Commission n.d.c).

European Union later launched the **Circular Economy Stakeholder Platform** in order to facilitate knowledge-sharing and networking between businesses. Various stakeholders from different sectors and regions come together to plan collaborative action within this platform. The platform serves as a a forum for exchanging information about suitable practices, showcasing different circular economy initiatives, and fostering partnerships between businesses, governments, and civil society organizations (Circular Economy Stakeholder Platform n.d.).

In addition to these, the European Union engages in international cooperation in order to promote circularity. Organizations such as the United Nations Environment Programme (UNEP) can be counted among the partners with which the EU engages (UN Environment n.d.).

In conclusion, the European Union has been actively engaging with the circular economy plan, aiming to guide the advance towards a more sustainable and resource-efficient economy. The Union, through different policy frameworks, has been undertaking action on this matter as well.

C. Green Transition

i. Definition of Green Transition

The shortest definition of green transition would be "Supporting reforms to transition to a green economy and fight climate change" (European Commission n.d.k). A broader explanation would try to explain its purpose, why it is necessary, and possible issues that could halt the transition.

The green transition aims to change the current state of economies that are still reliant on fossil fuels and overconsumption of natural resources. Instead of relying on sources that are harming the environment and

sources that can be depleted, using sustainable methods would be the outcome that this transition is aiming for (Ministry of the Environment n.d.).

This transition can be broken down into two segments, one for companies, manufacturers, and municipalities, and the other segment would be about the daily lives of individuals. For the first group, green transition would mean creating an environment plan that is circular and uses clean energy. On top of that, creating roadmaps for this transition, which can include low-carbon roadmaps or transition roadmaps, would be a great step to accept and move towards to green transitioning (Lindwall 2023).

For the individuals who try to be a part of green transitioning, it would entail changing their daily habits that revolve around the usage of fossil fuels, wasting products, not recycling when possible, and similar ones. To give an example of the effects of individual choices, we can mention the developments in the electric cars market, currently one of the biggest growing markets linked to transitioning. Data suggests that the consumer demand for electric cars is rising and that is showing the effects of the individuals on the greater scope (IEA 2023). The habits of individuals are one of the essential cornerstones that create demand, and demand is the main causation behind the actions of the companies; if customers want certain aspects of the products, the companies will choose those aspects. In this case, if the individuals demand greener or at the least less-carbon emitting products, the market will have to transition that way. It is important to understand that this effect cannot simply be achieved by one individual, rather it needs a proper movement consisting of many.

ii.   The Importance of Green Transition

The necessity of green transition comes from the fact that humanity is in a constant state of over and wasteful consumption in the contemporary era. Various sources like **UNEP**, **NASA**, and the **European Environmental Agency** show that the effects of climate change are not problems that can be overlooked, and transitioning towards greener economies and lifestyles would help protect humanity against those problems.

As mentioned earlier, the European Union had set a goal through the European Green Deal stating that the EU endeavours a climate-neutral Europe by 2050; so far, the importance of the Green Deal is visible through its success in lowering greenhouse gas emissions while maintaining economic growth (European Commission n.d.f).

Figure 2: General Chart for Green Transition and Related Areas and Topics (European Commission, "The European Green Deal," infographic, accessed April 7, 2024. https://state-of-the-union.ec.europa.eu/state-union-2022/state-union-achievements/leading-green-transition_en.)

iii. Just Transition

As a concept, **just transition** has been around since the 1980s, when it was used in a movement that aimed to protect US trade union workers from the possible negative effects of new water and air pollution regulations (UNDP n.d.). The terms have been around for a significant time, but they still lack a unanimous

definition. The **International Labour Organization (ILO)** uses the following definition: "Greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind." (ILO 2021). Instead of just trying to see "greening" from a singular perspective, the bodies that are related to this topic should be able to understand the needs of different communities, regions, and people according to their current state and then apply the necessary aspects of just transition. Rather than just trying the understand the concept with definitions, it would be better to take a look at its background, analyse the conditions to which it applies, and make sense of the possible implications of emphasizing it.

The European Union is aiming to successfully transition to a greener Europe; in this process, all EU Member States, regions, and sectors try to contribute in the ways that they can. However, the scope of this contribution is not the same for all (European Commission n.d.f). Regions that are heavily reliant on fossil fuels and industries that emit greenhouse gases will have a harder time transitioning when compared to others who can use their lower population and geographical advantages to help themselves in the transitioning process.

Another aspect of green transition is the way it interacts with individuals' lives. Evidence suggests that if managed well, transition can affect individual lives directly rather than just indirectly affecting them by protecting the environment and the world (UNDP 2022). By creating employment opportunities in new areas, such as renewable energy, green transition can help individuals by creating green jobs and eradicating poverty. On the other side, green transition may harm countries, regions, industries, workers, or even consumers if it does not benefit communities directly. Actions required for a successful green transition could eradicate some job opportunities, or green products may prove to be more out of reach for materially deprived, compared to their non-green counterparts.

Thus, a just transition must seek to ensure that the benefits that are coming from the green transition are justly distributed, and organizations who are willing to lose economic benefits in order to help the transition

should be protected (European Bank for Reconstruction and Development n.d.). The Paris Agreement acknowledges "the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities" and underlines the importance of people who contribute to transitioning in relation to the work they perform (European Bank for Reconstruction and Development n.d.). If they are harmed or neglected by the act of transition, the transition loses one of its main purposes. Hence, it should be ensured that no one is harmed by the transition toward more eco-friendly practices.

Just transition is a topic that is strongly related to other policy areas relevant for achieving sustainability. For example, 14 of the 17 Sustainable Development Goals are linked with just transition, including "climate action", "reduced inequalities", "decent work and economic growth", and "affordable and clean energy" (UNDP n.d.).

D. Greenwashing
i. What is Greenwashing?

The European Union defines greenwashing as "the practice by which companies claim they are doing more for the environment than they actually are" (European Commission 2021). From a more formal and scientific perspective, it is possible to define greenwashing as a clash or disagreement between words and actions, which combines words that claim positive performance on environmental acts, and actions that show negative performance on environmental problems (Pizzetti, Gatti, and Seele 2019).

Instead of solely depending on the definitions, it is also possible to try to understand the concept by looking at its purpose. The main objective of greenwashing is to trick the consumer into thinking that the company is taking the necessary steps to be responsible for the ecological problems whereas the only important thing for those companies is economic profit in reality (Orange and Cohen 2010). As such, companies that use greenwashing continue to pollute the environment and execute other harmful acts through profiting off well-intentioned people that care about the environment (Lindwall 2023).

ii. Reasons for Greenwashing

Companies or corporations always aim to gain profits from market trends, which makes following trends and trying to fit in an appealing endeavour for companies. For example, in the Black History Month or Pride Month, it is possible to observe many corporations change their branding or their marketing tactics. As stated by Global Sustainability Study 2021, the current trends point to the fact that customers prefer green products and companies more compared to their non-green counterparts (Shikha Jain et al 2021). This incentivizes the companies into building a "green" image" of themselves; the problem here is that subscribing to green practices costs lots of funds and time. Meanwhile, engaging in greenwashing nevertheless earn those companies the same income without having to incur the costs.

An important point about greenwashing is it is almost impossible to know if the companies are honest in their green claims from the perspective of a consumer (Yadav 2023). Without bodies (such as government bodies or other specialized organisations) that check and follow if the companies abide by their words, there is no way for the customers to know the truth unless the companies act transparent. Due the lack of such bodies, the companies prefer to take the greenwashing route rather than following their promises. Furthermore, the lack of government policies or laws about this issue also paves the way for the companies' dishonest behaviour (Yadav 2023).

It is also important recognise that the companies might be sincere and want to contribute to the green transition in some cases. Yet in those cases, the mentioned companies might lack the correct facilities and opportunities to realise their intentions. The companies might lack the necessary funds or other tools required to power the transition to greener methods. Still, it is important to understand the differences between these companies and the ones that are willingly greenwashing (Lindwall 2023).

iii. Types of Greenwashing

It is possible to distinguish between different types of greenwashing (Silva 2021, 126). First of all, it is possible to divide greenwashing into **implicit greenwashing** and **explicit greenwashing**.

In a brief manner "implicit" refers to things and concepts that are not directly observable, implied rather than expressed; meanwhile, "explicit" refers to those that are directly observable and expressible. Implicit greenwashing occurs when the concept or product is associated with environmental images. As humans, we tend to associate motifs such as nature, animals, or the colour green with being eco-friendly. Even if a company is not claiming to be eco-friendly, the customers can associate the company with eco-friendliness. Even though this type of greenwashing may arise due to mal intentions, it is almost impossible to detect its occurrences (Silva 2021, 127).

The latter one, explicit greenwashing, occurs when the company uses slogans, logos, and/or related information that can misguide the customers. Explicit greenwashing can be broken down into four sub-categories: misleading information, vague information, irrelevant information, and wrong information (Silva 2021, 127).

Misleading information and **vague information** refer to cases in which the producer gives a piece of information that is either not entirely correct or does not entirely cover what is happening (Silva 2021, 127). For example, words such as "green", "natural" or "eco-friendly" can be used in these ways. A producer can claim that its product has "green" aspects, but the truth might be that only a small part of the product is recyclable; so, it is only the part of that product that is green. **Irrelevant information** refers to when a product gives information that is not needed; for example, some spray companies claim to be free of CFCs (a type of gas that harms the atmosphere) even though the usage of CFCs is already banned (Silva 2021, 127). The most problematic one is **wrong information,** which refers to claiming or stating a "fact" that does not exist. For example, a company may claim that they are reducing their CO emissions, but in reality, the emissions of CO might be going up (Silva 2021, 127).

This categorization covers most cases of greenwashing; however, it is possible that some hardships of being eco-friendly can encourage people to try different methods of greenwashing. So, it should be noted that these are not the only types of greenwashing and that the list can be extended.

iv. Consequences of Greenwashing

Greenwashing has different consequences in different fields. It can harm the relationship between the consumer and the producers, it can directly harm the environment, and in some cases, it can harm the company that indulges in greenwashing.

From the perspective of a consumer, greenwashing may create a number of problematic situations. First of all, the consumer is directly being lied to and deceived into buying a product that seems green but is not actually green. The consumer might be honestly trying to buy a green product in pursuit of protecting the environment yet cannot truly honour that pursuit due to greenwashing (EIOPA n.d.). As such interactions continue to happen, and as the public starts to learn more about these issues, the trust between the consumers and the retailers is gradually harmed (EIOPA n.d.). In one research, it has been found that 62% of EU consumers do not trust the claims made by the retailers (EIOPA n.d.).
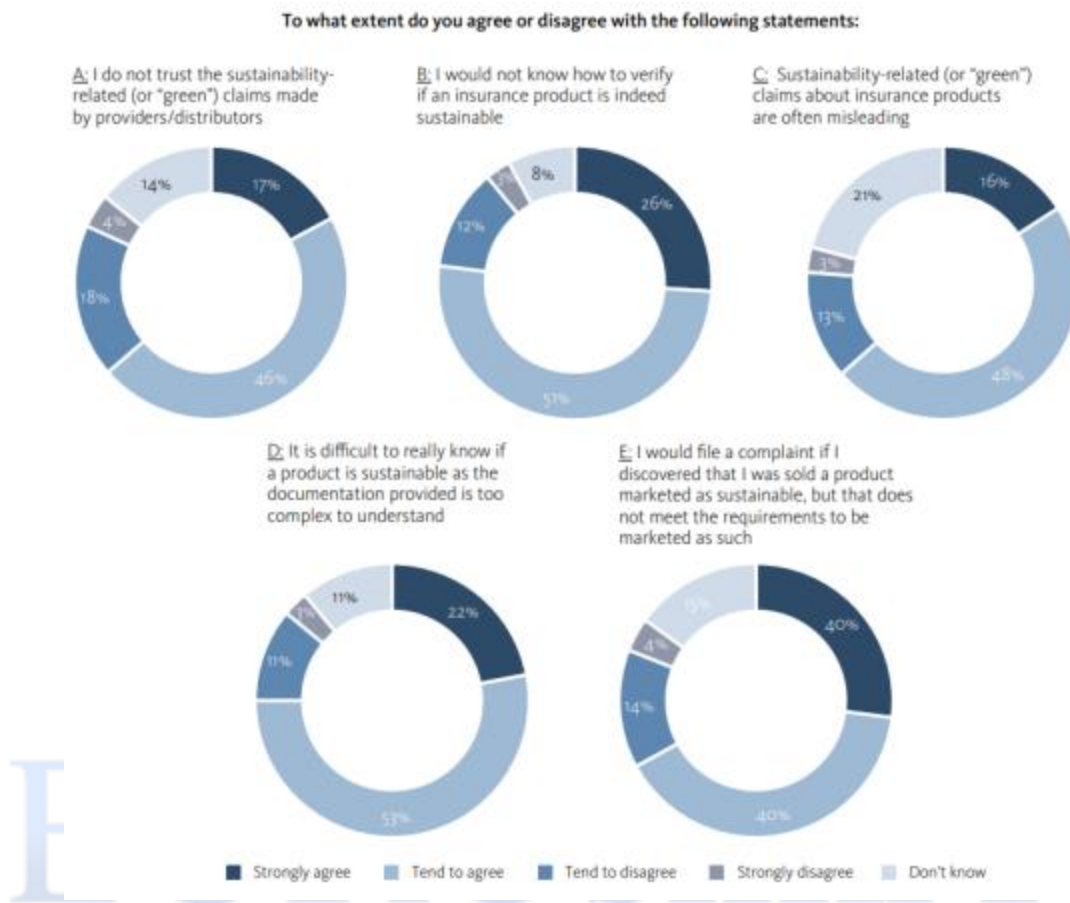
To what extent do you agree or disagree with the following statements:

A: I do not trust the sustainability-related (or "green") claims made by providers/distributors

B: I would not know how to verify if an insurance product is indeed sustainable

C: Sustainability-related (or "green") claims about insurance products are often misleading

D: It is difficult to really know if a product is sustainable as the documentation provided is too complex to understand

E: I would file a complaint if I discovered that I was sold a product marketed as sustainable, but that does not meet the requirements to be marketed as such

■ Strongly agree ■ Tend to agree ■ Tend to disagree ■ Strongly disagree ■ Don't know

Figure 3: A diagram of Consumer's Eurobarometer showing Consumers' Trust about Producers and Products (European Insurance and Occupational Pensions Authority, "Consumers' view on their insurance purchasing experience," infographic, 2023. https://www.eiopa.europa.eu/document/download/b8e20202-b1f6-41a9-9df8-f3cf8a9e96f9_en?filename=Consumer%20trends%20report%202022.pdf.)

From a different perspective, greenwashing is a great threat to the environment. Through lying and making non-trustable claims, companies are simultaneously making profits and harming the environment (United Nations n.d.). Such activity only halts the progress made in pursuit of protecting the environment battling climate change. It is possible to see the climate crisis as something that is still distant, but being in that mentality is a faulty one. Especially in regions where there is no sufficient infrastructural and institutional capacity, greenwashing acts generate significant harm for the environment (United Nations n.d.).

II. **European Union's Current Framework about Greenwashing and Substantiating Green Claims**

  A. **The Green Deal**

The European Green Deal's (EGD) most prominent prospect is transforming the European continent into a climatically neutral space until 2050. This goal should be achieved without harming the economy; therefore, the EU adopted the goal of creating economic growth decoupled from the exploration of resources. With that aim, the EGD forms a plan based on several pillars (Silva 2021, 128):

● the incentive for the efficient use of resources through the transition to a circular economy

● restoration of biodiversity and reduction of pollution

● the EU's insurance that no person or region will be left behind, and its promise to achieve a just and inclusive transition.

Figure 4: A quick chart about the Green Deal and its goals (Energica, "European Green Deal," infographic, accessed April 7, 2024. https://energica-h2020.eu/green-deal/.)

These pillars form the basic perspective of the EGD by stressing the importance of both the efficient use of resources and the restoration of the damage already done to the environment; they also guarantee that no one will be left behind. It is also notable to mention that EGD objectives are not purely centred around sustainability. Several objectives are directly aimed at creating economic growth, new business models and markets, new jobs, and supporting technological development. The European Green Deal is also intended to turn the EU into a modern, resource-efficient, and competitive economy (European Commission n.d.h.). Thus, the EGD is built through different initiatives, all contributing to the same objectives, creating a holistic approach towards them (Silva 2021, 129). Some of those initiatives included in the EGD are:

i. **The Green Deal Industrial Plan**

ii. **The EU Biodiversity Strategy for 2030**

iii. **The Farm to Fork Strategy**

i.   The Green Deal Industrial Plan

The **Green Deal Industrial Plan** enhances the competitiveness of Europe's net-zero industry and is accelerating the transition to climate neutrality. It does so by creating a more supportive environment for scaling up the EU's manufacturing capacity for the net-zero technologies and products required to meet Europe's ambitious climate targets. The plan is built on 4 main principles (European Commission n.d.i):

- *Predictable and simplified regulatory environment*
- *Faster access to funding*
- *Enhancing skills*
- *Open trade for resilient supply chains*

The first principle is about the regulatory environment. It refers to creating a simpler, faster, and more predictable framework, securing the volumes needed for raw materials, and ensuring users are able to benefit from the low costs of renewables. The second pillar of the plan will speed up investment and

financing for clean-tech production in Europe. In line with the EU's competition policy, it aims to guarantee a level playing field within the Single Market while making it easier for the member states to grant necessary aid to fast-track the green transition. With a huge growth in new technologies, a huge growth in skills and skilled workers in this sector will be needed; thus, the 3rd pillar (enhancing skills) will be ensured by the EGD through further measures. Lastly, the fourth pillar is about global cooperation and making trade work for the green transition, under the principles of fair competition and open trade, building on the engagements with the EU's partners and the work of the **World Trade Organization (WTO)**. (European Commission, 2019) With all its principles and efforts to help those principles be actualized, the Green Deal Industrial Plan forms a significant framework for the issue.

ii. The EU Biodiversity Strategy for 2030

The EU's biodiversity strategy for 2030 is a comprehensive, ambitious, and long-term plan to protect nature and reverse the degradation of ecosystems. The strategy aims to put Europe's biodiversity on a path to recovery by 2030 and contains specific actions and commitments. The biodiversity strategy aims to put Europe's biodiversity on the path to recovery by 2030 for the benefit of people, climate, and the planet. In the post-COVID-19 context, the strategy aims to build our societies' resilience to future threats such as the impacts of climate change, forest fires, food insecurity, and disease outbreaks (European Commission n.d.b). The strategy contains specific commitments and actions to be delivered by 2030, which are (European Commission n.d.b):

- *Establishing a larger EU-wide network of protected areas on land and at sea: The EU will enlarge existing Natura 2000 areas (the EU network of protected areas), with strict protection for areas of very high biodiversity and climate value.*

- *Launching an EU nature restoration plan: EU countries are to put in place effective restoration measures to restore degraded ecosystems and to prevent and reduce the impact of natural*

disasters. As part of this plan, the EU's first-ever Nature Restoration Law was approved which includes an overarching restoration objective for the long-term recovery of nature.

- *Introducing measures to enable the necessary transformative change: The strategy highlights unlocking funding for biodiversity, and setting in motion a new, strengthened governance framework to ensure transformative change.*

- *Introducing measures to tackle the global biodiversity challenge: These measures will demonstrate that the EU is ready to lead by example to address the global biodiversity crisis. In particular, it includes working towards the successful adoption of an ambitious global biodiversity framework under the Convention on Biological Diversity.*

iii. The Farm to Fork Strategy

The **Farm to Fork Strategy** is one of the many measures the EU pursues to achieve climate neutrality by 2050. This strategy aims to transition the current EU food system to a more sustainable model, covering the food chain from food production to its consumption, thus involving both producers and consumers and taking into account the food system in its entirety. It is an ambitious goal that seeks to redesign the food system, which is responsible for a third of the carbon dioxide emissions worldwide, in addition to causing other negative environmental consequences such as the loss of biodiversity. In a broad sense, the main objective is to guarantee sufficient, nutritious, and affordable food, produced within the sustainable limits of the planet. Therefore, the EU aims to continue to produce high-quality food, but now with a minimal impact on nature (Silva 2021, 129).

The strategy sets out both regulatory and non-regulatory initiatives, with the common agricultural and fisheries policies as key tools to support a just transition. Firstly, a proposal for a legislative framework for sustainable food systems (FSFS) was put forward to support the implementation of the strategy and development of sustainable food policy. Then, a contingency plan for ensuring food supply and food security will be developed. The EU will support the global transition to sustainable agri-food systems through its trade policies and international cooperation instruments (European Commission n.d.e).

Figure 5: A chart showing main purposes of Farm-to-Fork Strategy (Codex Alimentarius, "Farm to Fork," infographic, June 15, 2020. https://www.fao.org/fao-who-codexalimentarius/news-and-events/news-details/en/c/1294984/.)

In summary, the farm-to-fork strategy addresses concerns related to food production, ensuring the food production is sustainable, as well as objectives linked to consumption issues, namely with promotion of healthier eating habits to European citizens. Targets such as reducing food loss and waste and promoting animal welfare are also foreseen in this strategy. Lastly, the strategy brings new business opportunities for all operators in the food chain (Silva 2021, 129). Overall, the Farm to Fork Strategy is a significant element of the EU Green Deal's framework.

B. The New Consumer Agenda

The **New Consumer Agenda** is a framework that was launched in November 2020 by the European Commission (European Commission n.d.h). The main purpose of the framework is to create an environment where European consumers can play an active role in the green and digital transition (Silva 2021, 132). The new agenda is built upon the older one, which was published in 2012. The New Consumer Agenda tries to specify some problems and tries to orient the EU and its Member States towards resolving those problems. Five priority areas stated by the agenda are as follows: (i) green transition, (ii) digital transformation, (iii)

effective enforcement of consumer rights, (iv) specific needs of certain groups of consumers, and (v) international cooperation; greenwashing is addressed in the green transition part of the agenda. The Commission wants the consumer to select the eco-friendly product, and while doing so they want the consumer to be able to distinguish the greenwashing companies and prevent themselves from falling into their traps (Silva 2021, 132).

As of 2024, there are many legislative initiatives that have come to be a topic to be discussed thanks to the new agenda. Two of the earlier examples of these initiatives are "*Environmental performance of products & businesses – substantiating claim*" and "*Consumer policy- strengthening the role of consumers in the green transition*" (Silva 2021, 132). The context of these proposals revolves around compelling the companies to justify their claims and creating an environment where the consumers are an active part of the green transition.

C. Unfair Commercial Practices Directive

The **Unfair Commercial Practices Directive (UCPD)** is a piece of legislation that aims to regulate the unfair commercial practices that occur at any given time of the exchange that happens between the producer and the consumer (Silva 2021, 133). In a situation where the unfair practices are eradicated, the trust between the customer and businesses could be restored; this is the main goal of the directive.

The European Commission published the **Unfair Commercial Practice Directive Guidance** in 2021; this guidance tries to improve the previous one, which was published in 2016. The purpose of this guidance is to clear any misunderstanding that can be born through misinterpreting the UCPD. This guidance builds a new legal backbone and defines certain elements of the situation so the UCPD can achieve what it tries to.

The main principles of the UCPD can be broken into two. Just like other frameworks about substantiating green claims, the first principles try to ensure that the consumers cannot be misled, and that the producers are as honest as they can be towards the public (Silva 2021, 133). The other principle stipulates that if a

green claim made by the producers is challenged, the producers, traders, and companies must provide scientific evidence to support their claims. The UCPD Guidance goes on to tackle several issues about the problem by listing some unfair practices and trying to close the gaps in the UCPD. For example, a practice known as **planned obsolescence**, which refers to the creation of products that have short lifespans for the purpose of boosting the demand even though it is possible to create products with longer lifespans, is tackled under the Guidance.

However, even with the help of the UCDP Guidance, UCDP is not entirely flawless. Its major flaw lies in the differences between the member states of the EU. Since some states might have difficulties in enforcing the rules of the UCDP, it is harder to apply them on a Union-wide basis (Silva 2021, 133).

D. Environmental Footprint Methods

It has been detected that it may get confusing for the consumers and the companies to truly understand the labels that were put on a product due to the fact that eco-friendliness comes in a variety of forms. Companies can have a hard time calculating how eco-friendly their products are, and consumers can have a hard time reading all the information on a label and making sense of it (Silva 2021, 134).

In order to handle this problem at hand, the Commission published the **Commission Recommendation on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations** on 9 April 2013 (European Commission 2013); the document recommended reliable methodologies in order to calculate the environmental performance of the product (Silva 2021, 134). These recommendations were done under the name of "COMMISSION RECOMMENDATION of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations" Among them, there are two main types of methods for calculating the necessary information. The first method is known as the **Product Environmental Footprint Method (PEF)**, and the second one is known as the **Organisation's Environmental Footprint Method (OEF)**. Both of them are generalised methods that can be used to

calculate and make educated guesses about the potential environmental impact of a products and organization's life cycle. The most important aspect of these methods is to promote green-friendly products creating an environment where it is possible for the customers to pick their products with a better understanding of greenwashing and various green problems (Silva 2021, 135).

There is another method that has been going under some research by the EU, and it is a method that aims to support PEF. The name of this supporting method is the **Product Environmental Footprint Category Rules (PEFCR)**; just like the UCDP Guidance mentioned earlier, this method aims to enhance and help an earlier existing framework. The PEFCR describes how to calculate the ecological footprint and creates a guiding path for the companies to help them truly understand their products and their green attributes (Silva 2021, 135).

E. The Sustainable Finance Disclosure Regulation

This regulation is a regulation that was approved back in 2020 and its main purpose is to channel a great amount of EU money into environmental issues. Another key aspect of this regulation is the use scientific evidence as the basis for the actions about these matters (Silva 2021, 135). Making a reality where the grave problems of the world and Europe, are handled by scientific methods and transparent political methods is an important duty of the Member States.

F. Circular Economy Action Plan

The new **European Circular Economy Action Plan (CEAP)** was adopted by the **European Commission** in March 2020, building on a first experience launched by the Commission in 2015 and completed in 2019. The new action contains initiatives along the entire life cycle of products. It comments on the design process of products, promotes circular economy processes, encourages sustainable consumption, and aims to ensure the resources used are kept in the EU economy for as long as possible through the reduction of waste. The main objectives of the CEAP can be listed as

making sustainable products the norm in the EU, empowering consumers and public buyers' focus on the sectors that use the most resources and where the potential for circularity is high (such as electronics, vehicles, packaging, plastics, etc.), ensuring less waste, and making circularity work for everyone (European Commission 2020a). Considering those objectives, simply one fundamental objective can be stated: maintaining the resources used in the EU economy as long as possible (European Commission 2020b).
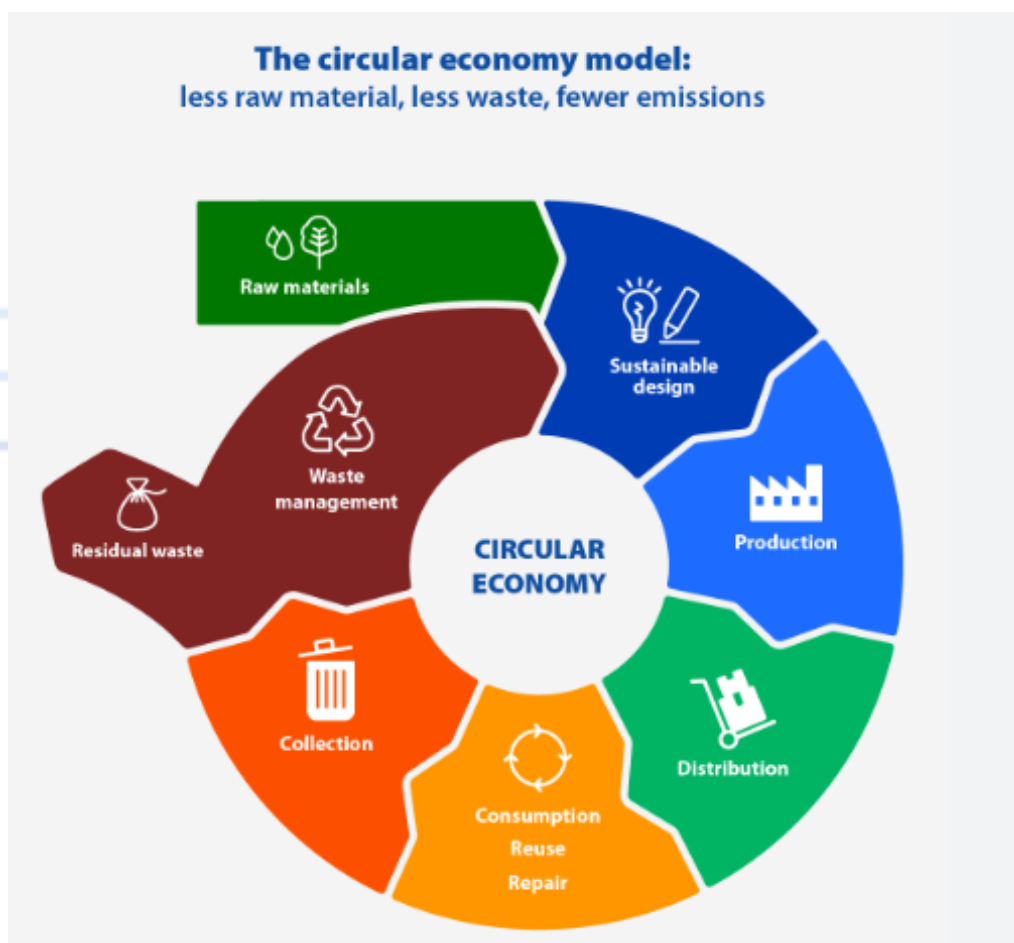

Figure 6: A chart about the cycle of Circular Economy ((European Parliament, "The circular economy model," infographic, May 24, 2023. https://www.europarl.europa.eu/topics/en/article/20151201STO05603/circular-economy-definition-importance-and-benefits.)

With the newly improved CEAP, it will be ensured that consumers can make informed and environment-friendly choices when buying products (Daniel Silva 2021). Consumers will have a right to know how long a product is designed to last and how if at all, it can be repaired. In addition, the CEAP also places emphasis on the matter of greenwashing as it misleads both the customers and governments, prevents the resources from being used in a circular manner, and causes harm to the environment and the EU 2050 climate neutrality goal. The rules introduced by the CEAP strengthens consumer protection against untrustworthy or false environmental claims, banning 'greenwashing' and practices misleading consumers about the durability of a product. (European Commission 2022). The CEAP is particularly relevant to tackling greenwashing on two matters: *ban on greenwashing* and the *right of information on the durability and repairability of products*.

i. Ban on Greenwashing

The CEAP proposed a revision of the EU consumer law to ensure that consumers receive trustworthy and relevant information on products; it also proposed the further strengthening of customer protection against greenwashing and premature obsolescence. A new, extended legislative ban on greenwashing activities was proposed by the European Commission in the form of amendments to the existing CEAP and to the **Unfair Commercial Practices Directive (UCPD)** (European Commission 2020a).

The proposed amendments will effectively ban/prevent the greenwashing practices in 3 main methods. First, the list of product characteristics about which a trader cannot mislead consumers is to be expanded to cover the products' environmental or social impact, along with their durability and reparability. This way, the greenwashing activities that can be detected and be subjected to

punitive activities will cover a greater range than those covered under the 2020 CEAP and the existing UCPD (European Commission 2022).

Then, new practices that are considered misleading will be added to the primary frameworks after a case-by-case assessment; such misleading practices especially pertain to making environmental claims related to future environmental performance without clear, objective, and verifiable commitments and targets, and without an independent monitoring system. This method will once again play a significant role in extending the scope of anti-greenwashing measures and assist authorities in effectively identifying various practices of greenwashing. With the implementation of an independent monitoring system, impartial and fast detection will be ensured; such a development is important for countering various forms of greenwashing (European Commission 2022).

Finally, the UCPD was further amended by adding new practices to the existing list of prohibited unfair commercial practices - the so-called 'blacklist'. The newly included practices cover *inter alia* the following (European Commission 2022):

- Not informing about the features introduced to limit durability.

- Making generic, vague environmental claims that cannot demonstrate the environmental performance of the product or trader. Examples of such generic environmental claims are labels such as "environmentally friendly", "eco", or "green", which falsely create the impression of excellent environmental performance.

- Making an environmental claim about the entire product, when it really concerns only a certain aspect of the product.

- Displaying a voluntary sustainability label that was not based on a third-party verification scheme or established by public authorities.

- Not informing that a good has limited functionality when using consumables, spare parts, or accessories not provided by the original producer.

The ban on the various forms of greenwashing helps maintain stable legal standards for traders but also facilitates enforcing the rules related to greenwashing and the early obsolescence of products. Furthermore, by ensuring that environmental claims are fair, it is expected that the consumers will be able to choose products that are genuinely better for the environment than their competitors. This will encourage competition towards marketing more environmentally sustainable products, thus reducing the negative impact on the environment (European Commission 2022).

ii. Right of Information on the Durability and Repairability of Products

The CEAP also aimed to improve the related consumer rights to information on the durability and repairability of the products, in order to further eliminate greenwashing activities. These improved rights can be separated in two and listed as (European Commission 2022):

- *Durability*: Consumers must be informed about the guaranteed durability of products. If the producer of a consumer good offers a commercial guarantee of durability of more than two years, the seller must provide this information to the consumer. For energy-using goods, the seller must also inform consumers when no information on a commercial guarantee of durability was provided by the producer.

- *Repairs and updates*: The seller must also provide relevant information on repairs, such as the repairability score (where applicable), or other relevant repair information made available by the producer, such as the availability of spare parts or a repair manual. For smart devices and digital

content and services, the consumer must be also informed about software updates provided by the producer.

It is stated that producers and sellers will decide on the most appropriate way to provide this information to the consumer, be it on the packaging or in the product description on the website. In any case, all the information (the access to which is regarded a right of the consumers) must be provided before the purchase in a clear and comprehensible manner (European Commission 2022).

III. Highlights on the Proposal

The proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims 2023/0085 (COD) (also known as the **Green Claims Directive**), is a directive proposal that heavily revolves around the concept of greenwashing and related framework (European Commission 2023). Its main purpose is to address environmental claims made by businesses in a comprehensive manner. To achieve this goal, the proposal tries to establish clear and understandable rules, enabling the companies to easily communicate their standings about environmental issues with the customers. It also tries to ensure transparency, equality, and accuracy for everyone dealing with these issues. More precisely, it could be said that the ultimate goal of the proposal is to protect the customers and the environment from ill-intended practices while fostering an equal and sustainable economic environment. However, the proposal still has some room the improve itself.

The proposal goes on to explain and cover various points such as the scope of application, requirements for environmental claims, and exemptions for certain cases. Furthermore, the proposal's current form explains in detail that there might be some exclusions and exemptions regarding various special cases; yet the criteria for these exclusions are rather incomplete and can be further clarified for future reference (European Commission 2023). Also, since numerous policy frameworks are related with the proposal, it would be sensible to clearly show (in an explicit and detailed manner) which policy framework is going to guide which parts of the overall scheme created by the directive. If there are any overlaps between the

frameworks, it would be also beneficial to make an analysis and to decide on which of the overlapping pieces of frameworks should be prioritized to ensure a more effective implementation of the scheme.

On the other hand, the proposal stresses the necessity of certain mechanisms that are going to be enforced by every stakeholder (European Commission 2023). However, it is not entirely possible for every company or business to achieve the necessary and wanted outcomes; some parts of the European Union might lack the necessary manpower, and some might lack the infrastructure that allows the companies to work more efficiently. In its current form, the proposal tries to tackle these issues to some extent; still, it would be more effective to incorporate a guideline into the directive for addressing the various problems that occur in different regions and add other provisions into the proposal that help to the Member States to tackle the issues at hand.

IV. Party Stances

A. European People's Party Group (EPP)

The **European People's Party** is a political group that represents the centre-right and Christian democratic values in the European Parliament. The group is the largest in the Parliament and is represented in the European Commission. It advocates policies that promote economic liberalism, social conservatism, and European integration (EPP Group n.d.b). The group generally opposes greenwashing. The EPP supports measures to ensure transparency and accountability in environmental practices. Moreover, the group advocates for policies that promote sustainability and responsible stewardship of the environment, as indicated by a statement they released on the 11th of March 2024. The group stated that the group aims to tackle greenwashing through a standard that will make it obligatory for the business to declare whether their products are green or not. Thus, they will be supporting a legislation that sets rules for the ecological claims of those companies (EPP Group 2024). Members of the EPP Group has highlighted the importance of transparent reporting from companies. On 11th of March 2024, two members of the EPP Group, Arba

Kokalari and Pernille Weiss, have stated that "If companies sell "green" products, they should have a transparent platform to do so. If they do not, they should not claim to do the opposite." (EPP Group 2024).

However, there is also another aspect of greenwashing for the EPP Group. EPP emphasizes the importance of ensuring that the companies are not overly burdened and still can act as functioning companies while trying to stop greenwashing (EPP Group 2024). Without the necessary guidance from the European Commission, it would be impossible for companies to stop greenwashing. Especially this burden might fall upon regions that lacks necessary infrastructure. EPP Group claims that, without protecting the free market and people that can be affected by the harms that may come to the free market, stopping greenwashing wouldn't be entirely possible and sensible. EPP also provided to those that were struggling in the green transition and advocated for fair competition throughout Europe during the transition (EPP Group n.d.a)

B. The Progressive Alliance of Socialists and Democrats (S&D)

The **Progressive Alliance of Socialists and Democrats** is a political group that represents the centre-left and social democratic views in the European Parliament. The S&D group is the second largest group in the parliament and is represented in the European Commission. The group advocates policies that promote social justice, equality, environmental sustainability, and European integration, and aims to address the social and economic challenges within the European Union (Socialists and Democrats n.d.b). The group opposes greenwashing, advocates transparency and aims to create accountable environmental practices. As they stated in their views for the European Green Deal, S&D aims to adopt implementation measures for the European Pillar of Social Rights to create a Europe with social cohesion; thus, it can be seen that the group aims to tackle greenwashing and focus on the social values at the same time (Socialists and Democrats n.d.a). The group has played a major role in devising the main principles of a legislation proposal for protecting consumers against unfair commercial practices. The group stated that the proposed legislation will increase transparency and guarantee to the individuals that any product that is sold as green will actually be green (Socialists and Democrats 2023).

C. Renew Europe

The **Renew Europe** Group is a political group that represents the liberal and centrist values in the European Parliament; it is also represented in the European Commission. The group advocates for policies that promote individual freedoms, economic liberalism, innovation, and European integration. It aims to promote a forward-looking agenda that focuses on digitalization, environmental sustainability, and social progress within the European Union context (Vilches 2024). Renew Europe believes that there will be no green transition without private capital's and EU companies' support. This process will enable investors and financial institutions to make better decisions regarding sustainable investments (Vilches 2024).

D. European Conservatives and Reformists (ECR)

The **European Conservatives and Reformists** group represents conservative and Eurosceptic values across Europe in the European Parliament. The group advocates views such as national sovereignty, free-market principles, and limited EU integration. The ECR prioritizes decentralization, economic liberalism, and individual member state control over issues like immigration and social policies (ECR n.d.). Their views on greenwashing contrast with those who are a member of the Commission bloc (i.e., EPP, S&D, and Renew). The ECR emphasizes scepticism towards the greenwashing accusations, prioritizing market-driven solutions rather than environmental issue-oriented policies. They tend to advocate less regulatory intervention, prioritizing economic growth and individual responsibility over environmental measures. Recently, the ECR group (along with the Identity and Democracy group) rejected the EU's nature restoration law, a bill that aims to rehabilitate degraded landscapes. This rejection gives a hint about their position on the greenwashing and environmental measurement processes (Guilot 2024).

E. Greens – European Free Alliance (Greens/EFA)

The **Greens – European Free Alliance** group, also known as the Greens/EFA group, is a political group that represents the green and regionalist values in the European Parliament. The group supports minority

politics, tends to follow pro-Europeanism ideology, and positions itself in the centre-left to left-wing. It advocates policies that promote environmental sustainability, social justice, human rights, and, as stated before, regional autonomy. The group promotes progressive values, green initiatives, and European integration while supporting the rights of minority languages and cultures within the European Union. The Greens/EFA are fierce opponents of greenwashing – which they see as a significant obstacle to achieving environmental progress. They view greenwashing as a deceptive practice that undermines efforts to combat climate change and promote sustainability (Greens/EFA n.d.). Thus, it would not be wrong to assume that the Greens/EFA group would not hesitate to compromise economic growth in pursuit of tackling greenwashing.

F. Identity and Democracy (ID)

The **Identity and Democracy** group is a far-right political group that represents the nationalist values across Europe in the European Parliament. The political group, also known by the ID abbreviation, advocates policies that promote national sovereignty, stricter immigration controls, and scepticism towards European integration. The ID group prioritizes issues related to identity, cultural preservation, and opposition to globalization (ID Group n.d.). The group views greenwashing with scepticism, often perceiving it as a tool used by multinational corporations and international institutions to advance globalist agendas. They tend to question the sincerity of environmental initiatives promoted by such entities and prioritize national sovereignty and economic interests over environmental regulations. The group's stance on greenwashing is aligned with their scepticism towards supranational environmental policies and their focus on preserving their national identity and autonomy. On the 12th of June 2023, Marco Zanni (the president of the group) called the European Commission's efforts towards the green transition a "total failure" (Vasquez 2023).

G. The Left (GUE/NGL)

The Left Group, also known as the **Left group in the European Parliament – the European United Left/Nordic Green Left (GUE/NGL)**, represents the left-wing and socialist values across Europe in the European Parliament. The group advocates policies that promote social justice, workers' rights, environmental sustainability, and opposition to austerity measures. Furthermore, the group prioritizes progressive values, solidarity, and equality, while also advocating for alternatives to neoliberal economic policies and greater EU democracy (LEFT n.d.). The Left group strongly opposes greenwashing, viewing it as a deceptive tactic used by corporations and institutions to mask their environmental harm. Thus, they advocate strict regulations and transparency measures to combat greenwashing, prioritizing genuine environmental sustainability and corporate accountability. The Left group supports initiatives that promote renewable energy and environmental protection, which at the same time ensure social justice, while also advocating systemic changes to address the root causes of environmental degradation (LEFT n.d.).

V. Country Stances

A. Austria

Having made notable strides in recent years, Austria falls into the upper-middle ranks with regard to environmental policy. The country has significantly rebuilt its perspective on green policies in the near past, especially with the inclusion of the Green Party in the government. Austria now plans to cover 100% of its energy consumption with renewable sources by 2030 and to reach net zero emissions by 2040. A single price "climate ticket" allows access to all public transport, and a new CO2 pricing policy has been introduced (Sustainable Governance Indicators, 2022 s.v. "Austria" https://www.sgi-network.org/2022/Austria). The Austrian government is also sensitive to greenwashing to the extent that they have filed a lawsuit against the EU alleging that the EU conducts greenwashing by listing natural gas and nuclear energy as sustainable energy resources (Singh, 2022).

Nevertheless, the country still has far to go to actualize its perspective on the issue, considering that its greenhouse gas emissions have grown by 5% over the past 30 years. Lobbying has kept the price of CO2

certificates low and stands in the way of the introduction of more effective legislation and regulations on malicious activities associated with green transition. Industry and commerce are the largest emissions contributors in the country. However, the country still has a strong recycling sector and its record on biodiversity is above average in the OECD context. Austria is seeking to position itself as a future leader in environmental issues (Sustainable Governance Indicators, 2022 s.v. "Austria," https://www.sgi-network.org/2022/Austria).

B. Belgium

Inefficient and fragmented strategies place Belgium in the lower-middle ranks internationally in terms of environmental policy. Its score on this measure has improved by 0.1 points relative to 2014. The political landscape has made it difficult to bring greenhouse gas emissions under control and to develop measures to prevent other harmful environmental activities such as greenwashing and misleading product labelling (Sustainable Governance Indicators, 2022 s.v. "Belgium," https://www.sgi-network.org/2022/Belgium). The government has recently upscaled its emissions-reduction ambitions, but a rift between regions on burden-sharing has delayed implementation. The country is not on track to achieve climate neutrality by 2050, and renewables account for a comparatively low share of energy consumption. The country is an EU leader in the areas of waste collection and recycling and has dynamic circular-economy policies. Green Party environmental and energy ministers have pushed national policies and international cooperation forward in recent years, but resistance has come from some regions (Sustainable Governance Indicators, 2022 s.v. "Belgium," https://www.sgi-network.org/2022/Belgium).

C. Bulgaria:

With a cautious climate policy, Bulgaria falls into the lower-middle ranks internationally with regard to environmental policies. Its score in this area is unchanged relative to its 2014 level. The country slightly exceeded renewable-energy use targets in 2020, with about 20% of total energy consumption coming from renewable sources (Sustainable Governance Indicators, 2022 s.v. "Bulgaria" https://www.sgi-

network.org/2022/Bulgaria). Bulgaria has undertaken some steps to facilitate environmental protection against greenwashing and green claims; it has brought in basic environmental protection legislation and has also developed a national environmental strategy to mitigate adverse environmental consequences. However, the country still lags behind when it comes to green claims and the associated risk of greenwashing. The development of a framework to deal with those issues has been slow; however, the Bulgarian authorities have recently begun concentrating their efforts on taking action about this issue (CMS n.d.b).

D. Croatia:

With a number of new programs in the early phases of implementation, Croatia falls into the upper-middle ranks with regard to environmental policies. Its score in this area has improved by 0.2 points relative to 2014. The country starts with a relatively good standing in terms of emissions reduction, with 28.5% of energy consumption coming from renewable sources (Sustainable Governance Indicators, 2022 s.v. "Croatia," https://www.sgi-network.org/2022/Croatia).

Croatia is actively working on implementing the Croatian National Programme for Consumer Protection for 2021-2024, which marks combating greenwashing through specific legislation as one of its priorities (CMS n.d.c). While most policies in Croatia point in the direction of environmental gains, some inconsistencies remain, such as the financial incentives provided to farmers for intensive cattle farming (Sustainable Governance Indicators, 2022 s.v. "Croatia," https://www.sgi-network.org/2022/Croatia).

E. Cyprus:

Cyprus falls into the bottom ranks internationally with regard to environmental policies. Its score on this measure has improved by 0.1 points relative to 2014. The country has continued to prioritize financial interests over environmental protections, failing to meet EU obligations. Emissions and renewable-energy targets have not been met. However, the country's energy policy is focused on green taxation, energy

efficiency and renewable, and green mobility. Yet, local and central government officials routinely highlight the importance of profit to justify anti-environmental decisions. New projects violating existing rules are routinely approved (Sustainable Governance Indicators, 2022 s.v. "Cyprus," https://www.sgi-network.org/2022/Cyprus).

F. Czechia

As a reluctant reformer in this area, Czechia scores relatively poorly (rank 30) in the area of environmental policy. Its score on this measure has declined by 0.7 points relative to 2014. Nearly 40% of the country's energy comes from nuclear power, and the country was notable pushing for the classification of nuclear energy as sustainable energy source under EU rules (Sustainable Governance Indicators, 2022 s.v. "Czechia" https://www.sgi-network.org/2022/Czechia). Czech law provides certain regulations of green claims, such as one regulation that concerns eco-labeling, but it does not provide a general framework for the use of such claims. Currently, greenwashing claims are considered unfair commercial practices. This means that greenwashing claims are not prohibited per se, but they are prohibited if they constitute an unfair commercial practice (CMS n.d.a). A new set of strategic environmental objectives was adopted in 2021 yet the country often does the least amount possible to fulfil its EU environmental obligations. The government sought major changes to the EU Green Deal to protect the country's automotive industry (Sustainable Governance Indicators, 2022 s.v. "Czechia," https://www.sgi-network.org/2022/Czechia).

G. Denmark

With ambitious targets for phasing out fossil-fuel use, Denmark ranks second worldwide with regard to environmental policies. Its score in this area has improved by 0.8 points relative to 2014. Direct greenhouse-gas emissions have fallen about 20% since the mid-1990s, the country has committed to a 70% reduction by 2030 compared to 1990 levels, and it aims to reach climate neutrality by 2050 (Sustainable Governance Indicators, 2022 s.v. "Denmark," https://www.sgi-network.org/2022/Denmark). The term "greenwashing" is not defined in Danish law, so in cases concerning environmental marketing, it is the Danish Consumer

Ombudsman that protests against any violation of the prohibition of misleading information as set out in the Danish Marketing Practices Act. One of the latest amendments to the Danish Marketing Practices Act introduced a new, turnover-based fine model as of 1 January 2022 to guarantee *inter alia* appropriate penalties for violations of the prohibition of misleading information (Kromann Reumert 2023). The country plays an active role in shaping international environmental regimes, working through the EU and other bodies. Danish civil society actively puts pressure on politicians to act in this area both in the domestic and international arena (Sustainable Governance Indicators, 2022 s.v. "Denmark," https://www.sgi-network.org/2022/Denmark).

H. Estonia

With a generally strong record in recent years, Estonia has received high rankings in international comparison with regard to environmental policies. Its score in this area has not changed relative to its 2014 level. An effort to increase building energy efficiency is underway, with new buildings being required to meet a near zero-energy standard. The country has swung to support EU energy and climate goals and is negotiating a national plan. It contributed €1 million in 2021 to help least-developed countries adapt to climate change (Sustainable Governance Indicators, 2022 s.v. "Estonia," https://www.sgi-network.org/2022/Estonia).

I. Finland

With a strong record of cooperation on conservation issues, Finland falls into the top ranks internationally with respect to environmental policies. Its score on this measure has improved by 0.5 points since 2014. The country has an ambitious plan to reach carbon neutrality by 2035 (Sustainable Governance Indicators, 2022 s.v. "Finland," https://www.sgi-network.org/2022/Finland). Corporate responsibility in Finland is not a new phenomenon; Finnish companies' strategies and core operations are still developing and going through a turning point. Currently, many companies in Finland are evaluating the new interfaces and requirements of corporate responsibility and how to better incorporate environmental sensitivities into their

businesses. At the same time, corporate responsibility in Finland is becoming more regulated in an effort to effectively substantiate green claims and tackle greenwashing (Järvinen et. al. 2023). The country honours a large number of international environmental agreements but is rarely a forerunner in creating these regimes (Sustainable Governance Indicators, 2022 s.v. "Finland" https://www.sgi-network.org/2022/Finland).

J. France

As a key international voice on the issue of climate change, France falls into the top ranks internationally with regard to environmental policy. Its score in this area has improved by 1.3 points relative to 2014 (Sustainable Governance Indicators, 2022 s.v. "France," https://www.sgi-network.org/2022/France). Two major laws in France directly regulate sustainability claims and greenwashing in the French market; the first one is named the "Circular Economy Law" and the second one "the Climate and Resilience Law". Circular Economy Law introduces several obligations in order to strengthen the environmental information available to consumers and to better regulate the use of certain green claims by executing various sanctions, mainly administrative fines to wrongdoing companies. The Climate and Resilience Law ensures that product promotion will be more strictly regulated and the conditions for the use of environmental labels will be clarified. In addition, this new law continues the work undertaken in the Circular Economy Law by contributing to the reduction of packaging and promoting the repairability of products (CMS n.d.a). Yet, while extremely active at the international level, the government has found it difficult to reach domestic targets. It has made little progress toward its own climate-change commitments in recent years, in large part due to protests and powerful lobbying interests (Sustainable Governance Indicators, 2022 s.v. "France," https://www.sgi-network.org/2022/France).

K. Germany

With climate change coming to the forefront of its political agenda, Germany falls into the top ranks internationally in the area of environmental policies. Its score on this measure has improved by 0.4 points

relative to 2014 (Sustainable Governance Indicators, 2022 s.v. "Germany," https://www.sgi-network.org/2022/Germany). According to German legislation, the permissibility of advertising (including green claims) to consumers are essentially determined by the harmonized Law against Unfair Competition ("UWG"). Advertising claims are either directly subject to the provisions of the UWG or to special statutory provisions and standards which must be taken into account. Germany prioritizes the extension and development of further legislation, increases awareness on the issue, and remains the front runner of the circular economy plan of the EU and the European Green Deal (CMS n.d.a). The government has made climate policy a key focus, saying its goal is a "social-ecological market economy." The country has pushed for ambitious emissions-reduction targets at the international and European levels (Sustainable Governance Indicators, 2022 s.v. "Germany," https://www.sgi-network.org/2022/Germany).

L. Greece

Lacking a strong focus on ecological matters, Greece scores relatively poorly with regard to its environmental policies. Its score on this measure has improved by 0.2 points as compared to 2014. New laws have clarified some environmental protection rules and changed land use regulations. Nevertheless, the country is far behind in this area with limited regulations and legislative efforts to investigate green claims and greenwashing activities (Sustainable Governance Indicators, 2022 s.v. "Greece," https://www.sgi-network.org/2022/Greece).

M. Hungary

With ecological concerns largely relegated to the background, Hungary falls into the lower-middle ranks internationally in the area of environmental policies. Its score on this measure has declined by 0.9 points relative to 2014. Environmental policy has suffered from a lack of commitment, institutional fragmentation, and weak implementation and coordination (Sustainable Governance Indicators, 2022 s.v. "Hungary," https://www.sgi-network.org/2022/Hungary).   On the other hand, Hungarian consumers are becoming increasingly eco-conscious. The "Green Marketing Guidance" of Hungary recommends specific

requirements for substantiating common types of green claims in substantiating green claims (CMS n.d.a). The state's campaign against "climate hysteria" has been softened, and a goal of climate neutrality by 2050 has been set. However, unambitious interim targets raise doubts about its credibility. "National interest" legislation has removed environmental standards for projects run by oligarchs close to the ruling party (Sustainable Governance Indicators, 2022 s.v. "Hungary," https://www.sgi-network.org/2022/Hungary).

N. Ireland

With a strong focus on emissions reductions, Ireland falls into the upper-middle ranks with respect to environmental policies. Its score on this measure has improved by 0.2 points since 2014 (Sustainable Governance Indicators, 2022 s.v. "Ireland," https://www.sgi-network.org/2022/Ireland).   In Ireland, greenwashing is currently policed by the Advertising Standards Authority for Ireland (ASAI) and the Competition and Consumer Protection Commission (CCPC). There are some recent signs of increased enforcement activity in this space. As part of an EU and international coordinated market sweep, the CCPC wrote to a number of Irish businesses calling upon them to properly substantiate or withdraw certain green claims (A&L Goodbody 2021). Thus, Ireland is one of the countries that have taken significant action towards the matter of green claims and continues to do so.

O. Italy

Italy is ranked 44th in this year's CCPI (Climate Change Performance Index), following a 15-rank fall from the previous year and placing it among the overall low performers. The country's government has done little to push towards more ambitious climate policies; it has even backtracked in some areas (CCPI 2024). Although not expressly regulated by Italian law, the "greenwashing" phenomenon has been the subject over time of numerous decisions issued by non-judicial authorities, including the Antitrust Authority and the Self-regulatory Institute for Marketing Communication (IAP). Heavy sanctions have been imposed on green claims advertising

a wide range of products that, despite their truthfulness, were expressed in such a way that the consumers were misguided into to thinking that the company in general had a business activity that is highly environmentally friendly (CMS n.d.a). However, with the recent changes in the environmental policy of Italy, the issue of green claims and greenwashing might as well experience a regression.

P. Latvia

With generally good environmental performance outcomes, Latvia scores well overall with regard to environmental policies. Its score on this measure has improved by 0.1 points relative to 2014. The country's climate policy is driven primarily by its EU obligations. It performs well in the area of renewable energy, but energy use figures overall are concerning due to the increase in per capita emissions. Environmental ambitions have risen after a series of recent reforms. The country complies with major international agreements and has bilateral environmental cooperation agreements with many EU and regional states (Sustainable Governance Indicators, 2022 s.v. "Latvia," https://www.sgi-network.org/2022/Latvia).

Q. Lithuania

Despite a discrepancy between existing goals and policies, Lithuania falls into the upper-middle ranks with regard to environmental policies. Its score on this measure has not changed relative to its 2014 level (Sustainable Governance Indicators, 2022 s.v. "Lithuania," https://www.sgi-network.org/2022/Lithuania). Lithuania's plan integrates policies across five dimensions including reducing fossil fuel dependency, increasing energy efficiency, and improving energy security. In this way, Lithuania mainly aligns with the EU guidelines and targets, but it also presents mitigation as an adaptation strategy. However, the CCPI country experts criticize that even though Lithuania is following EU guidelines and goals for climate neutrality, there is still a lack of a clear vision and measures and funding sources for implementing emissions reduction and achieving climate neutrality (CCPI 2024).

R. Luxembourg

With increasing attention being paid to climate-change issues, Luxembourg falls into the top ranks internationally with respect to environmental policies. Its score in this area has improved by 1.8 points relative to 2014. Policies are underway to address emissions more directly and to address environmentally harmful activities such as greenwashing (Sustainable Governance Indicators, 2022 s.v. "Luxembourg," https://www.sgi-network.org/2022/Luxembourg).

S. Malta

With challenges shaped by its island geography, Malta scores relatively poorly in the area of environmental policies. Its score on this measure has improved by 0.3 points relative to 2014. Overdevelopment is hurting the environment despite a statutory permitting process. Enforcement of rules has not been strict. The country is party to many multilateral environmental agreements but is not a leader in global environmental protection initiatives (Sustainable Governance Indicators, 2022 s.v. "Malta," https://www.sgi-network.org/2022/Malta).

T. Netherlands

With legal battles driving significant aspects of policy, the Netherlands falls into the middle ranks internationally with regard to environmental policies. Its score on this measure has improved by 0.2 points since 2014 (Sustainable Governance Indicators, 2022 s.v. "Netherlands," https://www.sgi-network.org/2022/Netherlands). One of the current priorities of the Netherlands Authority for Consumers and Markets ("ACM") is sustainability. One way in which the ACM makes sustainability a priority is by taking enforcement action against misleading sustainability claims. Non-compliant companies face the risk of severe sanctions such as formal investigations and heavy financial penalties (CMS n.d.a). Courts have increasingly set precedents targeting individual polluting businesses. However, the Netherlands' trade activities and tax policies produce considerable negative environmental impacts on other EU member states

(Sustainable Governance Indicators, 2022 s.v. "Netherlands," https://www.sgi-network.org/2022/Netherlands).

U. Poland

With emissions policy remaining a particular weak point, Poland falls into the bottom ranks internationally with regard to environmental policy. Its score on this measure has declined by 0.7 points relative to 2014 (Sustainable Governance Indicators, 2022 s.v. "Poland," https://www.sgi-network.org/2022/Poland). However, environmental issues are increasingly being recognized in Poland as an important market factor that can determine the competitive advantage of companies. Polish regulation on organic farming and production imposes penalties for improper use of "bio" or "eco" labels, misleading consumers, and falsely portraying products as organic. The Advertising Code of Ethics ("the Code") is the main code created by the Advertising Council and the Advertising Ethics Commission of Poland. It comprises a set of regulations, defining what is deemed acceptable and what is deemed unethical in advertising messages. Moreover, consumers have the right to file complaints on greenwashing to the Advertising Ethics Commission based on the current content of the Code (CMS n.d.a). Poland, while not showing significant progress on its environmental policies, has a positive approach to substantiating green claims and identifying greenwashing.

V. Portugal

Despite some minor problems in policy implementation, Portugal falls into the upper-middle ranks with regard to environmental policies. Its score on this measure has improved by 0.4 points relative to its 2014 level (Sustainable Governance Indicators, 2022 s.v. "Portugal," https://www.sgi-network.org/2022/Portugal). Green claims have been attracting Portuguese regulators' attention recently. To avoid misleading or unsubstantiated advertisement claims more efficient action is being taken. In Portugal, the New Consumer Agenda acknowledges the necessity of promoting an active consumer role through the ecological transition. This is often undermined by the informational asymmetries between

consumers and organizations. In that regard, the Portuguese Government aims to ensure that consumers have access to reliable and verifiable information about the sustainability credentials of products and services, and the environmental footprint of products and organizations (CMS n.d.a).

W. Romania

Suffering from ongoing difficulties with pollution and waste, Romania falls into the lower-middle ranks internationally with regard to its environmental policies. Its score on this measure is unchanged relative to its 2014 level (Sustainable Governance Indicators, 2022 s.v. "Romania," https://www.sgi-network.org/2022/Romania). Although green claims is not a topic with high visibility in Romania at the present, ecological misinformation is generally deemed to be an unfair commercial practice; various sanctions against ecological misinformation may be applied by the National Authority for Consumer Protection (NACP). In addition, the NACP has confirmed that consumers may file greenwashing related claims via its general consumer protection channel. Hence, it is expected that this topic will continue to grow and evolve into a higher priority in Romania (CMS n.d.a).

X. Slovakia

With a number of difficult decisions still ahead, Slovakia falls into the middle ranks with regard to environmental policies. (Sustainable Governance Indicators, 2022 s.v. "Slovakia," https://www.sgi-network.org/2022/Slovakia). There are currently different types of greenwashing allegations in Slovakia, instances of which are becoming more common in light of an increased demand for green products. In general, companies should comply with the code of ethics applicable to traders operating in Slovakia or targeting Slovakian consumers. In addition, according to Slovak law, advertisements must not be misleading or deceptive, which is also applicable to instances of greenwashing in advertisements (CMS n.d.a).

Y. Slovenia

The country has established a comprehensive environmental legislative framework in the last decade, with ambitious policy goals. However, Slovenia has not taken a leadership role in climate action, and as of 2024, it ranks low in the CCPI (CCPI 2024). The main problem of the country is the failed or slow implementation of the legislation that had been introduced prior. Although greenwashing is certainly present in the Slovenian market, there is currently no specific legislation dedicated to this problem. The Slovenian government has shown little initiative so far in tackling the issue of greenwashing. Still, those who operate or wish to operate in the Slovenian market should be especially mindful of certain key developments when making green claims since the country does have certain consumer protection laws (CMS n.d.a).

Z. Spain

With its evident new ambitions, Spain performs well with regard to environmental policy yet still ranks as a medium performer in international ranking. It has been observed that outdated procedures and regulations, strong influence from the transport and industry lobbies, and a missing vision for reaching renewable targets will make it difficult for Spain to reach its ambitious targets (CCPI 2024). In Spain, there is a growing willingness to avoid the practice of greenwashing due to increased awareness and sensitivity around the issue. At the regulatory level, however, there is still a notable lack of regulation concerning green claims and the risk of greenwashing. There is no specific legislation regulating the use of green claims by companies in their advertising and greenwashing is addressed in the general regulations, mainly the General Advertising Law and the Unfair Competition Law. These laws stipulate that any advertising which may be misleading to the public or that gives a message that does not conform to reality is illegal advertising (CMS n.d.a).

AA. Sweden

With a longstanding focus on ecological issues, Sweden has recently ranked top with regard to environmental policy. Its score in this area has improved by 0.4 points relative to 2014 (Sustainable Governance Indicators, 2022 s.v. "Sweden," https://www.sgi-network.org/2022/Sweden). Even though it

is still a top-performer, Sweden's once ambitious climate policies have been cut back or even removed for the last few years. If the government continues removing progressive climate policies, the country will continue to fall in international rankings. The experts have indicated that Sweden has backtracked from being a frontrunner in international climate policy and now blocks progressive EU policy regarding forestry issues (CCPI 2024). As for the green claims efforts, an increased number of court cases concerning misleading green claims in advertising was seen from 2022 to 2023 in Sweden, partially as a result of the fact that green claims currently are a focus area for the Swedish Consumer Agency. Any entity planning to include green claims in its advertising must carefully evaluate how the claim is perceived by the average consumer, retain evidence and be aware that there is a solid probability that such claims will be scrutinized by the Swedish Consumer Agency. A vague or ambiguous green label (such as "environmentally friendly") must be explained, and an advertiser must be able to provide evidence supporting its green claim (CMS n.d.a). Thus, Sweden is still regarded as one of the frontrunners when it comes to the substantiation of green claims.

VI. Questions to be Addressed in the Directive

1. Are the current pieces of framework sufficient to handle the current problems related to green/environmental claims? If not, what can be done to improve the current state?

2. If there is a problem regarding the inequalities between various regions and communities of the European Union when it comes to maintaining green transition, (e.g.: insufficient manpower in rural areas, less job opportunities in less developed areas, etc.) what would be the most just and efficient way to deal with those problems?

3. If there is a problem about green/environmental claims, what procedure should be followed and what can be done to prevent companies from greenwashing?

4. Do the current frameworks allow for an environment where the labels and advertisements are clear, understandable, and truthful? If not, what can be done?

5. Is there a functioning mechanism or EU body that follows and supervises the green/environmental claims made by the producers, companies, and businesses? If not, does the EU need such things?

6. Are there better ways to educate the consumers? If there are, how should those methods be communicated to the public?

7. If there are any need for exemptions (e.g.: certain working areas that need more time to start green transition, certain European regions that needs aid from outside, small businesses throughout Europe that needs more attention, etc.), what should be the criteria for determining those exemptions?

8. If there are any exemptions, what should be the method to help those who are in need? Does the EU need different types of methods for different exemptions?
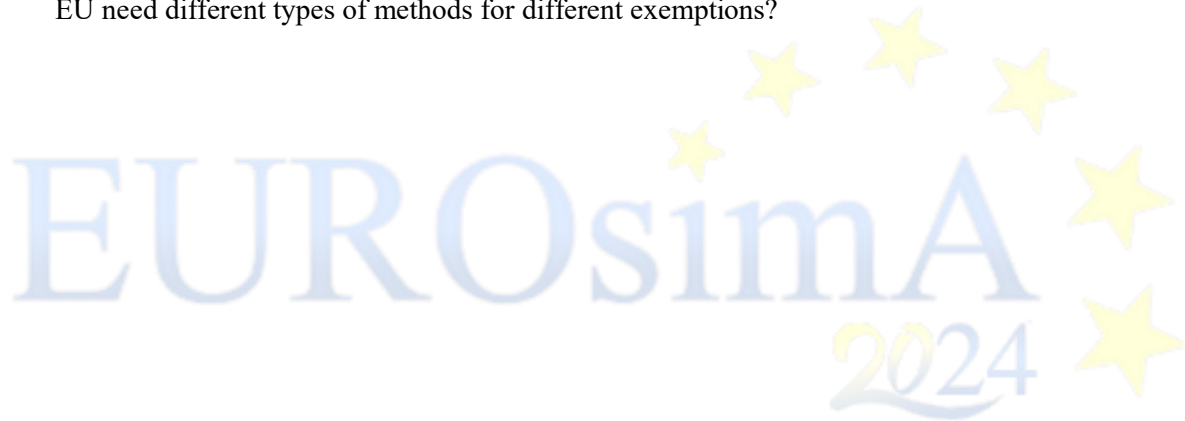
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