

WGP-26 thematic session on access to information

Statement by Switzerland

22 June 2022

Thank you, Ms. Chair; dear Colleagues,

It is my pleasure to inform you about the recent developments in Switzerland in regard to legislation, policies and measures against greenwashing and encouragements of the operators to inform the public. I am trying to keep it short, even though this topic could be discussed in great lengths.

Global consumption of materials such as biomass, fossil, fuels, metals and minerals as well as waste generation has been and is still increasing significantly. To address this trend Switzerland promotes the transition towards a regenerative growth model which includes the reduction of the consumption footprint and the strengthening of a circular economy. Switzerland is in the process to create a framework for the production, use and recycling of sustainable products which is also closely related to the information of the public concerning these products. In our opinion a well-balanced overall package for the use and the conservation of resources is the most efficient way to achieve these goals. This includes a prohibition of so called greenwashing.

So far, the Commission on Fair Trading was responsible for cases of greenwashing. Already in 2016 one of the chambers decided about two cases regarding green marketing: one case in which a complaint argues that the advertising statements regarding the importance of oil heating systems for the environment is misleading and incorrect; and one in which the respondent to the complaint claims that natural gas has a lower environmental impact than other energy resources as wood. In both cases, the commission argued that information about one's products and services must be correct according to the understanding of the average addressees and must not mislead in accordance with the Unfair Competition Act. Since the argument that oil heating systems are the most favorable is a factual statement, the producer must prove that this statement is in fact true. Regardless of the impact in relation to the Unfair Competition Act, the Commission refers to the Consolidated ICC Code of Advertising and Marketing

Communication Practice, which Switzerland has implemented. They enshrine that, in particular, environmental advertising are to remain precise and not convey unclear or vague ideas.

Having said this, Switzerland is in the process of strengthening consumer protection against green washing and premature obsolescence, including requirements for sustainability labels/logos and for information tools. We acknowledge the need for regulation which connects the issue of greenwashing and the chances of a circular economy. Hence, early this year the Swiss government presented legislation that provides for an efficient use of natural resources by producing, using and recycling products with as little materials and energy as possible. In addition, the proposed provisions in the environmental act include the adoption of measures to require manufacturers and importers to provide information on significant environmental aspects of products and to encourage them to label their products accordingly. During the elaboration of the measures and the implementation of the provisions, Switzerland will take into account the legislation of its most important partners; first and foremost the EU that has presented an update on the circular economy, consumer rules to empower consumers for the green transition this year and who's Circular Economy Action Plan we follow with great interest.

The importance of effective and strong regulation in regard to greenwashing and encouragements of the operators to inform the public is undeniable. In Switzerland, the topic enjoys a high priority in the parliament as well as in the government. Switzerland is developing a strong legal framework which is supposed to grant a wide access of the public to product information, measures against greenwashing

and means to encourage operators to inform the public. We hope that the discussions will be finalized soon and the legislation will enter into force soon. In any case, the call for action has been heard.