

**18.01.2025**

## Green Claims Directive

### Safeguarding the environmental performance of organic food in the triologue

The European Commission wants to prevent ‘greenwashing’ to promote fair competition through a high level of consumer and environmental protection and thus make it easier for consumers to make sustainable purchasing decisions. Directive (EU) 2024/825 on empowering consumers for the green transition and the **draft directive (COM(2023) 166 final) on substantiation and communication of explicit environmental claims (Green Claims Directive)** are intended to create standardised EU-wide regulations on communication with environmental claims and environmental labels (green claims).

The results of our research project ‘Review of the resource efficiency of organic food using the Product Environmental Footprint (PEF) and integration into a sustainability strategy’ (Ger: „Überprüfung der Ressourceneffizienz von Ökolebensmitteln anhand des Product Environmental Footprint (PEF) und Einordnung in eine Nachhaltigkeitsstrategie“) (Öko-PEF), which also included a legal opinion on the two proposed directives, show that<sup>1</sup>:

- The PEF and other life cycle analysis (LCA) methods are currently not suitable for comprehensively assessing the environmental performance of food, in particular the extensive environmental impact of organic farming (cf. 2.).
- The data basis for the implementation of LCAs is currently insufficient, as primary data is difficult to access for many companies and generic data is often not differentiated and relevant enough. (Cf. 3.)
- The implementation of the Green Claims Directive places a considerable burden on small and medium-sized enterprises (SMEs) in particular (cf. 3.).

For this reason, it is important to recognise the environmental benefits of organic food and farming within the framework of the Green Claims Directive.

### 1. Green claims and organic labelling

	Commission Proposal	EP Mandate	Council Mandate	Proposal for an Agreement
19	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving	(9) Within the context of the European Green Deal, the Farm to Fork Strategy and the Biodiversity Strategy, and in accordance with the target of achieving	<b>Mandate of the European Parliament</b>

<sup>1</sup> Wirz et al. (2024): Gemeinsamer Abschlussbericht des Projektes „Überprüfung der Ressourceneffizienz von Ökolebensmitteln anhand des Product Environmental Footprint und Einordnung in eine Nachhaltigkeitsstrategie“, online abrufbar unter: <https://orgprints.org/id/eprint/53185/1/Abschlussbericht%20gesamt.pdf>

	<p>25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water<sup>2</sup>. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the con-</p>	<p>25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water<sup>2</sup>. It also has a positive impact on biodiversity, and a <b>positive social impact</b> as it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU)</p>	<p>25% of EU agricultural land under organic farming by 2030 and a significant increase in organic aquaculture and with the Action Plan on the Development of Organic Production (COM(2021) 141), organic farming and organic production need to be developed further. As regards Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>, this Directive should not apply to environmental claims on organically certified products substantiated on the basis of that Regulation, related, for instance, to the use of pesticides, fertilisers and anti-microbials or, for instance, to positive impacts of organic farming on biodiversity, soil or water<sup>2</sup>. It also has a positive impact on biodiversity, it creates jobs and attracts young farmers. Consumers recognise its value. In accordance with Regulation (EU) 2018/848, the terms “bio” and “eco” and their derivatives, whether alone or in combination, are only to be used in the Union for products, their ingredients or feed materials that fall under the scope of that Regulation where they have been produced in accordance with Regulation (EU) 2018/848. For instance, in order to call the cotton “eco”, it has to be certified as organic, as it falls within the scope of Regulation (EU) 2018/848. On the con-</p>	
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	<p>trary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. <a href="https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf">https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf</a></p>	<p>2018/848. On the contrary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. <a href="https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf">https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf</a></p>	<p>trary, if the dishwasher detergent is called “eco”, this does not fall within the scope of Regulation (EU) 2018/848, and is instead regulated by the provisions of Directive 2005/29/EC.</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1). 2. <a href="https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf">https://agriculture.ec.europa.eu/system/files/2023-01/agri-market-brief-20-organicfarming-eu_en_1.pdf</a>EU Agricultural Economic briefs (europa.eu)</p>	
89	<p>(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>,</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).</p>	<p>(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>,</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).</p>	<p>(b) Regulation (EU) 2018/848 of the European Parliament and of the Council<sup>1</sup>,</p> <p>_____ 1. Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).</p>	<b>Proposal of the Commission</b>

## Justification

The aim of organic food production is a resource-conserving and environmentally friendly form of land use and food processing. To be allowed to bear the European organic label, producers of organic food must comply with the strict production rules of Regulation (EU) 2018/848. These benefits of organic food for the environment and society have also been scientifically verified (environmental and resource protection, water conservation, soil fertility,

biodiversity, climate adaptation and resource efficiency).<sup>2 3</sup> For this reason, organic food production is receiving special political support as part of the Green Deal and the Farm to Fork strategy.

We therefore welcome the fact that all co-legislators support recital 9 and Article 1(2)(b) of the draft Green Claims Directive and thereby take account of the outstanding environmental performance of organic food producers. On the one hand, producers of organic food can communicate on their products the unique selling points of organic production, such as the fact that no synthetic chemical pesticides or fertilisers are used. On the other hand, it is positive that organic food producers are also allowed to communicate about the impact factors of organic production methods (e.g. environmental and resource protection, water protection, soil fertility, animal welfare or biodiversity) without authorisation of the claim. **Furthermore, it should be ensured that these impact factors can be adjusted based on future scientific findings on the environmental performance of organic farming. This form of labelling for organically produced food must be ensured throughout the entire political consultation process and beyond.**

## 2. Methodology and data base for the substantiation of green claims

	Commission Proposal	EP Mandate	Council Mandate	Proposal for an agreement
42	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product	(32) The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered to adopt delegated acts to establish product	<b>Proposal for a compromise of the texts of the co-legislators</b> [32] The Commission Recommendation (EU) 2021/2279 contains guidance on how to measure the life cycle environmental performance of specific products or organisations and how to develop Product Environmental Footprint Category Rules (PEFCRs) and Organisation Environmental Footprint Sectorial Rules (OEFSRs) that allow comparison of products to a benchmark. Such category rules for specific products or traders can be used to support the substantiation of claims in line with the requirements of this Directive. Therefore, the Commission should be empowered

<sup>2</sup>Sanders J, Heß J (2019): Leistungen des ökologischen Landbaus für Umwelt und Gesellschaft. 2. überarbeitete und ergänzte Auflage. Braunschweig: Johann Heinrich von Thünen-Institut, 398 p, Thünen Rep 65, DOI:10.3220/REP1576488624000

<sup>3</sup> Hülsbergen et. al (2023): Umwelt- und Klimawirkungen des ökologischen Landbaus

	<p>group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered.</p>	<p>group or sector specific rules where this may have added value. However, <b>for some product groups, the PEF method is not suitable for providing a holistic environmental assessment.</b> In case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of, extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered. <b>To further develop the current PEF method and address its limitations, it is</b></p>	<p>group or sector specific rules where this may have added value. However, in case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added, <b>either to the respective PEFCR or to the EF Recommendation.</b> For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of extensive farming and animal welfare, [...] should, for example, also be integrated before the adoption of PEFCR could be considered. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered. <b>Explicit environmental claims or environmental labels substantiated by using the Environmental Footprint meth-</b></p>	<p>to adopt delegated acts to establish product group or sector specific rules where this may have added value. However, <b>for some product groups, the PEF method is not suitable for providing a holistic environmental assessment.</b> In case the Product Environmental Footprint method does not yet cover an impact category, which is relevant for a product group, the adoption of PEFCR may take place only once these new relevant environmental impact categories have been added. For example, as regards marine fisheries, the PEFCR should for example reflect the fisheries-specific environmental impact categories, in particular the sustainability of the targeted stock. Concerning space, the PEFCR should reflect defence and space specific environmental impact categories, including the orbital space use. As regards food and agricultural products, biodiversity and nature protection, as well as farming practices, including positive externalities of, extensive farming and animal welfare, should, for example, also be integrated before the adoption of PEFCR could be considered. <b>be included in the substantiation of environmental claims. Therefore, a sound and appropriate methodology or process must be developed to adequately assess the</b></p>
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		<p><b>important that the Commission regularly evaluates and updates the methods in order to reflect scientific progress. It is also important that the Commission enables the Consultation forum established under this Directive to contribute to the development of PEFCR and OEFCR.</b></p>	<p><b>ods should be verified in accordance with Article 10. Before the Commission has adopted delegated acts, traders could already use the Environmental Footprint methods. Especially for products or sectors for which PEFCRS or OEFSRs are in place, traders are encouraged to use the Environmental Footprint methods to substantiate their environmental claims or environmental labels.</b></p>	<p><b>environmental impact of these products and a sufficient base of secondary data must be available for the agricultural upstream chain, differentiated by product category. As regards textiles, the PEFCR should for example reflect the microplastics release, before the adoption of PEFCR could be considered. To further develop the current PEF method and address its limitations, it is important that the Commission regularly evaluates and updates the methods in order to reflect scientific progress. It is also important that the Commission enables the Consultation forum established under this Directive to contribute to the development of PEFCR and OEFCR</b></p>
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**Justification:**

The methodology used for the substantiation of environmental claims is the PEF. We very much welcome the fact that, regarding the production of agricultural products and foodstuffs, the PEF methodology should only be applied when aspects such as biodiversity, nature protection, animal welfare or the positive external effects of extensive agriculture can also be included in the assessment (see recital 32).

However, since the LCA as a basis for assessment and the PEF as a calculation method are still presented as the main methodology in the legal text of the draft directive and food is not explicitly and finally excluded from this type of assessment, we would like to summarise below why the PEF methodology is unsuitable for assessing the environmental performance of agricultural and food products:

**LCA methods - like the PEF - were developed for the assessment of industrial products and are not suitable for analysing agricultural systems. This is because this assessment method does not consider two important systemic dimensions:**

- 1) the total production volume and its concentration in specific regions.**
- 2) the interactions between crops in the agricultural system.**

The total production volume in an area has a strong influence on the sustainability of the production system in terms of biophysical constraints. These include the availability of soil and nutrients as well as the ability of the environment to absorb waste and maintain biodiversity. Some environmental aspects are insufficiently considered.

For example, van der Werf et al. (2020) have shown that certain environmental aspects such as soil degradation, biodiversity loss and the impact of pesticides on human health and ecosystems are currently insufficiently or not at all considered in life cycle assessments. The ecosystem services of agriculture are insufficiently recognised and the LCA approach does not acknowledge that the agricultural system is part of the natural environment and therefore provides ecosystem services<sup>4</sup>.

The current proposal of the Green Claims Directive stipulates that primary data should be prioritised as the data basis for substantiating environmental claims. If this is not possible, relevant secondary data can be used. **In the production of food and agricultural products, the collection of primary data for raw materials from the agricultural upstream chain is particularly challenging, because these processes are not usually the responsibility of the processing companies and data collection is associated with a high level of personnel and time expenditure<sup>5</sup>. This represents a major hurdle both for farmers, who on the contrary demand a reduction of reporting effort, and especially for small and medium-sized enterprises (SMEs).** This problem is further exacerbated when companies purchase their raw materials not only nationally, but also EU-wide or internationally. Companies in the organic sector are predominantly SMEs. For this reason, we advocate providing SMEs with sufficient and appropriate financial and technical support to create fair conditions for implementation.

In this context, we would like to point out that the results of the Öko-PEF project also indicate another problem. **There are currently hardly any suitable differentiated secondary data sets for organic food that could be used to calculate the PEF or similar methods. This can lead to indifferent results regarding the environmental performance of organically and conventionally produced food.**<sup>6</sup> We call on the European Commission to first create a sufficiently differentiated data basis to ensure a meaningful and legally compliant implementation of the recommended methods for substantiation.

**In line with the Common Agricultural Policy Simplification, it might be wise for the legislators to rethink if agricultural and food products should after all be covered by the PEF. As the PEF favours efficiency-based solutions, it might be against the interest of small and family farmers that do not have the means to apply the efficiency measures needed to score better within food PEFs.**

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<sup>4</sup> IDDRI Studie (2021): „Environmental food labelling: revealing visions of the future food system to build a political compromise.

<sup>5</sup> Wirz et al. (2024): Gemeinsamer Abschlussbericht des Projektes „Überprüfung der Ressourceneffizienz von Ökolebensmitteln anhand des Product Environmental Footprint und Einordnung in eine Nachhaltigkeitsstrategie“, online abrufbar unter: <https://orgprints.org/id/eprint/53185/1/Abschlussbericht%20gesamt.pdf>

<sup>6</sup> Wirz et al. (2024): Gemeinsamer Abschlussbericht des Projektes „Überprüfung der Ressourceneffizienz von Ökolebensmitteln anhand des Product Environmental Footprint und Einordnung in eine Nachhaltigkeitsstrategie“, online abrufbar unter: <https://orgprints.org/id/eprint/53185/1/Abschlussbericht%20gesamt.pdf>

### 3. Sufficient transition and use-up periods for food and packaging materials

	Commission Proposal	EP Mandate	Council Mandate	Proposal for an agreement
317	They shall apply those measures from [OP please insert the date = 24 months after the date of entry into force of this Directive].	They shall apply those measures from [OP please insert the date = <del>24</del> <b>30</b> months after the date of entry into force of this Directive].	<del>They shall apply those measures from [OP please insert the date = 24 months after the date of entry into force of,</del> <b>When Member States adopt those measures from [OP please insert the date = 24 months after the date of entry into force of, they shall contain a reference to this Directive] or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</b>	They shall apply those measures from [OP please insert the date = <del>24</del> <b>48</b> months after the date of entry into force of this Directive] <b>for products that have been placed on the market from [date = 48 months after the date of entry into force of this Directive].</b>

#### Justification:

The Green Claims Directive will create new substantiation rules for explicit environmental claims/environmental labels, authorisation requirements for explicit environmental claims/environmental labels and rules on the provision of substantiation information to consumers. Furthermore, explicit environmental claims and ecolabels must be removed if the trader cannot substantiate them. These new rules must be implemented by food companies both on labels and in all advertising communication.

However, the implementation of this directive is particularly problematic for manufacturers of foods with long best-before dates (BBD) of up to 24 months (e.g. tinned food, pasta, dried products). This problem is particularly acute for small and medium-sized enterprises (SMEs), as they, in comparison to large companies:

- produce products only in small quantities/small batches,
- tend to order packaging materials in large quantities (e.g. annual requirements) in order to generate cost advantages despite small quantities,
- have the same costs for artwork and print cartridges.

**The co-legislators are used to leave sufficient transition period to the national legislator (18 to 30 months) to implement the European directives into national legislation. Depending on the final compromise text, the national legislators will not only have to adopt a national implementing legislation but also have to set up and train accredited certifiers whereas the Commission might be requested to add additional information for self-verification procedures. For durable non-food products or products with a long shelf life, a transition period of only six months after deadline of national implementation will result in a situation where manufacturers will have to remove products from the shelf or discard packaging material as they have placed their products on the markets ahead of the implementation of the national legislation. To fulfil on the promise of simplification and a sustainable use of resources, it is of relevance that the new rules of the Green Claims directive leave**



**sufficient room for transition. The new rules should only be applied to products that have been placed on the market 24 months after entry into force of the national implementation legislation.**

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### **AöL Statement**

The Association of Organic Food Producers e.V. (AöL) represents the interests of the food processing industry in German-speaking Europe. The tasks of the AöL include the political representation of interests and the promotion of exchange and cooperation among its members. The more than 130 AöL companies, ranging from small and medium-sized enterprises to international players, generate a turnover of over 5 billion euros with organic food. The AöL is a discussion partner for politics, business, science and the media in all matters of organic food processing

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