

GREEN CLAIMS DIRECTIVE

Ensuring Methodological Plurality and Legal Consistency in the Green Claims Framework

This note analyses the regulatory risks associated with proposals reportedly under discussion in the trilogue phase of the Green Claims Directive. It highlights the potential consequences of restricting the use of independent scoring methodologies and the communication of aggregated scores to consumers. Such measures could hinder innovation, distort competition, and undermine the credibility of environmental information. The note offers concrete legal and policy recommendations to ensure methodological plurality, compliance with EU law, and effective consumer transparency.

Avril 2025

Author:

CESIAe — Comité d'Expertise Scientifique Interdisciplinaire sur l’Affichage Environnemental (French Interdisciplinary Scientific Expertise Committee on Environmental Labelling)

Study group for sustainable and resilient farming and food systems

Quentin CHANCE (sociologist) – coordinator ([contact](#))
Marc BENOÎT (agronomist, INRAe)
Vincent BRETAGNOLLE (agronomist, CNRS)
Jean-Louis HEMPTINNE (biodiversity expert, ENSFEA)
Agnès TERRIEUX (geographer, ENSFEA)

Stakes
Vision
Metrics
Governance



Table of content

| | |
|---|-----------|
| 1. Executive Summary | 3 |
| 2. Background and Emerging Regulatory Concerns..... | 4 |
| 3. Structural Risks of Methodological Lock-In in the Environmental Scoring Market..... | 4 |
| 3.1. The Scientific Status of the PEF Cannot Justify Regulatory Exclusivity | 4 |
| 3.2. A Regulatory Monopoly Incompatible with EU Competition Law | 7 |
| 3.3. A Closed Framework Limiting Scientific Innovation and Market Access..... | 8 |
| 3.4. Restricting Aggregated Scores: A Threat to Innovation and Consumer Information | 8 |
| 4. Legal Vulnerabilities of the Proposed Directive under EU Law..... | 9 |
| 5. Ensuring Methodological Pluralism and Sectoral Relevance..... | 11 |
| 6. Conclusion and Recommendations | 12 |

Key Messages at a Glance

- ◆ Scientific pluralism is essential: multiple robust and sector-specific methodologies already exist.
- ◆ Restricting environmental scoring to PEF-based frameworks would distort competition and undermine legal proportionality.
- ◆ Banning non-public schemes from communicating aggregated scores would severely limit consumer information.
- ◆ The Green Claims Directive should secure methodological plurality — not standardisation — to enable an inclusive and credible ecological transition.

1. Executive Summary

The *Green Claims Directive* is currently undergoing trilogue negotiations in the first half of 2025, with the aim of reaching a consolidated text by the end of June.

As interinstitutional discussions progress, two critical issues have emerged that will determine whether this regulatory initiative can genuinely meet its objectives: combating greenwashing and enabling consumers to access credible, science-based environmental information.

The first issue concerns the central role attributed to the **Product Environmental Footprint (PEF)** methodology. While often presented as a scientifically rigorous tool, the PEF has been strongly criticised — particularly in the agri-food and livestock sectors — for its inability to reflect both the negative and positive externalities of production systems. Its structural limitations, including the exclusion of biodiversity indicators and territorial impacts, cast doubt on its relevance as a universal benchmark.

The second issue relates to the unequal treatment foreseen for public and private ecolabelling schemes. Current regulatory orientations risk limiting the right to communicate **aggregated scores** (e.g. grades, colours, indexes) to schemes developed by public authorities at EU or national level. This would exclude many independent and scientifically robust initiatives already recognised by consumers and operational across the EU.

While such measures would not prohibit private operators from acting per se, they would result in a de facto **institutional lock-in**: restricting the range of authorised methodologies and the capacity of alternative schemes to inform consumers in accessible formats. This raises major concerns in terms of competition, legal consistency, innovation, and scientific pluralism — with direct implications for the credibility of environmental scoring.

This note aims to alert **Member States** to these regulatory risks, which stem from choices that weaken the principle of equal treatment and compromise the plurality of approaches essential for meaningful environmental claims and consumer empowerment.

It concludes by offering a set of legal and policy recommendations to safeguard innovation, uphold Single Market principles, and ensure that the Directive remains anchored in scientific legitimacy — fully aligned with the conclusions of the January 2025 report of the French Competition Authority on sustainability scoring systems.

2. Background and Emerging Regulatory Concerns

The **Green Claims Directive** aims to establish a common framework for the substantiation of environmental claims across all sectors of the European market, with the objective of ensuring that such claims made by companies are credible and verifiable.

The European Commission has been pursuing the **goal of a harmonized methodology** capable of scientifically assessing the environmental footprint of any product for over a decade. In this context, the **Product Environmental Footprint (PEF)** was considered as a potential standard. In the absence of consensus on this approach, the institutions are now considering the possibility of authorizing national (public) schemes derived from the PEF — with varying degrees of methodological adaptation.

However, this orientation raises significant concerns regarding compliance with **competition law**, and casts doubt on the **scientific and technical reliability** of the prioritized methods — particularly in sectors such as **agriculture, agri-food, textiles, and fisheries**.

3. Structural Risks of Methodological Lock-In in the Environmental Scoring Market

Based on information emerging from ongoing interinstitutional discussions, the current trajectory of the Green Claims Directive suggests a regulatory orientation favouring a narrow methodological framework centred around the **Product Environmental Footprint (PEF)** and its national derivatives. While not amounting to an explicit prohibition, such a configuration could lead to the de facto exclusion of independent methodologies — either through structural constraints on their use, or by limiting their ability to communicate aggregated results to consumers.

This section examines the various dimensions of this potential methodological lock-in: its scientific and technical limitations, its tension with EU competition law, its likely effects on innovation and transparency, and the broader implications for the functioning of the environmental assessment market.

3.1. The Scientific Status of the PEF Cannot Justify Regulatory Exclusivity

Some European institutions argue that the **Product Environmental Footprint (PEF)** should play a central role as the methodological standard, on the grounds that it relies on a "rigorous" scientific basis. However, as highlighted in [the CESIAe report published in November 2023](#) – and supported by a broad body of scientific literature – **alternative methodological approaches** have already been developed, deployed and scaled across Europe by innovative stakeholders. These approaches rely on scientific principles that diverge significantly from those underpinning the PEF, and are often more relevant for assessing the environmental impacts of farming systems — particularly regarding biodiversity.

This is particularly the case for schemes like **Planet-score**, which propose a hybrid approach grounded in complementary scientific principles. These independent frameworks diverge from the PEF not by rejecting it entirely, but by **reconfiguring its role**. While Planet-score does incorporate certain impact indicators from LCA and PEF sources, it does so critically: by correcting selected sub-indicators, complementing them with external metrics, and restructuring the scoring logic through the addition of systemic indicators that LCA and PEF are structurally unable to capture.

This hybrid architecture allows Planet-score to assess environmental performance not only through flows and emissions, but also through dimensions such as **territorial footprint, biodiversity effects, pesticide use, and agricultural practices**— aspects that are poorly reflected or excluded in the PEF framework. In this sense, Planet-score reconfigures the scientific paradigm of environmental scoring by mobilizing knowledge and indicators from ecology, agronomy, and sustainability science — fields that remain underrepresented in the PEF's institutional configuration.

Rather than rejecting LCA, Planet-score extends it with tools adapted to the complex reality of agri-food systems, where territorial interactions, farming practices, and positive externalities play a critical role. This methodological difference results in scoring outcomes and policy signals that often diverge from PEF-derived tools — not because they are less scientific, but because they rely on broader scientific foundations and target different levels of systemic transformation. Both approaches may offer complementary value to consumers — provided that institutional frameworks allow for their coexistence.

The CESIAe report of November 2023 highlights several structural limitations of the PEF, which is built on Life Cycle Assessment (LCA) framework:

- It does not account for functional and ecological interactions within agroecosystems, or with surrounding natural habitats. This omission distorts the assessment of agricultural production. Positive externalities, such as contributions to local biodiversity, are not reflected.
- Its use of a functional unit (e.g. per kilogram) creates significant bias in favor of high-yield systems. The resulting output often contradicts measurable ecological outcomes and penalizes extensive or pasture-based systems, particularly for ruminants.
- Its indicator weighting applies uniformly across sectors — agriculture being assessed with the same scales as appliances or cosmetics — leading to an aggregate score that fails to reflect agriculture's specific environmental challenges.
- Overall, the PEF reduces agri-food assessments to a simplistic signal promoting plant-based products, without differentiating between production systems. Some plant-based systems may in fact have high impacts, while some livestock systems offer strong positive externalities — none of which are captured by the PEF framework.

These limitations demonstrate that the **PEF is one method among many** — with its own internal logic — and should not be treated as a universal scientific reference. In its March 2023 proposal for the Green Claims Directive¹, the **European Commission** itself acknowledged these limitations. It noted that the Environmental Footprint methods do not yet cover all relevant impact categories — particularly for **food, textiles, and fisheries** — and may therefore provide an incomplete picture of environmental performance. The Commission concluded that imposing a single methodology "would not be appropriate", and could prevent companies from communicating on other relevant environmental aspects.

¹ European Commission (2023), Proposal for a Directive on the substantiation and communication of explicit environmental claims (Green Claims Directive), COM(2023) 166 final.

Yet, some of the current drafts under discussion still promote a **PEF-based framework**, creating inconsistency within the EU's own institutional stance — and contradicting both academic consensus and consumer-oriented initiatives. Independent approaches may offer better alignment with real-world environmental complexity, and deserve formal recognition.

The Green Claims Directive should therefore enable consumers to access complementary information on two levels: (i) **Product-level data** — which may, in part, draw on the PEF, but cannot alone provide a full and realistic picture of agri-food performance; and (ii) **System-level data**, which improves transparency and strengthens consumer trust.

System-based approaches are structurally incompatible with the logic of the PEF, regardless of future adjustments. Guaranteeing their coexistence is essential to truly empower consumers. Undermining this pluralism would be counterproductive — especially given persistently low consumer trust in public authorities for environmental labelling in the agri-food sector across all Member States².

The recent [report](#) published by the **French Competition Authority** (Autorité de la Concurrence) is fully consistent with this perspective. Between February 2024 and January 2025, the Authority conducted an in-depth investigation into market practices concerning sustainability assessment schemes — with a particular focus on environmental and nutritional scoring systems. After a year of inquiries and hearings involving both public schemes (such as those developed by the French Ministry for the Ecological Transition and ADEME) and private actors (including the consumer association **UFC-Que Choisir**, the mobile application **Yuka**, the **Planet-score** labelling scheme, and federations representing mass-market companies), the Authority issued a detailed, sixty-page opinion that highlights several key findings:

- The Authority emphasizes that the **coexistence of public and private scoring systems** enriches the diversity of information available to consumers and contributes to greater transparency and trust.
- It underlines that, given the complexity of sustainability assessments, **no single methodology can claim to be scientifically superior** in general terms.
- It points out that this methodological diversity **encourages healthy emulation, drives innovation**, and promotes fair competition between companies committed to improving their sustainability performance.
- It also notes the **greater responsiveness of independent initiatives**, which are often better positioned to rapidly integrate new scientific knowledge — for example concerning food additives, pesticide use, or controversial substances in hygiene products.

The Authority concludes that the **plurality of assessment methodologies** provides added value for both consumers and companies.

² Surveys "Trust" conducted by EIT Food, as well as consumer studies conducted in France (BVA, Appinio).

3.2. A Regulatory Monopoly Incompatible with EU Competition Law

In several rulings, the **Court of Justice of the European Union (CJEU)** has held that imposing a single methodological standard may only be justified when it is strictly necessary to achieve a legitimate public interest objective.

However, in the present case:

- **Several independent methodologies**, which are not based on the PEF, already exist and are grounded in scientific frameworks that are often more relevant than the PEF — particularly in certain sectors.
- These schemes have already demonstrated their ability to meet the very objectives pursued by the directive, under real-world market conditions. Many have successfully engaged hundreds of companies in reconfiguring their value chains — more effectively than the PEF has managed to do, especially in sectors such as agri-food (e.g. **Planet-score**, implemented by over 300 brands across Europe) and textiles (e.g. **Clear Fashion** app).
- The **European Commission** itself has acknowledged that the PEF is not well suited to some sectors, including agri-food and textiles.
- The issue of a “**level playing field**” no longer justifies exclusivity, as the proposed directive allows **Member States to define and adapt their own standards**. A form of methodological plurality is already implicitly recognised — and should not be restricted to public initiatives alone.

Should the Commission attempt to impose a **single methodological framework** for environmental assessments and the substantiation of green claims, it would risk breaching the **principle of proportionality** enshrined in EU law. According to **Articles 106 and 49 of the Treaty on the Functioning of the European Union (TFEU)**, any restriction of competition must be both necessary and proportionate to the objective pursued.

Establishing the PEF as the sole regulatory reference would, in practice, prevent private actors and independent scientific initiatives from developing or scaling up **alternative assessment methodologies** — even though such robust frameworks already exist and are widely recognised. According to **Article 102 TFEU**, any unjustified restriction of competition is prohibited, including when introduced by a public authority.

The **exclusion of private and/or independent methodological approaches** could therefore be interpreted as an abuse of dominant institutional position, potentially opening the way to **legal challenges** against the directive.

3.3. A Closed Framework Limiting Scientific Innovation and Market Access

Among the regulatory configurations currently being explored or discussed by the **European Commission** is the limitation of authorised methodologies for environmental scoring and assessments to those derived from the **Product Environmental Footprint (PEF)**, or to national methodologies developed by public authorities based on similar principles. Such an approach would establish a **methodological duopoly** between the Commission and Member States — to the detriment of companies and independent scientific actors who have developed and implemented innovative, credible, and sector-specific assessment systems.

This restriction would be incompatible with:

- **Article 106 TFEU**, which prohibits EU institutions from enacting measures that distort or restrict free competition;
- The **jurisprudence of the Court of Justice of the European Union (CJEU)**, which has previously ruled against regulatory foreclosure practices (e.g. **Case C-390/99 Canal Satélite Digital**, concerning technical standards).

Imposing a closed regulatory framework would not only jeopardise **scientific innovation**, but also restrict the ability of companies to choose the most appropriate methodology for their sector — thereby limiting both methodological relevance and the emergence of tailored environmental information.

3.4. Restricting Aggregated Scores: A Threat to Innovation and Consumer Information

Based on current formulations reportedly under discussion in the **Green Claims Directive**, only scoring systems based on the **Product Environmental Footprint (PEF)** — or on national public variations derived from it — would be authorised to communicate their results in aggregated form to consumers (e.g. through summary scores, letters, or colour codes).

This provision would, in effect, exclude from the consumer market any alternative methodology not aligned with the PEF or its public derivatives — even if such methodologies are otherwise scientifically robust, transparent, and actively used.

Such a restriction would prevent non-public schemes from providing intelligible and comparable environmental information to consumers — undermining their ability to operate in B2C communication and significantly reducing their relevance and visibility on the market.

Several issues arise from such a provision:

- It would prevent **independent and private actors** — many of whom currently operate as **trusted third parties** contributing to the ecological transition — from offering environmental transparency tools that fall outside the institutional PEF framework.
- It would deprive consumers of a **diverse set of accessible tools** to understand and compare the environmental performance of products from different and complementary perspectives.

- It would contradict the **European Commission’s own position**, which recognises that the PEF is not fully suitable for certain sectors — particularly **agriculture** and **textiles**. Notably, the Commission recently [prohibited the use of the PEF Category Rules](#) (PEFCR) for textiles in **business-to-consumer (B2C)** communication, citing the risk of consumer confusion regarding the actual environmental performance of products. While PEF-based communication remains authorised in **business-to-business (B2B)** contexts, this appears inconsistent with the rationale that justified its exclusion from B2C use.

4. Legal Vulnerabilities of the Proposed Directive under EU Law

Should the final regulatory outcome impose a single methodological standard (whether based on the PEF or not) and restrict access to the environmental assessment market to public schemes only, it would expose itself to multiple legal risks under **EU competition law**.

| Issue | Possible violation of EU Regulations |
|--|---|
| Imposition of the PEF (or any single method) as a mandatory standard from which all authorised methods must be derived | Article 106 TFEU (restriction of competition) |
| Exclusion of private operators from the environmental assessment market | Article 102 TFEU (abuse of a dominant position) |
| Limiting the right to display aggregated environmental scores to public schemes only | Articles 49 and 56 TFEU (freedom of establishment and of service provision) |
| Distortion of competition to the exclusive benefit of public stakeholders (EU and national) | CJEU jurisprudence (Canal Satélite Digital, food labelling) |

Such a configuration could trigger legal challenges before the **Court of Justice of the European Union (CJEU)**, initiated by stakeholders, companies, sectoral organisations, or even Member States concerned by the potential restrictions on innovation and free competition.

Several consequences would follow:

- **Methodological foreclosure:** Only schemes strictly aligned with the institutional framework would remain operational — thereby excluding any scientifically valid method not derived from the PEF. Yet the PEF is only one methodology among others and has not demonstrated superior robustness or effectiveness. In some sectors — notably agriculture and textiles — its application may even risk institutionalizing greenwashing.
- **Stifled innovation:** Environmental assessment operators would no longer be able to develop and market science-based methodologies that do not conform to the PEF, even when such methods are demonstrably more adapted to sector-specific characteristics.

- **A broken link between science and society:** Environmental science is an evolving field, continuously integrating new paradigms such as **agroecology**, **biodiversity-based indicators**, updated knowledge on **climate metrics**, **water footprints**, and systemic concepts like **ecological resilience**. Excessive methodological standardization would block the emergence and scaling of alternative schemes — including those already recognized by consumers and producers as relevant and effective.

In short, the Green Claims Directive risks becoming an instrument that forecloses the market by restricting or prohibiting **scientific and methodological plurality** in environmental assessment — including the right to communicate such results in aggregated form. This would undermine both the **objectivity** and **relevance** of environmental scores, which depend on healthy competition and scientific innovation. It may also erode consumer trust, as surveys consistently show high levels of scepticism towards public schemes alone — with **distrust levels around 50%** for environmental labelling of food products, according to Europe-wide studies by **EIT Food**. Finally, such a move could disincentivize companies and farmers from continuing their ecological transition if the independent schemes that supported their progress were excluded.

To avoid these risks — which would ultimately run counter to the Directive's original objectives — the final version should revert to the more balanced framing proposed by the **March 2023 draft**. In particular, **Article 8** proposed a pragmatic solution: establishing a **common set of principles** that both public and independent schemes must meet in order to be authorized, scaled and trusted within the EU single market. This approach would preserve legal clarity, scientific pluralism, and consumer empowerment.

5. Ensuring Methodological Pluralism and Sectoral Relevance

Rather than enforcing a rigid and contested single standard, the directive should establish a general framework for the recognition of both public and independent (or private) methodologies. All schemes — regardless of their institutional origin — should be required to comply with a common set of principles, ensuring both credibility and comparability.

These principles include:

- ◆ **Scientific robustness**, demonstrated by the extent to which a methodology addresses all relevant impacts and challenges, as documented in the scientific literature applicable to its sector.
- ◆ **Transparency of objectives and calculation logic**, including a clear articulation of the transition goals or end-points towards which the assessment system seeks to guide the sector.
- ◆ **Independent governance**, free from undue influence or conflicts of interest.
- ◆ **Accessibility for SMEs**, to guarantee fair and inclusive access to environmental claims and consumer information tools.
- ◆ **Recognition or endorsement by approved consumer organisations**, as a safeguard for public trust and relevance.

In addition to fulfilling these conditions, recognised schemes should be authorised to communicate their results directly to consumers — including through aggregated or summary formats such as environmental scores, colour codes, or letter ratings. Guaranteeing this capacity for **business-to-consumer (B2C)** communication is essential for ensuring market relevance, informational fairness, and the visibility of credible non-public initiatives.

Such a framework would provide a solid foundation for a more inclusive and adaptive regulatory environment. It would enable better alignment with sector-specific realities through the development of expert methodologies³, while promoting innovation, supporting the continuous improvement of assessment tools, and ensuring fair competition between public and private actors. By enabling complementary approaches to environmental information, it would enhance consumer understanding and reinforce trust. Ultimately, this approach would sustain the ecological transition by recognising and securing the diversity of robust scoring systems already deployed across the European market.

³For instance: the French government supports the "Label Bas Carbone" (Low Carbon Labelling) for agriculture that was conceived by private operators, for various domains (dairy cattle farming, forests and hedges, orchards, arable crops, etc.). Each method is different, and it is possible to develop -and there already are- various recognised approaches or methods of calculation, including for the same type of production. This diversity originates from a pioneering position of the French government as a federating body to foster innovation from private expert stakeholders instead of being the sole owner of a public unified standard method. The government has an approval procedure, which conditions to which the schemes need to comply. This is precisely what could be provided in the Green Claims directive.

6. Conclusion and Recommendations

Imposing a single methodological standard — whether based on the **Product Environmental Footprint (PEF)** or derived from it — as the exclusive framework for substantiating environmental claims would pose serious risks to both **scientific integrity** and **fair competition** within the European internal market. This is particularly critical in sectors such as **agriculture, food, and textiles**, where alternative methodologies are already in active use and have demonstrated their ability to foster transparency and drive systemic transformation.

Excluding such schemes would not only undermine **scientific pluralism**, but also amount to a form of **regulatory foreclosure** likely to distort competition, stifle innovation, and weaken the credibility of environmental information made available to consumers.

This risk is particularly acute if non-public schemes are also prohibited from communicating their results in aggregated form — through scores, letters, or colour codes — which are essential tools for **intelligible B2C communication**. Without this possibility, even authorised methodologies would be deprived of their practical value and visibility in the marketplace.

To prevent these outcomes, the **Green Claims Directive** should be grounded in a regulatory architecture that guarantees **methodological plurality**, based on a clear and robust set of shared criteria — applicable equally to all schemes, whether public or independent, institutional or private.

We therefore recommend the following:

1. **Maintaining regulatory openness** to a diversity of methodologies, provided they meet common principles of scientific robustness, transparency, independent governance, accessibility for SMEs, and recognition by consumer organisations.
2. **Authorising all compliant schemes — regardless of their origin — to communicate both aggregated and detailed environmental scores**, including via summary formats such as grades, colours, or indexes that are intelligible and actionable for consumers.
3. **Recognising sectoral specificities** by allowing methodological approaches that best reflect the environmental challenges and metrics relevant to each sector, while offering consumers complementary and intelligible perspectives on environmental performance.
4. **Conducting formal impact assessments** prior to adoption, in order to identify and mitigate the risks of undermining existing, scientifically credible schemes that are already deployed across the European market and actively supporting ecological transition.

These recommendations are fully aligned with the conclusions of the **January 2025 report by the French Competition Authority**, which underscores the economic, scientific, and democratic value of methodological plurality in the field of environmental labelling.

By incorporating these safeguards, the Green Claims Directive can fulfil its core ambition — to **credibly combat greenwashing** — while preserving a **competitive, innovative, and trusted European market** for environmental scoring and ecodesign.