

**Amendment 153**

**Virginie Joron, Annalisa Tardino, Aurélia Beigneux, Markus Buchheit**  
on behalf of the ID Group

**Report****A9-0056/2024****Cyrus Engerer**

Substantiation and communication of explicit environmental claims (Green Claims Directive)  
(COM(2023)0166 – C9-0116/2023 – 2023/0085(COD))

**Proposal for a directive****Recital 32***Text proposed by the Commission**Amendment*

(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 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

(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 group or sector specific rules where this may have added value. However, ***for some product groups, it is recognised that the PEF method is not suitable for assessing their environmental impact, notably for the agriculture and food sectors, fisheries and textiles.*** 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

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.

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.

Or. en

**Amendment 154**

**Virginie Joron, Annalisa Tardino, Aurélia Beigneux, Georg Mayer, Harald Vilimsky, Roman Haider, Markus Buchheit**  
on behalf of the ID Group

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**Proposal for a directive****Article 17 – paragraph 2***Text proposed by the Commission**Amendment*

**2. When determining the type and level of penalties to be imposed in case of infringements, the competent authorities of the Member States shall give due regard to the following:** *deleted*

**(a) the nature, gravity, extent and duration of the infringement;**

**(b) the intentional or negligent character of the infringement and any action taken by the trader to mitigate or remedy the damage suffered by consumers, where applicable;**

**(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;**

**(d) the economic benefits derived from the infringement by those responsible;**

**(e) any previous infringements by the natural or legal person held responsible;**

**(f) any other aggravating or mitigating factor applicable to the circumstances of the case;**

**(g) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is**

*available through the mechanism  
established by Regulation (EU)  
2017/2394, where applicable.*

Or. en

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**Proposal for a directive****Article 17 – paragraph 3***Text proposed by the Commission**Amendment*

**3. Member States shall provide that penalties and measures for infringements of this Directive shall include:** *deleted*

**(a) fines which effectively deprive those responsible of the economic benefits derived from their infringements, and increasing the level of such fines for repeated infringements;**

**(b) confiscation of revenues gained by the trader from a transaction with the relevant products concerned;**

**(c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions.**

**For the purposes of point (a), Member States shall ensure that when penalties are to be imposed in accordance with Article 21 of Regulation (EU) 2017/2394<sup>115</sup>, the maximum amount of such fines being at least at 4 % of the trader's annual turnover in the Member State or Member States concerned.**

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<sup>115</sup> OJ L 345, 27.12.2017, p. 1.

Or. en

