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Plastic industry operators seek annulment of marking requirements for single-use plastic cups for beverages

On 11 March 2021, seven plastic converter businesses lodged an application for an action for annulment (*Case T-148/21*) against the European Commission (hereinafter, Commission) before the General Court of the European Union with regard to the application of *Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down rules on harmonised marking specifications on single-use plastic products listed in Part D of the Annex to Directive (EU) 2019/904 of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment*, which implements the marking requirements set forth in Article 7(1) of *Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment* (hereinafter, SUP Directive).

Regulating plastic products in the EU

In January 2018, the Commission adopted its *Circular Economy Package*, which consists of a set of measures aimed at making the EU’s economy more sustainable (see *Trade Perspectives*, Issue No. 1 of 11 January 2019). In this context, the Commission’s Communication on *A European Strategy for Plastics in a Circular Economy* envisages a change in the way that plastics and plastic products are designed, produced, used, and recycled. It also foresees to make all plastic packaging recyclable by 2030. Consequently, in June 2019, the EU adopted the SUP Directive (see *Trade Perspectives*, Issue No. 7 of 5 April 2019), which EU Member States must transpose into national legislation by 3 July 2021. The SUP Directive, while acknowledging the versatility of plastic and its everyday application, aims at preventing and reducing “*the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health*” and at promoting “*the transition to a circular economy with innovative and sustainable business models, products and materials*”.

Most notably, Article 7 of the SUP Directive establishes marking requirements for the single-use plastic products listed in Part D of the Annex, namely sanitary towels, tampons and tampon applicators, wet wipes (*i.e.*, pre-wetted personal care and domestic wipes), tobacco products with filters and filters marketed for use in combination with tobacco products, as well as cups for beverages. From 3 July 2021, EU Member States must ensure that, when placed on the

market, these products bear a “conspicuous, clearly legible and indelible marking on its packaging or on the product itself”, which aims at informing consumers regarding the following aspects: 1) The “appropriate waste management options for the product or waste disposal means to be avoided for that product, in line with the waste hierarchy”; and 2) The “presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment”.

Implementing the marking requirements

Article 7(2) of the SUP Directive provides that the Commission, by means of an implementing act, is to establish harmonised specifications for the marking requirements that: 1) “provide that the marking of single-use plastic products listed in points (1), (2) and (3) of Part D of the Annex shall be placed on the sales and grouped packaging of those products. Where multiple sales units are grouped at the point of purchase, each sales unit shall bear a marking on its packaging. The marking shall not be required for packaging with a surface area of less than 10 cm²”; 2) “provide that the marking of single-use plastic products listed in point (4) of Part D of the Annex shall be placed on the product itself”; and 3) “consider existing sectoral voluntary approaches and pay particular attention to the need to avoid information that misleads consumers”.

On 17 December 2020, the Commission adopted *Commission Implementing Regulation (EU) 2020/2151*, which sets out harmonised marking specifications that will apply from 3 July 2021. Notably, a template of the marking, which is to be printed on the packaging or on the product itself, along with rules on the position, size, and design of the marking, are established. In particular, beverage cups must bear an engraved or embossed marking stating “Made of Plastic” or “Plastic in Product”. According to Article 3 of *Implementing Regulation 2020/2151*, the “information text of the marking shall be written in the official language or languages of the Member State(s) where the single-use plastic product is placed on the market”.

The complaint by plastic converter companies

Article 263(4) of the Treaty on the Functioning of the EU (hereinafter, TFEU) allows natural or legal persons to institute proceedings before the Court of Justice of the European Union (CJEU), comprising of the EU General Court and the Court of Justice of the European Union, against: 1) An EU act addressed to that person or by which that person is concerned; or 2) A regulatory act that directly concerns that person and does not entail implementing measures.

On 11 March 2021, the plastic converter companies *Paccor, Flo, Aristea, Dopla, Dart, Ilip* and *Intraplas* lodged an action for annulment before the EU General Court aimed at establishing the unlawfulness of the marking requirements set forth by *Commission Implementing Regulation (EU) 2020/2151* and the annulment thereof. According to the applicants, the plastic industry is already providing consumers with the relevant information required under Article 7 of the SUP Directive to encourage the proper disposal and recycling of the packaging material, including plastic cups, and the EU should promote already existing sectoral approaches that prove effective, promoting the right behavioural attitude of consumers. Moreover, the applicants argue that the marking requirements, particularly with regard to the required text “Made of plastic” or “Plastic in product”, might mislead consumers in choosing the proper way of disposing of the cups after use, especially when they also consist of materials such as bioplastic or coated paper.

The complainants further argue that the Commission’s analysis determining the top plastic items found on beaches ranked plastic cups only as 35th in the list, without them being mentioned in the *Impact Assessment* conducted prior to the approval of the SUP Directive. Therefore, the complainants claim that cups for beverages were unlawfully added to the list of products to which marking requirements will apply and that the Commission did not consider alternative measures instead. Indeed, the General Court will have to determine whether or not the measures taken by the Commission with respect to plastic cups for beverages are necessary and proportionate.

Placing on the market and the free movement of goods

As noted above, Article 3 of *Commission Implementing Regulation 2020/2151* requires that the information text of the marking be written in the official language or languages of the EU “Member State(s) where the single-use plastic product is placed on the market”. The complainants claim that this requirement would mean that the information must be provided in the language of the original purchaser rather than that of the final consumer. This would create a language barrier that, in the complainant’s view, would fail to properly inform consumers and, therefore, conflict with the objectives of the SUP Directive.

According to Article 3(6) of the SUP Directive, “*‘placing on the market’ means the first making available of a product on the market of a Member State*” and, according to Article 3(7) of the SUP Directive, “*‘making available on the market’ means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge*”. This aims at ensuring that every time a single-use plastic product falling within the scope of the SUP Directive is placed on the market of an EU Member State, it complies with the relevant rules and, given the requirement to provide the marking in the official language or languages of the EU Member State in which it is placed on the market, it should largely ensure that consumers will be able to read the marking. While such marking requirements in the official language(s) of the EU Member State in which they are placed on the market are common place, for instance for foodstuffs or tobacco products, they do indeed lead to more complex supply chains and the use of pictograms without text might be more trade facilitative and conducive to free movement of good on the EU’s Internal Market. However, such approach is only possible if self-explanatory or well-known pictograms exist.

Towards a better understanding of the new rules?

According to Article 264 of the TFEU, if an action for annulment “*is well founded, the Court of Justice of the European Union shall declare the act concerned to be void*”. Importantly, the mere filing of an action before the Court does not entail the suspension of the effects of the contested act. Article 278 of the TFEU provides that, only upon request of one of the main parties of the proceedings, the Court can order the suspension of the effects of the concerned act. Nonetheless, as such request has not been made in this case, the marking requirements of the *Commission Implementing Regulation 2020/2151* will begin to apply from 3 July 2021. The proceedings are expected to take several years.

Finally, once the case is formally announced in the EU’s Official Journal, third parties will be able to intervene in the proceedings by presenting an admission request to the EU General Court, provided that they are able to show their legitimate interest in the case. The outcome of the proceedings may have important implications for the industries affected by the marking requirements under the SUP Directive and interested parties should closely monitor the developments in Case T-148/21 and their implications on the implementation of the EU’s SUP Directive.

The European Commission released its Action Plan for the Development of Organic Production

On 25 March 2021, the European Commission (hereinafter, Commission) presented its Communication on an *Action Plan for the development of Organic Production* (hereinafter, the EU Action Plan). The initiative is designed to support *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*, which will become applicable on 1 January 2022. The EU Action Plan contains additional measures aimed at complementing *Regulation (EU) 2018/848* and at attaining the objective, established in the

European Green Deal, of 25% of the agricultural land being cultivated under organic farming across the EU by 2030.

The EU's legal framework on organic farming

Organic farming in the EU is currently regulated by [Council Regulation \(EC\) No 834/2007 of 28 June 2007 on organic production and labelling of organic products](#), which sets out the rules of organic production and defines how organic products are to be labelled. [Council Regulation \(EC\) No 834/2007](#) is complemented by several Commission implementing acts related to the production, distribution, and marketing of organic food. These legislative acts govern whether goods may be marketed as organic within the EU and define how and when the EU organic logo can be used. Additional specific regulations regulate organic aquaculture and wine production.

[Regulation \(EU\) 2018/848](#), which will become applicable on 1 January 2022, will reform the EU rules on organic production with a view to ensure consumer confidence in products labelled as organic and to provide the conditions for the further development of the sector. The main changes relate to expanding the categories of products that may be certified as organic. Article 2(1) of [Regulation \(EU\) 2018/848](#) establishes that the categories of products that may be organically certified are: 1) Live and unprocessed agricultural products – animals, plants and seeds; 2) Processed food; and 3) Feed. In addition to that, Annex I to [Regulation \(EU\) 2018/848](#) provides a list of products, other than those established in Article 2(1), that may also be certified as organic. The list includes, *inter alia*, yeasts, maté, vine leaves, palm hearts, hop shoots, silkworm cocoon, natural gums and resins, essential oils, cork stoppers, raw cotton, raw wool, raw hides, and plant-based traditional herbal preparations. Furthermore, [Regulation \(EU\) 2018/848](#) establishes a series of production rules for organic farmers. For instance, for livestock farmers, 70% of feed destined for cows, sheep, goats, horses, deer and rabbits, and 30% for pigs and poultry, respectively, must originate from 2023 in the same region where those animals are bred. This significantly increases the amounts under the current [Regulation \(EC\) No 834/2007](#), where they stand at 60% and 20%, respectively.

As regards controls and certification, the new rules provide for additional specific control requirements. The organic control system is closely linked to [Regulation \(EU\) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products](#). For instance, retailers that only sell pre-packaged organic products will not need a certification, but will be subject to official controls under [Regulation \(EU\) 2017/625](#).

Currently, [Regulation \(EC\) No 834/2007](#) provides that organically certified farms are to be inspected every twelve months. Under Article 38 of [Regulation \(EU\) 2018/848](#), controls on organic farms are to be carried out on a risk basis and, as currently the case, at least once a year. Farms that have been compliant at controls during at least three consecutive years and are assessed as presenting a low probability of non-compliance, may benefit from less inspections of no less than every 24 months.

Article 36 of [Regulation \(EU\) 2018/848](#) also expands the system of “groups of operators”, which will allow certain farmers and operators to get organised and be certified as a single entity. [Regulation \(EU\) 2018/848](#) will provide small-scale farmers and operators with the necessary flexibility in view of the relatively high inspection costs in certain sectors and the administrative burdens linked to organic certification.

The EU Action Plan for the Development of Organic Production

The [EU Action Plan for the Development of Organic Production](#) (hereinafter, EU Action Plan) is an initiative announced in the EU's May 2020 [Farm to Fork Strategy](#). The [Farm to Fork Strategy](#) was presented in the framework of the [European Green Deal](#) to enable the EU transition to a more sustainable food chain and to address the key drivers of biodiversity loss.

The EU Action Plan reports official projections predicting a remarkable growth of the organic sector during the coming years. Notably, the sector is predicted to achieve an increase of land under organic farming of only 15 to 18% by 2030, which is not in line with the 25% target established in the *European Green Deal*. For this reason, the Commission has designed additional initiatives to support the measures included in *Regulation (EU) 2018/848* and to provide the sector with the right tools to attain the 25% target. The EU Action Plan establishes a series of actions structured on the following three main drivers: 1) Stimulating the demand of organic production and ensuring consumer trust; 2) Fostering the conversion of production and reinforcing the entire value chain; and 3) Improving the contribution of organic farming to sustainability.

The first driver focuses on stimulating demand as a key driver for the growth of the sector, through a series of actions aimed at increasing the awareness on the benefits of organic production and at strengthening the trust of consumers in the EU organic logo. Initiatives in that axis include the promotion of organic canteens and an increase in the use of green public procurement. Furthermore, the Commission intends to reinforce organic school schemes and to improve the traceability of foodstuffs. The Commission considers that the contribution of the private sector will be crucial in the promotion of organic food products. For instance, retailers, restaurants, and delivery services can play an important role in promoting organic food products.

The second driver aims at tackling the substantial differences between EU Member States as regards the share of agricultural land dedicated to organic farming. According to official figures released by Eurostat in 2019, Austria has 25.3% of its agricultural land already under organic farming, Estonia stands at 22.2%, Sweden at 20.4%, and Italy at 15.2%. However, in Bulgaria, the figure stands at a mere 2.3%, in Ireland at 1.6%, and in Malta at 0.5%. This issue is to be addressed through a series of actions aimed at building an adequate structure of distribution across those EU Member States that lack it. The Commission mainly expects to drive the uptake of organic production through the financial support under the EU's Common Agriculture Policy (hereinafter, CAP). Specific initiatives will involve, *inter alia*, the use of eco-schemes, which refer to instruments included in the post 2020 CAP that oblige EU Member States to allocate a proportion of the payments to schemes that directly benefit climate and the environment. In addition to that, in the framework of the second driver, the Commission proposes initiatives to improve the quality of animal nutrition and supporting local and small-scale processing which, according to the EU Action Plan, will result in "*shorter organic supply chains, providing environmental and social benefits*".

The third driver focuses on the contribution of organic farming to sustainability, notably through enhanced biodiversity. Extensive farming practices, such as alternatives to plant protection products, increased animal welfare, and the use of renewable energy, are to provide the organic farming sector with the tools for a better use of resources and the reduction of carbon emissions. The Commission considers that, in order for this to happen, research and innovation will be key. In that respect, the Commission plans to allocate "*at least 30% of the next calls related to Intervention Area 3 'Agriculture, forestry and rural areas' of the Cluster 6 Horizon Europe, to topics relevant for the organic sector*". *Horizon Europe* is an EU-funded programme for research and innovation intended to tackle climate change, help achieve the United Nations' Sustainable Development Goals, and boost the EU's competitiveness and growth.

The future of the EU organic farming sector

The EU Action Plan is supposed to support the reforms introduced by *Regulation (EU) 2018/848* with the aim of achieving a strong and balanced growth of the EU organic sector in the coming years. In that respect, the main challenge to be addressed appears to be the significant differences of the organic markets across the EU and the trust of consumers in the EU organic logo. The current fragmentation of the markets is significant and the agricultural coverage between EU Member States is not uniform. This situation might prevent a uniform

and balanced growth of the organic sector and, for this reason, it appears crucial that *Regulation (EU) 2018/848* be complemented by initiatives at national level. For this reason, the Commission encourages EU Member States to develop national organic action plans to increase the national share of organic farming.

According to a 2020 *Eurobarometer* survey, EU citizens believe that organic products comply with specific rules on pesticides, fertilisers, and antibiotics, that they are environmentally friendly, and that they respect animal welfare. The EU Action Plan focuses, *inter alia*, on strengthening the role of traceability and on streamlining the production processes.

According to the EU Action Plan, the consumption of organic products in the EU has more than doubled in the last decade and the measures put in place by the Commission to further boost the sector are expected to have significant impact in the performance of the sector across all EU Member States. Food business operators with an interest in the new possibilities arising from the expansion of the EU's organic market should closely monitor the upcoming initiatives put in place by the Commission and seek technical advice on the application of the future legal framework.

Similar to the nutritional label *Nutri-Score*, the environmental or 'green' label *Eco-score* appears on front-of-packs in the EU – Mere marketing tools?

In March and April 2021, the retailers *Colruyt* in Belgium and *Lidl* in Germany, respectively, announced the implementation of the front-of-pack (hereinafter, FoP) labelling scheme *Eco-Score* for some of their products. This new label aims at indicating the environmental impact of food products in a simplified way. The article looks at the evolving legal framework for such environmental labelling in the EU, within the EU's *Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*. Additionally, the article provides an update on the FoP nutrition labelling proposal to be put forward by the European Commission (hereinafter, Commission). In that context, the Commission has requested the *European Food Safety Authority* (hereinafter, EFSA) to provide scientific advice for the development of harmonised mandatory FoP nutrition labelling and the setting of nutrient profiles for restricting nutrition and health claims on foods.

Eco-Score: Yet another algorithm

Eco-Score looks very similar to *Nutri-Score*, which is a widely known voluntary FoP nutrition label. *Eco-Score* was developed in France by the *ECO2 Initiative*, a consulting firm focussing on environmental transition. The method for calculating the *Eco-Score* consists of two components: 1) The life cycle analysis (LCA) of a food product, taking into account 16 impact categories that play an important role from the creation to the disposal of a product, such as climate change, water use, land use, and acidification; and 2) Positive and/or negative points for additional criteria, such as biodiversity, organic production, fair-trade and other certifications, packaging, origin of products, transport, and recyclability. These elements are converted by the system's algorithm into a code for a food product consisting of five letters, each with its own colour, from A (green) for the lowest environmental impact of a product to E (red) for the highest environmental impact.



Nutri-Score is a colour-coded system that rates the nutritional value of a food product by assessing the content of key nutrients: salt, fat, saturated fat, sugar, and total calorie count. Unlike 'traffic light' labels, which highlight key individual nutrients, the *Nutri-Score* system, which was first introduced in France in 2017, provides a single score for the entire product, giving consumers an overall assessment of the product. Based on an

algorithm, Nutri-Score gives a rating to any food (except single-ingredient foods and water), ranging from a dark green A (best) to a red E (worst), by weighing the prevalence of 'good' and 'bad' nutrients.

For both *Nutri-Score* and *Eco-Score*, the very idea of a 'score' means that they cannot convey any specific information to the consumer on the actual nutritional properties or the specific environmental impact.

The EU's Farm to Fork Strategy and 'green claims'

The Commission adopted, on 20 May 2020, the *Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system* (hereinafter, F2F Strategy), as part of the *European Green Deal*. The F2F Strategy announced that, in order to promote sustainable food consumption and facilitate the shift to healthy and sustainable diets, the Commission would adopt measures to empower consumers to make informed, healthy and sustainable food choices. In particular, the strategy announced that the Commission would propose a harmonised mandatory FoP nutrition labelling. As regards environmental labels, the F2F Strategy announced that the Commission would "*also examine ways to harmonise voluntary green claims and to create a sustainable labelling framework that covers, in synergy with other relevant initiatives, the nutritional, climate, environmental and social aspects of food products*".

The evolving legal framework on environmental labelling

The main question related to claims on food products is how they are substantiated. This concerns claims about nutritional, health, or environmental properties alike. Unlike for nutrition and health claims under *Regulation (EC) No 1924/2006 on nutrition and health claims made on foods*, there is currently no specific legal framework in the EU on the substantiation of environmental labels or claims. Competent authorities in the EU Member States can prohibit environmental claims that they find to be misleading towards consumers on the basis of a case-by-case application of the existing EU consumer protection law, in particular *Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market* and *Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising* and its national implementations.

The Commission is currently preparing a legislative proposal on "*substantiating green claims*". The related *Inception Impact Assessment* (i.e., Roadmap) notes that it concerns "*claims made in relation with the environmental impacts covered by the Environmental Footprint methods*". According to the *Product Environmental Footprint (PEF) Initiative*, these methods measure the environmental performance of a product throughout the value chain, from the extraction of raw materials to the end of life, using a large variety of environmental impact categories: "*Some of them are focused on a single issue, e.g. carbon footprint, whereas some encompass multiple environmental themes*".

The Commission's *Roadmap* points out that, "*in order not to mislead, environmental claims should be presented in a clear, specific, unambiguous and accurate manner*". The initiative aims to "*make the claims reliable, comparable and verifiable across the EU – reducing 'greenwashing' (companies giving a false impression of their environmental impact)*", which in turn "*should help commercial buyers and investors make more sustainable decisions and increase consumer confidence in green labels and information*". According to the Commission, a proposal for a regulation on green claims is planned for the second quarter 2021. Furthermore, a proposal for a directive on *Consumer empowerment for the green transition*, also expected for the second quarter of 2021, aims at establishing specific rules to combat greenwashing.

Developments on FoP nutrition labelling – Towards a mandatory scheme in the EU

Alongside the F2F Strategy, the Commission published a [Report to the European Parliament and the Council regarding the use of additional forms of expression and presentation of the nutrition declaration](#) (hereinafter, ‘front-of-pack’ or FoP Report). The FoP report included a reference to schemes providing information on the “overall nutritional quality of foods”, such as the *Nutri-Score* scheme, which has now been introduced in various EU Member States (see [Trade Perspectives, Issue No.11 of 5 June 2020](#)).

The FoP Report states that, given the political priority of the F2F Strategy, namely the potential of FoP schemes enabling consumers to make health-conscious food choices, “it seems appropriate to introduce a legislative proposal on a harmonised mandatory FoP nutrition labelling scheme at EU level”. In the F2F Strategy, the Commission announced that, by the fourth quarter of 2022, after launching an impact assessment on the different types of FoP schemes, it intends to prepare such legislative proposal on harmonised mandatory FoP nutrition labelling. No specific FoP scheme has been recommended in the FoP Report and it appears that schemes providing information on the FoP on the overall nutritional quality of foods, such as the *Nutri-Score*, do not appear to be appropriate for a harmonised mandatory FoP nutrition labelling scheme under the current legal framework of [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers](#) (hereinafter, FIR). In particular, they arguably fall short of complying with Article 35(1) of the FIR, according to which the mandatory nutrition declaration may be complemented by a voluntary repetition of the energy value and the amount of nutrients in the principal field of vision (known as the FoP), in order to help consumers see at a glance the essential nutrition information when purchasing foods. *Nutri-Score* does not provide for such a repetition of the energy value and the amount of nutrients.

Setting of nutrient profiles?

The FoP Report also includes a reference to nutrient profiles. According to the *World Health Organization* (WHO), nutrient profiling is the categorisation of foods according to their nutritional composition using predefined criteria. Nutrient profiles have a variety of applications around the world, for example for purposes of regulating food marketing to children. Nutrient profiling is also commonly used in FoP nutrition labelling schemes. [Regulation \(EC\) No 1924/2006 on nutrition and health claims made on foods](#) requires the Commission to adopt nutrient profiles (see [Trade Perspectives, Issue No. 11 of 2 June 2017](#)) and, according to the F2F Strategy, the setting of nutrient profiles to restrict the promotion of foods that are high in fat, sugars and/or salt and to stimulate sustainable food processing and reformulation is foreseen for the fourth quarter of 2022. Nutrient profiles and their categorisation of foods according to their nutritional composition could also become relevant in determining the “overall nutritional quality of food”.

Commission requests scientific advice on FoP nutrition labelling and nutrient profiles

There is no doubt that nutrition labels must be based on science. On 14 December 2020, in accordance with Article 29(1)(a) of [Regulation \(EC\) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety](#), the Commission [requested](#) the EFSA to provide scientific advice for the development of harmonised mandatory FoP nutrition labelling and the setting of nutrient profiles for restricting nutrition and health claims on foods. In particular, the EFSA was requested to provide scientific advice on the following: 1) Nutrients of public health importance for European populations, including non-nutrient components of food (e.g., energy, dietary fibre); 2) Food groups, which have important roles in diets of European populations and subgroups thereof; and 3) Choice of nutrients and other non-nutrient components of food for nutrient profiling. The EFSA accepted the proposed deadline and expects to deliver its scientific advice by 31 March 2022. In this context, the EFSA will hold a public consultation on its draft scientific opinion.

Views and outlook on 'green claims' and FoP nutrition labels

The Commission announced a proposal for a regulation on the substantiation of 'green claims' and a proposal for a directive on consumer empowerment for the green transition for the second quarter 2021, as well as a legislative proposal on harmonised mandatory FoP nutrition labelling by the fourth quarter of 2022. In the meantime, schemes like *Eco-Score* and *Nutri-Score* are spreading around the EU. While the supporters of both *Nutri-Score* and *Eco-Score* claim to be transparent and to strictly take into consideration scientific criteria, on nutritional aspects for *Nutri-Score* and on the environmental impact for *Eco-Score*, these schemes are also criticised for being mere marketing tools. "A system similar to *Nutri-Score* for environmental aspects would create more confusion and would be equally misleading as it would be intended not to inform consumers but to tell them what to buy", a spokesperson of the *No-Nutriscore Alliance* stated. Notably, an EU official recently publicly denounced *Nutri-Score* stating that it is "an ideological fallacy in describing the *Nutri-Score* as a panacea".

In light of the foregoing, it is of importance to establish an EU legal framework requiring companies making 'green claims' to substantiate them. The same should apply to nutrition labels, which should inform and educate consumers rather than simply influence their purchasing decisions. Stakeholders in the agri-food sector should carefully observe both initiatives on FoP nutrition labelling and on 'green claims', taking actions to ensure that their legitimate interests are voiced and represented within all relevant fora.

Recently Adopted EU Legislation

Trade Law

- *Council Decision (EU) 2021/651 of 19 April 2021 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union*
- *Council Decision (EU) 2021/650 of 19 April 2021 on the signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the United States of America pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union*

Trade Remedies

- *Commission Implementing Decision (EU) 2021/659 of 15 April 2021 concerning exemptions from the extended anti-dumping duty on certain bicycle parts originating in the People's Republic of China pursuant to Regulation (EC) No 88/97 (notified under document C(2021) 2416)*

Customs Law

- *Commission Decision (EU) 2021/660 of 19 April 2021 amending Decision (EU) 2020/491 on relief from import duties and VAT exemption on importation granted for*

goods needed to combat the effects of the COVID-19 outbreak during 2020 (notified under document C(2021) 2693)

Food Law

- *Commission Regulation (EU) 2021/663 of 22 April 2021 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlordecone in or on certain products (1)*
- *Commission Implementing Regulation (EU) 2021/657 of 21 April 2021 entering a name in the register of protected designations of origin and protected geographical indications ('Cașcaval de Săveni' (PGI))*

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