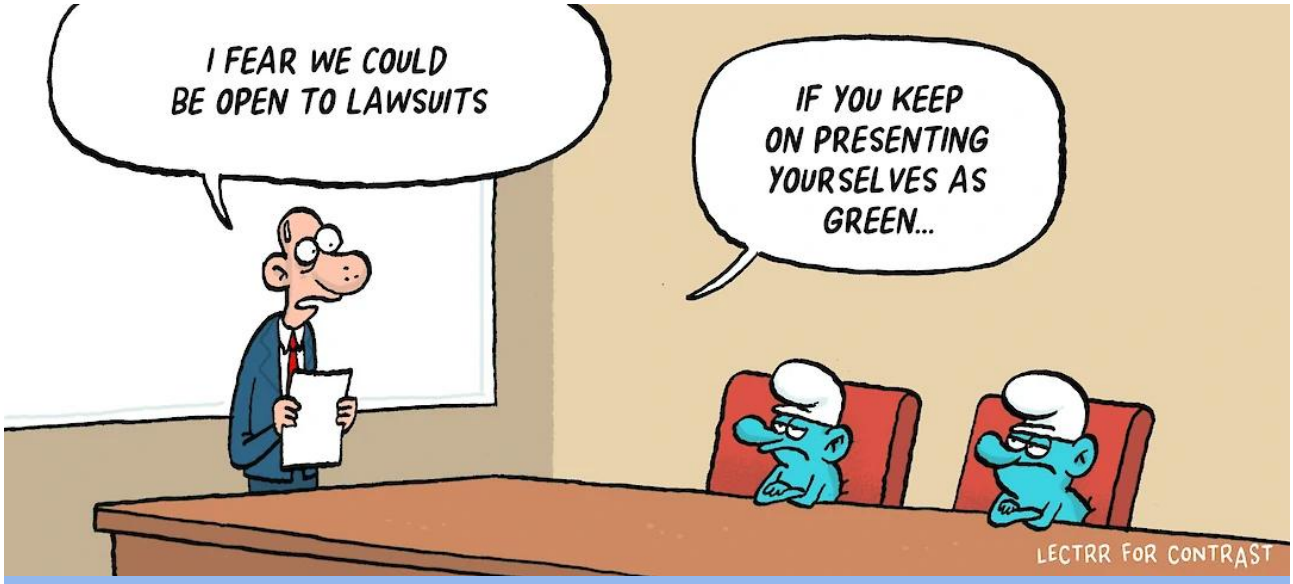
contrast




# More clarity on green claims for European consumers

**Imagine...**

Your business is known for its eco-friendly products. The launch of your latest line of home appliances is imminent. Through packaging and advertising, you want to highlight that the products are sustainable, made from recycled materials and recyclable.

However, your marketing manager sends you an email expressing concern about the impact of new regulations on greenwashing on the launch. According to him, you have to take a completely new approach to the launch. You would like to know more. You call your manager and legal counsel together for a meeting.

**A brief clarification.**

On 28 February 2024, the European Parliament and the Council adopted a new directive as part of the Green Deal. The directive aims to better inform consumers and protect them from being misled so that they can make sustainable choices.

The directive amends the directive on **consumer rights**, which sets out the obligation for businesses to provide consumers with pre-contractual information. In the future, companies will have to provide additional information, for example on:

- the reparability score or the reparability of the product;
- the minimum period during which software updates are available; and
- the legal guarantee of conformity and, if applicable, the commercial guarantee of durability.

The information on the guarantee will have to be provided by means of a harmonised notification or label. The European Commission will define its form and content later this year, by 27 September 2025 at the latest.

The directive also amends the directive on **unfair commercial practices**. Through the transposition of this directive, misleading commercial practices are prohibited in all EU Member States. The provisions relating to prohibited misleading actions and omissions are now supplemented as follows:

- The main features that consumers may be misled about will also include circularity aspects, such as durability, reparability and recyclability.
- Ads about irrelevant benefits (e.g., "paper without plastic") and claims about future environmental performance that are not substantiated in a detailed and realistic implementation plan will be potentially misleading business practices.
- Companies must disclose their comparison methods when comparing products in terms of environmental or social characteristics or circularity aspects.

The directive also adds new practices to the so-called "black list". For example, the following practices will be prohibited in the future:

- the use of a sustainability label that is not based on a certification scheme or has not been established by a public authority;
- making a generic environmental claim without being able to demonstrate excellent environmental performance;
- making an environmental claim for an entire product when the claim relates only to a certain aspect of it;
- withholding information about the adverse effects of a software update on the operation of a product;
- presenting a software update as necessary while only improving functionality features; and
- inducing consumers to replace the consumables of a product earlier than is necessary for technical reasons (for example, encouraging the consumer to replace a printer's ink cartridges before they are actually empty via the printer's settings).

Member States must transpose the directive into national law by 27 March 2026, and apply the new rules from 27 September 2026.

So in the future, your marketing team will have to take into account the stricter ban on misleading commercial practices. If it wants to describe your products as “sustainable”, it will not be able to claim this based on environmental characteristics alone, but will have to take into account other, e.g. social characteristics.

**Concretely.**

- The EU adopted a directive on 28 February 2024 that aims to promote sustainable consumer choices.
- The Consumer Rights Directive will be expanded. Businesses will have more pre-contractual information obligations towards consumers.
- The Unfair Commercial Practices Directive will also be expanded. The new rules impose stricter obligations on companies to ensure that their environmental claims are more reliable, comparable and scientifically substantiated.

- Member States must transpose the directive into national legislation by 27 March 2026 and apply the rules from 27 September 2026.

**Want to know more?**

- The directive that empowers consumers can be found here.
- The Consumer Rights Directive can be found here.
- The Unfair Commercial Practices Directive can be found here.
- You can find our previous "In The Picture" on greenwashing here.

## Authors

Laurence Vanhyfte, Emiel Weyers