



Communication Guide for Food Businesses on the Implementation of the Directive (EU) 2024/825



Legal Notice

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Authors	Lucia Scharl (Meisterernst Rechtsanwälte PartG mbB), Simone Gärtner (AöL e.V.),
Title page and illustrations:	Anna Wimmer (AöL e.V.)
Translation	Eurideas Language Experts
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Contacts

Assoziation ökologischer Lebensmittelherstellerinnen und -hersteller (AöL) e.V.
8 Untere Badersgasse
D-97769 Bad Brückenau
E-Mail: kontakt@aoel.org
Tel. +49 (0) 9741 / 93332 - 0

Meisterernst Rechtsanwälte PartG mbB
1 Herzog-Heinrich Street
D - 80336 Munich
E-Mail: contact@meisterernst.com
Tel. +49 (0) 89 / 1891745 – 0

Organic Processing and Trade Association (OPTA Europe)
4 Rue de la Presse
BE-1000 Brussels
E-Mail: info@opta-eu.org
Tel. + [32 \(0\) 495 28 18 72](tel:+3220495281872)

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1. Introduction

This communication guide is helping food businesses review and adapt their sustainability marketing strategies and environmental communications. To ensure they are well prepared for the new provisions of Directive (EU) 2024/825, this guide provides the companies affected with an overview of the legal changes and illustrates them with examples. These are based on a fictional product – yogurt with a stracciatella mixture made from chocolate chips, called 'Zebra Yogurt', produced by the company GoodExample Foods Ltd.

Finally, a fact sheet on Directive (EU) 2024/825 and a self-assessment tool for classifying claims provide an overview that companies can use to assess their environmental advertising communications themselves.

2. Directive (EU) 2024/825

A product's sustainability and environmental performance is a key selling point for consumers who want their purchasing decisions to contribute to an environmentally responsible, fair, and circular economy.¹ However, when it comes to the product's environmental performance, consumers are often confronted with vague, unsubstantiated environmental claims or opaque, implausible sustainability labels (known as 'greenwashing'), which do not allow them to make truly sustainable purchasing decisions.² A 2020 study by the European Commission classified a significant proportion (53.3%) of the 150 environmental claims examined as vague, misleading, or unfounded.³

To address this issue at the European level and to help consumers make environmentally conscious purchasing decisions, **Directive (EU) 2024/825** entered into force on 26 March 2024, amending Directive 2005/29/EC (the Unfair Commercial Practices Directive, hereinafter **the UCP Directive**) and Directive 2011/83/EU (Consumer Rights Directive) as regards empowering consumers for the green transition through better protection against unfair practices and better information.⁴ Directive (EU) 2024/825 took effect on 27 September 2026.

Since the additional new amendments to the Consumer Rights Directive (e.g. durability and reparability, or the intentional shortening of a product's lifespan) do not necessarily pertain to the food sector, only the amendments to the UCP Directive will be addressed below. Directive (EU) 2024/825 introduces new legal definitions in the field of environmental communication and expands the 'blacklist' of commercial practices considered unfair in all circumstances under the UCP Directive. The new legislation regulates, for example, the use of environmental claims and sustainability labels.

The Green Claims Directive,⁵ which is often mentioned in connection with Directive (EU) 2024/825, is a legal text that is currently still in the draft stage. As a more specific law supplementing the provisions of Directive (EU) 2024/825, it is intended to provide concrete guidelines regarding the communication, justification, verification, and certification of generic

¹ European Commission (2018): Behavioural Study on Consumers' engagement in the Circular Economy, S. 10; Internet: <https://op.europa.eu/en/publication-detail/-/publication/0779f275-f9d6-11e8-a96d-01aa75ed71a1/language-en>; last accessed on: 30.10.2025.

² European Commission (2022): Commission staff working document – Impact assessment report Accompanying the document (COM(2022) 143 final) from 30.03.2022, S. 8, Internet: eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0085; last accessed on: 30.10.2025.

³ European Commission (2021) Impact Assessment supporting study: 'Study on Empowering Consumers Towards the Green Transition'; Internet: https://ec.europa.eu/commission/presscorner/detail/de/qanda_23_1693; last accessed on: 30.10.2025.

⁴ Official Journal of the European Union: Legislative procedure 2022/0092/COD; Internet: <https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX%3A52022PC0143>; last accessed on: 30.10.2025.

⁵ European Commission (2023): Draft of the Green Claims Directive (COM(2023) 166 final); Internet: eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:52023PC0166; last accessed on: 30.10.2025.

environmental claims and sustainability labels, which businesses will be required to follow in the future should the Green Claims Directive come into force.

2.1. Material Scope of Application

The provisions of the UCP Directive apply exclusively to business-to-consumer (B2C) communications, as the Directive's scope of application is limited to B2C relationships.⁶ It therefore only regulates unfair commercial practices by businesses toward consumers.⁷ The Q&A on the interpretation and implementation of Directive (EU) 2024/825 – which the European Commission first published in December 2025 and has updated several times since then, and which is currently available in the September 2026 version – clarifies that, regarding the scope of application, the Directive applies exclusively to B2C commercial practices. Business-to-business (B2B) practices therefore generally do not fall within its scope of application. At the same time, the European Commission points out that Member States are free to extend the scope of the regulations at a national level to include B2B relationships. However, provisions such as those that exist in some countries (as in Germany, for example) would not be part of the harmonised EU legal framework.⁸ Against this backdrop, businesses should carefully review not only the requirements at the EU level but also the respective national implementing laws in the Member States.

In conclusion, however, in practice, all of these provisions may also indirectly affect B2B communication. If a trader promotes its food products to its commercial partners using a green claim, that retailer will generally assume that it, too, can use the same claim when marketing to consumers.

2.2. New Legal Concepts and Elements of Misrepresentation

Directive (EU) 2024/825 is intended to supplement the provisions of the UCP Directive with newly created legal concepts and additional instances of misleading information in the context of environmental communication.

The central concept of the directive is the environmental claim, which is defined in various levels of detail in Article 1(1)(b) of Directive (EU) 2024/825: the 'environmental claim', the 'generic environmental claim', and the 'sustainability label', which encompasses both voluntary public and private labels. In addition, Article 1(1)(b) of Directive (EU) 2024/825 defines several new terms, including 'certification scheme' and 'recognised excellent environmental performance'.

Based on this, new categories of misleading practices are introduced, and existing categories expanded: For example, the essential characteristics of a product listed in Article 6(1)(b) of the UCP Directive are supplemented by 'environmental and social characteristics' and 'circularity aspects such as durability, reparability, or recyclability'. Making an environmental claim regarding future environmental performance is also included as a new misleading commercial

⁶ Micklitz/Rott, in: Dausen/Ludwigs, Handbuch des EU-Wirtschaftsrechts (Handbook of EU Economic Law), H. V. no. 611.

⁷ In contrast, the so-called Advertising Directive (Directive 2006/114/EC), which has also been transposed into German law through the UWG, regulates misleading and comparative advertising in the B2B sector.

⁸ See also, for clarification, European Commission (September 2026), in: Q&A – Directive on empowering consumers for the Green Transition, page 5: 'The Directive is strictly limited to B2C practices. Business-to-business (B2B) commercial practices fall outside its scope. [...] The UCPD does not prevent Member States from extending its protection to businesses in B2B relations at the national level, however, such measures are not part of the harmonised EU framework.'; Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?file-name=faq-empowering-consumers-gtd.pdf; last accessed on 23.10.2026.

practice in Article 6(2)(d) of the UCP Directive. Both additions pertain to communication with consumers (B2C).⁹

In addition, Annex I of the UCP Directive has been expanded to include four new categories of conduct, all of which are intended to constitute impermissible commercial practices toward consumers – that is, again, only B2C. Under points 1 and 2 of the Annex to Directive (EU) 2024/825, the following prohibited business activities are now included in the 'blacklist':

- Displaying a sustainability label that is not based on a certification scheme or not established by public authorities.
- Making a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim.
- Making an environmental claim about the entire product or the trader's entire business when it concerns only a certain aspect of the product or a specific activity of the trader's business.
- Claiming, based on the offsetting of greenhouse gas emissions, that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions.¹⁰

These new provisions thus establish a framework for the use of environmental claims and sustainability labels in advertising and specify which claims are no longer permitted.¹¹ The following will explain in more detail how this regulation is implemented – particularly with regard to advertising for (organically produced) food – and what requirements must be now met when communicating environmental and sustainability aspects.

2.3. Schedule and Implementation Timelines

Directive (EU) 2024/825 entered into force on 26 March 2024, and, pursuant to Article 4(1) of that Directive, Member States of the European Union had until 27 March 2026 to transpose it into national law. Directive (EU) 2024/825 introduces new provisions that will significantly change environmental communication in advertising. Among other things, it establishes new certification requirements for sustainability labels, which forces many label owners to adjust their standards.

In addition, generic environmental claims must be removed if no recognised excellent environmental performance can be demonstrated. If environmental claims are to continue to be communicated, they must be explained in detail in the same medium. Food businesses must implement these new regulations on labels and in all advertising communications by 27 September 2026.¹²

⁹ Evans, in: 'The Green Claims Directive – The Future Legal Framework for Advertising with Environmental Claims', ZLR 2/2024, p. 10 et seq.

¹⁰ Official Journal of the European Union (2024): Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024, amending Directives 2005/29/EC and 2011/83/EU with regard to empowering consumers for the green transition through better protection against unfair practices and through better information; Internet: <https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX:32024L0825>; last accessed on: October 30, 2025.

¹¹ Meisterernst, Sosnitza (2023), in: 'Der Richtlinienentwurf zu Green Claims (GCD) – Ein neues Regime für umweltbezogene Werbeaussagen', WPR – Wettbewerb in Recht und Praxis (The Draft Guidelines on Green Claims (GCD) – A New Framework for Environmental Advertising Claims, WPR – Competition in Law and Practice), 7/2023; p. 771, no. 13.

¹² Also for clarification: European Commission September 2026), in: Q&A – Directive on empowering consumers for the Green Transition, pages 17 et seq. 'The ECGT Directive shall apply from 27 September 2026. From that date, traders will need to ensure that their environmental claims and sustainability labels in a business-to-consumer context comply with the new provisions, including for existing products or 'old stock' situations, i.e. products or packaging already manufactured, ordered, distributed or placed on retailers' shelves before the application date.'; Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf; last accessed on 23.10.2026.

At a European level, Directive (EU) 2024/825 generally does not provide for any transition periods or stock exhaustion clause. However, businesses should be aware that individual Member States have established transitional provisions or specific enforcement requirements as part of their national implementation. Against this backdrop, it is advisable to carefully review not only the European regulations but also the respective national implementing laws.

Additional guidance is provided by the Common Understanding on how to handle 'old stock' situations, published by the Consumer Protection Cooperation (CPC) Network. The European consumer protection authorities make it clear here that, while there is no general transition period, a proportionate and practical approach should be taken when enforcing the new requirements. According to the CPC Network, businesses should take verifiable and immediate steps to adapt to the new requirements. In the case of existing inventory or packaging that has already been produced, the relevant authorities may take specific transitional challenges into account and adopt a risk-based approach. In particular, packaging and production cycles, existing inventory levels, supply chains, and the technical feasibility of necessary adjustments all play a role. Businesses are expected to update online claims, promotional materials, and future packaging designs in a timely manner and to document their compliance measures. At the same time, the CPC Network points out that disproportionate measures – such as the destruction or recall of existing inventory solely on the basis of the new green claims requirements – should generally be avoided. Although the 'Common Understanding' does not constitute a legally binding interpretation, it does provide businesses with important guidance on how to handle existing stock in practice and prepare for the implementation of the new regulations.¹³

3. Environmental claim

The new legal concept of 'environmental claim' and its comprehensive definition, which is set out in Article 1(1)(b)(o) of Directive (EU) 2024/825, is at the heart of Directive (EU) 2024/825:

'o)'Environmental claim' means any message or representation which is not mandatory under Union or national law, in any form, including text, pictorial, graphic or symbolic representation, such as labels, brand names, company names or product names, in the context of a commercial communication, and which states or implies that a product, product category, brand or trader has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time;

¹³ Consumer Protection Cooperation (CPC) Network (2026): Common understanding on old stock situations under Directive (EU) 2024/825 on Empowering Consumers for the Green Transition; Internet: https://commission.europa.eu/document/264d8c70-2f9a-4955-8e7b-154d55a9b684_en; Consumer Protection Cooperation (CPC) Network (2026): Common understanding on old stock situations under Directive (EU) 2024/825 on Empowering Consumers for the Green Transition; Internet: https://commission.europa.eu/document/264d8c70-2f9a-4955-8e7b-154d55a9b684_en; accessed on: 12.09.2026.

This can be illustrated graphically as follows:

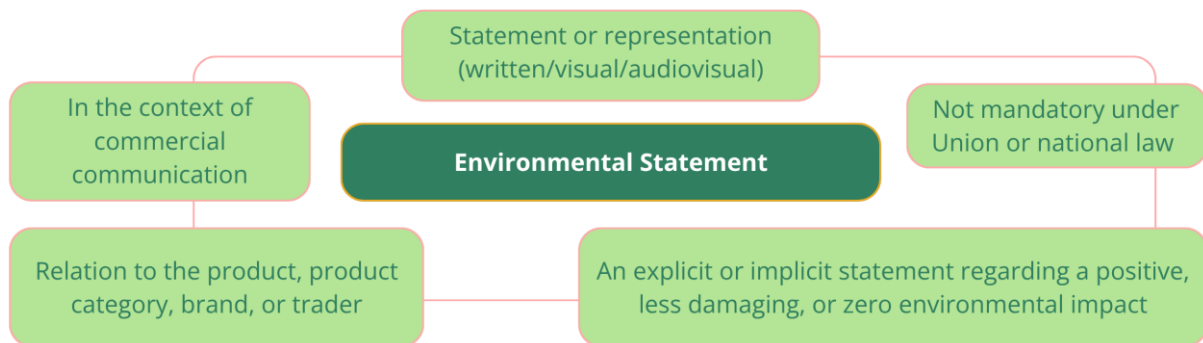


Figure 1: Definition of the term ‘environmental claim’ pursuant to Directive (EU) 2024/825

European lawmakers thus define ‘environmental claim’ as an umbrella term that encompasses any voluntary form of advertising communication that may refer to a product (or an entire product category), a brand, or a trader. An environmental claim can include both direct statements in written form or in audiovisual media, as well as implicit communication – such as symbols and imagery – that convey that the product, brand, or trader has a positive or non-existent impact on the environment.¹⁴

The scope of the directive thus covers not only a wide range of statements on labels, in communications on websites, on social media, or in television and radio advertisements, but also a variety of communication media, whether brand names, labels, text, or images.

3.1. Distinguishing Between ‘Environmental Claim’ and ‘Generic Environmental Claim’

Because the definition of the term ‘environmental claim’ is very broad, Directive (EU) 2024/825 further clarifies this term by referring to other legal concepts. One of these terms is ‘generic environmental claim’, which is defined in Article 1(1)(b)(p) of Directive (EU) 2024/825:

(p) ‘generic environmental claim’ means any environmental claim made in written or oral form, including through audiovisual media, that is not included on a sustainability label and where the specification of the claim is not provided in clear and prominent terms on the same medium;

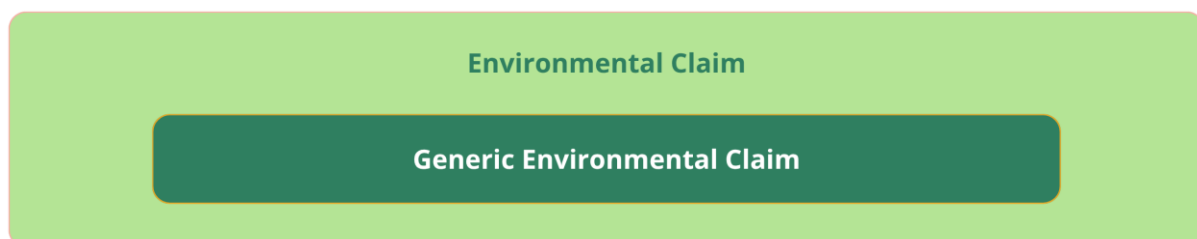


Figure 2: Relationship between the terms environmental claim and generic environmental claim

To clarify what types of claims fall under the definition of ‘generic environmental claims’, Recital (9) lists several examples, including ‘environmentally friendly’, ‘eco-friendly’, ‘green’, ‘nature’s friend’, ‘ecological’, ‘environmentally correct’, ‘climate-friendly’, ‘gentle on the environment’, ‘carbon friendly’, ‘energy-efficient’, ‘biodegradable’, ‘bio-based’, or similar terms. However, this

¹⁴ Evans, in: ‘The Green Claims Directive – The Future Legal Framework for Advertising with Environmental Claims’, ZLR 2/2024, p.7

list in Recital (9) of Directive (EU) 2024/825 is not exhaustive, and the European legislator emphasises that advertising claims that are similar in content but cannot be verified may also fall under the definition of generic environmental claims.¹⁵ In addition, a written or spoken statement, combined with implicit cues such as certain colours or images, could also be interpreted as a generic environmental claim.¹⁶

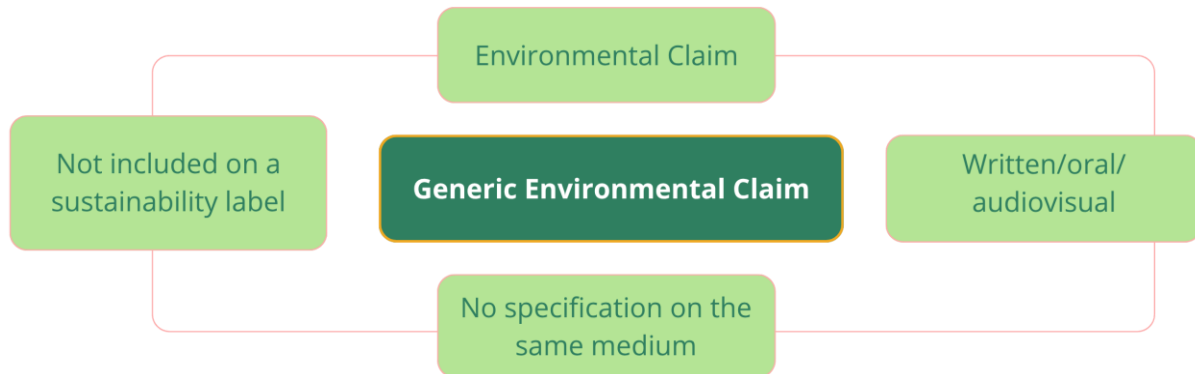


Figure 3: Definition of the term 'generic environmental claim' pursuant to Directive (EU) 2024/825

The distinction between the broad concept of an 'environmental claim' and a 'generic environmental claim' is that the latter consists of very catchy, slogan-like statements that promote environmental performance. These claims must be perceptible visually, audiovisually, or aurally and must not be included in a sustainability label. Recital (9) further clarifies that an environmental claim is not considered a 'generic environmental claim' if it is clearly and prominently specified on the same medium.¹⁷

This could, for example, be an explanatory statement in the same TV or radio commercial, on the product packaging, or in the online store. In this case, it is no longer a generic environmental claim, but rather a specific environmental claim that gains a clearer meaning through additional information.

3.2. When will I be allowed to make (generic) environmental claims?

The following applies to environmental claims: They may be used if they are clearly and prominently specified and explained on the same medium – that is, within the same commercial, on the product packaging, or on the website, etc. This raises two questions: 'When is an environmental claim 'specified in a prominent manner'? And 'How can the specification be provided in practice on the same medium'?

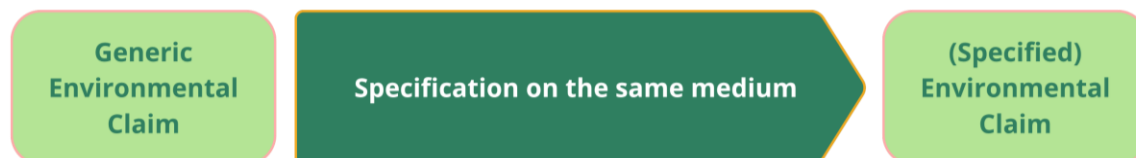


Figure 4: Distinguishing the terms environmental claim and generic environmental claim

¹⁵ Meisterernst, Sosnitza (2023), in: 'Der Richtlinienentwurf zu Green Claims (GCD) – Ein neues Regime für umweltbezogene Werbeaussagen', WPR – Wettbewerb in Recht und Praxis (The Draft Guidelines on Green Claims (GCD) – A New Framework for Environmental Advertising Claims, WPR – Competition in Law and Practice), 7/2023; p. 774, no. 18.

¹⁶ For clarification, see European Commission (September 2026), in: Q&A - Directive on empowering consumers for the Green Transition, page 6. „By definition, generic environmental claims are 'made in written or oral form'. Therefore, implicit claims (colours or images) on their own, without written or spoken text, cannot be considered generic environmental claims. However, claims made in written form or orally combined with implicit claims could constitute a generic environmental claim.” Q&A - Directive on empowering consumers for the Green Transition, Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf; last accessed on 23.10.2026.

¹⁷ Evans, in: 'The Green Claims Directive – The Future Legal Framework for Advertising with Environmental Claims', ZLR 2/2024, p.9

The legal act does not specify in detail when an environmental claim is sufficiently specific; this will have to be determined on a case-by-case basis in practice. However, Recital (9) of Directive (EU) 2024/825 provides guidance on how to proceed with the specification; it states:

‘For example, the claim ‘climate-friendly packaging’ would be a generic claim, whilst claiming that ‘100 % of energy used to produce this packaging comes from renewable sources’ would be a specific claim, which would not fall under this prohibition, without prejudice to other provisions of Directive 2005/29/EC remaining applicable to those specific claims.’

The example makes clear which part of the product the environmental claim refers to (the packaging). It also explains how the advertised environmental benefit is achieved (the packaging is manufactured using renewable energy) and quantifies the environmental performance (100% renewable energy is used).

The environmental claim should therefore clearly indicate which environmental aspect it refers to and which stage of the product life cycle is affected. In addition, it should explain in concrete terms how the claimed effect is to be achieved, and, ideally, it should also be quantified. Another requirement, of course, is that the environmental claim be factually accurate and (in case of doubt) verifiable.

Furthermore, to comply with the requirements of Directive (EU) 2024/825, the claim must actually be specified on the same medium. For example, it is not enough to simply write on the product packaging, ‘Our product protects the environment – learn more at the following link / QR code.’¹⁸

To protect consumers from greenwashing, four new prohibited practices – specifically, unfair and misleading commercial practices that are always considered unfair and misleading have been added to the Annex I to the UCP Directive. This annex contains the ‘blacklist’ of unfair commercial practices. According to point 4(a) of the Annex to Directive (EU) 2024/825 as inserted by point (2), these new unfair commercial practices include

‘Making a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim.’

Therefore, generic environmental claims may only be used in advertising if the trader can demonstrate that the requirements for ‘recognised excellent environmental performance’ have been met.¹⁹

This naturally raises the question of what constitutes ‘recognised excellent environmental performance’. This is defined in Article 1(1)(b)(s) of Directive (EU) 2024/825 as:

‘environmental performance compliant with Regulation (EC) No 66/2010 [...] [or] with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in the Member States, or top environmental performance in accordance with other applicable Union law.’

¹⁸ Kupfer C, Pres S (2025): Der GreenGlow Tee- und wie man ihn zukünftig (nicht) bewirbt; In: WPR – Wettbewerb in Recht und Praxis (The GreenGlow Tea – and How (Not) to Promote It in the Future; In: WPR – Competition in Law and Practice), 4/2025; p. 433-438, no. 13.

¹⁹ Meisterernst, Sosnitza (2023), in: ‚Der Richtlinienentwurf zu Green Claims (GCD) – Ein neues Regime für umweltbezogene Werbeaussagen‘, WPR – Wettbewerb in Recht und Praxis (The Draft Guidelines on Green Claims (GCD) – A New Framework for Environmental Advertising Claims, WPR – Competition in Law and Practice), 7/2023; p.775, no. 28 et seq.

According to the definition, there are therefore three ways to demonstrate 'recognised excellent environmental performance'.^{20 21}



Figure 5: Ways to demonstrate recognised excellent environmental performance

The first category covers environmental claims in accordance with the EU Ecolabel Regulation (EC) No 66/2010. Products, services, or distributors²² that have been awarded the EU Ecolabel may therefore continue to advertise using generic environmental claims based on that certification. In addition, 'recognised excellent environmental performance' may be demonstrated through national or regional environmental labelling systems in accordance with EN ISO 14024 Type I that are officially recognised in the Member States. (e.g. the Blue Angel in Germany, the Nordic Swan in Scandinavia, or the Austrian eco-label²³).

Furthermore, 'recognised excellent environmental performance' is also deemed to exist if 'a top environmental performance under other applicable Union law' can be demonstrated. The legislator has thus created a catch-all category for other EU regulations that certify a particular level of environmental friendliness in a specific area.²⁴ Based on these regulations, traders can then also make generic environmental claims. The European legislator's rationale behind the concept of 'recognised excellent environmental performance' appears to be that, if the European legislator provides a label or ranking for the environmental characteristic in question, promoting a product on that basis should also be permissible using generic claims.²⁵

It should also be noted that European lawmakers have established more detailed rules governing the use of certain types of environmental claims. These include environmental claims regarding climate impact (e.g. 'climate-neutral', 'carbon-positive', 'climate-offset' etc.), which in many cases are justified by future achievements in the form of the transition to carbon or climate neutrality or a similar goal by a specific date,²⁶ as well as very general sustainability

²⁰ Image in Figure 5 of the Eco Label: European Commission, in: 'EU Ecolabel – Guidelines for Using the Logo,' April 2025, p. 6, online: https://eu-ecolabel.de/fileadmin/user_upload/Documents/Sonstige_Dokumente_DE/Eu_Ecolabel-Leitlinien_zur_Verwendung_des_Logos_April_2025_DE.pdf, accessed on 30.11.2025.

²¹ Image in Figure 5 of the Blue Angel: Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety, in: 'Guidelines for Awarding the 'Blue Angel' Environmental Label', May 2019, p. 5, online: https://www.blauer-engel.de/sites/default/files/2025-04/Vergabegrundsa%CC%88tze_Blauer_Engel_Stand-2019-02.pdf, accessed on 30.11.2025.

²² EU Eco-Label: <https://www.ecolabel.be/de/unternehmen/wer-kann-das-eu-ecolabel-beantragen>

²³ Federal Environment Agency on eco-labels, website: <https://www.umweltbundesamt.de/themen/chemikalien/wasch-reinigungsmittel/umweltzeichen#branchenspezifische-umweltzeichen>, accessed on 30.11.2025.

²⁴ For example, energy-related products that achieve Class A as defined in Regulation (EU) 2017/1369; see Recital (10) of Directive (EU) 2024/825

²⁵ Tax, in: 'Climate-Neutral' Products under Fair Trading Law, GRUR 2022, 1408, 1415

²⁶ To ensure that such future (climate-related) environmental claims are credible and reliable, Article 1(2)(b) and (d) of Directive (EU) 2024/825 [§ 5(3)(4) UWG] regulate that such environmental claims must be supported, depending on the individual case, by clear, objective, publicly accessible, and verifiable commitments and targets set out by the trader,

claims that refer not only to environmental characteristics but also to, for example, social characteristics (e.g. 'sustainable' or 'aware'). These types of statements are discussed in more detail in Chapter 5, 'Special Cases of Environmental Claims.'

3.3. Interaction with the EU Organic Regulation

The goal of organic production is to ensure an environmentally friendly, resource-efficient, and animal-welfare-compliant form of food production and processing (see Articles 4 and 5 of Regulation (EU) 2018/848, hereinafter the EU Organic Regulation). The positive environmental impacts – such as those related to environmental and resource protection, the preservation of soil fertility, water conservation, biodiversity, climate adaptation, and resource efficiency – have been demonstrated by numerous scientific studies.^{27 28} Organic food production is also legally enshrined in the EU Organic Regulation. This law governs not only primary production of plant and animal products, but also the processing and import of agricultural products. Compliance with the requirements is verified annually by accredited organic certification bodies throughout the entire value chain.

Producers of organic food must therefore comply with at least these production requirements so that a product may be labelled with the term 'organic' and other terms derived from them, in accordance with Article 30(1) of the EU Organic Regulation in conjunction with Annex IV. In addition, these products may be labelled with the EU organic logo. For prepackaged products, the use of the EU organic production logo is even mandatory under Article 32(1)(b) and Article 33, in conjunction with Annex V of the EU Organic Regulation.²⁹

The EU Organic Regulation expressly permits the labelling of products with terms such as 'organic', provided they have been produced in accordance with the requirements set out therein. However, this label always conveys information about the environmental performance of the product in question. This is precisely where a conflict arises with Directive (EU) 2024/825, as it prohibits the use of generic environmental claims – including terms such as 'organic' and their equivalents in the Member States³⁰ – unless they are supported by recognised excellent environmental performance.

3.4. What claims can be made about 'organic'?

These direct interactions between Directive (EU) 2024/825 and the EU Organic Regulation – a specialised piece of EU legislation – make the question of what specific practical implications the new regulations will have for the labelling and promotion of organic products all the more relevant. To be able to anticipate, in a subsequent step, which claims regarding organic products are still permitted under Directive (EU) 2024/825, we must first examine how the conflicts between the EU Organic Regulation and Directive (EU) 2024/825 can be resolved.

contained in a detailed and realistic implementation plan that complies with Union law. This implementation plan must also be reviewed on a regular basis by an independent external expert, whose findings are made available to consumers; see also Recital (4) of Directive (EU) 2024/825 [Government Explanatory Memorandum to the Draft Bill, Part B, regarding Article 1(3)(2)(b)(cc) of the new Section 2 of the Unfair Competition Act (UWG)]

²⁷ Sanders, J., and Heß, J. (2019): Leistungen des ökologischen Landbaus für Umwelt und Gesellschaft (The Benefits of Organic Farming for the Environment and Society). 2nd revised and expanded edition. Braunschweig: Johann Heinrich von Thünen Institute, p. 398, Thünen Rep. 65, DOI:10.3220/REP1576488624000

²⁸ Hülshbergen et al. (2023): Umwelt- und Klimawirkungen des ökologischen Landbaus (Environmental and Climate Impacts of Organic Farming)

²⁹ European Commission: When should the organic logo be used? Website: https://agriculture.ec.europa.eu/farming/organic-farming/organic-logo_de#wann-ist-das-bio-logo-zu-verwenden, accessed on 30.11.2025.

³⁰ Language versions of the Member States in accordance with Annex IV of the EU Organic Regulation 2018/848: BG: биологичен. ES: ecológico, biológico, orgánico. CS: ekologické, biologické. DA: økologisk. DE: ökologisch, biologisch. ET: mahe, ökoloogiline. EL: βιολογικό. EN: organic. FR: biologique. GA: orgánach. HR: ekološki. IT: biologico. LV: bioloģisks, ekoloģisks. LT: ekologiškas. LU: biologesch, ökologesch. HU: ökológiai. MT: organiku. NL: biologisch. PL: ekologiczne. PT: biológico. RO: ecologic. SK: ekologické, biologické. SL: ekološki. FI: lu-onnonmukainen. SV: ekologisk

Article 30 of the EU Organic Regulation expressly permits the use of the EU organic logo and the term 'organic' for products from organic farming and processing when advertising them. However, if a trader decides to label their goods as organic, they must comply with the requirements of Article 32(1)(b) and 33, in conjunction with Annex V of the EU Organic Regulation, which require the use of the EU organic logo for prepackaged products. Since the definition of an environmental claim in Article 1(1)(b)(o) of Directive (EU) 2024/825 applies only to voluntary environmental claims, the concept of an environmental claim no longer applies if a business operator decides to market its products as 'organic' and the EU organic logo is mandatory for a product under the EU Organic Regulation.^{31 32}

Directive (EU) 2024/825 does not explicitly mention the EU Organic Regulation as a legal act that certifies recognised, excellent environmental performance. However, the EU Organic Regulation is a regulation under EU law that certifies that food production is particularly environmentally friendly. It could thus qualify as a highest level of environmental performance under other applicable Union law, on the basis of which generic environmental claims may also be made. In addition, Regulation (EC) No 66/2010 on the EU Ecolabel – which is classified as a recognised ecolabelling scheme for excellent environmental performance and does not itself define any criteria for food products – directly refers to the EU Organic Regulation with regard to food.

Therefore, it can be inferred from Article 1(1)(b)(s) of Directive (EU) 2024/825 as well as Recital (10) of Directive (EU) 2024/825 that organic foods produced in accordance with the EU Organic Regulation and labelled in accordance with the requirements of that Regulation could be considered products with recognised, excellent environmental performance.

Several Member State legislators – namely Germany, Austria, and France – have addressed this issue in the course of transposing Directive (EU) 2024/825 into national law and further clarified the relationship between Directive (EU) 2024/825 and the EU Organic Regulation in interpretive guidance on the respective national implementing provisions. Excerpts from the relevant clarifications provided by the respective legislators are reproduced below:

³¹ Scharl L et al. (2024): Kurzdarstellung des Rechtsgutachtens zum „Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates über die Begründung ausdrücklicher Umweltaussagen und die diesbezügliche Kommunikation“ (Richtlinie über Umweltaussagen)“ und zum „Vorschlag für eine Richtlinie des Europäischen Parlaments und des Rates zur Änderung der Richtlinien 2005/29/EG und 2011/83/EU hinsichtlich der Stärkung der Verbraucher für den ökologischen Wandel durch besseren Schutz gegen unlautere Praktiken und bessere Informationen (Summary of the legal opinion on the 'Proposal for a Directive of the European Parliament and of the Council on the substantiation and communication of explicit environmental claims' (Directive on Environmental Claims) and on the 'Proposal for a Directive of the European Parliament and of the Council amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and better information') Internet: <https://www.aoel.org/wp-content/uploads/2024/01/Kurzdarstellung-Rechtsgutachten-zum-Entwurf-der-Green-Claims-Directive.pdf>, accessed on 30.11.2025.

³² The European Commission confirmed this and provided a detailed clarification (September 2026), in: Questions & Answers – Directive on empowering consumers for the Green Transition, Questions & Answers - Directive on empowering consumers for the Green Transition, page 16. *'In cases where sector-specific EU legislation exists—such as Regulation (EU) 2018/848 on organic food production — those sectoral rules take precedence over the UCPD in case of a conflict within the meaning of Article 3(4) of the UCPD. If there is such a conflict, the UCPD does not apply to the specific aspect of the commercial practice that is sectorally regulated.[...] The EU Organic Food Label may not be classified as an EN ISO 14024 Type 1 ecolabel, however, this does not affect its validity for organic food labelling purposes, as it is regulated under Regulation (EU) 2018/848. This means that, in accordance with Article 30 of Regulation 2018/848 in conjunction with Article 3(4) of the UCPD, the terms referring to organic food production (as listed in Annex IV to that Regulation) and their derivatives and diminutives, such as 'bio' and 'eco', can be used throughout the European Union to demonstrate compliance with the EU organic farming rules, even though they could be considered as 'generic environmental claims' under the UCPD, as amended by the ECGT Directive.'* Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf; last accessed on 23.10.2026.

Germany:

Explanatory Memorandum to the Government Bill Regarding the New Section 2 of the Unfair Competition Act (UWG):³³

German text:

„In Betracht [als Umwelthöchstleistung nach sonstigem geltenden Unionsrecht] kommen aber auch weitere europäische Rechtsakte wie die Verordnung (EU) 2018/848 über die ökologische/biologische Produktion und die Kennzeichnung von ökologischen/biologischen Erzeugnissen sowie solche nationale, regionale und privaten Standards, die die Verordnung vollständig einhalten, auf dieser gründen und aufbauen oder diese gar qualitativ übertreffen. Beispielsweise ist davon auszugehen, dass die in der Verordnung (EU) 2018/848 enthaltenen spezifischen Vorgaben an eine nachhaltige Bodenbewirtschaftung und Düngung als hinreichende Begründung für eine anerkannte hervorragende Umweltleistung anzusehen sind, sodass die Verwendung einer allgemeinen Umweltaussage wie „bodenschonend“ zulässig ist, auch wenn der Begriff in der Verordnung nicht ausdrücklich verwendet wird.“

English translation:

“However, other European legal acts, such as Regulation (EU) 2018/848 on organic production and the labelling of organic products, may also be considered the highest level of environmental performance in accordance with other applicable Union law. The same applies to national, regional and private standards that fully comply with , are based on and build upon, or even surpass the Regulation in terms of quality[. For example, it can be assumed that the specific requirements for sustainable soil management and fertilisation laid out in Regulation (EU) 2018/848 regarding sustainable soil management and fertilisation are to be regarded as sufficient grounds for recognised outstanding environmental performance. Accordingly, the use of a generic environmental claim such as ‘soil-friendly’ is permissible, even if the term is not expressly used in the Regulation.”

Austria:

Clarification from the Austrian Federal Ministry of Economy, Energy, and Tourism regarding the implementation of the directive on empowering consumers for the green transition through better protection against unfair practices and improved information under the Unfair Competition Act (UWG).³⁴

German text:

„Betreffend Z 4a des Anhangs wonach für allgemeine Umweltaussagen eine anerkannte hervorragende Umweltleistung erforderlich ist, ist davon auszugehen, dass als Umwelthöchstleistung im Rahmen der anerkannten hervorragenden Umweltleistung – neben der beispielhaft genannten Verordnung (EU) 2017/1369 zur Festlegung eines Rahmens für die Energieverbrauchskennzeichnung – auch weitere europäische Rechtsakte wie die Verordnung (EU) 2018/848 (EU-Öko-Verordnung) sowie solche nationale, regionale und privaten Standards, die die Verordnung vollständig einhalten, auf dieser gründen und aufbauen oder diese gar qualitativ übertreffen, in Betracht kommen.“

³³ Federal Government Bill on the Draft Third Act Amending the Unfair Competition Act, 3 September 2025, page 29, Internet: https://www.bmjv.de/SharedDocs/Downloads/DE/Gesetzgebung/RegE/RegE_UWG_Aend3.pdf?__blob=publicationFile&v=5, accessed on 23.10.2026.

³⁴ Clarification from the Austrian Federal Ministry of Economy, Energy, and Tourism regarding the implementation of the directive aimed at empowering consumers for the ecological transition through better protection against unfair practices and improved information under the Unfair Competition Act (UWG); Website: <https://www.bmwet.gv.at/Themen/Europa/Wettbewerbspolitik/EU-Verbraucherschutz-und-Lauterkeitsrecht.html>; accessed on: 14.09.2026

English translation:

“With regard to point Z 4a of the Annex, which stipulates that recognised excellent environmental performance is required for general environmental claims, it is to be assumed that, within the context of recognised excellent environmental performance – in addition to Regulation (EU) 2017/1369 establishing a framework for energy labelling – other European legal acts such as Regulation (EU) 2018/848 (the EU-Organic-Regulation). The same applies to national, regional and private standards that fully comply with, are based on and build upon, or even surpass the Regulation in terms of quality

France:

Webinar on the implementation of Directive (EU) 2024/825 to improve protection against unfair practices related to greenwashing, organised by the Directorate General for Competition, Consumer Protection, and Anti-Fraud of the French Ministry of Economy and Finance:³⁵

French text:

„L’usage des allégations environnementales génériques

[...] 3/ ou aux meilleures performances environnementales en vertu d’autres dispositions applicables du droit de l’Union

Ex : classe la plus élevée de l’étiquette d’efficacité énergétique → « économe en énergie » ou « énergie efficace » ok / idem étiquetage pneumatiques ou voitures Produits biologiques conformes au règlement (UE) 2018/848“

„L’usage des allégations environnementales génériques

[...] 3/ ou aux meilleures performances environnementales en vertu d’autres dispositions applicables du droit de l’Union

Ex : classe la plus élevée de l’étiquette d’efficacité énergétique → « économe en énergie » ou « énergie efficace » ok / idem étiquetage pneumatiques ou voitures Produits biologiques conformes au règlement (UE) 2018/848“

English translation:

“The use of generic environmental claims

[...] 3/ or claims relating to top environmental performance in accordance with other applicable Union law

E.g.: highest class on the energy efficiency label → ‘energy-efficient’ or ‘energy-saving’ is acceptable / the same applies to tyre or car labelling Organic products complying with Regulation (EU) 2018/848“

“The use of generic environmental claims

[...] 3/ or claims relating to top environmental performance in accordance with other applicable Union law

³⁵ Ministries of Economy and Finance; Directorate General for Competition, Consumer Affairs, and Fraud Prevention, LEGAL WEBINAR: Tout savoir sur la directive (UE) 2024/825 visant à améliorer la protection contre les pratiques déloyales en matière de greenwashing (Everything You Need to Know About Directive (EU) 2024/825 Aimed at Improving Protection Against Unfair Greenwashing Practices); 12.06.2026; Internet: https://www.economie.gouv.fr/files/files/directions_services/dgccrf/media-document/webinaire-dgccrf-greenwashing-tout-savoir-sur-les-nouvelles-regles-20260612.pdf?v=1782476894; accessed on: 14.09.2026

E.g.: highest class on the energy efficiency label → ‘energy-efficient’ or ‘energy-saving’ is acceptable / the same applies to tyre or car labelling Organic products complying with Regulation (EU) 2018/848“

Lawmakers in Germany, Austria, and France are thus making it clear that they wish to regard the EU Organic Regulation as sufficient justification for ‘recognised excellent environmental performance’. Accordingly, generic environmental claims would be permitted in Germany, Austria, and France that refer independently to the specific requirements of this regulation. For food businesses, this means the following: Organic foods that have been produced in compliance with all organic production regulations and are labelled in accordance with the requirements of the EU Organic Regulation could be advertised with claims such as ‘Good for biodiversity,’ ‘protects water bodies,’ or ‘conserves soil.’ The statements used must be appropriate for the type of product.³⁶ However, this is contingent upon these generic environmental claims being clear and unambiguous to consumers and referring only to the part of the product that actually delivers the corresponding environmental performance as defined by the Organic Regulation.

In this context, however, it is important that the generic environmental claim clearly and explicitly refers to the organic certification. The recognised excellent environmental performance (= organic) should encompass the entire message.³⁷ European and national lawmakers do not specify exactly how this reference should be formulated. However, it must be clear and unambiguous to the average consumer who is being addressed by the general environmental message that the claim is based on the product’s organic certification. For this reason, the communication should explicitly indicate the basis for the claim (such as ‘because it is organic’).

It should be noted, however, that these clarifications apply only to the respective Member State and cannot be automatically extended to the entire European Union.

The German and Austrian legislative bodies go even a step further in their interpretive guidelines. They also extend the aforementioned assessment to national, regional, and private organic standards, provided that these standards fully comply with, build upon, or surpass the standards of the EU Organic Regulation in terms of quality. For Germany and Austria, this means that the exception described above can, in principle, also apply to what are termed Organic+ standards. However, this clarification, too, applies exclusively within the respective Member State and has no EU-wide effect.



3.5. Valid examples

In the following, we will first present the example case discussed in the guide in greater detail.

GoodExample Foods Ltd is a third-generation family-owned business that specialises in the production of organic fruit yogurt. Now, GoodExample Foods Ltd wants to launch a new product: a chocolate chip stracciatella yogurt, which will be called ‘Zebra Yogurt.’

Not only is the business certified organic, but as part of its corporate sustainability strategy, it also pursues socially and environmentally responsible practices through various initiatives in many other areas.



Figure 6: Company logo of the fictional GoodExample Foods Ltd

³⁶ See the examples provided in Recital (10) of Directive (EU) 2024/825.

³⁷ Recital (10) of Directive (EU) 2024/825

A lively exchange with the internal marketing department within the business begins. The new rules set out in Directive (EU) 2024/825 raise many questions. What environmental claims are still permissible? What quality marks and labels can still be applied? **Follow the employees of the GoodExample Foods Ltd as they use this communication guide to restructure their environmental communications in accordance with the rules of Directive (EU) 2024/825:**

The new product, 'Zebra Yogurt' from the food business GoodExample Foods Ltd, complies with all the requirements of the EU Organic Regulation and is marketed with the EU organic logo and the term 'organic'. At the same time, GoodExample Foods Ltd has compiled a body of scientific evidence demonstrating the various benefits of organic production methods. Based on this, the marketing department proposes various taglines to the business:

Example 1

'Soil-friendly* [Explanation on the same medium:] 'Our Zebra yogurt is soil-friendly because organic farming has a positive effect on soil quality.'

'Eco-Zebra Yogurt: Promoting Water Conservation Through Organic Farming. Low-nitrate production leads to clean groundwater.'

These claims, which are made in the same medium, constitute (specified) environmental claims within the meaning of Article 1(1)(b)(o) of Directive (EU) 2024/825. Currently, there are no binding requirements for this claim under the Green Claims Directives, so it is essential that GoodExample Foods Ltd can substantiate these statements with appropriate, well-founded evidence. Since that is the case here, the claims are admissible.

Example 2

The marketing department at GoodExample Foods Ltd has developed the following text for the yogurt's online advertising campaign:

'Our yogurt is better for biodiversity because it's organic.'³⁸

In addition, the yogurt pot should be designed as shown in Figure 7.^{39 40}

These claims are generic environmental claims pursuant to Article 1(1)(b)(p) of Directive (EU) 2024/825. In Germany, Austria, and France, there is a corresponding national clarification stating that the EU Organic Regulation could be regarded as a legal act that may constitute recognised excellent environmental performance. Based on this, these generic environmental claims could be made in Germany, Austria, and France. In this context, it is important to always ensure that the generic environmental claim explicitly and clearly refers to the product's organic quality.⁴¹



Figure 7: Example of food packaging featuring an environmental advertising message about ecological production methods

³⁸ Sanders, J., and Heß, J. (2019): Leistungen des ökologischen Landbaus für Umwelt und Gesellschaft (The Benefits of Organic Farming for the Environment and Society). 2nd revised and expanded edition. Braunschweig: Johann Heinrich von Thünen Institute, p. 278 et seq., Thünen Rep 65, DOI:10.3220/REP1576488624000

³⁹ Image in Figure 7 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, No. 1.1.

⁴⁰ Sanders, J., and Heß, J. (2019): Leistungen des ökologischen Landbaus für Umwelt und Gesellschaft (The Benefits of Organic Farming for the Environment and Society). 2nd revised and expanded edition. Braunschweig: Johann Heinrich von Thünen Institute, p. 278 et seq., Thünen Rep 65, DOI:10.3220/REP1576488624000

⁴¹ Federal Government Bill on the Draft Third Act Amending the Unfair Competition Act, 3 September 2025, page 29, Internet: https://www.bmjv.de/SharedDocs/Downloads/DE/Gesetzgebung/RegE/RegE_UWG_Aend3.pdf?__blob=publicationFile&v=5, accessed on 23.10.2026.

4. Sustainability Labels

4.1. What is a sustainability label?

EU lawmakers have conceived a sustainability label as a specific form and subcategory of the environmental claim, as is evident from the definitions of the terms 'environmental claim' and 'generic environmental claim.' The sustainability label and the generic environmental claim are mutually exclusive categories as legal concepts ('generic environmental claim' [is] an environmental claim made in writing or orally, [...] that is not included on a sustainability label [...]).

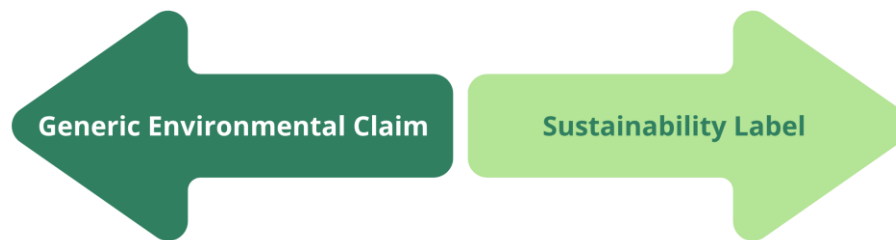


Figure 8: Relationship between the terms generic environmental claim and sustainability Label

The sustainability label itself is defined in Article 1(1)(b)(q) of Directive (EU) 2024/825 as a:

'voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business by reference to its environmental or social characteristics, or both, and excludes any mandatory label required under Union or national law'



Figure 9: Definition of the term "sustainability label" pursuant to Directive (EU) 2024/825

Voluntariness is also one of the key elements required for this type of environmental claim. In addition, 'trust mark,' 'certification mark', or a comparable logo or label are listed as further requirements, without further specifying these terms. Neither Directive (EU) 2024/825, nor the UCP Directive, nor the German Unfair Competition Act (UWG) clarify what is meant by such a 'certification mark' or similar, or how it is to be distinguished from mere graphic representations and logos. It is therefore necessary at this point to refer to the existing interpretation of these terms by the courts and to the understanding of the relevant public.

The German Federal Court of Justice (BGH) has previously ruled on the question of how the relevant consumer group perceives certification marks or quality marks. The ruling on the 'IVD Certification Mark' from 4 July 2019 (Case No. I ZR 161/18) states that such a certification mark indicates that 'a



Figure 10: IVD Certification mark based on the Federal Court of Justice (BGH) ruling of 4.07.2019, Case No. I ZR 161/18

neutral third party with the appropriate expertise has examined the advertised product according to objective and meaningful criteria to ensure it meets minimum requirements.⁴² In this specific case, the certification mark was designed as shown in Figure 10.⁴³

Each case must be assessed individually, with the assessment of the logo in question based on the understanding of an average consumer who is reasonably well-informed, observant, and sensible.⁴⁴



Figure 11: Logo from the Munich Higher Regional Court judgment of 9.12.2021, Case No.: 6 U 1973/21

In addition, when determining whether a specific graphic is recognised as a 'trust mark' or 'certification mark,' not only its appearance but also its size and position on the packaging or within the advertisement are relevant and must be considered during the review. Thus, the company's own logo shown in Figure 11 – which includes the word 'Bio' (German expression for "organic") – was viewed as a mark associated with herbal and medicinal teas, giving the impression that it was an award granted by a third party.⁴⁵ This business-specific symbol was displayed in a way that visually distinguished it from the brand name, the business name, and the product name, thereby creating the impression among the target audience that the graphic was an independent element.⁴⁶ Consequently, it was not the mere inclusion of the word 'Bio' in

this graphic that led to the court-ordered ban on the logo, also on the logo's graphic design and its placement on the product packaging.

Unlike the definitions of the terms 'environmental claim' and 'generic environmental claim' presented in Chapter 3.1, social characteristics of a product, process, or even business activities can also play a role in environmental communication regarding a sustainability label. The legislator explains in more detail in Recital (3) of Directive (EU) 2024/825 which aspects are included under the term 'social characteristics.' These include the following illustrative examples, which may relate to the product's entire value chain:

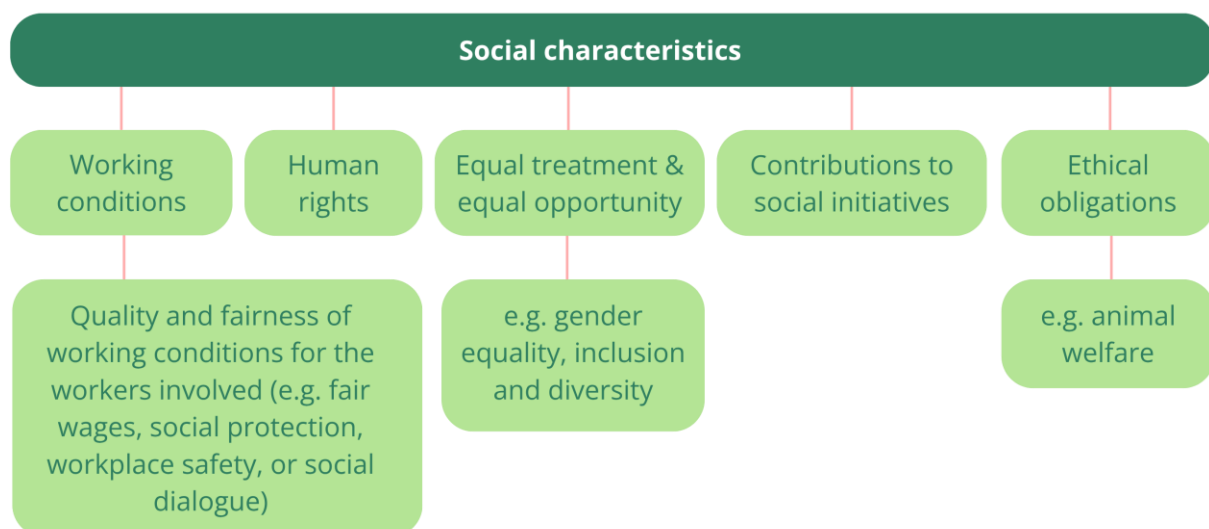


Figure 12: Examples of social characteristics as defined in Recital (3) of Directive (EU) 2024/825

⁴² Federal Court of Justice (BGH) Decision of 4.07.2019, Case No. I ZR 161/18 – IVD Certification mark

⁴³ Federal Court of Justice (BGH) Decision of 4.07.2019, Case No. I ZR 161/18 – IVD Certification mark

⁴⁴ In addition, see also the Higher Regional Court of Rostock, judgment of 15.11.2014, Case No. 2 U 12/14, No. 29

⁴⁵ Munich Higher Regional Court, Judgment of 9.12.2021, Case No.: 6 U 1973/21

⁴⁶ Munich Higher Regional Court, Judgment of 9.12.2021, Case No.: 6 U 1973/21

Animal welfare issues are therefore not classified as an environmental characteristic of a product, but rather as a social product or corporate consideration. Conversely, an advertising claim that refers solely to animal welfare issues – such as a statement that the trader supports projects run by a specific animal welfare organisation – does not constitute an environmental claim within the meaning of Article 1(1)(b)(o) Directive (EU) 2024/825 but may constitute a sustainability label if it is displayed in a form that meets the applicable criteria.

4.2. When may I apply sustainability labels?

Sustainability labels – including certification marks as defined in Article 27 of Directive (EU) 2015/2436⁴⁷ – may, pursuant to Annex (1)(2a) of Directive (EU) 2024/825, be affixed to product packaging or used in advertising only if they are based on a certification scheme or have been established by government agencies. Failure to comply with these provisions constitutes a commercial practice that is always misleading and therefore prohibited under Annex (1)(2a) of Directive (EU) 2024/825.⁴⁸

Such sustainability labels established by government agencies include, for example, certification marks or labels that are awarded when the requirements of Regulations (EC) No 1221/2009⁴⁹ or (EC) No 66/2010⁵⁰ are fulfilled and complied with.⁵¹

In addition, a sustainability label may be applied if it is based on a certification scheme. Article 1(1)(b)(r) of Directive (EU) 2024/825 defines a certification scheme as:

‘a third-party verification scheme that certifies that a product, process or business complies with certain requirements, that allows for the use of a corresponding sustainability label, and the terms of which, including its requirements, are publicly available and meet the following criteria:

- (i) the scheme is open under transparent, fair, and non-discriminatory terms to all traders willing and able to comply with the scheme’s requirements;
- (ii) the scheme’s requirements are developed by the scheme owner in consultation with relevant experts and stakeholders;
- (iii) the scheme sets out procedures for dealing with non-compliance with the scheme’s requirements and provides for the withdrawal or suspension of the use of the sustainability label by the trader in case of non-compliance with the scheme’s requirements; and
- (iv) the monitoring of a trader’s compliance with the scheme’s requirements is subject to an objective procedure and is carried out by a third party whose competence and independence from both the scheme owner and the trader are based on international, Union or national standards and procedures;’

The certification scheme must meet all the criteria set out in Article 1(1)(b)(r) of Directive (EU) 2024/825. Through this strict set of requirements, the European legislator aims to ensure that a product, process, or commercial practice bearing a label or certification mark meets specified and transparent standards, thereby guaranteeing the reliability of the labels and transparency for consumers.⁵² Accordingly, the use of self-certified sustainability labels – which have not

⁴⁷ Recital (7) of Directive (EU) 2024/825

⁴⁸ Meisterernst, Sosnitzer (2023), in: ‚Der Richtlinienentwurf zu Green Claims (GCD) – Ein neues Regime für umweltbezogene Werbeaussagen‘, WPR – Wettbewerb in Recht und Praxis (The Draft Guidelines on Green Claims (GCD) – A New Framework for Environmental Advertising Claims, WPR – Competition in Law and Practice), 7/2023; p. 776, no. 34.

⁴⁹ EMAS Regulation, which governs the voluntary participation of organisations in a Community-wide system for environmental management and audit

⁵⁰ EU Eco-Label Regulation

⁵¹ Recital (7) of Directive (EU) 2024/825

⁵² Scharl and Gärtner, in: Praxishandbuch Bio-Lebensmittel, 7.5 Umweltbezogene Werbung – Green Claims (Practical Handbook on Organic Food, 7.5 Environmental Advertising – Green Claims), p. 11

been verified by an independent third party or are not regularly monitored – should be prohibited.⁵³ Based on its definition in Directive (EU) 2024/825, the certification scheme requires, above all, an existing triangular relationship between the business using the certification mark, the scheme owner, and an independent third party that monitors compliance with the scheme's requirements.⁵⁴ The business advertising with the label – not the scheme owner or a third party – is responsible for compliance with the requirements of Directive (EU) 2024/825.

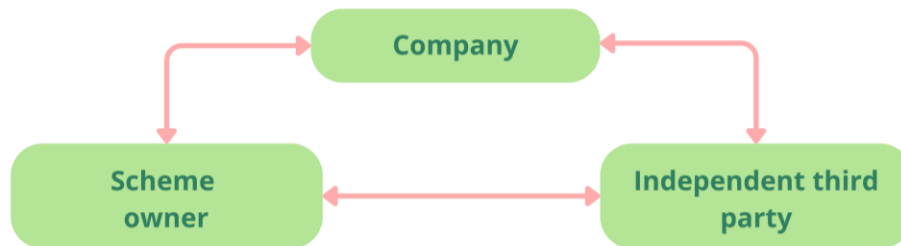


Figure 13: A triangular relationship between the company using the certification mark, the certifying body, and an independent third party that monitors compliance with the system's requirements

However, the independent third party responsible for monitoring compliance with the requirements of the certification scheme in this three-way relationship must ensure its independence and competence based on international, EU-wide, or even national standards and procedures. In Recital (7) of Directive (EU) 2024/825, the European legislator cites two examples of such standards and procedures, compliance with which certifies the independence of the third party: the ISO 17065 standard⁵⁵ or Regulation (EC) No 765/2008⁵⁶.

In addition, the terms and requirements of the certification scheme must be publicly available and accessible, and the system itself must be open to all businesses under transparent, fair, and non-discriminatory conditions. The scheme owner must, in consultation with relevant experts and stakeholders, develop the requirements of the certification scheme and also establish a procedure and penalties for violations of these requirements.

In this context, however, before displaying a sustainability label, the trader should ensure that, according to the publicly available terms of the certification scheme, it meets minimum conditions of transparency and credibility, including the existence of objective monitoring of compliance with the requirements of the scheme.⁵⁷ To this end, businesses should contact their

⁵³ Meisterernst, Sosnitzer (2023), in: 'Der Richtlinienentwurf zu Green Claims (GCD) – Ein neues Regime für umweltbezogene Werbeaussagen', WPR – Wettbewerb in Recht und Praxis (The Draft Guidelines on Green Claims (GCD) – A New Framework for Environmental Advertising Claims, WPR – Competition in Law and Practice), 7/2023; p. 776, no. 34.

⁵⁴ Furthermore, contrary to the wording of Directive (EU) 2024/825, the Commission (September 2026) proposes a more open interpretation in: Questions & Answers - Directive on empowering consumers for the Green Transition, Questions & Answers - Directive on empowering consumers for the Green Transition, on page 12. However, according to the Commission's disclaimer, the Q&A document is not legally binding and merely summarises the preliminary positions of the Commission's services. The Q&A should not be considered the Commission's official position (see page 1 of the Q&A: 'This document provides answers to frequently asked questions by stakeholders related to Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information. Any views expressed in this document are the preliminary views of the European Commission (EC) services and may not under any circumstances be regarded as stating an official position of the EC. Only the Court of Justice of the European Union is competent to authoritatively interpret EU law', Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf; , last accessed on 23.10.2026.

⁵⁵ Current version DIN EN ISO/IEC 17065:2013-01 'Conformity Assessment – Requirements for Bodies Certifying Products, Processes, and Services'

⁵⁶ Regulation (EC) No 765/2008 of the European Parliament and of the Council of July 9, 2008, laying down the rules for accreditation and repealing Regulation (EEC) No 339/93

⁵⁷ Recital (7) of Directive (EU) 2024/825

scheme owner in a timely manner and obtain confirmation of compliance with the requirements of Directive (EU) 2024/825.

4.3 Interaction with the EU Organic Regulation

Articles 32 and 33 of the EU Organic Regulation – a special-purpose law – set out clear and, in certain cases, mandatory requirements regarding the use of the EU organic logo. If traders decide to market a prepackaged product as 'organic', they are required to display the EU organic logo pursuant to Article 32(1)(b) and Article 33, in conjunction with Annex V of the EU Organic Regulation. This requirement contradicts the voluntary nature of a sustainability label. There is therefore a requirement to display the EU organic logo, and this is not considered a sustainability label within the meaning of Directive (EU) 2024/825.

The situation is different for a business's own 'organic' quality labels or organic labels issued by associations, that communicate additional or different characteristics beyond those conveyed by the EU organic logo. Namely, as soon as such labels or certification marks – which are not legally required – are used, they are subject to the provisions of Directive (EU) 2024/825, and, where applicable, the more specific provisions on misleading claims set out in the second sentence of Article 30(2) of the EU Organic Regulation.

As a result, all private scheme owners, in particular, must ensure that they meet the requirements of the certification scheme as defined in Article 1(1)(b)(r) of Directive (EU) 2024/825.⁵⁸ The clarifications provided by the German, Austrian, and French legislators⁵⁹ regarding the relationship between Directive (EU) 2024/825 and the EU Organic Regulation do resolve this issue. They address the use of generic environmental claims – not sustainability labels – based on the requirements and standards of the EU Organic Regulation.

4.4 How can organic sustainability labels be used in advertising?

The display of the EU organic logo on a prepackaged product pursuant to Article 32(1)(b) and Article 33, in conjunction with Annex V of the EU Organic Regulation, remains permissible provided the requirements of this Regulation are met.

However, as soon as a private 'organic' label claims that a product meets stricter requirements than those of the EU Organic Regulation or addresses additional aspects such as fair wages, animal welfare, or the prohibition of child labour,⁶⁰ this 'overachievement' must be measured against the requirements of Directive (EU) 2024/825. The same applies to labels used in advertising to highlight a business's production process or business activities, since the EU Organic Regulation governs only the organic production of products.⁶¹

However, it is important to note that any environmental communication in addition to the sustainability label is considered a separate (generic) environmental claim that must be assessed separately in accordance with the requirements of Directive (EU) 2024/825.

⁵⁸ Scharl (2024): Rechtliche Beurteilung zweier „grüner“ Richtlinienvorschläge – die Änderungsrichtlinie und die Green Claims-Richtlinie und deren Auswirkungen auf die Lebensmittelbranche, insbesondere die Bio-Lebensmittelbranche im Rahmen des BÖL-Forschungsprojektes: „Überprüfung der Ressourceneffizienz von Ökolebensmitteln anhand des Produkt Environmental Footprint (PEF) und Einordnung in eine Nachhaltigkeits-strategie“ (Öko-PEF), (Legal Assessment of Two 'Green' Proposed Directives – the Amending Directive and the Green Claims Directive – and Their Impact on the Food Industry, Particularly the Organic Food Sector, as Part of the BÖL Research Project: 'Assessing the Resource Efficiency of Organic Foods Using the Product Environmental Footprint (PEF) and Integrating the Findings into a Sustainability Strategy' (Eco-PEF)) p. 34.

⁵⁹ Federal Government Bill on the Draft Third Act Amending the Unfair Competition Act, 3 September 2025, page 29, Internet: https://www.bmjv.de/SharedDocs/Downloads/DE/Gesetzgebung/RegE/RegE_UWG_Aend3.pdf?__blob=publicationFile&v=5, accessed on 30.11.2025.

⁶⁰ These would then be social characteristics that could also be communicated through a sustainability label

⁶¹ See also Schmidt/Haccius, in: Sosnitza/Meisterernst, Lebensmittelrecht (Food Law) C. 130, EU Regulation 2018/848, Article 30(13)



4.5 Acceptable Examples

GoodExample Foods Ltd would like to use the new 'Biodiversity+' label in its yogurt advertising and highlight it (see Figure 14 ⁶²). Prior to this, GoodExample Foods Ltd had its compliance with the certification scheme requirements under Directive (EU) 2024/825 (1)(1)(b) and (r) verified. It is also clear from the certification guidelines of Field Animals Project that monitoring of compliance with the scheme's requirements is carried out by the certified business Control Ltd. Control Ltd. is independent of the Field Animals Project.

The 'Biodiversity+' label is a sustainability label that addresses not only the promotion of biodiversity but also animal welfare issues. GoodExample Foods Ltd has obtained confirmation from its certifying body, the scheme owner Field Animals Project., that it complies with the certification scheme requirements. In addition to the three-party arrangement (in which Compliance GmbH monitors compliance with the scheme's requirements), all other provisions of Directive (EU) 2024/825 have been met. Advertising using these sustainability labels is permitted.

The text describing the sustainability label – i.e. the section beginning 'Our yogurt is certified with the ...' – constitutes a green claim that must be evaluated separately. This passage of text constitutes a permissible environmental claim within the meaning of Article 1(1)(b)(o) of Directive (EU) 2024/825, as it is further specified in the same medium. Currently, there are no mandatory requirements for this claim under the Green Claims Directive.



Figure 14: An example of food packaging featuring an environmental sustainability label and accompanying messaging

5. Special Cases of Environmental Claims

The principles outlined here for the environmental communication, based on Directive (EU) 2024/825, apply to all types of environmental advertising. However, since there are recurring special cases involving such communication, these are briefly described below and assessed, based on specific examples, to determine they will be permissible under the new requirements.

5.1. Fair

Fair claims relate to the social characteristics of a product, a process, or a business activity.⁶³ If such statements are communicated as part of a sustainability label within the meaning of Article 1(1)(b)(q) of Directive (EU) 2024/825, the requirements set out in Section 4.2 must be

⁶² Image in Figure 14 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, No. 1.1

⁶³ See Chapter 3.1 for more information.

met. If the advertising communication does not take the form of a label or certification mark, a claim based solely on social characteristics (e.g. 'fair working conditions', 'fair wages', or other such claims) is not a (generic) environmental claim under Directive (EU) 2024/825. The general provisions of the UCP Directive apply to such 'fair claims' (which are not designed as labels or certification marks). Fair advertising claims therefore must not be misleading.

'Fair' characteristics of a product or business, as they relate to the entire value chain, may include the following:

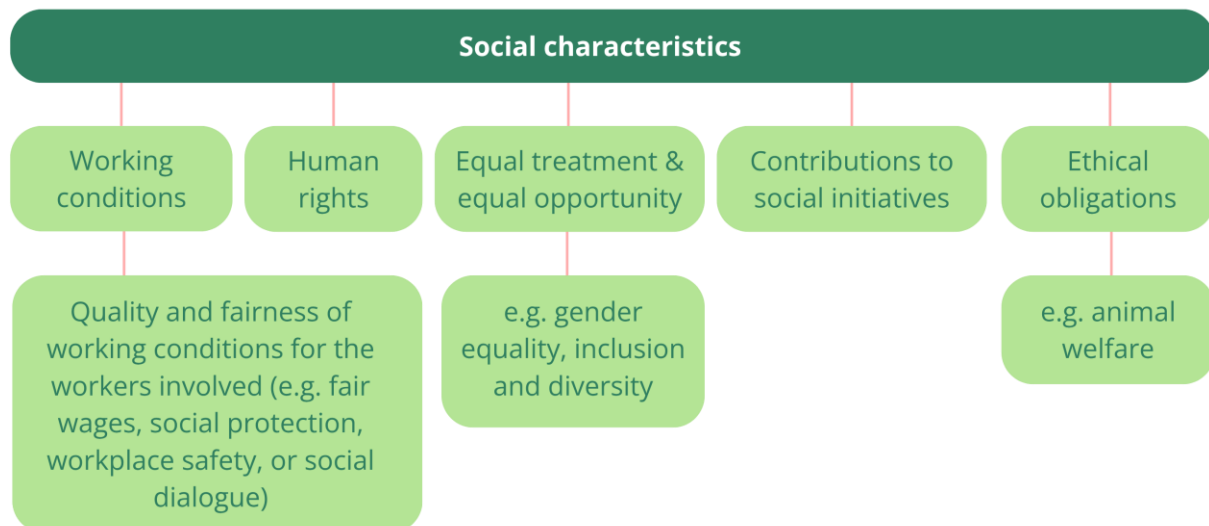


Figure 15: Examples of social characteristics as set out in Recital (3) of Directive (EU) 2024/825

Recital (3) of Directive 2024/825 states the following regarding 'fair' statements:

'Article 6(1) of Directive 2005/29/EC should therefore be amended by adding environmental and social characteristics and circularity aspects to the list of the main characteristics of a product in respect of which a trader's practices can be considered misleading, following a case-by-case assessment.'

Article 6(1) of Directive 2005/29/EC provides that a commercial practice is unfair if it is misleading and is likely to cause consumers or other market participants to take a business decision that they would not have taken had they not been misled. It follows from this definition that statements can only be considered 'fair' if they are factually accurate, and consumer perception is key to determining whether a statement can be classified as misleading or not.



Example 1

GoodExample Foods Ltd no longer wants to market its yogurt simply as 'organic,' but also on the basis that its workers on the cocoa plantations in Nigeria receive above-average wages, three additional days of annual leave compared to the country's statutory minimum, and are offered free reading and writing classes every week to combat widespread illiteracy (see Figure 16).⁶⁴ This statement is not an environmental claim. It is not applied in the form of a label or quality mark and is therefore not considered a sustainability label. The statement must therefore be evaluated solely against the general requirements of the UCP Directive. Since GoodExample Foods Ltd can provide evidence of all these measures, the advertisement is permitted.



Figure 15: An example of food packaging featuring a socially conscious advertising message about working conditions

Example 2

GoodExample Foods Ltd wants to ensure that the chocolate used in its yogurt is produced under improved working conditions for cocoa farmers. It decides to use the 'Hands-Together' label and to source chocolate only from certified businesses (see Fig. 17).⁶⁵ The 'Hands-Together' certification confirms that workers on cocoa plantations in Nigeria receive wages 10% above the average, as well as three additional days of annual leave (compared to the country's statutory minimum).

GoodExample Foods Ltd has obtained confirmation from its scheme owner Hands-Together Ltd., that it complies with the requirements of the certification scheme pursuant to Article 1(1)(b)(r) of Directive (EU) 2024/825. It is also clear from the certification guidelines of Hands-Together Ltd. that compliance with the scheme's requirements is monitored by the certified certifying body Inspection Ltd. Inspection Ltd. is independent of Hands-Together Ltd.



Figure 16: An example of food packaging featuring a social sustainability label and accompanying messaging

⁶⁴ Image in Figure 16 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

⁶⁵ Image in Figure 17 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

The ‘Hands-Together’ label is a recognised sustainability label that focuses exclusively on social issues. GoodExample Foods Ltd had its compliance with the certification scheme requirements confirmed in advance by its scheme owner. In addition to the three-party arrangement (compliance with the system’s requirements is monitored by the independent certifying body Inspection Ltd.), all other requirements of Article 1, (1)(b) and (r) of Directive (EU) 2024/825 are met. Advertising using this sustainability label is permitted.

5.2. Animal Welfare

When considering animal welfare issues, the first step is to distinguish whether the specific statement concerns animal protection issues or animal-related production regulations – which may be governed by the EU Organic Regulation. Claims based solely on animal welfare considerations may be included in your sustainability label, but not a (generic) environmental claim.⁶⁶

The question of whether the labelling in question is required by law or used voluntarily is of particular importance. Legally required labels do not fall under the definition of a sustainability label as defined in Directive (EU) 2024/825, since they are not based on a voluntary commercial initiative. The situation may be different for voluntary labelling or certification schemes that provide information on husbandry conditions, animal welfare standards, or other sustainability aspects.

If a voluntary label highlights the animal welfare or animal protection aspects of a product, it may be classified as a sustainability label within the meaning of the directive. In this case, the requirements for sustainability labels must be met. In particular, it must be verified whether the label meets the requirements for the certification scheme specified in the directive (see Chapter 4.2).



Example

In the past, GoodExample Foods Ltd has worked to improve animal welfare conditions in yogurt production. It has now succeeded in doing so and meets all the requirements for organic production as defined by the EU Organic Regulation. It now wants to highlight these animal-welfare conditions in its advertising, especially since it has also gathered scientific evidence showing that organic farming conditions for dairy cows are better than those in conventional farming (see Figure 18).⁶⁷

These advertising claims refer only to animal welfare issues that do not involve environmental concerns. Since the advertising text is not presented as a label or quality mark and does not communicate environmental claims within the meaning of Directive (EU) 2024/825 (1)(1)(b) or (o), nor do they communicate any social aspects of the product, the requirements



Figure 17: Example of food packaging featuring a socially conscious advertising message about animal welfare based on organic production methods

⁶⁶ See Chapter 3.1 for more on this.

⁶⁷ Image in Figure 18 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

of Directive (EU) 2024/825 do not apply to this advertisement. Since GoodExample Foods Ltd has up-to-date, scientifically sound evidence to support its claims, this advertisement is not misleading.

5.3. Sustainability

Sustainability is a term used in environmental advertising that has become relatively vague due to its overuse. European lawmakers define terms such as 'sustainable,' 'conscious,' or 'responsible' as encompassing other (such as social) considerations, rather than just environmental characteristics, which makes them difficult to grasp. For this reason, businesses should not use claims such as 'sustainable' if the claim is based solely on one recognised excellent environmental performance.⁶⁸ For this reason, the meaning of such terms should, at best, be clarified through additional explanatory notes.



Example

GoodExample Foods Ltd would like to emphasise sustainability claims in its marketing campaign for its new organic 'Zebra Yogurt.' However, after consulting the marketing department, it is clear to everyone involved that the term 'sustainable' alone is not permitted, even if the product meets all the requirements for organic production as defined by the EU Organic Regulation.

The marketing department, in consultation with the production team at GoodExample Foods Ltd – which has documentation to support all claims – is therefore preparing the claim as shown in Figure 19.⁶⁹

This claim is a permissible environmental claim within the meaning of Article 1(1)(b)(o) of Directive (EU) 2024/825, as it is specified on the same medium. In the absence of specific visual requirements for this claim under the Green Claims Directives, this advertising statement is permitted. For information on advertising with the Hands-Together sustainability label, see Example 2 in Chapter 5.1.



Figure 18: An example of food packaging that communicates sustainability based on organic certification and a social sustainability label.

⁶⁸ Recital (10) of Directive (EU) 2024/825

⁶⁹ Image in Figure 19 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

5.4. Climate

In Recital (12), the European legislator also emphasises that it considers it a priority to prohibit product-related environmental claims that are based solely on offsetting of greenhouse gas emissions and thereby mislead consumers. This prohibition is set out in Annex, point 4c of Directive (EU) 2024/825 as inserted by point (2).

The focus is primarily on claims such as 'climate-neutral', 'CO₂ neutral certified', 'carbon-positive', 'climate net zero', 'climate compensated', 'reduced climate impact', 'limited CO₂ footprint' – which in many cases are justified solely by offsetting payments. Such product-related (important: not business-related!) environmental claims are only permitted if they are based on verifiable actual lifecycle impact of the product in question.⁷⁰



Example

Some time ago, GoodExample Foods Ltd rejected the idea of advertising carbon neutrality based solely on offset payments. Instead, since 2020, it has consistently reduced carbon emissions from the production of its yogurts by 40% through various measures. Based on the evidence gathered within the business, the marketing department has developed the following claim (see Figure 20):⁷¹



Figure 19: Example of food packaging featuring a climate-related advertising message

This claim is a permissible, specified environmental claim within the meaning of Article 1(1)(b)(o) Directive (EU) 2024/825 and does not violate the prohibition set out in Annex, point 4c of Directive (EU) 2024/825 as inserted by point 2. In the absence of specific visual requirements for this claim under the Green Claims Directives, this advertising statement is currently permitted.

⁷⁰ Recital (12) of Directive (EU) 2024/825

⁷¹ Image in Figure 20 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

5.5. Green Trademarks

The fact that the new legal concept of 'environmental claim' under Article 1(1)(b)(o) of Directive (EU) 2024/825 also encompasses trademarks is directly evident from the legal definition.⁷²

The term 'green trademarks' refers less to a specific type of trademark and more to a boarder trend in trademark practices: it refers to trademarks that have been filed or registered, or that are widely recognised, and that convey an environmental message. The growing popularity of this type of trademark is also evident from the updated report by the EUIPO (European Union Intellectual Property Office) from February 2023 which found that since 1996, the EUIPO has received over two million trademark applications containing environmentally related terms.⁷³

However, these 'green trademarks' are not subject to a special trademark registration process. When these environmental labels are registered, they are not reviewed to determine whether the environmental claims they contain are true and verifiable. Registration will be denied only if these trademarks are purely descriptive, since descriptive terms must be freely available to all competitors.⁷⁴

Regardless of whether an environmental claim is registered as a trademark; it must meet the relevant requirements. If the environmentally related trademark is visually designed as a certification mark, the requirements for advertising with a sustainability label must be met. If the label conveys a generic environmental claim, the guidelines outlined in Chapter 3.2 apply.

5.6. Packaging and Recycling

Packaging and recycling claims – that is, statements about specific packaging characteristics that are particularly relevant to the environment, or about the recyclability of packaging or the product – are regularly highlighted in marketing campaigns alongside the promotion of specific

⁷² For clarification, see European Commission (September 2026), in: Q&A - Directive on empowering consumers for the Green Transition, page 7. 'This assessment must be made on a case-by-case basis, considering the overall commercial context, including visual elements, product packaging, marketing, and whether the presentation is likely to lead the average consumer to believe the product or brand has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time. This also means that the use of terms such as 'green' or 'blue' in a brand name, company name or product name, or the use of such colours, does not automatically constitute an environmental claim under the ECGT Directive, where, in the relevant commercial context, those terms or colours are unlikely to lead the average consumer to expect that the brand, product or company offers an environmental benefit. However, if terms such as 'green', 'blue', 'eco', 'natural' or 'climate neutral' are used in a brand name or product name in a way that is likely to create an environmental association for the average consumer, even without any other explicit advertising on the environmental benefits of the brand or product, then such use may constitute an environmental claim under the ECGT Directive. In that case, the trader would need to specify the environmental claim in clear and prominent terms on the same medium. If no such specification is provided, the claim is considered a generic environmental claim and must comply with the corresponding requirements, and the trader must demonstrate the recognised excellent environmental performance relevant to the claim made. According to Article 4(3)(a) and Recital 40 of the Directive (EU) 2015/2436 to approximate the laws of the Member States relating to trade marks (Recast), provisions relating to unfair competition or consumer protection are applicable to trade marks. [...] However, as clarified in the recitals of the ECGT Directive, trade marks that are 'certification marks' (as defined in Article 27 of the Trade Mark Directive (EU) 2015/2436) can function as sustainability labels if they promote a product, process or business with reference to its environmental or social characteristics or both. In such cases, traders may display these certification marks only if the marks are established by public authorities or are based on a certification scheme.' Q&A - Directive on empowering consumers for the Green Transition, Internet: https://commission.europa.eu/document/download/3c257883-bb2a-4dd9-a6dc-501d587bb34f_en?filename=faq-empowering-consumers-gtd.pdf; last accessed on 23.10.2026.

⁷³ EUIPO, 'Green EU Trademarks – 2022 Update', 2023: https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/reports/2023_Green_EUTM_report_update_2022/2023_Green_EUTM_report_2022_update_FullR_en.pdf; Scharl and Gärtner, in: Praxishandbuch Bio-Lebensmittel, 7.5 Umweltbezogene Werbung – Green Claims (Practical Handbook on Organic Food, 7.5 Environmental Advertising – Green Claims), p. 23

⁷⁴ Kendziur/Heuser, in: Green Trademarks vs. Green Claims Directive – Droht „Klimamarken“ die Löschung? ('Green Trademarks vs. Green Claims Directive – Are "Climate Trademarks" at Risk of Cancellation?'), GRUR-Prax 2024, 523, no. 9, 10; Scharl and Gärtner, in: Praxishandbuch Bio-Lebensmittel, 7.5 Umweltbezogene Werbung – Green Claims (Practical Handbook on Organic Food, 7.5 Environmental Advertising – Green Claims), p. 23

product features. In its recitals, the European legislator even cited 'climate-friendly packaging' as an example of a generic environmental claim. By contrast, it cites the statement '100% of the energy used to manufacture this packaging comes from renewable sources' as an environmental claim within the meaning of Article 1(1)(b)(o) of Directive (EU) 2024/825, which, in the Commission's view, constitutes a sufficient level of specificity.⁷⁵

For packaging and recycling claims, it is particularly important to identify precisely the part of the product or packaging to which the claimed characteristic demonstrably applies.⁷⁶ If, for example, a product is advertised as 'made with recycled material' to give the impression that the entire product is made of recycled material, even though in fact only the packaging is made of recycled material, this constitutes a consistently misleading commercial practice under Annex point 4b of Directive (EU) 2024/825 as inserted by point (2).

In addition, Regulation (EU) 2025/40 on packaging and packaging waste (the 'Packaging and Packaging Waste Regulation,' or 'PPWR') – which entered into force on 11 February 2025 – sets out in Article 14 supplementary requirements for communication regarding environmental claims as a more specific and prevailing provision (*lex specialis*). It reads as follows:

'Environmental claims as defined in Article 2, point (o), of Directive 2005/29/EC⁷⁷ concerning packaging properties for which legal requirements are set out in this Regulation may be made in relation to packaging placed on the market if they fulfil the following requirements:

- (a) the claims are made only in relation to packaging properties exceeding the applicable minimum requirements set out in this Regulation, in accordance with the criteria, methodologies and calculation rules set out therein; and
- (b) the claims specify whether they relate to the packaging unit, part of the packaging unit or all packaging placed on the market by the economic operator.

Compliance with the requirements set out in this Article shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII to this Regulation.'

⁷⁵ Recital (10) of Directive (EU) 2024/825

⁷⁶ Directive (EU) 2024/825 Annex, point 4b as inserted by point (2)

⁷⁷ This refers to the definition of 'environmental claim' in Directive (EU) 2024/825.



Example

GoodExample Foods Ltd would like to use a new type of packaging containing 95% recycled material for its new product, 'Zebra Yogurt', to set itself apart from the competition, since Regulation (EU) 2025/40 currently does not require such a high recycled content.⁷⁸ The marketing department at GoodExample Foods Ltd, in collaboration with the packaging team, has developed the following slogan for its marketing campaign in 2026 (See Figure 21):⁷⁹

This claim is a specific environmental claim pursuant to Article 1(1)(b)(o) of Directive (EU) 2024/825, which also complies with the specific legal requirements of Article 14 of Regulation (EU) 2025/40. This advertising claim is currently permitted.



Figure 20: Example of food packaging featuring a packaging-related advertising message

⁷⁸ See Article 7(1) and (2) of Regulation (EU) 2025/40

⁷⁹ Image in Figure 21 showing the EU organic logo in accordance with Regulation (EU) 2018/848, Annex V, point 1.1

Fact Sheet: Directive (EU) 2024/825

General Information

Directive (EU) 2024/825

- Amends the Consumer Rights Directive 2011/83/EU and Directive 2005/29/EC on Unfair Commercial Practices (UCP Directive)
- The directive is implemented in the EU Member States through national law.

Scope:

- Establishes explicit rules for voluntary, promotional communication regarding the environment and sustainability
- Primarily governs B2C communication

Entry into force: 26 March 2024

Transposition into national law: 27 March 2026

Application: 27 September 2026

Regulatory Content

New legal definitions in the field of environmental communication, e.g. "environmental claim," "generic environmental claim," "sustainability label," etc.

New regulations on misleading advertising

The blacklist of unfair commercial practices is expanded (Unfair Commercial Practices (UCP) Directive, Annex 1):

- Sustainability labels that are not established by the government or independently certified
- Making a generic environmental claim when there is no recognised excellent environmental performance
- Pars pro toto claims
- Claim regarding the offsetting of greenhouse gas emissions, stating that a product is climate-neutral, low-emission, or environmentally positive

Legal Definitions

Environmental Claim

- Claim or presentation (written/visual/audiovisual)
- In the context of commercial communication
- Not legally required
- Relation to the product, product category, brand, or business
- An explicit or implied claim regarding a positive, less harmful, or non-existent environmental impact
- The details of the environmental claim must be clearly and prominently specified on the same medium.

Generic Environmental Claim

- Subcategory of the environmental claim
- Written/oral/audiovisual environmental claim
- For example 'environmentally friendly', 'green', 'ecological', 'climate-friendly', etc.
- Not included on a sustainability label
- No clarification of the statement in the same medium

Sustainability Label

- Trust marks, certification marks, or similar
- Is applied voluntarily, with the exception of mandatory labelling (national law/EU law)
- Awarded publicly or privately
- Objective: To highlight a product, process, or business activity in terms of its environmental or social characteristics

Conditions for Application

Generic environmental claims may be used if there is a recognised excellent environmental performance to which the claim refers.

Sustainability labels may be used if they are based on a certification scheme or have been established by government agencies.

Tip: Obtain written confirmation of compliance with Directive (EU) 2024/825 from the scheme owner.

What does 'specification on the same medium' mean?

Generic
Environmental Claim

Specification on the same medium

(Specified)
Environmental Claim

e.g., 'climate-friendly packaging'

- in bullet points
- nonspecific
- no indication of how the environmental performance is achieved

e. g. '100% of the energy used to manufacture this packaging comes from renewable sources'

- Clarification of the product/life cycle is provided
- It explains how the environmental performance is achieved
- Environmental performance is quantified

Regardless of whether it is packaging, a social media post, a commercial, etc., the specification must appear on the same medium. A link or QR code is not sufficient.

What am I still allowed to say about 'organic' under Directive (EU) 2024/825?

If a company complies with the rules of the Organic Regulation, then

- The labelling rules of the EU Organic Regulation (lex specialis) apply
- Generic environmental claims may be made regarding the verifiable environmental benefits of organic production methods

For further details, see Chapters 3.4 and 3.5.

Check Your Claims: How should my claim be classified under Directive (EU) 2024/825?

