About OPTA Europe

OPTA Europe is the voice of leading organic processing and trade companies in Europe



Leading companies and associations

A large share of total EU import & export and processing of organic products

opta europe

Guidance for food companies on the implementation of Directive (EU) 2024/825

EMPOWERING CONSUMERS FOR THE GREEN TRANSITION





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Meisterernst Rechtsanwälte

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AöL

Meisterernst Rechtsanwälte

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Organic Processing and Trade Association

Law & science from a single source

Meisterernst
Rechtsanwälte

- A medium-sized law firm based in Munich
- Areas of expertise: food, animal feed, life sciences, pharmaceuticals, consumer goods
- In addition: Comprehensive expertise in competition and trademark law, environmental and planning law, and ESG matters.
- > 20 lawyers

www.meisterernst.com

HALL OF FAME
Legal500
DEUTSCHLAND
2026

TOP TIER FIRM
Legal500
DEUTSCHLAND
2026

RDA Scientific Consultants GmbH
Foods · Cosmetics · Consumer Goods

- 8 scientists, including 3 publicly appointed and sworn experts in food chemistry
- Areas: Scientific and regulatory consulting, approval procedures, toxicological assessment (crisis), marketability and labelling, safety assessments (food, cosmetics, chemicals, biocides, packaging, consumer goods), scientific validation of statements

www.rda-science.com



Who is the Association of Organic Food Producers?

The AöL brings together more than **130 organic food manufacturers** from Germany, Austria, Switzerland and the Netherlands.

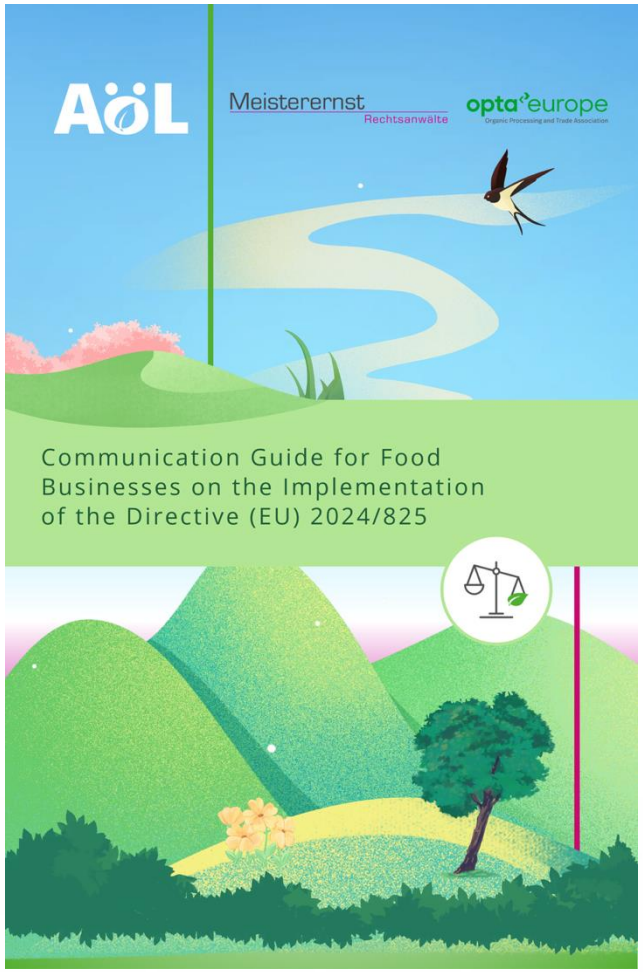
Our work centers on **political representation** and on **exchange** among our members, especially in our working groups, where practical solutions for organic processing are developed.

The **Communication Guide for Food Businesses on the Implementation of the Directive (EU) 2024/825** is a direct result of this work.



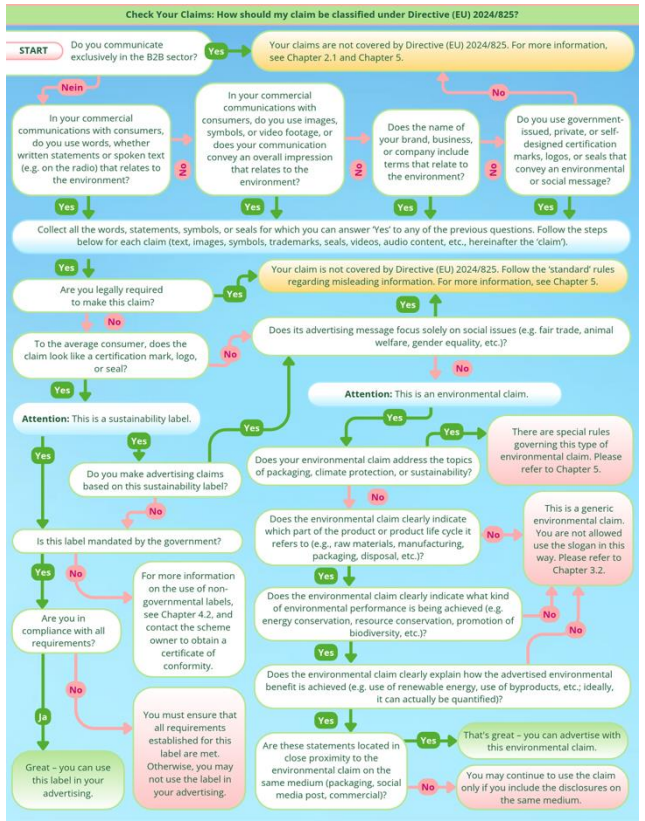


Our Guidance



GoodExample Foods Ltd

GoodExample Foods Ltd
ORGANIC ZEBRA YOGURT
GENTLE ON THE SOIL BECAUSE IT'S ORGANIC



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Agenda

1. **Classification of the new EmpCo Directive**

2. **Requirements under EmpCo Directive**
   - New prohibited practices and rules on misleading advertising
   - New legal concepts and definitions
   - **Impact on organic products and opportunities arising**

3. **Consequences and sanctions, practical implications, to-dos for companies**

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1. Classification of the new EmpCo Directive

Start of application

➔ **Effective as of September 27, 2026**



No transition or sell-off periods
provided for in the EmpCo Directive.



However: **for food packaging**,
Art. 3(3) sentence 2 of Regulation 1169/2011 (LMIV) could apply.



Take this into account now
when designing packaging and promotional materials.

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Overview: National implementing measures by Member State



22
Member States
have notified measures

Country	Measures	Status
Austria	2	Notified
Belgium	1	Notified
Bulgaria	1	Notified
Croatia	1	Notified
Cyprus	1	Notified
Czechia	4	Notified
Denmark	1	Notified
Estonia	2	Notified
Finland	3	Notified
France	3	Notified
Germany	2	Notified
Greece	4	Notified
Hungary	1	Notified
Ireland	3	Notified

5
Member States
have not notified measures

Country	Measures	Status
Italy	1	Notified
Latvia	5	Notified
Lithuania	1	Notified
Luxembourg	1	Notified
Malta	–	Not notified
Netherlands	1	Notified
Poland	1	Notified
Portugal	–	Not notified
Romania	1	Notified
Slovakia	1	Notified
Slovenia	–	Not notified
Spain	–	Not notified
Sweden	–	Not notified

Measures notified (22 Member States)
No measures notified (5 Member States)
Non-EU country

EU guidance on interpretation

EU Commission Q&A Document (4 updates so far)



Ref. Ares(2026)8917120 - 21/09/2026

European Commission

Questions & Answers

Brussels, September 2026

Disclaimer:

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.

General note

The new Directive on Empowering Consumers for the Green Transition (Directive (EU) 2024/825, ECGT Directive) amends two existing consumer directives: the Unfair Commercial Practices Directive (Directive 2005/29/EC, UCPD) and the Consumer Rights Directive (Directive 2011/83/EU, CRD).



Common understanding on old stock situations under Directive (EU) 2024/825 on Empowering Consumers for the Green Transition

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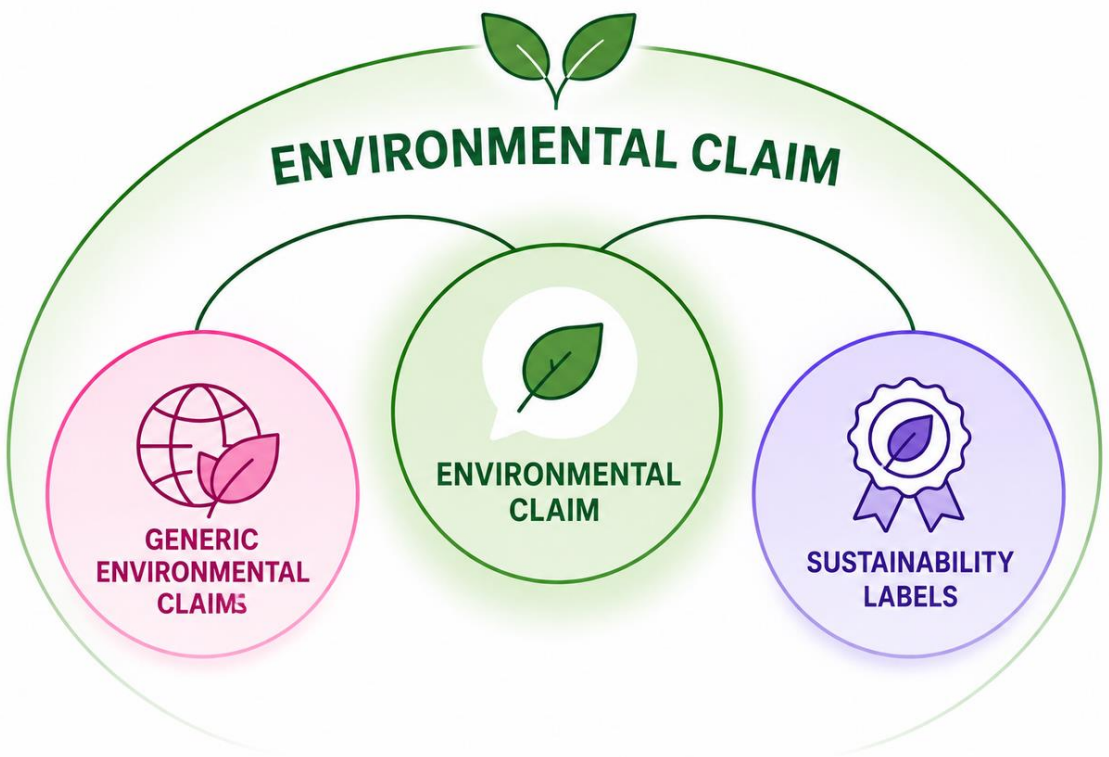
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2. Requirements under EmpCo Directive

Different kinds of Environmental Claims



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Amendments to Annex of the UCPD – „Black List“

Annex I, paragraphs 1–3 of the EmpCo set out new business practices that are **always considered unfair**:

1

Sustainability label
not based on a certification scheme



(No. 2a)

2

Generic environmental claim
without recognised excellent environmental performance



(No. 4a)

3

Overly broad environmental claims



(No. 4b)

4

Product-specific CO_2 claims
based on offsetting (compensation)



(No. 4c)

5

Advertising self-evident features



(No. 10a)

Different kinds of Environmental Claims

"Environmental claim" means any message or representation ...

- **not mandatory** under Union or national law
- **in any form**
- in the context of a **commercial communication**
- **positive or zero impact, less damaging or improved over time**



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Broad concept of environmental claims – case-by-case assessment







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Different kinds of Environmental Claims

GENERIC ENVIRONMENTAL CLAIMS

"Generic environmental claim" means any environmental claim ...

- in **written or oral form**
- including through **audiovisual media**
- **not included** on a sustainability label
- specification of the claim is **not provided in clear and prominent terms** on the same medium



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Specification Requirement



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Specification Requirement



Generic environmental claim



- Keyword-based
- Non-specific
- Does not indicate how the environmental performance is achieved

(Specific) environmental claim

100 % of energy used to produce this packaging **comes from renewable sources**

- Specific to a particular part of the product or life cycle
- Explains how the environmental performance is achieved
- Quantifies the environmental performance

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What is meant by substantiating generic environmental claims within the same medium?



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Amendments to Annex of the UCPD – „Black List“

Recognised excellent environmental performance
pursuant to Art. 1(1)(b)(s) of the EmpCo

Regulation (EC) No. 66/2010 EU Ecolabel	**National or regional schemes** EN ISO 14024 Type I	**Top environmental performance** in accordance with other applicable Union law

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Key Questions for the Organic Sector

1. What is the **legal relationship** between the Empowering Consumers Directive and the EU **Organic** Regulation?

2. Does the EU Organic Regulation qualify as **recognised excellent environmental performance** under other applicable Union law?

➔ The EU Organic Regulation governs the use of the term “organic”. These terms could also be classified as generic environmental claims within the meaning of the Empowering Consumers Directive.

➔ Based on the EU Organic Regulation, could generic environmental claims about the environmental system performance of organic farming be made, such as “soil-friendly”, “pollinator-friendly”, or “water-protective”?

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Regarding Question 1: The EU Organic Regulation as lex specialis

European Commission Questions & Answers on EmpCo dated September 2026, Question No. 14, p. 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 […].*

*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** […] 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."*

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Regarding Question 2: National Interpretation - Organic as a top environmental performance

Recognised excellent environmental performance
pursuant to Art. 1(1)(b)(s) of the EmpCo

Regulation (EC) No. 66/2010	National or regional schemes	Top environmental performance
EU Ecolabel	BLAUER ENGEL – DAS UMWELTZEICHEN	?
EU Ecolabel	EN ISO 14024 Type I	in accordance with other applicable Union law

- **DE, AT** and **FR** recognise the EU Organic Regulation as proof of "**recognised excellent environmental performance**".
- **Generic environmental claims** based on compliance with the EU Organic Regulation are therefore **permissible**.
- This interpretation has been **confirmed by national authorities** through non-binding guidance, including:
  - **Germany:** Explanatory Memorandum to the UWG
  - **Austria:** Clarification by the Federal Ministry of Economy, Energy and Tourism
  - **France:** Ministry webinar and guidance documents on the implementation of Directive (EU) 2024/825

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Regarding Question 2: National Interpretation - Organic as top environmental performance

DE, AT & FR



Every other member state

‘Soil-friendly* [Explanation on the same medium:]
‘*Our Zebra yogurt is soil-friendly because organic farming has a positive effect on soil quality. Organic farming practices do not only avoid the use of synthetic fertilizers and pesticides, but also actively contribute to the improvement and preservation of soil quality. Through crop rotation, the application of organic fertilizers and the promotion of biodiversity, organic farming strengthens soil structure and fertility.
’

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Regarding Question 2: National Interpretation - Organic as top environmental performance

DE, AT & FR



To provide legal certainty for organic operators and recognise the scientifically proven environmental benefits of organic farming:

- All Member States should confirm this interpretation; or
- The European Commission should provide official guidance clarifying this approach.

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Different kinds of Environmental Claims

Voluntary
trust mark, quality mark or equivalent

Aims to **set apart and promote**
a product, a process or a business

By reference to **environmental or social characteristics**, or both

Excludes any mandatory label required under Union or national law

SUSTAINABILITY LABELS

Ethical Trade Certified

COFFEE FAIR eco

Biodiversity+

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Difference between generic environmental claims and sustainability labels



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Certification system behind a sustainability label

General: A **third party verification** system that enablers the use of a sustainability label certifying that a product, process, or business activity meets specific requirements



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Certification system behind a sustainability label



Sustainability labels without a certification system



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Additions to the Misleading Practices unter the UCPD

1

Environmental and social features and circularity aspects are an explicit part of the essential characteristics of the product.



2

Advertising with irrelevant advantages can be misleading.



3

Making an environmental claim about future environmental performance must meet additional requirements.



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3. Consequences, practical implications, to-dos for companies

Consequences and Sanctions

Fines

Up to **€50,000**

For companies with annual turnover > €1.25 million: **Up to 4% of annual turnover**

Injunctions under the UWG

- Cease and desist from the unlawful conduct
- Claim for removal
- Reimbursement of costs

German/Austrian specificity
Frequent cease-and-desist letters from competitors or consumer associations

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TO DO'S

- **Review all environmental claims** used in your communication
- **Avoid vague, broad and general** environmental statements, as they are often not substantiated
- **Use specific claims** that can be substantiated
- **Ensure transparent and authentic** communication
- **Communicate clearly and target-group oriented**
- **Consider the specific context** of each individual case
- **For organic products:** generic environmental claims are possible in 3 Member States

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Thank you very much for your attention!

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