

Green Advertising

Green Claims & Green Brands

Environmental protection and sustainability in your corporate communications and advertising



What's the issue?

Providing information about the sustainability of products and companies is an important part of **ESG activities** and **marketing** for any company. In addition to 'green claims', this also includes creating '**green brands**', which are playing an increasingly important role in companies' brand strategies.

However, 'greenwashing' and 'climate neutrality' are also under scrutiny of environmental and consumer associations and have already led to numerous court decisions – mostly at the expense of the advertising companies. Meanwhile, the Federal Court of Justice (BGH) has also tightened the requirements for "climate-neutral" advertising in its Katjes ruling. We analyze and evaluate the case law and guide you safely through this "case law jungle" to demonstrate the possibilities for permissible advertising with sustainability and environmental claims or related logos and seals.

What can you expect?

EU Green Deal – Significantly stricter rules for environmental and sustainability advertising

As part of the European Green Deal, the EU is introducing uniform and significantly stricter requirements for environmental and sustainability claims. The aim is to protect consumers more effectively against misleading "green" advertising and to consistently prevent greenwashing.

With the **Empowering Consumers for the Green Transition Directive (EmpCo Directive, Directive (EU) 2024/825)**, these regulations have already been adopted. In Germany, they will be implemented in particular through **amendments to the Unfair Competition Act (UWG) and will be binding from September 27, 2026**. The directive further tightens the already strict case law on environmental advertising. Key elements include **new prohibitions in the annex to Section 3 (3) UWG ("black list") and expanded grounds for misleading advertising**. In addition, the Green Claims Directive is still in the legislative process and, if it comes into force, will establish further significant obligations. The new regulations affect **all companies** that advertise with environmental, climate, or sustainability aspects, regardless of whether the statements relate to products, companies, or brands.

EmpCo Directive (implementation in the UWG)

- National application from September 27, 2026
- **General environmental claims** (e.g., "environmentally friendly," "climate neutral," "sustainable") are generally **prohibited** unless they are explained in a concrete and verifiable manner.
- **Sustainability and environmental labels** are only permitted if they are based on **government-recognized or transparent, independent certification systems**; purely proprietary labels are prohibited.
- **Advertising claims with compensation measures**, according to which a product has a neutral, reduced, or positive impact on the environment in terms of greenhouse gas emissions, are prohibited.
- **Future-oriented environmental promises** are only permitted if there is **a concrete, realistic, and verifiable implementation plan** and regular progress documentation.

Green Claims Directive (planned)

- again unclear whether and in what form it will come
- concerns specific environmental claims and environmental labels
- requires a certificate of conformity for green claims issued by a competent authority
- strict requirements for the use of environmental labels/quality seals
- penalties for infringement

Conclusion:

With the implementation of the EmpCo Directive in the UWG, environmental advertising will **not only be more strictly regulated from 2026 onwards, but in some cases completely prohibited**. Companies must review and adapt their advertising claims, labels, and sustainability communications at an early stage.

The planned Green Claims Directive could further intensify this development.

What we offer you:

We help you to communicate in a legally secure manner in the market and to avoid damage to your reputation!

Our advisory portfolio

We advise you on the design of environmental and sustainability advertising.

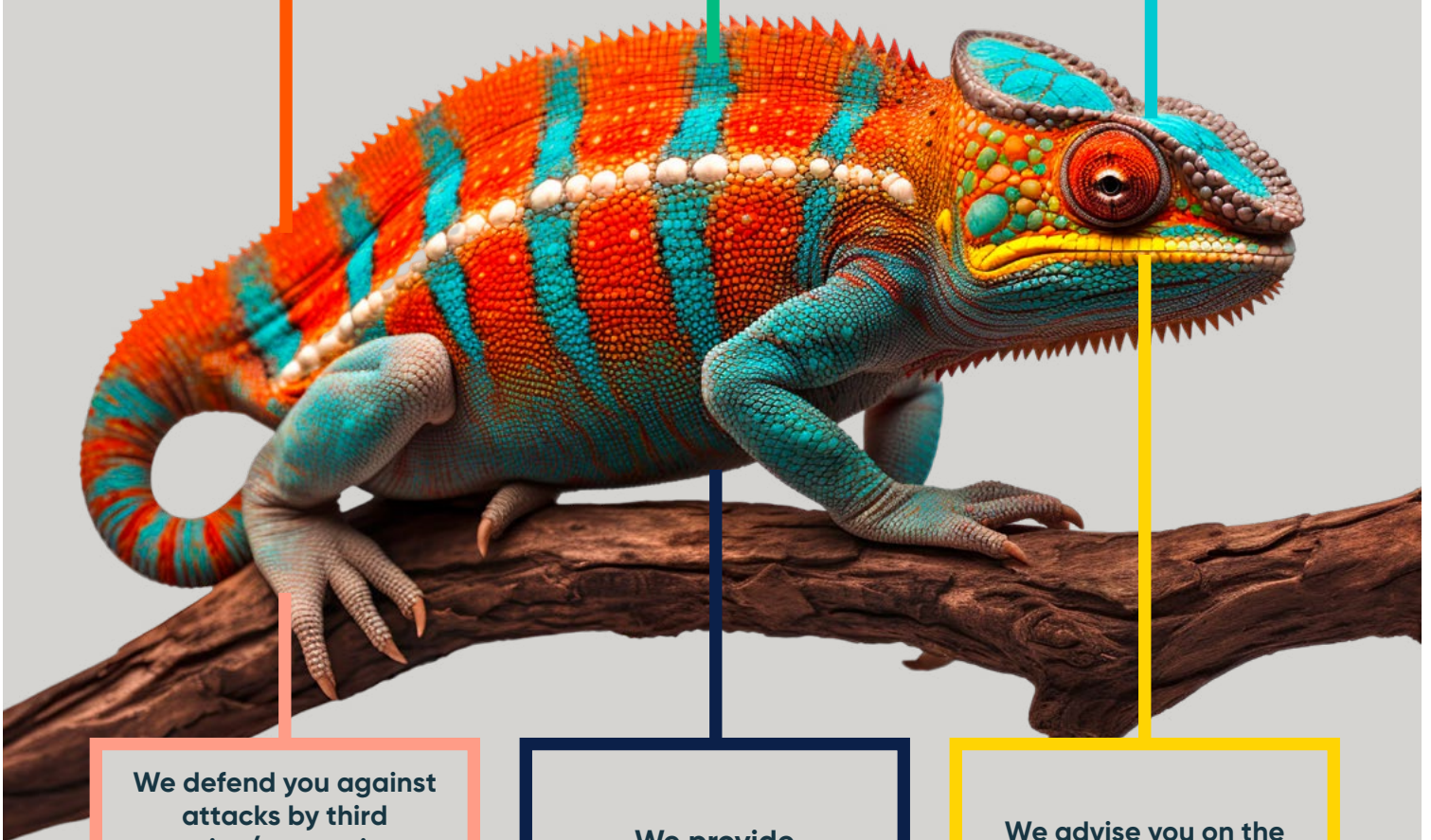
We analyse individual 'green claims' for their legal admissibility.

We conduct 'green claims' & 'green brands' audits and quick checks.

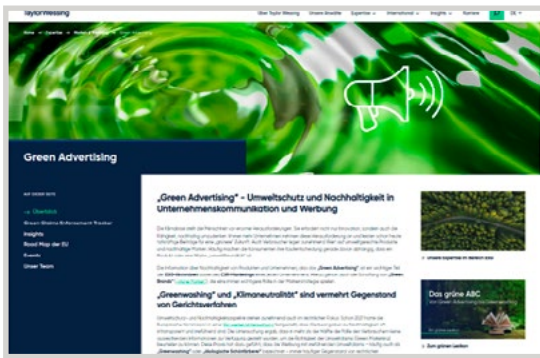
We defend you against attacks by third parties (competitors or consumer/ environmental organisations), including across borders.

We provide Europe-wide campaign advice.

We advise you on the protection, use and enforcement of 'green brands'.

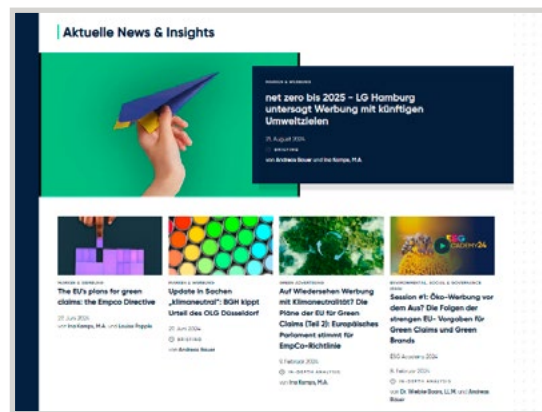
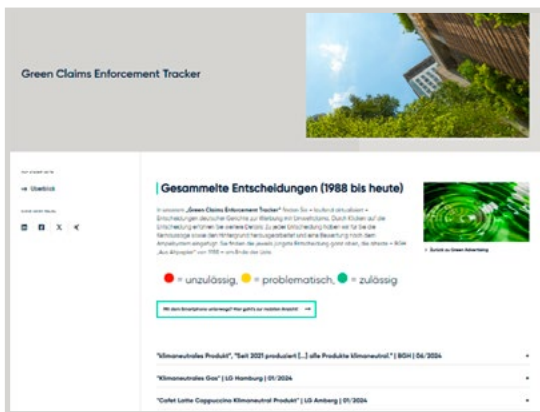


Our Green Advertising Info-Hub: www.green-advertising.com



Highlights:

- Green Claims Enforcement Tracker: Summary and evaluation of relevant decisions by German courts on 'green claims' since 1988
- EU legislative road map
- Insights on current topics and decisions



Our Green Advertising Experts



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