

Checklist for Advertising with Environmental Claims

Are my brands and advertising affected by EmpCo Directive prohibitions?

In future, the provisions of the "Directive on Empowering Consumers for the Ecological Transition" ([EmpCo Directive](#)) must be observed and violations can be prosecuted.

Check the legality of your advertising using the following questions:

- | | | |
|---|-----|----|
| ▶ Does your company use a sustainability label that is not based on a certification system of an independent third party? | Yes | No |
| ▶ Does your company use a sustainability label that has not been set by a government agency? | Yes | No |
| ▶ Does your company make general environmental claims, e.g. "green", "ecological", "climate-friendly", "environmentally compatible", which it cannot prove? | Yes | No |
| ▶ Does your company make an environmental claim about the entire product, even though the environmental performance only concerns a specific aspect of the product, e.g. product labelling "made with recycled material", even though this only applies to the packaging? | Yes | No |
| ▶ Does your company make an environmental claim about the entire business operation, even though the environmental performance only concerns a specific activity of the company? | Yes | No |
| ▶ Does your company use statements such as "climate neutral", "CO2 neutral", "reduced CO2 footprint"? | Yes | No |
| ▶ Does your company use statements relating to future environmental performance such as "climate neutral by 2023"? | Yes | No |
| ▶ Does your company use general statements about environmental characteristics such as "conscious", "sustainable", "responsible"? | Yes | No |

Evaluation

If you answered YES to any of the above questions, you should check the legality of your advertising in accordance with the EmpCo Directive. Your advertising then falls within the scope of the Directive.

The questions above are by no means exhaustive and are only intended as an introduction to the new legal requirements of the Empco Directive. Even if you did not answer YES to any of the questions, names or statements used by your company may violate the regulations of the EmpCo Directive.

To the point

Check your brands and advertising claims for compliance with the EmpCo Directive now to avoid legal risks. Our experienced team of lawyers will be happy to help you analyze your advertising claims.

Note:

Please be aware that the above information serves as general guidance and does not replace legal advice. Specific requirements may vary depending on the individual case. Professional legal assistance is recommended.



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