Green Claims Under Scrutiny: Can the EU's Empowering Consumers Directive Stop Greenwashing on Its Own?

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Introduction

Since September 27, 2026, a brand can no longer simply write "eco-friendly" on a product without proof that the product is actually sustainable. Even before the new rules, Shein was fined in both Italy and France for misleading environmental claims.[1] This matters because consumers cannot tell real sustainability from marketing, and companies selling across the EU use different methods to present their sustainability claims, some of which cannot be proven. It is therefore important to see whether this Directive will change things. This article asks: can the Empowering Consumers Directive effectively reduce greenwashing without a common EU verification system? This article argues that it can only partly do so, as Member States transpose and enforce it with different timelines, as a comparison between Italy and France shows.

Background and Analysis

In 2020, a European Commission study found that 53.3 percent of environmental claims in the EU were vague, misleading, or unfounded, and 40 percent were unsubstantiated.[2] In response, the EU adopted Directive (EU) 2024/825, known as the Empowering Consumers Directive, on February 28, 2024. It amends the Unfair Commercial Practices Directive (UCPD) and applies from September 27, 2026.[3] The UCPD already prohibited misleading commercial practices in general, but it contained no specific rules on environmental claims, so each case had to be assessed individually.[4] The new Directive bans generic environmental claims, such as "eco-friendly", when the company cannot demonstrate recognised excellent environmental performance. It also bans "climate neutral" claims based only on offsetting, and sustainability labels that are not based on a certification scheme or established by a public authority.[5]

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[1] Autorità Garante della Concorrenza e del Mercato, "PS12709 – Italian Competition Authority: 1 Million Euros Fine Imposed on Shein for Misleading and Omissive Green Claims," press release, August 4, 2025, https://en.agcm.it/en/media/press-releases/2025/8/PS12709; "Shein sanctionné d'une amende record en France," *Reporterre*, July 3, 2025, https://reporterre.net/Shein-sanctionne-d-une-amende-record-en-France.

[2] European Commission, "Consumer Protection: Enabling Sustainable Choices and Ending Greenwashing," press release IP/23/1692, March 22, 2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_1692.

[3] 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, *Official Journal of the European Union*, L, March 6, 2024, https://eur-lex.europa.eu/eli/dir/2024/825/oj.

[4] Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 Concerning Unfair Business-to-Consumer Commercial Practices in the Internal Market. *Official Journal of the European Union*, L 149, June 11, 2005. https://eur-lex.europa.eu/eli/dir/2005/29/oj.

[5] Directive (EU) 2024/825, Annex, points 2a, 4a and 4c.

The Empowering Consumers Directive can only be enforced once a claim has already been published. Checking claims before publication was meant to be the role of a separate proposal, the Green Claims Directive, which would have required companies to verify their claims before publishing them, but in 2025 the European Commission announced its intention to withdraw the proposal.[6] Therefore, a misleading claim can remain online for months before the national authorities can find out and intervene. This is why the effectiveness of the Empowering Consumers Directive primarily depends on the national authorities, as the comparison between Italy and France shows.

Italy transposed the Empowering Consumers Directive on time. The Legislative Decree No. 30, issued on February 20, 2026 and published in the Official Gazette on March 9, 2026, modified the Italian Consumer Code (Legislative Decree 206/2005) and reproduced the Directive almost word for word.[7] Furthermore, Italy already had an agency capable of taking action against greenwashing: the Italian Competition Authority (AGCM), which may act either on its own initiative or in response to complaints and has the power to impose fines. On August 4, 2025, the AGCM imposed a fine of 1 million euros on Shein for making vague, generic and misleading environmental claims, such as those concerning the recyclability of its evoluSHEIN range.[8] Nevertheless, the investigation took approximately eleven months, and during that time Shein's claims remained visible to consumers.[9] This demonstrates that, even in a Member State where an active authority exists, enforcement only occurs after damage has already been caused. If this is true in a country that has transposed the Directive on time, the situation is probably even more uncertain in France, which has not yet finished its transposition.

France represents a paradox: it already had specific rules on green claims, but it is late in transposing the Empowering Consumers Directive. Since 2021, a company in France can only describe a product as

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[6] European Commission, "Consumer Protection"; "Green Claims Directive Grinds to a Halt as EU Commission Withdraws Proposal," *Packaging Europe*, June 26, 2025, https://www.packagingeurope.com/green-claims-directive-grinds-to-a-halt-as-eu-commission-withdraws-proposal/.

[7] Decreto Legislativo 20 febbraio 2026, n. 30, "Attuazione della direttiva (UE) 2024/825," *Gazzetta Ufficiale della Repubblica Italiana*, Serie Generale n. 56, March 9, 2026, https://www.gazzettaufficiale.it/eli/id/2026/03/09/26G00047/SG; Jones Day, "Italy Targets Greenwashing and Social Washing With Landmark New Rules," *Jones Day Insights*, April 2026, https://www.jonesday.com/en/insights/2026/04/italy-targets-greenwashing-and-social-washing-with-landmark-new-rules.

[8] Autorità Garante della Concorrenza e del Mercato, "PS12709 – Italian Competition Authority: 1 Million Euros Fine Imposed on Shein for Misleading and Omissive Green Claims," press release, August 4, 2025, https://en.agcm.it/en/media/press-releases/2025/8/PS12709.

[9] Alvise Armellini, "Italian Regulator Hits Shein with 1 Million Euro Greenwashing Fine," *Reuters*, August 4, 2025, https://www.reuters.com/sustainability/boards-policy-regulation/italian-regulator-hits-shein-with-1-million-euro-greenwashing-fine-2025-08-04/.

"carbon neutral" if it publishes its emissions, a reduction plan and its offsetting projects.[10] However, as of October 2026, the National Assembly has not yet adopted the transposition law, and in May 2026 the European Commission sent France a letter of formal notice.[11] The French consumer protection authority (DGCCRF) has acknowledged the delay, but has warned companies to prepare for the new rules anyway.[12] Therefore, a generic claim such as "eco-friendly" is now prohibited in Italy but not yet under the French Law, and the same brand faces different rules within the same single market.

This general uncertainty is what creates the opposite risk: greenhushing. This is when companies under-communicate their real sustainability efforts because they are afraid. In fact, a 2025 study of 300 hotels found that greenhushing is widespread, and interviews with marketers showed that it is driven mainly by the fear of being accused of greenwashing.[13] This trend also affects fashion: according to a 2024 survey of companies across several sectors, including fashion, around 70 percent of companies admitted to greenhushing, and the upcoming wave of regulation was one of the main reasons cited.[14] As a result, the Empowering Consumers Directive could make environmental communication safer from a legal perspective, but less informative for consumers.

Policy Solutions

The first problem is the fragmentation between Italy and France. A solution is therefore to coordinate national authorities through an existing tool: the Consumer Protection Cooperation (CPC) network, which links national consumer authorities across the EU. Coordinated actions should become regular, with joint checks on green claims across all Member States. This approach has already worked: in 2022, the network launched an action that led Zalando to remove misleading green claims from its

[10] Loi n° 2021-1104 du 22 août 2021 portant lutte contre le dérèglement climatique et renforcement de la résilience face à ses effets, art. 12, https://www.legifrance.gouv.fr/jorf/article_jo/JORFARTI000043956989; Décret n° 2022-539 du 13 avril 2022 relatif à la compensation carbone et aux allégations de neutralité carbone dans la publicité, https://www.legifrance.gouv.fr/eli/decret/2022/4/13/2022-539/jo/texte.

[11] Représentation de la Commission européenne en France, "La Commission demande à la France de transposer la directive sur les règles donnant aux consommateurs les moyens d'agir en faveur de la transition écologique," May 28, 2026, https://france.representation.ec.europa.eu/informations-et-evenements/informations/la-commission-demande-la-france-de-transposer-la-directive-sur-les-regles-donnant-aux-consommateurs-2026-05-28_fr.

[12] Direction générale de la concurrence, de la consommation et de la répression des fraudes (DGCCRF), "Tout savoir sur la directive (UE) 2024/825 visant à améliorer la protection contre les pratiques déloyales en matière de greenwashing," webinar presentation, June 12, 2026, slide 6, https://www.economie.gouv.fr/files/files/directions_services/dgccrf/media-document/webinaire-dgccrf-greenwashing-tout-savoir-sur-les-nouvelles-regles-20260612.pdf.

[13] Nayla Khan et al., "An Investigation of How and Why Organizations Enact Greenhushing," *Journal of Advertising Research* 66, no. 1 (2026): 150–73, https://doi.org/10.1080/00218499.2025.2514889.

[14] South Pole, "Survey Finds Most Companies Going Quiet on Green Goals," press release, January 17, 2024, https://www.southpole.com/news/survey-finds-most-companies-going-quiet-on-green-goals.

European websites,[15] and in 2024 it carried out its first major coordinated action against greenwashing, targeting 20 airlines.[16] This proposal is also feasible, since it requires no new legislation and relies on a tool that already exists.

Another problem is that companies fear making the wrong claims, and so they stop communicating altogether, which leads to greenhushing. A second measure is therefore that the European Commission should publish common guidelines with concrete examples of permitted and prohibited claims, and of how a claim should be structured. The DGCCRF offers a useful example: "climate-friendly packaging" is a generic claim and is prohibited without proof, while "100 percent of the energy used to produce these packages comes from renewable sources" is a specific claim that can be verified.[17] If companies know what they can say and how to say it, they will be more likely to communicate. In addition, since companies tend to trust third-party signals,[18] the EU should encourage the voluntary verification of claims, establishing the ideas of the Green Claims Directive without making them mandatory.

Finally, the European Commission should continue the infringement procedure against France, where the next step is a reasoned opinion.[19] The Empowering Consumers Directive only works if it is transposed in all Member States at the same time, so it will be important to see how France responds.

Conclusion

Can the Empowering Consumers Directive stop greenwashing on its own? Only partly. The Directive works well in banning the most obvious claims, but there are no checks before publication, so it is unclear how long a misleading claim can stay on the market, and enforcement depends on each country. The comparison between Italy and France showed two different speeds in transposing and enforcing the Directive, with the same brands facing different rules. The risk of greenhushing also remains, as companies may stay silent when the rules are not clear and equal everywhere. In the coming months, it will be important to see whether France adopts its transposition law, what the first enforcement cases after

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[15] Umweltbundesamt, "Consumer Protection: Success against Greenwashing," press release no. 08/2024, February 26, 2024, https://www.umweltbundesamt.de/en/press/pressinformation/consumer-protection-success-against-greenwashing.

[16] Covington & Burling, "Coordinated EU-Wide Crackdown on Airline Greenwashing," client alert, May 3, 2024, https://www.cov.com/en/news-and-insights/insights/2024/05/coordinated-eu-wide-crackdown-on-airline-greenwashing.

[17] DGCCRF, "Tout savoir sur la directive (UE) 2024/825," slide 16.

[18] Khan et al., "How and Why Organizations Enact Greenhushing."

[19] Représentation de la Commission européenne en France, "La Commission demande à la France."

September 27, 2026, look like, and whether the European Commission brings back some form of verification to complement the Directive.

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