What the new EmpCo greenwashing laws mean for your brand



STATEMENTS YOU CAN'T USE	STATEMENTS YOU CAN USE
~~carbon neutral~~	no palm oil
~~CO2 compensated~~	FSC-certified board
~~klimaneutral~~	EU Organic
~~100 % klimakompenseret~~	95% recyclable packaging
~~good for the planet~~	made with 100% wind power
~~eco-friendly~~	Nordic Swan
~~sustainable~~	
~~climate positive~~	
~~your own green seal~~	

SECTION 01

What is EmpCo, and why does it apply to us?

EmpCo is Directive (EU) 2024/825, the Empowering Consumers for the Green Transition directive. It amends the Unfair Commercial Practices Directive and applies to any business making environmental claims to consumers in the EU, wherever that business is based. A US or UK brand running Instagram or paid media into an EU market is in scope for that activity, so "we are not an EU company" is not a defence.

It applies from 27 September 2026 with no transition period and no phase-in. The European Commission has been clear that the rules reach products and packaging already on the market, which means stock sitting in a warehouse or on a shelf is in scope rather than exempt. Enforcement runs through national consumer protection authorities, and in several member states through competitor actions and NGO litigation that started well before the deadline.

28 FEBRUARY 2024	**Adopted** Published in the Official Journal on 6 March 2024.
27 MARCH 2026	**Transposition deadline** Member states had to adopt national measures. Several missed it, which changes who enforces first but not what is banned.
18 MAY 2026	**Guidance updated** The Commission clarified how claims made through brand, product and company names are assessed.
30 JUNE 2026	**Position on existing stock** Consumer protection authorities agreed a common understanding covering goods already on shelves.

27 SEPTEMBER 2026

The rules apply

Banned practices become unfair in all circumstances across the EU and EEA.

EmpCo is not the Green Claims Directive

The two are constantly confused. The Green Claims Directive was a separate, more demanding proposal that would have required environmental claims to be substantiated and verified before use. It was dropped. EmpCo is the one that became binding law, and it applies on 27 September 2026 regardless of what happens to any future proposal.

What our EmpCo audit of a leading global footwear brand found

Every live image and video on the brand's EU socials and website, checked against the exact regulations.



11 in every 100

checked assets carried an environmental claim once every finding was confirmed.

11%	30,148	1,072	335
of all checked assets carried an environmental claim once every finding was confirmed	live images and videos checked across seven channels and sixteen markets	live posts aimed at EU consumers making a claim the directive bans outright	flagged only from a caption, subtitle or voiceover, invisible to an image check

Source: Medialake Brand Guardian audit, September 2026. Brand anonymised. Figures are for one brand and are not a category benchmark.

SECTION 02

Which green claims does EmpCo ban outright?

EmpCo adds new entries to Annex I of the Unfair Commercial Practices Directive, the list of practices that are unfair in all circumstances. Being on that list matters more than it sounds. For an ordinary misleading practice, a regulator has to show the average consumer was likely to be deceived and that

their purchasing decision was affected. For a blacklisted practice there is no such test, and no defence that the claim happens to be true. The practice itself is the breach.

ANNEX I	WHAT IT PROHIBITS	HOW IT USUALLY APPEARS	STATUS
4c	Claiming a neutral, reduced or positive climate impact on the basis of offsetting or compensation	"CO2 neutral", "100% climate compensated", "climate positive", "we offset every pair"	BANNED
4a	Generic environmental claims where recognised excellent environmental performance cannot be demonstrated	"eco-friendly", "green", "sustainable", "good for the planet", "kind to nature"	BANNED
2a	Sustainability labels not based on a certification scheme or established by public authorities	A leaf roundel, badge or stamp designed in house and printed on the pack or the product	BANNED
4b	An environmental claim about the whole product or business that concerns only one aspect of it	"Sustainable trainers" where only the box is recycled	BANNED
4d	Future environmental performance claims without objective, public, verifiable commitments, a realistic plan and independent monitoring	"Plastic-free packs by 2028", "net zero by 2030"	CONDITIONAL

Recognised third-party marks are unaffected and should stay where you have them. FSC, PEFC, EU Organic, Nordic Swan, Rainforest Alliance, Fairtrade and RSPO are certification schemes with independent monitoring behind them, which is exactly what point 2a asks for. The problem is the badge your design team drew, not the badge an external body issued you.

SECTION 03

Is "carbon neutral" still allowed if we genuinely offset?

No. That is the specific practice point 4c prohibits, and the quality of the offsetting programme does not change the answer. Gold Standard credits, verified retirement, a certified forestry project inside your own supply chain: all of it is still compensation, and a neutrality claim resting on compensation is banned. The directive's logic is that a consumer reading "carbon neutral" on a product understands it to mean the product was made without net emissions, not that emissions occurred and credits were bought elsewhere.

What survives is a claim about your own performance rather than your purchasing. "Made with 100% wind power" is a factual, scoped statement about how the product is produced, and it can be evidenced. "We cut emissions per unit by 38% since 2019, verified by an independent assessor" is specific, checkable and about the product. The distinction that matters is between reduction you achieved and compensation you bought.

> **The distinction that matters is between reduction you achieved and compensation you bought.**

Courts had already reached similar conclusions before the deadline. Germany's Federal Court of Justice held in the Katjes case that advertising a product as carbon neutral is misleading unless the meaning is explained at the point of the advertising itself, and that a footnote or a link to an explanatory page does not cure it. Deutsche Umwelthilfe has run greenwashing actions on the same reasoning against TotalEnergies and Apple. From 27 September none of that argument is needed, because the practice sits on the blacklist.

SECTION 04

Do posts we published in 2021 still count?

Yes. The directive does not grandfather anything, and there is no cut-off date before which content is exempt. A post published in 2021 that is still visible on your Instagram grid is still a commercial communication addressed to consumers today, which puts it in scope in exactly the same way as something you publish tomorrow. The same applies to a product page nobody has touched since 2022 and a YouTube video from 2019 that still surfaces in a recommendation feed.

This is the part most clean-up plans underestimate. Marketing teams know the current campaign inside out and have usually never audited the archive, so the volume of live historic content is a surprise. In the audit behind the figures in this document, posts published between 2021 and 2023 accounted for the largest share of flagged assets, simply because that was when the brand's climate-compensated messaging was heaviest and nothing from that period had ever been taken down.

SECTION 05

It starts on your packaging, not on your feed

The uncomfortable part: this is a packaging decision, not a social media clean-up.

Most EmpCo programmes start in the social team, because social is where the claims are visible and where posts can be edited quickly. That instinct is understandable and it treats the symptom. A banned claim printed on your packaging, whether that is a self-awarded badge, a line of copy on the box or a stamp on the product itself, appears in every photograph you have ever commissioned, every pack shot in every retailer listing, every unboxing video and every influencer flatlay. Deleting two hundred Instagram posts does not change the artwork, and the artwork is what keeps generating new breaches every time somebody shoots the product.

So the first decision is not which posts to take down. It is whether the claim on the packaging survives at all, which is a brand and print decision with lead times measured in production runs rather than afternoons. Once that is settled, the asset clean-up has a defined end point. Run it the other way round

and you clean up continuously and never finish, because the source of the claim is still going through the factory.

The second thing worth saying plainly: an audit that flags everything green is worse than no audit. Specific, verifiable statements are allowed and valuable, and a review that returns every instance of the word "organic" alongside every banned badge produces a list nobody can act on. The job is separating what has to go from what should stay, and the second half of that is the harder half.

SECTION 06

What happens if we get it wrong?

Penalties are set nationally, because EmpCo is a directive rather than a regulation. In coordinated enforcement across member states, the maximum fine is at least 4% of annual turnover in the member state or states concerned, and where turnover cannot be established a ceiling of 2 million euro applies. National regimes can also include disgorgement of profits and temporary exclusion from public tenders and public funds.

In practice the first consequence is usually not a fine. It is a cease-and-desist demand from a competitor or a consumer organisation, followed by an injunction requiring the claim to be withdrawn. That route is faster, cheaper for the complainant and more disruptive for you, because an injunction against a claim printed on packaging can force a relabelling programme at short notice. For a consumer brand, the cost of a public greenwashing ruling is generally larger than the fine attached to it.

MAXIMUM FINE [SHARE OF TURNOVER]

4%

maximum fine as a share of annual turnover in the member state or states concerned

CEILING [TURNOVER UNKNOWN]

€2M

ceiling where turnover cannot be established

SECTION 07

Why does this keep happening if we already sign claims off?

Every large marketing organisation already has a green claims process. The process is not the problem.

The problem is that sign-off only reaches the assets that were submitted to a central system in the first place. Roughly half of what goes live never gets there. It is made by a regional team, a retail partner or a creator, published straight to market, and never passes the desk where claims are checked.

01 · WHAT GETS MADE

Lead creative agency
Submits to the DAM

In-house studio
Submits to the DAM

Regional and local teams
Adapts, translates, publishes direct

Retail and trade partners
Builds own POS and listings

Influencers and creators
Posts without central review

→

02 · WHAT IS CENTRALISED

Central systems

DAM, brand portal, review and approval

- Hero campaign masters
- Approved packaging artwork
- Master claim and copy library

Claim sign-off happens here
And only here

→

03 · WHAT IS LIVE IN MARKET

Live in market

Every asset an EU consumer can see

- Paid social and display
- E-commerce product pages
- Country and brand sites
- Retail point of sale
- Influencer and partner posts
- Packaging on shelf

All of it in scope from 27 September
Regardless of who made it or when

THE AUDIT GAP

Never submitted, never centralised, never claim-checked, and still live in every market on 27 September.

SHARE OF LIVE ASSETS A CENTRAL SYSTEM CAN ACTUALLY SEE

48% Centralised and checkable

52% Unaudited, unreviewed, in market

Claim sign-off is applied to the left-hand share. EmpCo is enforced against both.

The result is three structural gaps that appear in almost every group.

Sign-off is at the brief	Legal approves the claim once, at origination. It then forks into hundreds of derivatives, resizes, translations and country adaptations that nobody reads again.
Sampling is not a list	A 200-asset audit against an estate of 400,000 gives you a confidence interval. An authority acts on a specific asset, and a confidence interval cannot name it.
Nobody holds the index	Assets sit across the DAM, agency servers, ad platforms, commerce systems, retailer portals and country sites. There is no single place to ask where a claim appears.

LIVE CREATIVE [IN MARKET]

52%

of live creative never reaches a central system

It is therefore never claim-checked, never re-reviewed, and fully in scope on 27 September.

SECTION 08

How do we audit our own green claims without software?

This is genuinely doable by hand for a single-market brand with a contained asset library, and it is worth doing even if you later automate it, because it tells you what your exposure looks like. Budget two to three weeks of a competent person's time for one market and one language, and considerably more if you sell across the EU.

01 Write your watchlist before you look at anything

List the exact phrases your brand uses, in every language you publish in, not just the English ones. Start from pack artwork and brand guidelines rather than from memory. A Danish team wrote "klimakompenseret" and a Dutch team wrote "klimaatgecompenseerd", and neither surfaces if you search in English. Add the hashtags, because #klimaneutral is a claim.

02 Inventory every live outbound surface

Every social account in every market, paid and organic, plus each locale of your website, retailer listings you control, and video channels. Ad accounts often hold live creative that no longer appears in any organic feed. Anything missing from the list will be missing from the audit.

03 Read the picture and watch the video, not just the copy

Open each image at full resolution and read what is printed on the packaging inside it, including the small text around a badge. Then watch every video with subtitles on and sound up, noting the timestamp of each claim in on-screen text, burned-in subtitles or voiceover. This is the slow part and the part that cannot be skipped, because the highest-volume claim in most consumer brands is printed artwork that never appears in any caption.

04 Classify each finding against the Annex I points

For every claim, record the exact wording, the language, where it sits on the asset, and which practice it evidences: offset-based neutrality, generic claim, self-declared label, whole-product generalisation, future performance, or specific and verifiable. A claim can trigger more than one. A badge carrying the words "climate compensated" is both a banned label and a banned offsetting claim.

05 **Sort by whether it is live, EU-facing and paid**

A banned claim on a live post targeting Danish consumers is a different problem from the same claim on a US account the directive does not reach, or on a post already archived. Rank the list so the first day of clean-up goes to assets that are live, EU-facing and running as paid media.

06 **Build the evidence file for what you are keeping**

Every specific claim you retain needs its substantiation on file and findable: the certificate, the test report, the calculation, with the issuer and the standard named. For future performance claims you need the plan and the independent monitoring arrangement, or the claim comes down.

SECTION 09

How Medialake does it

We audit your entire live estate in 30 days, so non-compliant content can be pulled quickly and your brand is compliant with the EmpCo rules.

Medialake connects to the outbound channels where your assets are actually published and reads every live image and video the way a regulator would look at it. Each image is examined at full resolution with its caption. Each video is cut into scenes and sampled at two frames per second, with a separate pass over the transcript, the on-screen text and the caption, so spoken and burned-in claims are covered. Every flagged claim is then adjudicated a second time against the full-resolution image before you ever see it.

2–3 DAYS

Scope

Map every channel, market and ad account you publish from, and agree what counts as a claim for your brand.

1–2 WEEKS

Scan

Read-only connections across every platform and market, then every image and video read in full. No migration required.

30 DAYS

Findings

Every claim found and adjudicated twice, ranked so your team can pull non-compliant content fast.

Medialake is not a DAM and it does not store your files. It sits on top of the systems you already run, including Bynder, Aprimo, Workfront and Frame.io, and reads what has actually gone out rather than what was approved internally.

SECTION 10

Frequently asked questions

Does EmpCo apply to us if we are not based in the EU?

Yes, if you market to consumers in the EU. The directive attaches to the commercial practice and the audience rather than to where the company is registered, so a US or UK brand running Instagram or paid media into an EU market is in scope for that activity. Content aimed only at non-EU markets sits outside it, although local law may still apply.

Our market's regulator has not transposed the directive yet. Are we safe?

No, and it is a risky position to plan around. Several member states missed the 27 March 2026 transposition deadline, but the obligation to apply the rules from 27 September 2026 stands, national measures can arrive at short notice, and a brand selling across the EU is exposed through whichever market has transposed. Germany and Italy were among those that transposed in full during 2026.

Can we keep the claim if we add an asterisk explaining the offsetting?

No. An explanatory footnote does not rescue a neutrality claim based on offsetting, because point 4c prohibits the claim itself rather than an unclear version of it. German case law had already found that footnotes and links to explanatory pages do not cure a carbon neutral claim even under the older misleading-advertising test.

Is a hashtag really a claim?

It can be. A hashtag such as #klimaneutral or #carbonneutral in a brand's own post is a commercial communication making an environmental claim about the product, and it falls under the same Annex I points as body copy. A broad topical hashtag in a post that makes no product claim is a weaker case, which is why findings of this kind need a human reading the post rather than a keyword match.

Isn't a keyword search across our website enough?

It finds a fraction. In the audit behind the figures in this document, most claims were printed inside images rather than written in copy, and 335 assets were flagged only because of something in a caption, subtitle or voiceover. A text search over website copy would have surfaced neither group, which is how brands arrive at the deadline believing they are clean.

We have days, not months. What do we do first?

Work out whether a banned claim is printed on current packaging, because that decision has the longest lead time and everything else depends on it. In parallel, take down or edit live claims on EU-facing paid media first, since paid assets are actively being served and are the fastest to pause. Organic archive content matters, but it is the second wave rather than the first.

Make sure your brand is compliant

A one-off audit reads every live image and video on your channels and your website, and returns a ranked list of exactly what has to change, and what you can safely keep.

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DEADLINE

27 September 2026

The date EmpCo applies across the EU and EEA.

Sources: Directive (EU) 2024/825 (28 February 2024), European Commission questions and answers on Directive (EU) 2024/825 (18 May 2026), Consumer Protection Cooperation network common understanding on existing stock (30 June 2026), Bundesgerichtshof I ZR 98/23 Katjes (27 June 2024), Medialake Brand Guardian audit data (September 2026, anonymised single-brand sample).

Published 21 September 2026. This document explains the directive in general terms and is not legal advice. An audit finding is a pointer to an asset a person should review, not a legal determination.