KILDE

EU Green Claims Compliance Kit — EmpCo Directive

Edition 1.0 · current to 21 August 2026

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START HERE — Which of your live claims die on 27 September 2026? (10-minute triage)

EU Green Claims Compliance Kit · v1.0 · current to 21 August 2026 · General information and templates only — not legal advice, no clearance opinions, no attorney-client relationship. EmpCo binds traders through national transposition, and implementation varies across the 27 Member States — this kit keys to the directive baseline (variance caveat and status table in file 01). We never say a specific trader's claim "is illegal"; we say a pattern fails a blacklist point as written. For decisions about your claims, involve counsel — this kit makes that engagement shorter and cheaper.

The single thing to understand first: Directive (EU) 2024/825 ("EmpCo") rewires the EU's misleading-practices law for green marketing, and Member States must apply the new rules from 27 September 2026. That date is fixed in the directive itself — it does not slide where a state transposes late. Twelve new banned practices go onto the UCPD blacklist (five environmental, seven durability/software — file 01 has all of them verbatim), and "environmental characteristics" become a thing you can mislead about like price or quantity. The work this kit organizes: inventory every live claim, sort each into keep / rewrite / retire, and put a substantiation file behind everything you keep.

Step 1 — Are you in scope? (2 minutes)

You are if you market products or services to consumers in the EU — on-pack, on-site, in ads, in product names, in brand names, in app copy. Where your company sits doesn't matter; where your consumers sit does. "Environmental claim" is defined wide: any non-mandatory message that a product, brand, or the business has a positive, less-negative, zero, or improving environmental impact — labels, icons, brand names, and product names included. B2B-only sellers: the UCPD amendments are consumer law, but see file 07 before you relax.

Step 2 — Run the five kill zones against your live claims (7 minutes)

Pull up your homepage, your best-selling product page, your packaging artwork, and your latest campaign. Check each against these five zones. Anything that trips a zone goes into the claim register (template in templates/claim-register.csv) as rewrite or retire pending the deeper file.

Zone 1 — Generic claims ("eco-friendly", "green", "climate friendly"…). Banned (point 4a) unless you can demonstrate recognised excellent environmental performance relevant to the claim — a narrow, three-route carve-out — or the claim stops being "generic" because you specify it in clear and prominent terms on the same medium. The recital-9 phrase blacklist and the carve-out checklist are in file 01; rewrite patterns in file 02.

Zone 2 — Whole-product / whole-business claims. An environmental claim about the entire product or entire business, when it's true only of one aspect or activity, is banned (point 4b). "Made with recycled material" on a product that's 20% recycled is the classic trap. File 02, entries 4/6/12.

Zone 3 — Offset-based carbon claims. "Climate neutral", "CO2 neutral certified", "carbon positive" and family, where the neutrality rests on offsetting, are banned outright (point 4c) — no disclosure fixes them. Lifecycle reduction claims survive with a basis. Full treatment: file 04.

Zone 4 — Labels and badges. Any sustainability label not backed by a certification scheme or established by public authorities is banned (point 2a) — including your own in-house leaf icon or eco-score. File 05 has the scheme criteria and the private-label decision tree.

Zone 5 — Durability, repair, and update info. Seven new points (23d–23j) plus new CRD information duties: durability claims you can't back (23g), repairability theater (23h), consumable and third-party-parts games (23i/23j), software-update spin (23d/23e) — and the new harmonised guarantee notice and durability label duties on product pages. File 06.

Step 3 — The two dates (write them down)

- 27 March 2026 — the deadline by which Member States had to adopt and publish transposition measures. Eighteen had communicated measures as of 21 August 2026; nine had not; the Commission opened infringement letters against twenty on 28 May 2026. File 01 has the state-by-state table.
- 27 September 2026 — the date from which states apply the measures. Fixed by Art 4(1) of the directive. This is your fuse.

Step 4 — "Our market hasn't transposed yet — can we wait?" (the honest frame)

No — and here is the exact legal logic, which we'd rather give you straight than dramatize. Directives lack horizontal direct effect (Faccini Dori, C-91/92): the new blacklist points bind traders only once national law adopts them. But three things close the gap: (1) national courts must interpret existing law in conformity with the directive (Marleasing, C-106/89); (2) most greenwashing already violates the current misleading-practices rules — every enforcement case in file 07's table (KLM, Katjes, Zalando, Apple) was decided under pre-EmpCo law; (3) the CPC network coordinates enforcement EU-wide, so a lagging legislature doesn't mean a sleeping regulator. What varies by state is enforcement intensity, not the direction. The rewrite work cannot wait for local transposition. (This paragraph is general information, not legal advice on any specific claim of yours.)

Step 5 — Do these five things now (each has a file)

1. Inventory every live claim into the claim register — templates/claim-register.csv. Include product names, brand names, icons, and packaging. One row per claim per medium.
2. Classify each against the banned-claims map (file 01) and mark keep / rewrite / retire.
3. Rewrite what's salvageable using the pattern library (file 02) — every pattern there is illustrative, not cleared copy.
4. Open a substantiation file for every claim you keep (file 03 + templates/substantiation-memo.md). A claim without evidence behind it is a rewrite candidate whatever its wording.
5. Fix the product-page information duties — guarantee notice, durability label, update info (file 06) — and check the old-stock question (file 07, first entry) before you panic about printed packaging.

Pack map

File	What it does

01	The twelve banned points verbatim + plain language, the R9 phrase blacklist, the carve-out checklist, EmpCo vs GCD, transposition table
02	13 claim-rewrite patterns + electronics/consumables annex
03	Substantiation file + claim register method (the audit-ready core)
04	Carbon claims: the offset ban, what survives, future-claims machinery
05	Labels and certifications: scheme criteria, carve-out pathways, private-label decision tree
06	Durability/guarantee/update information duties + the official notice and label
07	Edge cases: old stock FIRST, B2B, non-EU sellers, marketplaces, comparisons, UK divergence, case table
08	Update tracker ($49/mo tier): transposition watch, GCD revival watch, first enforcement
templates/	Claim register (CSV), substantiation memo, claim-review one-pager