

GS1 Standards

Empowering Consumer Directive (EmpCo) in Practice

Implementation Guideline for Transparent
and Legally Compliant Product Communication



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1 Structure of the implementation guideline¹

Chapter 2 sets out the objectives and benefits of the document. Chapter 3 introduces the regulatory framework of the Empowering Consumers Directive (EmpCo). Chapter 4 summarises the key legal requirements and outlines essential best practice approaches for implementation. Chapter 5 provides practical guidance and selected positive examples for concrete application, taking into account the requirements analysis set out in Chapter 4. Finally, Chapter 6 provides an in-depth regulatory assessment, explains relevant grey areas and contextualises the FAQs of the European Commission.

2 Introduction, purpose and scope of the document

This document is primarily aimed at professionals in marketing, corporate communications and product data management. It supports the target audience in meeting the high requirements for sustainability-related product communication, taking into account the regulatory provisions of the Empowering Consumers Directive (EmpCo) (see Chapter 3 for details), which are characterised by a significant degree of interpretative flexibility. Companies are currently faced with the challenge of implementing these requirements correctly, even though many detailed provisions have not yet been finalised or clearly interpreted. Certain areas of action, such as the (re)design of packaging, require considerable lead times, which means that companies must prepare for the regulatory requirements at an early stage. Within the professional community, there is therefore a strong need for greater transparency and for cross-company exchange in order to establish a common understanding and reduce uncertainties. A high level of legal clarity and the correct interpretation of EmpCo are also of great importance for companies in order to promote a more consistent understanding of relevant terminology among consumers and to enhance transparency.

This reference document was developed in collaboration with subject matter experts from retail, industry and other organisations (see list of contributors at the beginning of this document). It builds on the results of a previous project from 2022 as well as the guidance “Sustainable Product Claims 2.0”.

The core of the document (Chapter 5) is a selection of carefully developed positive examples covering key thematic areas such as climate, recycling and recovery as well as constituents. For each of these example claims, an aligned definition, a legal assessment, recommendations for use, concrete wording examples as well as the relevant evidence and potential supporting documentation are provided. By compiling these positive examples and clarifying potential substantiation requirements, the guideline helps companies reduce uncertainty and navigate interpretative scope more reliably. In particular, the limited remaining implementation period requires practical solutions that enable companies to act immediately while at the same time minimising the risk of misinterpretation, incorrect application or sanctions.

The contents of the document can in principle be applied across sectors, even though examples and use cases from the fast-moving consumer goods (FMCG) sector are particularly prominent.

The document outlines a national position intended to establish a uniform basis for practical implementation in the German market. It consolidates existing technical and regulatory requirements and translates them into a clear and practical framework. In this way, it provides companies with a reliable basis for developing sustainability-related claims in a consistent, verifiable manner and in compliance with market conditions and the legal framework in Germany.

The terms, definitions and communication guidance contained in the document provide valuable orientation. However, it is expressly not a document that provides “ready-made” or legally binding claims and therefore does not offer comprehensive protection against public criticism or legal consequences. For company-specific issues, a legal review by a specialised lawyer is always recommended. The contents of the document do not constitute real-time, continuously updated information but rather represent a realistic snapshot, with the aim of ensuring the longest possible validity and long-term relevance of the work.

A further key benefit of the document lies in its targeted linkage with GS1 standards and the resulting added value through standardisation. By integrating established, cross-industry recognised standards, the foundation for a consistent, comparable and as far as possible legally compliant application of sustainability-related claims is strengthened. Standardised information flows and clear data structures

not only promote transparency but also support efficient internal processes and verifiable communication towards consumers and market surveillance authorities. In addition, QR codes in combination with GS1 Digital Link can provide further added value by offering a user-friendly way to link additional information, detailed evidence or dynamically updated content directly to the product. In this way, complex sustainability information can be made easily accessible, up to date and verifiable.

3 What is the EmpCo?

The Empowering Consumers Directive (EU) 2024/825, (EmpCo), requires companies across the EU to provide more transparent, verifiable and non-misleading environmental claims and strengthens consumers in the green transition through improved protection against unfair commercial practices². In Germany, it leads to a significant tightening of competition law, as the Act Against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG) has been amended accordingly. At the same time, EmpCo is an integral component of the European Green Deal.

The European Green Deal marks a fundamental shift in European economic and social policy. The objective of the European Union is to achieve climate neutrality by 2050 and to accelerate the transition to a more sustainable and resource-efficient economy.

To achieve these objectives, the European Union has adopted or initiated numerous legislative and investment measures. These include, among others, the EU Deforestation Regulation (EUDR), the Packaging and Packaging Waste Regulation (PPWR) and the Circular Economy Action Plan. Of particular relevance in consumer-facing markets are also the revised Ecodesign Regulation and the complementary Energy Labelling Regulation.

A central element of this transformation process is the empowerment of consumers: they are to be enabled to make informed and more sustainable purchasing decisions. Taken together, these regulatory frameworks pursue the overarching objective of requiring companies to provide honest and substantiated environmental claims, thereby strengthening consumer trust in more sustainable products.

With EmpCo, binding requirements for the communication of environmental claims in advertising are being established across the Union for the first time. This covers both commercial communication on products and general commercial communication by companies, in short, any commercial practice. In Germany, implementation has been carried out through an amendment to the Act Against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG).³

EmpCo requires companies to formulate environmental claims in a clear, precise and substantiated manner. Generic environmental claims, such as vague terms like “environmentally friendly” or “climate neutral” without specific evidence, are explicitly prohibited. This also applies to environmental claims relating to future performance, for example “climate neutral by 2045”; such forward-looking claims are subject to even stricter requirements. In addition, the Directive addresses practices such as so-called planned obsolescence and requires companies to provide information on the durability and reparability of their products.

The key objectives and regulatory approaches of EmpCo can be summarised as follows:

- **Protection against greenwashing:** Consumers are to be protected from misleading environmental claims. Companies must ensure the accuracy and verifiability of their environmental claims.
- **Transparency and verifiability:** Environmental advertising claims must be clear, understandable and substantiated by robust evidence.
- **Promotion of sustainable consumption:** Through better information and protection against misleading practices, consumers should be enabled to make more sustainable purchasing decisions.
- **Addressing planned obsolescence:** The Directive requires companies to provide information on the durability and reparability of their products and to prevent practices that artificially shorten product lifespans.

From a German perspective, these requirements are only partly new. Various forms of greenwashing were already prohibited under the previous version of the UWG. In its landmark “climate neutral” ruling (Federal Court of Justice, 27 June 2024 – I ZR 98/23), the German Federal Court of Justice held that ambiguous environmental claims must be sufficiently explained on the same medium in order not to be considered misleading.

Even though EmpCo significantly tightens the requirements for environmental advertising in the FMCG sector, its consistent implementation also creates important opportunities: by using precise, substantiated and legally compliant environmental claims, companies can enhance their credibility, strengthen consumer trust and clearly position themselves in the market for more sustainable products. In doing so, they reinforce both customer loyalty and their capacity for innovation and competitiveness in a market that is increasingly oriented towards sustainable consumption.

4 Significance of the legal requirements for practical implementation

With the transposition of EmpCo into national law, the requirements under competition law are being tightened. In addition to other provisions, the following new requirements are introduced into the UWG. A more detailed analysis, in particular in light of the interpretation of the European Commission’s FAQs, is provided in the Annex (Chapter 6).

- Misleading consumers can now explicitly also occur through ecological or social characteristics as well as through circularity-related aspects such as durability, reparability or recyclability.⁴
- Advertising with future environmental performance (e.g. “net zero by 2030”) is only permitted where a clear, objective, publicly accessible and verifiable implementation plan exists, including detailed and realistic commitments. In addition, the fulfilment of the plan must be measurable, sufficient resources must be available for implementation and the plan must be subject to regular review.⁵
- Sustainability labels may only be used if they are based on a compliant certification scheme.⁶
 - A sustainability label can be broadly defined as a voluntary trust mark, quality mark or similar instrument intended to highlight or promote a product, process or business activity to consumers in relation to its environmental or social characteristics or both.⁷
 - A compliant certification scheme can be broadly defined as a system that is open to all companies, transparent and non-discriminatory, that confirms compliance with a technically and scientifically sound standard and whose adherence is monitored by an independent and competent body.⁸
- EmpCo distinguishes between generic environmental claims and specific environmental claims. Generic environmental claims may only be made if they are based on recognised excellent environmental performance.⁹
 - An environmental claim can be broadly understood as any communication (from text to imagery) that relates to a product, product category, brand or trader and expresses an environmental impact (positive, negative, comparative, etc.).¹⁰
 - A generic environmental claim is an environmental claim made in written or oral form that is not included in a sustainability label and is not clearly and prominently explained on the same medium.¹¹ Colours, images or graphics without textual or verbal elements are generally not considered to constitute a generic environmental claim.¹²
 - Recognised excellent environmental performance exists where it is in line with certain European legislation or is based on specific national or regional environmental labelling schemes.¹³
- An environmental claim relating to the entire product or the entire business activity must not refer only to a part of the product or activity.¹⁴
- Claims attributing reduced or positive environmental impacts in relation to greenhouse gases that are based on the offsetting of greenhouse gas emissions will be prohibited in the future.¹⁵

4.1 Best practice approaches

The following **best practice approaches** can be derived for compliance with the regulatory requirements:

1. For generic environmental claims that are not based on recognised excellent environmental performance, a sufficient and clear explanation in immediate proximity to the claim (on the same medium) is mandatory. Optionally, a link to further information may also be provided. Such specification must appear directly alongside or even as part of the environmental claim itself, in a clear and prominently highlighted manner;¹⁶ information provided, for example, on the back of packaging is generally not sufficient. Where this is not possible, for example due to limited space or character constraints, the generic environmental claim should be avoided.
2. If the environmental claim is combined with other elements, such as icons or pictograms, these elements may also need to be explained.
3. If a sustainability label is used in combination with other elements such as commercial communications that constitute an environmental claim, the first requirement ("1.") also applies to the label and the combination.
4. The specific use of a sustainability label, particularly where it contains a generic environmental claim, should at least be assessed for compliance with competition law based on the publicly available conditions of the certification scheme¹⁷.
5. Information on the main environmental or social characteristics of the product, in particular aspects of the circular economy such as recyclability, should be avoided where it may be misleading.
6. Environmental claims should not be made about the entire company or product where they only relate to parts thereof, that is, exaggerations regarding environmental benefits must be avoided.
7. For certification schemes, which constitute a mandatory basis in particular for private sustainability labels, the following must be ensured:
 - a. The conditions of the scheme are publicly accessible and meet minimum transparency requirements.
 - b. All standards, conditions and terms are publicly accessible.
 - c. The scheme is open, under equal conditions, to all traders of products or services to which the certification may potentially apply.
 - d. The conditions for the use of the scheme are balanced and fair, without unduly favouring the licensee or the licensor, particularly in financial terms.
 - e. The scheme must provide for measures that can be taken within a reasonable period of time to restrict, suspend or withdraw certification. These include, for example, the continuation of certification subject to specific conditions, a reduction in the scope of certification and procedures for handling complaints and appeals.
 - f. Monitoring bodies ensure:
 - i. Independence from the scheme owner and traders, as well as competence to carry out monitoring activities.
 - ii. Compliance with DIN EN ISO/IEC 17065.

The principles defined above have been consistently incorporated into the revision of the selected positive examples in Chapter 5. This makes it possible to illustrate the key requirements and interpretative principles of EmpCo in a practical manner, in line with an FMCG perspective, that is, a shared understanding across retail and industry.

5 Practical implementation – selected positive examples

5.1 Description of the selection of positive examples

As early as May 2022, GS1 Germany published guidance on the transparent communication of sustainability-related claims. At that time, the claims included were assigned to three categories: **“yes”, “limited” and “no”**. For the further development within the EmpCo project, **all terms in the “no” category were deliberately excluded** in order to focus consistently on terminology that, from today’s perspective, may be potentially permissible, practically relevant and constructive for transparent communication.

The updated version therefore places a clear emphasis on claims and terminology that are currently widely used in practice or are of high relevance for companies in sustainability-related communication. The aim is to provide clarity as to whether and how these terms can contribute to transparent, verifiable and regulatorily compliant communication.

The remaining selection of terms from the “yes” and “limited” categories was systematically reviewed as part of the project in order to illustrate the previously developed shared understanding in an exemplary and practical manner. In addition, further new terms identified as relevant within the community were included in order to reflect current market needs and the dynamic development of sustainability communication.

The positive examples presented in the following sections are the result of this review and alignment process. They provide companies with clear guidance on how sustainability-related claims can be used responsibly, transparently and in line with regulatory requirements.

5.2 Structure of claim descriptions

The selected positive examples are specified using the following descriptive elements:

- **Definition:**

Most of the sustainability claims in this guidance are neither defined uniformly nor protected. They are based on (often extensive) definitions from various international organisations, such as the International Organization for Standardization (ISO) or the German Institute for Standardization (DIN). These are presented in a simplified and clear manner while also being summarised in a substantiated and meaningful way.

- **Legal assessment and recommendation for use:**

As part of the legal assessment, the key recommendations to be considered from the perspective of EmpCo and the UWG are summarised, outlining what must be taken into account when using the claim. A limited recommendation means that the environmental claim should not be made without further explanation (this being the condition).

- **Examples of use:**

The examples of use illustrate how a term can be formulated in practice in line with the recommended application. They are based on realistic communication contexts such as retail environments, packaging or product websites and are intended solely as practical guidance. By supplementing a claim with such an example, it becomes clear what level of explanation is required in order to use the claim in a transparent and legally compliant manner.

- **Evidence and potential supporting documentation:**

Product-specific claims can be substantiated by criteria, control systems or other recognised forms of evidence. Such potential supporting documents are listed without providing an assessment of the respective certifications or labels. Particularly for terms that are not legally protected or defined, the use of established standards or labels is recommended in order to substantiate the environmental claim credibly in the event of (extra-)judicial proceedings and to ensure transparency towards consumers. Each positive example is therefore supplemented with potential supporting documentation that can be used to enhance the verifiability and plausibility of the claim. The list of evidence does not claim to be exhaustive. This guidance addresses only the claims themselves, not the use of labels.

Reference to specific labels or certificates does NOT imply that this guidance confirms their compliance with EmpCo. The verification of the listed labels was not within the scope of this guidance and would exceed its intended scope given the level of assessment required. The use of the listed labels, as well as any other labels, is subject both to the compliance of the underlying certification scheme with EmpCo and to compliance with the licensing conditions of the respective label issuer, including certification requirements. It should also be noted that even a compliant label can be used in a non-compliant, that is, competition law-relevant manner. It is therefore necessary to distinguish between (1) the compliance of the label or certification scheme, (2) the specific use, (3) the accompanying communication and (4) the overall combination of label use, accompanying communication and additional claims on the same medium. Assessment under competition law is always based on an overall evaluation in the specific individual case.

5.3 Selected positive examples (overview, grouped by topic)

- **Sustainability in general:** organic (for food); organic/from controlled organic cultivation (for food and for the use of specific raw materials); eco (outside the scope of the EU Organic Regulation); eco/bio (for food, within the scope of the EU Organic Regulation); regional product; natural; untreated; eco-friendly production conditions
- **Climate:** carbon footprint; energy efficiency (taking into account the energy efficiency class); water footprint
- **Biodiversity:** biodiversity (diversity of species); sustainable forestry
- **Recycling and recovery:** can be dismantled/modular construction; recycled content/recyclate content; (made from) 100% rPET, rPET; post-consumer recycled material (PCR); recyclable; refurbished
- **Materials and packaging:** returnable; refillable; reusable; bio-based plastic; biodegradable
- **Constituents:** vegetarian; vegan/plant-based (for food)
- **Animal welfare:** farming method
- **Social aspects:** fair trade

5.4 Selected positive examples in detail

5.4.1 Sustainability in general

5.4.1.1 Organic (for food)

- **Definition:** “Organic” describes products that are environmentally compatible in terms of production, use and disposal. For food products, statutory minimum requirements must be met, which include the following principles: eco-friendly practices, a high level of biodiversity, the protection of natural resources and the application of high animal welfare standards.¹⁸
- **Legal assessment and recommendation for use:** This term is suitable for product communication for food, subject to compliance with legal requirements. Within the EU, food may only be described as “eco” or “organic” if it complies with the mandatory minimum standards for the production of organic products under EU Organic Regulation No. 2018/848 and is certified. (Only) In such cases may the term be used without further explanation.
- **Example of use:**
“Our grain is produced in accordance with the principles of organic farming, including:
 - No use of chemical fertilisers or pesticides
 - Promotion of sustainable soil fertility
 - No use of genetic engineering methods”
- **Evidence and potential supporting documentation:**
 - Certification documents/proof of certification
 - Evidence in accordance with the EU Organic Regulation
 - Examples: Bioland | Demeter | German organic label | EU organic label | Naturland

5.4.1.2 Organic/from controlled organic cultivation (for food and for the use of specific raw materials)

- **Definition:** Agricultural products produced “organically” minimise the impact of human activities on the environment. The following principles are key (minimum requirements, depending on the label):
 - Chemical pesticides, synthetic fertilisers, antibiotics and similar substances are strictly restricted. Genetically modified organisms (GMOs) are prohibited.
 - Local resources are used efficiently, for example farmyard manure is used as fertiliser.¹⁹
- **Legal assessment and recommendation for use:** This term is suitable for product communication, subject to compliance with legal requirements. Within the EU, food may then – and only then – be described as “organic” if it complies with the mandatory minimum standards for the production of organic products under the EU Organic Regulation and is certified. In order to describe a non-food product as “organic”, the following requirements of the relevant standard must, among other things, be met:
 - Only agricultural raw materials may be described as “organic”, for example not the T-shirt itself but only the cotton.
 - Organically produced constituents must be clearly identifiable and their proportion of the total product must be indicated.
 - A significant proportion of the product must originate from certified organic production.
 - The product may contain no or only small amounts of synthetic chemicals.
 - **Please note:** In the case of textiles, cosmetics and personal care products, the term is not legally protected. Additional regulatory requirements apply in these cases.

- **Example of use:**
"Moisturising cream with organic orange blossom and organic almond*"
*organic constituents make up X% of the finished product."
- **Evidence and potential supporting documentation:**
 - Certification documents/proof of certification
 - Evidence in accordance with the EU Organic Regulation
 - Examples: Bioland | Demeter | German organic label | EU organic label | Naturland | GOTS | OCS

5.4.1.3 Eco (outside the scope of the EU Organic Regulation)

- **Definition:** The prefix "eco" may refer to ecological, economic or both aspects (eco-efficiency). While it is often used in a more technical context as a synonym for economical or eco-efficient, it almost always implies a comparatively low environmental impact. Historically, the term "eco" in relation to white goods (e.g. washing machines) has predominantly been used to indicate cost-efficient appliances. This understanding is gradually evolving. Depending on the context, the use of "eco" for non-food products outside the scope of the EU Organic Regulation therefore constitutes an environmental claim.²⁰
- **Legal assessment and recommendation for use:** This term is only suitable for product communication on the condition that it is explained (generic environmental claim). The intended meaning (ecological, economic or both) must be clearly identifiable. If the claim refers to ecological benefits, the type and extent of the environmental improvement should be specified. In this case, the product should display a significant environmental benefit over a comparable product with the same function. Where legal requirements exist for classification as an eco product or eco mode, these must be fulfilled as a precondition for use. Only in such cases may the term be used on its own.
- **Example of use:**
"The dishwasher operates in ECO mode at a lower temperature and saves X% energy compared to its previous model."
- **Evidence and potential supporting documentation:**
 - Certification documents/proof of certification
 - Technical documentation and test results
 - Examples: EU Ecolabel

5.4.1.4 Eco/bio (for food, within the scope of the EU Organic Regulation)

- **Definition:** The prefixes "bio" and "eco" may refer to ecological, economic or both aspects (eco-efficiency). While "eco" is often used in a more technical context as a synonym for economical or eco-efficient, "bio" almost always implies a comparatively low environmental impact. For food products, both terms are understood to indicate a lower environmental impact.²¹
- **Legal assessment and recommendation for use:** This term is suitable for product communication for food, subject to compliance with legal requirements. Within the EU, food and similar raw materials may only be described as "bio", "eco" or "ecological" if they comply with the mandatory minimum standards for the production of organic products under the EU Organic Regulation and are certified. (Only) In such cases may the term be used without further explanation.
- "Our grain is produced in accordance with the principles of ecofarming, including:
 - No use of chemical fertilisers or pesticides
 - Promotion of sustainable soil fertility
 - No use of genetic engineering methods."

- **Evidence and potential supporting documentation:**
 - Certification documents/proof of certification
 - Evidence in accordance with the EU Organic Regulation
 - Examples: Bioland | Demeter | German organic label | EU organic label | Naturland

5.4.1.5 Regional product

- **Definition:** “Regional products” are goods whose origin can be geographically identified and delimited and which are processed, refined and marketed within that region. The intention of the claim is, inter alia, to indicate short transport distances and to support the regional economy. However, there are currently no uniform definitions regarding the required share of production (cultivation, processing etc.) within the region or the size of the region.²²
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. The value chain must reflect a regional economic cycle, for example this is particularly common for mono-products such as fruit and vegetables or products with only a few constituents. The more additives a product requires, the less likely it is to be entirely regional. Product communication should take place at the point of sale because it is relevant that this is in the same region as production. Specification is recommended (e.g. “Lake Constance apple” or a postcode). If a product is transported multiple times within the same region in such a way that, despite regional production and processing, the transport distance is comparable to that of a similar product, the claim must not be made without additional explanation. “Regional product” only constitutes an environmental claim where environmental aspects are implicitly or explicitly emphasised, for example short transport distances. In most cases, however, the communication itself clarifies whether the regionality of the product is intended to support the regional economy (e.g. “potatoes from Germany”, not an environmental claim) or, as in the example below, to emphasise environmental aspects.
- **Example of use:**

“This product comes from the region and therefore has shorter transport distances: the distance between the producer and the point of sale is less than 100 km.”*

* The figure “100 km” is provided as an example only. In each individual case, the actual distance must justify referring to the product as regional and, where applicable, as having a better environmental impact.
- **Evidence and potential supporting documentation:**
 - Documentation of origin within the supply chain
 - Where applicable, certification documents/proof of certification
 - Examples: Regionalfenster | PEFC Regional Label | Biokreis regional & fair | Bergisch Pur | Bioregion Niederrhein | German state labels, e.g. QZB

5.4.1.6 Natural

- **Definition:** “Natural” refers to raw materials or products that occur in nature and are only minimally processed, or that consist predominantly of such materials. Natural raw materials retain their chemical structure unchanged, even if they have undergone a chemical process or treatment or a physical mineralogical transformation, for example to remove impurities.²³
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. It must be clearly indicated which components are of natural origin, where applicable as a percentage of the total weight, and what “natural” means in the specific context. Additional information may be provided on whether these components have other relevant characteristics, for example whether they are renewable. It must also be explained what is meant by “natural”, as from a consumer perspective the terms “natural” and “untreated” are often not sufficiently clear. Depending on the product, a high level of explanation is therefore required (see also “untreated”).

- **Example of use:**
 “This repair face mask is Natrue certified: 91% of the constituents are of natural origin. This means that these constituents occur unchanged in nature or are derived directly from plants or minerals.”
 or
 “This beverage consists of 100% natural ingredients. This means that these ingredients occur unchanged in nature or are derived directly from plants or animals.”
- **Evidence and potential supporting documentation:**
 - Documentation of the origin of the “natural” ingredients and the processing method
 - List of ingredients
 - Certification documents/proof of certification
 - Examples: COSMOS Standard | Natrue Label

5.4.1.7 Untreated

- **Definition:** “Untreated” refers to materials and substances whose natural composition has not been altered and which do not contain any added substances.
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. It must be clearly indicated which components of the product, or the entire product, the term refers to and what it means, as from a consumer perspective the terms “natural” and “untreated” are often not sufficiently clear. Depending on the product, a high level of explanation is therefore required (see also “natural”).

Regulatory requirements apply to some products and product categories, governing when a product is considered untreated for a specific application (e.g. edible vegetable oil). (Only) In such cases, and where the legal requirements are met, may the term be used on its own. When using the term, it should also be ensured that no treatment, for example chemical treatment, has taken place along the entire supply chain, even though this may be difficult to substantiate.

Example: For olive oil, the permissibility of the designation “virgin” is derived from Article 78 in conjunction with Annex VII of Regulation (EU) No. 1308/2018. Naturally, the legal requirements for olive oil must be fulfilled in order to use this designation.

- **Example of use:**
 “Our Himalayan salt is untreated. This means that it occurs in this form in nature.”
 or
 “virgin olive oil”
- **Evidence and potential supporting documentation:**
 - Documentation of the origin of the “natural” ingredients
 - List of ingredients
 - Certification documents/proof of certification
 - Examples: COSMOS Standard | Natrue Label

5.4.1.8 Eco-friendly production conditions

- **Definition:** Eco-friendly production conditions aim to avoid excessive environmental impact and instead protect the environment through resource-efficient processes, the use of, inter alia, renewable energy, waste prevention and low-emission manufacturing. The entire product life cycle, from material sourcing to recycling, is taken into account in order to minimise the ecological footprint.
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires comprehensive additional explanation. The term “eco-friendly” may

have numerous meanings, for example resource-efficient. It is therefore essential to explain the reasons why the environment is considered to be protected. Concrete measures and their environmental impact must be clearly and comprehensively described at the point of communication. Overall, negative environmental impacts must not outweigh the positive measures to such an extent that the product does not, or does not significantly, reduce environmental impact compared to other products.

- **Example of use:**

“This product was manufactured under eco-friendly production conditions. This means [...]”*

* Detailed explanations must be provided here, specifying which measures are implemented and what positive environmental impacts they achieve.

- **Evidence and potential supporting documentation:**

- Certification documents/proof of certification
- Examples: Blue Angel | EU Ecolabel

5.4.2 Climate

5.4.2.1 Carbon footprint

- **Definition:** The “carbon footprint” describes the cumulative impact on climate change of total greenhouse gases emitted, typically expressed as carbon dioxide equivalents (CO₂eq), over a given time frame in the entire value chain (company) or over the full life cycle (product) from raw materials to manufacture, distribution, consumer use, recovery and disposal.²⁴
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. The use of a carbon footprint is only recommended where the product claim is supplemented with contextual information for end consumers (What does this value represent?). The calculation methodology and system boundaries must be specified. Comparative claims may provide relevant added value but are only permissible where values are determined within the same life cycle assessment or on the basis of the same Product Category Rules (PCR), using identical assumptions and where the analyses have been published. The claim should refer to the entire life cycle or clearly indicate which part of the life cycle is covered. A comparison of the carbon footprint of different products, for example plant-based “schnitzel” compared to meat alternatives, is permissible where the calculated values are representative and scientifically robust and where they apply to a substantial proportion of the relevant product category. Additional requirements may apply. To avoid the risk of misleading consumers, such comparisons must always be assessed on a case-by-case basis.
- **Example of use:**
“This product has a carbon footprint that is X% lower than that of its previous version.*”
* Calculated in accordance with standard X and certified by Y.”
- **Evidence and potential supporting documentation:**
 - Certification documents/proof of certification
 - Various providers certify in accordance with these standards: Greenhouse Gas Protocol | DIN EN ISO 14064-1:2019-06 greenhouse gas accounting and verification

5.4.2.2 Energy efficiency (taking into account the energy efficiency class)

- **Definition:** “Energy efficiency” refers to the ratio between a specific benefit (heating, lighting etc.) and the energy required to achieve it. The less energy is required to achieve the benefit, the higher the energy efficiency.²⁵
- **Legal assessment and recommendation for use:** This term is suitable for product communication, subject to compliance with legally required communication provisions, for example energy labelling requirements. For product-related claims, it is recommended to use established, product-specific metrics as evidence of energy efficiency. Product communication

should always be based on supporting documentation and concrete measurement or calculation values. Classification as “energy efficient” constitutes a generic environmental claim and should only be made in alignment with the highest energy efficiency classes defined in the relevant EU Regulation.

- **Example of use:**
“Our current energy efficient refrigerator models consume on average 40% less electricity than our 2017 product line (based on the energy label).”
- **Evidence and potential supporting documentation:**
 - Documentation demonstrating compliance with legal requirements or other measurements
 - Certification documents/proof of certification
 - Examples: new EU energy label (from 09/2021) | Blue Angel | Energy Star | EU Ecolabel | TCO Certified

5.4.2.3 Water footprint

- **Definition:** The “water footprint” of a product refers to the amount of freshwater that is consumed, evaporated or polluted throughout the entire production chain for manufacturing and transport. It includes not only the quantitative dimension but also the geographical and temporal aspects of water use.²⁶
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. It is currently used less frequently in marketing and more commonly in consumer education. The use of a water footprint requires further information regarding:

- the underlying standard or recognised calculation methodology
- The contextualisation of the product claim for end consumers, for example “a water footprint of 560 litres corresponds to approximately four full bathtubs”

Comparisons with other products from broader product categories are generally not advisable, as such comparisons cannot adequately account for uncertainties and product-specific characteristics. See also “carbon footprint”.

- **Example of use:**
“For the production of this plant-based schnitzel (150 grams), X litres of water were required. The water footprint of this product was calculated in accordance with ISO 14046.”

or

“For the production of this plant-based schnitzel (150 grams), X litres less water were required than for the previous product. This represents a saving of around Y full bathtubs. The water footprint of this product was calculated in accordance with ISO 14046.”

- **Evidence and potential supporting documentation:**
 - Documentation of water consumption across the entire value chain and supply chain
 - Certification documents/proof of certification
 - Examples: Alliance for Water Stewardship | Blue Angel

5.4.3 Biodiversity

5.4.3.1 Diversity of species

- “Diversity of species” is a sub-aspect of biodiversity. “Biodiversity” refers to biological diversity and includes not only the diversity of animal and plant species but also the diversity of ecosystems and genetic diversity, whereas the term “diversity of species” specifically refers to the variety of animal and plant species. Diversity of species also includes the range of functions that species perform within ecosystems and the interactions between them.²⁷

- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. The specific measures that contribute to the diversity of species should be described, together with their effect if possible.
- **Example of use:**
"Producers surround their fields with flowering strips on X% of the cultivated area, thereby contributing to the preservation of biodiversity. Flowering strips, for example, provide valuable food sources and habitats for many insects and wild animals and can help connect important habitats such as fallow land and hedgerows."
- **Evidence and potential supporting documentation:**
 - Documentation demonstrating support for biodiversity
 - Certification documents/proof of certification
 - Examples: Bioland | Demeter | German organic label | EU organic label | Naturland | Rainforest Alliance

5.4.3.2 Sustainable forestry

- **Definition:** "Sustainable forestry" and forest management refer to the stewardship and use of forests and forest areas in a way and to an extent that maintains their productivity, biological diversity, regenerative capacity and vitality. At the same time, their ability to meet current and future ecological, economic and social requirements is preserved without causing damage to other ecosystems.²⁸
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and should only be used in conjunction with evidence and a specific explanation. In communication, it is recommended to specify that the relevant raw materials originate from sustainable forestry, including both social and environmental aspects, supported by certifications or labels, for example certificates such as FSC.
- **Example of use:** "The wood used in this product comes from sustainably managed forests. This means that forests can continue to fulfil their ecological, social and economic functions over the long term without being degraded."
- **Evidence and potential supporting documentation:**
 - Documentation of forest management within the supply chain
 - Certification documents/proof of certification
 - Examples: Blue Angel | FSC – Forest Stewardship Council | Naturland | PEFC – Programme for the Endorsement of Forest Certification | RSB – Roundtable on Sustainable Biomaterials

5.4.4 Recycling and recovery

5.4.4.1 Can be dismantled/modular construction

- **Definition:** "Can be dismantled" refers to the ability to take a product apart for repair, refurbishment, upgrade or at the end of its useful life in such a way that individual components can be disposed of appropriately, for example through reuse or recycling, ensuring that the materials contained in the product are directed into suitable material streams for reuse or recycling.²⁹
- **Legal assessment and recommendation for use:** This term is suitable as a product claim. Product claims or supplementary information should, where necessary, include additional guidance on proper recycling for each component (see also "recyclable"). In addition, consumers can be supported in correct separation and disposal through the use of the dual systems' packaging logo providing sorting guidance. The ability to be dismantled and modular construction can also have an impact on reparability, which under the new provisions of the "second part" of EmpCo, not covered by this project, will become part of statutory warranty obligations. These

terms may also be used in a promotional context in relation to reparability. However, claims regarding reparability must not be misleading and must be accurate.

- **Example of use:**
"Our product can be dismantled. The components of the product can be disposed of or recycled separately. Please separate (components X and Y) and dispose of them via household recycling collection. (Component Z) can be disposed of via paper recycling collection."
- **Evidence and potential supporting documentation:**
 - Technical product documentation
 - Examples: Circular Design Standard (for textiles)

5.4.4.2 Recycled content/recyclate content

- **Definition:** "Recycled content" refers to the percentage share of recycled material contained in a product or its packaging.³⁰
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. Product claims should specify the components made from recycled materials or quantify the proportion of recycled material as a percentage. The data for the packaging and the product must not be added together. Additional (environmental) benefits of recycled materials may also be highlighted, for example reduced energy consumption or lower climate-relevant emissions. Where the recycling symbol consisting of three arrows is used to indicate recycled content, the percentage value must be specified, in contrast to the term "recyclable". It should be indicated whether the material is post-consumer recycled material (PCR) or post-industrial recycled material (PIR), with the latter requiring further explanation. The term PCR may also still require explanation in many cases (see 5.4.4.4 "PCR"), even though consumers may expect that "recyclate" refers to PCR. Where recyclate refers to PIR or a mixture of PCR and PIR, this must be clearly explained. The example illustrates that the required level of explanation always depends on the specific product and the respective target audience and must therefore be determined on a case-by-case basis.
- **Example of use:**
"Carton with at least 65% recyclate content (post-consumer)", "Bottle with at least 90% recycled content (excluding cap; post-industrial)"
- **Evidence and potential supporting documentation:**
 - Documentation of the sources of the relevant raw materials
 - Certification documents/proof of certification
 - Examples: Blue Angel | FSC Recycled | RAL Quality Mark for products made from Recycled Plastics | Global Recycled Standard (GRS for textiles) | EuCertPlast

5.4.4.3 (Made from) 100% rPET, rPET

- **Definition:** "rPET" stands for recycled polyethylene terephthalate (PET). As indicated by the term rPET, it is used where the plastic or material consists partly or entirely of recycled PET. It can be considered a subcategory of recycled content.³¹
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. Product claims should specify the components made from rPET or quantify the proportion of rPET as a percentage. Additional environmental benefits of recycled material may also be highlighted, for example reduced energy consumption or lower climate-relevant emissions. The claim should only be used if the material contains a high-quality recycled material.
- **Example of use:**
"Packaging made from at least 65% recycled PET (rPET)", "Bottle made from at least 90% recycled PET (excluding cap; rPET)"

- **Evidence and potential supporting documentation:**

- Documentation of the origin of raw materials
- Certification documents/proof of certification
- Examples: Blue Angel | FSC Recycled | RAL Quality Mark for products made from recycled plastics | Global Recycled Standard (GRS for textiles)

5.4.4.4 Post-consumer recycled material (PCR)

- **Definition:** "Post-consumer recycled material (PCR)" refers to material that has been processed for material recovery after completing its use phase in households, commercial, industrial or public facilities. A defining characteristic of PCR is that the material has already undergone a usage phase.³²
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. Product claims should specify the components made from PCR material or quantify the proportion as a percentage. Data for the packaging and the product must not be aggregated. As the term PCR is not yet widely understood in consumer communication, additional explanation is required to ensure comprehension.
- **Example of use:**
"Tube with a minimum content of 75% post-consumer recycled material (PCR). The recycled material used has previously been used as packaging. This tube helps to keep materials in the material cycle."
- **Evidence and potential supporting documentation:**
 - Documentation of the origin of raw materials
 - Certification documents/proof of certification
 - Examples: RAL Quality Mark for products made from recycled plastics Recycled | Blue Angel | EU Ecolabel

5.4.4.5 Recyclable

- **Definition:** "Recyclable" describes the possibility of returning the materials used in a product or packaging to the material cycle in order to produce new products. The precondition for this is the availability of suitable recycling programmes which collect and sort recyclable material streams and process them ready for reuse. Where products consist of multiple components made from different materials, these materials must be separable for recycling (distinction between theoretical and practical recyclability). Energy recovery is excluded.³³
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. Product claims should specify the recyclable materials or components and the conditions required for actual recycling, based on recognised assessment systems (e.g. DIN EN 13430). Additional labelling, for example the recycling symbol (consisting of three arrows) or sorting instructions, can support this. In addition, consumers can be supported in correct separation and disposal through the use of the dual systems' packaging logo providing sorting guidance. Claims such as "100% recyclable" or "fully recyclable" should be used with caution and only where all materials are in fact fully recyclable, for example in the case of mono-materials. For packaging, the minimum standard for assessing recyclability pursuant to section 21 of the German Packaging Act must be taken into account.
- **Example of use:**
"100% of the materials in this packaging are fully recyclable. Please separate (components X and Y) and dispose of them via household recycling collection. (Component Z) can be disposed of as recycled paper."
- **Evidence and potential supporting documentation:**
 - Evidence of material constituents
 - Scientifically substantiated evidence of recyclability

- Examples: Recycling symbol (consisting of three arrows) | “Recyclable” logo by DerGrünePunkt

5.4.4.6 Refurbished

- **Definition:** “Refurbishment” refers to a process that enables used products to undergo a new life cycle through reprocessing. Unlike recycling, where a product is broken down into raw materials, for example by shredding or separation, refurbishment retains the product as such for continued use. This approach is used in the electronics industry (smart phones, tablet computers), for example.³⁴
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. When using the term in product communication, all refurbished components and materials, as well as the type of refurbishment, must be specified and clearly described.
- **Example of use:**
“This printer has been tested and refurbished using a strict process and modern technology. Specifically, the nozzles (list of refurbished components) have been replaced, so that the device is restored to a like-new condition.”
- **Evidence and potential supporting documentation:**
 - Documentation of the source and the refurbishment process
 - Certification documents/proof of certification
 - Example: Blue Angel

5.4.5 Materials and packaging

5.4.5.1 Returnable

- **Definition:**
“Returnable” refers to the possibility of multiple use, primarily for packaging and in some cases also for products. Many returnable packaging systems can be cleaned, reconditioned, repaired, refilled and/or reused multiple times. Ideally, returnable packaging undergoes numerous cycles in this way.³⁵
- **Legal assessment and recommendation for use:** This term is suitable for product communication. The product claim may be supplemented with information on the positive environmental contribution, such as reduced material consumption and a reduction in carbon emissions over the life cycle after X uses (to be substantiated by a robust life cycle assessment), as well as with explanations of the return system (e.g. deposit or lending systems). If the system is not part of a statutory deposit scheme, information on return and exchange options should be provided. The requirements of the applicable Packaging Act regarding return systems must be observed.
- **Example of use:**
“This is returnable packaging. Collection points for empty packaging and refilling are available here: [URL].”
- **Evidence and potential supporting documentation:**
 - Evidence of a verifiable return system
 - Evidence of participation in a return system
 - Examples: Blue Angel | Returnable label | PETCycle

5.4.5.2 Refillable

- **Definition:** “Refillable” refers to the possibility of refilling a product, a component or packaging after initial use for repeated reuse with the same product or, where applicable, a similar product.

No additional processing is required, except in some cases for specific requirements such as cleaning or washing.³⁶

- **Legal assessment and recommendation for use:** This term is suitable for product communication. Refillable products, packaging etc. may be labelled as such. Where applicable, it should be indicated that preparation prior to refilling may be necessary, for example cleaning of the packaging or dispenser. Additional environmental claims, such as claims relating to resource conservation, must be accurate and substantiated. **Please note:** It should be ensured that a concrete offer for reuse exists, for example refill stations, refill pouches or tabs. Reference should be made to refill locations.
- **Example of use:**
"This printer cartridge is refillable and, compared to a new cartridge, saves environmental resources and reduces costs. Refill stations can be found here: [URL]."
- **Evidence and potential supporting documentation:**
 - Documentation of refill options
 - Evidence of participation in a system
 - Scientifically substantiated evidence demonstrating that a new cartridge consumes more resources

5.4.5.3 Reusable

- **Definition:**
"Reusable" refers to products, components or packaging that are designed to undergo a minimum number of cycles within their intended use phase. Unlike returnable packaging systems, cleaning and reuse take place at the consumer level.³⁷
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. The product claim should explicitly refer to a reusable component, for example the packaging or housing, and, where relevant, indicate the conditions required for reuse, such as cleaning, inspection or maintenance.
Please note: It should be ensured that a concrete offer for reuse exists, for example refill stations, refill pouches or tabs.
- **Example of use:**
"The container can be reused or refilled for its original purpose without requiring further processing – standard cleaning is sufficient."
- **Evidence and potential supporting documentation:**
 - Evidence demonstrating the safety of reuse and cleaning
 - Where applicable, certification documents/proof of certification
 - Examples: Blue Angel | EU Ecolabel

5.4.5.4 Bio-based plastic

- **Definition:** "Bio-based plastics" consist in part of plastic derived from biomass, for example from sugar cane or maize. The raw material does not indicate whether the material is biodegradable; in most cases, such plastics must be disposed of via conventional recycling streams, where they may reduce the quality of recycled material.³⁸
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. The sustainability impact of bio-based plastic depends on the origin of the material (positive: biogenic residues; negative: monoculture, competition for land with food production) and is subject to considerable debate. The mass balance approach often used (ISCC+) is a technical transitional solution on the path towards further carbon reductions. At present, its use remains at a very low level. The use of chemical recycling is also highly controversial, particularly with regard to the appropriate accounting methodology. Less

critical is the use of bio-based material or biological feedstock (see examples above). An alternative to ISCC+ is certification for bio-based products by TÜV Rheinland (dincertco.de).

In addition, the term often leads to confusion among consumers regarding disposal. There is a risk that bio-based plastics are confused with biodegradable plastics (bioplastics). To avoid incorrect disposal, the percentage of bio-based plastic should be specified and, in addition, disposal guidance should be provided, for example recyclable, compostable or "Please dispose of in the yellow bin". Consumers may also be supported in correct separation and disposal through the use of the dual systems' packaging logo.

- **Example of use:**
"Contains X% bio-based plastic (biogenic origin: maize, sugar cane). Disposal guidance (XY)."
- **Evidence and potential supporting documentation:**
 - Evidence of the origin and composition of raw materials
 - Where applicable, certification documents/proof of certification
 - Examples: TÜV Rheinland

5.4.5.5 Biodegradable

- **Definition:** "Biodegradable" refers to the property of a material to be completely broken down by organisms, so that within a defined period only substances remain in soil and water that also occur in nature and do not adversely affect the quality of environmental media. This must be distinguished from the fragmentation of plastic through light and mechanical stress into micro-particles, where no biological degradation takes place (oxo-degradable plastics).³⁹
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication for materials within biological cycles, for example detergents, and requires additional explanation. Product claims should, in addition to stating biodegradability, refer to the relevant testing standards on which the claim is based. This term is generally not suitable for product communication where it relates to materials in technical cycles, that is reuse, repair and/or recycling, for example packaging.
- **Example of use:**
"Biodegradable according to (testing standard). Disposal guidance (may vary locally): NOT suitable for disposal in nature."
- **Evidence and potential supporting documentation:**
 - Documentation of raw materials
 - Scientifically substantiated evidence of biodegradability
 - Where applicable, certification documents/proof of certification
 - Examples: Blue Angel | EU Ecolabel

5.4.6 Constituents

5.4.6.1 Vegetarian

- **Definition:** Products are considered "vegetarian" if they do not contain ingredients derived from dead animals, such as fish, meat, gelatine or rennet, although other products of animal origin, for example milk, honey, eggs or products derived from these, may be added or used in their production.⁴⁰
- **Legal assessment and recommendation for use:** This term is suitable as a product claim for both food and non-food products. For food products where ingredients are already communicated, no further explanation is required. The term is also self-explanatory for non-food products. It may be supplemented by a corresponding label. "Vegetarian" is not necessarily an environmental claim but may be perceived as such depending on the overall communication context. In any case, it constitutes a material characteristic of the product and must not be misleading.

- **Example of use:**
"vegetarian"
- **Evidence and potential supporting documentation:**
 - Documentation of raw materials and production sites
 - List of ingredients
 - Certification documents/proof of certification
 - Examples: European V-Label – vegetarian category

5.4.6.2 Vegan/plant-based (for food)

- **Definition:** Products are considered "vegan" if they are not of animal origin and do not contain any ingredients of animal origin – this applies to all stages of production and processing as well as, where applicable, to packaging materials used, for example adhesives.⁴¹
- **Legal assessment and recommendation for use:** This term is suitable as a product claim for both food and non-food products. For food products where ingredients are already communicated, no further explanation is required. The term is also self-explanatory for non-food products. It can be complemented by the use of an appropriate label. "Vegan" does not necessarily constitute an environmental claim but may be perceived as such depending on the overall communication context. In any case, it constitutes a material characteristic of the product and must not be misleading.
- **Example of use:**
"fully plant-based" or "vegan leather made from mushrooms", labelling of products with a label from the relevant provider or organisation, for example the V-Label of the European Vegetarian Union
- **Evidence and potential supporting documentation:**
 - Documentation of raw materials and production sites
 - List of ingredients
 - Certification documents/proof of certification
 - Examples: European V Label – vegan | EcoVeg | The Vegan Trademark | NCP Nature Care Product (vegan) | NCS Natural Cosmetics Standard (vegan)

5.4.7 Animal welfare

5.4.7.1 Farming method

- **Definition:** "farming methods" describes the conditions under which animals are kept within the value chain. These farming methods are generally based on statutory minimum requirements, for example for pigs under the Animal Husbandry Labelling Act. Common classifications include, for example, indoor housing, indoor housing +space, indoor housing with fresh air, outdoor runs/pasture and organic housing system for pigs, and cage farming, floor rearing, free-range farming and organic husbandry for laying hens.⁴²
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and requires additional explanation. Communication of the farming method may take place via a label and/or by stating the designation of the farming method, for example free-range. In all cases, it must be supported by evidence and, where applicable, comply with statutory requirements. Where the term is not legally defined, noting that "organic" represents the highest category, it should be described as precisely as possible. When using a label, particular attention must be paid to compliance with the new requirements of the UWG. Where the stated values, for example indoor housing area, are not self-explanatory to consumers, additional explanation is required.

- **Example of use:**
“Free-range”, “Husbandry type 3: indoor housing with fresh air” or “Our cows have X m² of pasture and X m² of indoor space per cow”
- **Evidence and potential supporting documentation:**
 - Evidence of animal husbandry within the value chain
 - Where applicable, certification documents/proof of certification
 - Examples: Farming method label | Animal Welfare Initiative | NEULAND label | Animal welfare label “For more animal welfare!”

5.4.8 Social aspects

5.4.8.1 Fair trade

- **Definition:** “Fair trade” refers to partnerships that promote improved trading conditions for all parties along the value chain, combined with safeguarding social rights for producers, workers and other stakeholders. The goal is to enforce these principles in international trade. Generally speaking, it involves direct long-term collaboration with raw material producers and guaranteed minimum purchase quantities and prices to ensure the coverage of varying socially and environmentally compatible production and living costs. (minimum requirements depending on the label).⁴³
- **Legal assessment and recommendation for use:** This term is of limited suitability for product communication and should only be used in conjunction with supporting evidence. Claims relating to fair trade are generally made at company level. However, for individual products or raw materials, for example cocoa or coffee, clarification through the use of an appropriate label is possible. The specific standard applied or the concrete measures implemented in cooperation with disadvantaged suppliers or producers should also be indicated. Where reference is made to own cultivation projects, this must be transparent and verifiable. It is also possible to communicate specific achievements. While the focus of this guidance is on environmental claims, EmpCo explicitly includes “social characteristics” within the scope of the general prohibition of misleading practices as a new “material characteristic” under section 5 UWG, which must not be misleading. For this reason, this guidance has been supplemented with the primarily social characteristic of “fair trade” as an example.
- **Example of use:**
“The cocoa and sugar used in this chocolate are sourced in accordance with strict and verified compliance with the [...] standard for fair trade. We pay prices above the market average to producers and ensure that workers employed by our suppliers receive wages above the local average or minimum wage, enabling a livelihood above the poverty line. In doing so, we support a more equitable and dignified form of agriculture.”
- **Evidence and potential supporting documentation:**
 - Documentation of social conditions within the supply chain
 - Certification documents/proof of certification
 - Examples: Fairtrade label | Cotton made in Africa | GEPA – fair-plus | Naturland Fair | Naturtextil IVN-certified BEST | Rainforest Alliance | bluesign® standard | FairWild | Hand in Hand

6 Background/Annex

The comprehensive legal assessment set out below forms the basis for the above positive examples and the best practice checklist.

6.1 Open questions, grey areas and uncertainties

While the answer to the question of what may constitute a carrier of an environmental claim is likely to be unequivocally “anything”⁴⁴, the interpretation of other terms and provisions is considerably more complex.

Particular difficulty arises in distinguishing between a generic and a specific environmental claim. In particular, there is no precise clarification of the required level of explanation, that is, how the EmpCo Directive defines the requirement of being “clear and in a prominent manner”.⁴⁵ While “climate-friendly packaging” and “environmentally friendly” are to be regarded as generic claims, “100% of the energy used to manufacture this packaging comes from renewable sources” should be considered a specific claim.⁴⁶

Further complexity arises where an environmental claim is combined with graphical elements, for example water droplets or plants. In such cases, it becomes even more challenging to determine the required level of explanation. At the same time, the corresponding prohibition is absolute and must therefore be strictly observed.⁴⁷

This guidance is intended to provide direction on how generic environmental claims can continue to be used in line with a best practice approach and what level of explanation is required to transform a generic claim into a specific one.

With regard to permissible generic environmental claims, the concept of “recognised excellent environmental performance” is particularly relevant. Such performance may be demonstrated where it is in line with Regulation (EC) No. 66/2010, with national or regional environmental labelling schemes in accordance with EN ISO 14024 Type I that are officially recognised in Member States, or with the highest environmental performance under other applicable Union law. Neither EmpCo nor the UWG – new version provide a more detailed definition of “other applicable Union law” or a list of national or regional environmental labels.

In addition to the above, this guidance therefore aims, within the framework of the best practice examples, to provide a list of national or regional environmental labelling schemes or other applicable Union law that may be used to substantiate claims of superior environmental performance.

The concept of a sustainability label is also not clearly defined. In principle, neither the issuer nor the user is required to explicitly state that a particular design constitutes a label. This is determined solely on the basis of objective criteria. There are no formal requirements specifying that a sustainability label must, for example, be presented within a rectangular, square or circular frame in order to distinguish it from other labels. In other words, in the absence of formal requirements, a label could theoretically consist of a single word, a word within a frame or a more complex graphical design with multiple elements. Once the, as yet undefined, threshold is reached and the other requirements are fulfilled, a sign becomes a sustainability label automatically. This presents challenges for the FMCG sector, as pictograms and other graphical elements are regularly used to communicate information to consumers in a simple and understandable way. In many cases, this may result in crossing the threshold from a graphical environmental claim to a sustainability label.

This guidance therefore aims to explain how environmental claims presented in graphical form can continue to be communicated to consumers.

A further challenge identified in the course of the project relates to certification schemes, in particular the question of which requirements such schemes must fulfil in order to comply with the new rules.⁴⁸ It remains unclear what is meant by open, transparent, fair and non-discriminatory conditions, which non-compliance measures a scheme must include and how monitoring by an independent third party must be carried out. In other words, it is unclear what assurances organisations issuing labels must provide.

This guidance therefore explains, within the framework of the best practice examples, the requirements that certification schemes must meet and how labels can continue to be used in a legally compliant manner.

Advertising future environmental performance, for example “net zero by 2050”, will only be permissible where it is based on clear, objective, publicly accessible and verifiable commitments. These commitments must be set out in a detailed and realistic implementation plan containing measurable and time-bound targets as well as all elements necessary for implementation, such as the provision of financial or human resources. Progress must be regularly reviewed by an independent external expert. The results of this review must be made accessible to consumers.

This guidance sets out how objective and verifiable commitments can be formulated and how the implementation plan must be presented.

While it is clear that claims of “climate neutrality” achieved through the “offsetting” of CO₂eq may no longer be advertised using the term “climate-neutral”, there remains uncertainty as to whether offsetting may be advertised at all and, if so, under what conditions.

This guidance therefore aims to explain whether and how offsetting projects may continue to be advertised.

6.2 Interpretation of EmpCo and classification based on the Commission FAQs

With regard to the issues outlined above, a shared understanding and approach in line with best practices has been developed. This understanding is based on the Third Act amending the Act against Unfair Competition (UWG), the EmpCo Directive, the Commission’s FAQs and the available literature.

The implementation of these best practices may ensure the continued distribution of products beyond 27 September 2026. The Commission has ruled out any extension of this transitional period.⁴⁹

6.2.1 Handling of generic environmental claims

A generic environmental claim is, in simplified terms, an environmental claim that is not further explained.⁵⁰ It is therefore unclear what level of explanation distinguishes a specific environmental claim from a generic one, along with the corresponding legal consequences.

The distinction between a generic and a specific environmental claim can be effectively explained by reference to the concept of an “ambiguous” environmental claim, which is well established in competition law. Case law requires that an ambiguous claim must be clarified through sufficient explanation. This principle can be applied to generic and specific environmental claims: an environmental claim is considered sufficiently explained where it is no longer ambiguous and becomes clearly understandable to consumers. In such cases, it will generally be regarded as a specific rather than a generic environmental claim.

Such clarification and contextualisation must, in principle, be provided on the same medium and within the same field of vision and may be given with or without an asterisk or footnote. Providing clarification by means of an asterisk and explanatory text, for example as a footnote, is, however, widespread and common practice. Consumers are familiar with explanations indicated by an asterisk. They already expect the asterisk to serve a warning function. To fulfil this function, the asterisk must be clearly linked to the environmental claim, effectively forming part of it, and must be clearly visible. The explanatory note itself must be easy to find and read, and its content must be sufficient and comprehensible. This is not the case if the text is placed in an unexpected location, is difficult to see or read due to its orientation or is presented in an illegibly small font. As a general rule, explanatory text should therefore appear on the same page as the claim itself. This means either on the same printed page of the advertisement or packaging, or online at the end of the webpage or accessible directly via a link next to the claim (e.g. via the asterisk). Online, a so-called mouseover effect is also possible, whereby the explanatory text becomes visible when consumers move the cursor over the asterisk.

A generic environmental claim exists only where it is made in written or oral form, that is, where it contains words and/or language.⁵¹ Accordingly, pictograms or colours alone cannot constitute a

generic environmental claim. However, this also means that any implicit claim may become an environmental claim through the addition of a typical environmental colour code (for example, the statement “This is good for you” against a green-brown background may already constitute an inadmissible generic environmental claim). An environmental claim conveyed solely through colours, images or pictograms must nevertheless comply with the general prohibitions on misleading practices under competition and food law. This also applies to trade marks, the registration of which may even be refused if they do not meet the requirements of EmpCo.⁵²

Even documentation or statements that are neutral in themselves or legally required, such as a CSRD report, may become a (generic) environmental claim if a company uses this information, for example from its sustainability report, in voluntary advertising or marketing measures aimed at consumers, for example to make an environmental claim about a product or about the company in general.⁵³ In such cases, the adopted statement must also be contextualised and explained.

With regard to distinguishing between a generic and a specific environmental claim, this can be summarised as follows:

- 1. Making the claim:** The claim determines the need for explanation; the more general it is, the more explanation is required.
- 2. Explanation:** Eliminates ambiguity, contextualises the claim and leaves no open questions.
- 3. Further information and evidence:** Support a deeper understanding of the claim and help to prevent claims under the UWG, for example via a QR code.

It should be emphasised that the above applies only to aspects of a product that actually have an effect or that distinguish the product from others of the same type. As a general rule, only benefits for consumers may be advertised if they are not irrelevant and arise from a characteristic of the goods, the service or the business activity.⁵⁴ This is intended to prevent advertising with self-evident features, such as “gluten-free water” or “plastic-free paper”, in the future.⁵⁵ Even providing an explanation for such environmental claims will not render them compliant if the respective aspect does not represent a genuine environmental benefit.

6.2.2 How can recognised excellent environmental performance be demonstrated?

“Recognised excellent environmental performance” may be demonstrated where the environmental performance is in line with Regulation (EC) No. 66/2010, with national or regional environmental labelling schemes in accordance with EN ISO 14024 Type I that are officially recognised in Member States, or with the highest environmental performance under other applicable Union law.

Based on the following list of positive examples, certain generic environmental claims may be made:

Example:

- Class A (energy-efficient) within the meaning of Regulation (EU) 2017/1369 (energy labelling)
- Regulation (EU) 2018/848 (EU Organic Regulation) on organic production of food and requirements for sustainable soil management and fertilisation (while this does not qualify as an EN ISO 14024 Type 1 ecolabel, it is regulated under other applicable EU law (cf. FAQ no. 14))
- Article 7 of Regulation (EU) 2024/1143 (geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products) for “sustainable” or “sustainable practices”
- Nordic Swan (<https://www.nordic-swan-ecolabel.org/>)
- Blue Angel (<https://www.blauer-engel.de/de>)
- Austrian Ecolabel (<https://www.umweltzeichen.at/de/ueber-uns/start>)
- Milieukeur (<https://www.milieukeur.nl/>)

State labels from third countries or non-EU countries are not permitted per se and may only be used if they meet the other requirements of EmpCo and the UWG.⁵⁶

6.2.3 What is a sustainability label?

A standard sign or a graphically presented (environmental) claim becomes a sustainability label if (a) it consists at least of a graphical element and resembles a physical seal or stamp impression and (b) it is clearly intended to promote or assess a product, a process or a company.

An existing certification scheme is not required for a sign to qualify as a label; rather, by definition, a sustainability label may also exist even if such a scheme is not (yet) in place. However, in such cases, its use is not permitted. Furthermore, a sustainability label may relate to multiple characteristics of a product, a process or a company, thereby giving the definition a broad scope of application.⁵⁷

The use of sustainability labels will in future only be permissible where the labels are based on a compliant certification scheme. However, even where the certification scheme itself complies with EmpCo, the use of the sustainability label must still comply with general competition law requirements and must not, in particular, be misleading. (Environmental) claims contained within sustainability labels must also comply with the general requirements of competition law and must not be used as a "safe haven" for otherwise impermissible (environmental) claims.⁵⁸ Even where a sustainability label may in principle be regarded as compliant due to an underlying certification scheme, companies should critically assess the (environmental) claims contained within it and, in particular, the accompanying communication, and where appropriate treat them in the same way as a generic environmental claim. In addition, further information may help to ensure that the use of the label is legally compliant. This may include information such as the certification number, the certified standard and, where available, a website where consumers can obtain further information about the certification, the status of the specific certificate and other relevant aspects. All of this is likely to further mitigate the risk of misleading consumers and to support customer trust through transparency.

6.2.4 Requirements for an EmpCo-compliant certification scheme

To meet the requirements of EmpCo, a certification scheme must first satisfy a minimum level of transparency. This means that, from the perspective of an external party wishing to participate in the certification process as a company using the label, the scheme must be (easily) understandable. This requires the prior publication of all relevant standards and conditions as well as the publication of at least some explanatory documents. This includes, inter alia, information on the scheme itself, the assessment procedures, and the rules and processes for granting, maintaining, extending or restricting, suspending, withdrawing or refusing certification.

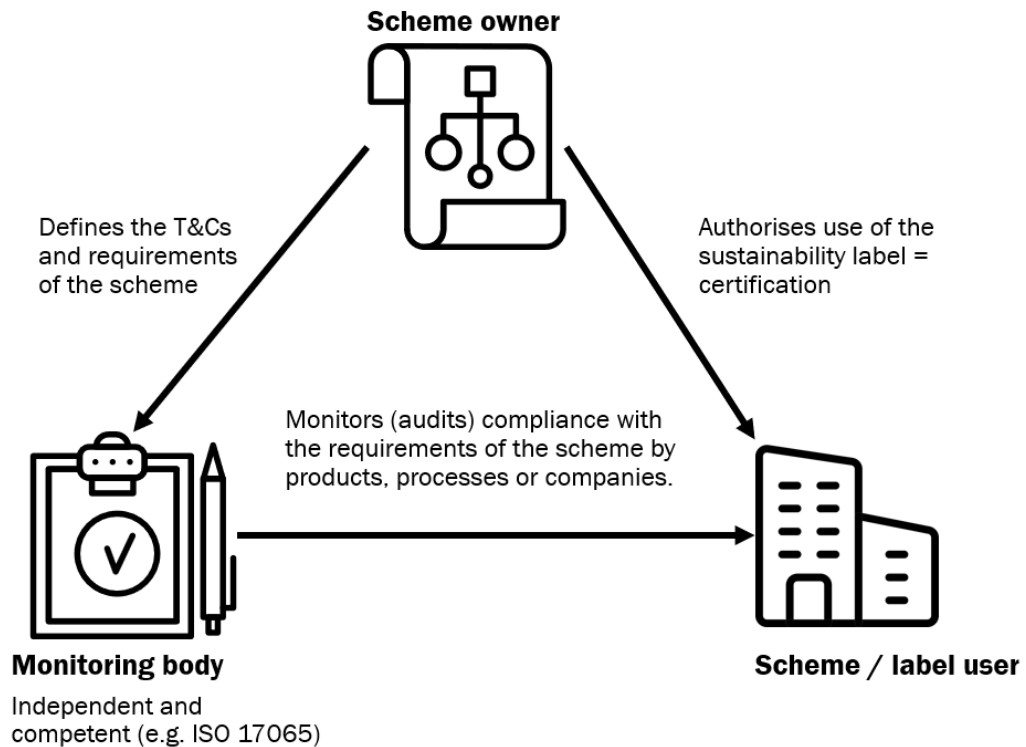
The conditions of the scheme should ensure that the certification scheme is open to all traders of products or services under the same conditions, meaning that any differential treatment of traders must be justified by objective differences ("non-discriminatory"). Conditions are considered fair where they create an appropriate balance between the interests of all parties involved. This does not exclude manufacturer- or retailer-owned schemes per se, although in practice they are likely to disappear from the market.

EmpCo does not specify how the concrete mechanisms for non-compliance must be designed. In principle, this grants scheme owners a certain degree of discretion. Accordingly, the mere existence of such mechanisms could be sufficient. However, in order to achieve compliance, the scheme should not fall below certain minimum requirements. In cases of non-compliance, the scheme should therefore provide for various measures, such as continuation of certification subject to certain conditions, reduction of the scope of certification or removal of certified products, suspension or withdrawal of certification by the label issuer. In addition, the scheme should provide for complaint and appeal procedures as well as whistleblowing mechanisms.

The body responsible for monitoring the certification scheme must be competent and independent. This should be demonstrated through compliance with DIN EN ISO/IEC 17065 ("Conformity assessment – requirements for bodies certifying products, processes and services").⁵⁹

The independence of the third-party monitoring body is ensured only if it is legally independent from the label-issuing organisation, that is, if it constitutes a separate legal entity.⁶⁰

In summary, a compliant certification scheme is characterised as follows:



In order to ensure that the use of licensed sustainability labels remains possible after the implementation of EmpCo into the UWG, companies must obtain assurances from label-issuing organisations that the above requirements are fulfilled, or independently verify, on the basis of publicly available information, that the certification scheme and the monitoring bodies comply with these requirements.

6.2.5 What requirements apply to advertising future environmental performance?

Advertising future environmental performance will continue to be permissible provided that it is based on a clear, objective, publicly accessible and verifiable, detailed and realistic implementation plan that includes measurable and time-bound targets as well as the allocation of resources, for example financial or human resources, and is subject to regular review.

In line with Union law, this implementation plan should, where applicable, include all relevant aspects necessary to fulfil the commitments, such as financial resources and technological developments.⁶¹ Such claims should also be reviewed by an external expert who is independent of the trader, free from conflicts of interest, has experience and expertise in environmental matters and is capable of regularly monitoring the trader's progress in meeting the commitments and targets, including interim milestones. Traders should ensure that the results of the regular reviews carried out by the external expert are made available to consumers.

To ensure the requirement of "regularity", reviews must be conducted on a semi-annual or annual basis.⁶² It should be possible to provide the implementation plan and further information in another location, for example via a QR code.⁶³ However, this does not remove the obligation to explain the environmental claim, at least in general terms, at the point where it is made.

6.2.6 Is advertising with offsetting measures still permissible?

The prohibition on advertising greenhouse gas offsetting measures is a central element of EmpCo. It is important to note that offsetting must not be used in advertising where the environmental claim suggests that a product, that is, a good or a service, has neutral, reduced or positive environmental impacts in terms of greenhouse gas emissions as a result of such offsetting.⁶⁴ This includes, in particular, claims that a product is “climate neutral”, “CO₂ neutral certified”, “carbon positive”, “climate net zero”, “climate compensated”, “reduced climate impact” or “limited CO₂ footprint”.

It should be noted that the use of these terms is not prohibited per se, but rather their substantiation through offsetting measures. Where such claims relate to the actual impacts across the entire life cycle of the product concerned, they may still be made. In practice, however, this will rarely be feasible, as genuine and comprehensive life cycle assessments at product level are extremely difficult, if not impossible, to implement.

Advertising offsetting measures as such is also not prohibited per se. The prohibition is not intended to prevent companies from promoting their investments in environmental initiatives, such as projects for emission credits, provided that such information is presented in a non-misleading manner and complies with Union law.⁶⁵

In practical terms, the promotion of environmental performance previously described as “offsetting measures” is likely to be permissible where it does not create the impression that it relates to the specific product, good or service – that is, that it does not “improve” it – but rather stands independently. A possible approach may therefore be to refer to “investment” instead of “offsetting” (e.g. “We invest in climate protection” instead of “We offset”).⁶⁶ It is likely to be permissible to indicate that such “investment” is made in recognition of the (negative) environmental impact of one’s own products (e.g. “We are aware of the environmental impact of our products. To address this, we invest in climate protection and sustainability projects.”).

Such communication must, of course, continue to comply with the general prohibition on misleading practices and must be assessed on a case-by-case basis.

¹ **Disclaimer:** Please note that the assessment of the factual and legal situation is based on the Third Act Amending the Act Against Unfair Competition (Federal Law Gazette 2026 I No. 43 of 19 February 2026), as well as Directive (EU) 2024/825 (EmpCo) and the literature available to date. There is currently no case law on the revised Act Against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG). Accordingly, this guidance can only reflect the current state of discussion and a preliminary legal interpretation and may need to be re-evaluated following the entry into force of the revised UWG on 27 September 2026, in light of subsequent case law.

² 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.

³ Third Act Amending the Act Against Unfair Competition (UWG), published on 19 February 2026.

⁴ Section 5(2) no. 1 UWG – new version

⁵ Section 5(2) no. 4 UWG – new version

⁶ No. 2a Annex to section 3(3) UWG – new version

⁷ Section 2(2) no. 4 UWG – new version

⁸ Section 2(2) no. 2 UWG – new version

⁹ No. 4a Annex to section 3(3) UWG – new version

¹⁰ Section 2(2) no. 5 UWG – new version

¹¹ Section 2(2) no. 1 UWG – new version

¹² FAQ no. 2, European Commission, “Questions & Answers”, 27 November 2025, Ref. Ares(2025)10410238 (“FAQ”)

¹³ Section 2(2) no. 2 UWG – new version

¹⁴ No. 4b Annex to section 3(3) UWG – new version

- ¹⁵ No. 4c Annex to section 3(3) UWG – new version
- ¹⁶ Cf. FAQ, no. 4.
- ¹⁷ Cf. FAQ, no. 8.
- ¹⁸ Cf. EU Organic Regulation, Council Regulation (EC) No. 834/2007.
- ¹⁹ Cf. EU Organic Regulation, Council Regulation (EC) No. 834/2007.
- ²⁰ Cf. French Consumer Council (2012) "A practical guide to environmental claims for traders and consumers".
- ²¹ Cf. French Consumer Council (2012) "A practical guide to environmental claims for traders and consumers".
- ²² Sources: Dorandt, S. (2005): "Analyse des Konsumenten- und Anbieterverhaltens im Hinblick auf eine verbesserte Kommunikation zwischen Konsumenten und Anbietern am Beispiel von regionalen Lebensmitteln"; Gerschau et al. (2002): "Ansatzpunkte für eine regionale Nahrungsmittelversorgung"
- ²³ Cf. REACH 1907/2006.
- ²⁴ Cf. The Consumer Goods Forum (2017) "Consumer Communications Glossary".
- ²⁵ Cf. German Federal Environment Ministry "Was bedeutet „Energieeffizienz?“; cf. The Consumer Goods Forum (2017) "Consumer Communications Glossary".
- ²⁶ Cf. Water Footprint Network "What is a water footprint?"; cf. Institute for Ecological Economy Research (IÖW) (2013) „Virtuelles Wasser und der Wasserfußabdruck“.
- ²⁷ Cf. WWF "Natur und Artenvielfalt schützen!".
- ²⁸ Cf. German Environment Agency "Sustainable forest management".
- ²⁹ Cf. DIN EN ISO 14021:2021-10 "Environmental labels and declarations – self-declared environmental claims".
- ³⁰ Cf. Forum Rezyklat (2022) „Leitfaden Rezyklat“.
- ³¹ Cf. European Food Safety Authority (EFSA) "Plastics and plastic recycling".
- ³² Cf. DIN EN ISO 14021:2021-10 "Environmental labels and declarations – self-declared environmental claims".
- ³³ Cf. DIN EN ISO 14021:2021-10 "Environmental labels and declarations – self-declared environmental claims"; Central Agency Packaging Register (ZSVR) "Mindeststandard für die Bemessung der Recyclingfähigkeit von systembeteiligungspflichtigen Verpackungen gemäß § 21 Abs. 3 VerpackG".
- ³⁴ Cf. Becker, J. et al. (2019) "Umwidmung und Weiterverwendung von Traktionsbatterien – Szenarien, Dienstleistungen und Entscheidungsunterstützung", Wiesbaden, p. 26; technocycle, "Professionelles Refurbishment und Wiederaufbereitung – Ein zweites Leben für gebrauchte IT".
- ³⁵ Cf. DE-PACK GmbH & Co. KG "Was sind Mehrwegverpackungen?"
- ³⁶ Cf. The Consumer Goods Forum (2017) "Consumer Communications Glossary"; DIN EN ISO 14021:2021-10 "Environmental labels and declarations – self-declared environmental claims".
- ³⁷ Cf. DIN EN ISO 14021:2021-10, "Environmental labels and declarations – self-declared environmental claims".
- ³⁸ Cf. German Environment Agency „Biobasierte und biologisch abbaubare Kunststoffe“.
- ³⁹ Cf. The Consumer Goods Forum (2017) "Consumer Communications Glossary"; European Environment Agency "Biodegradable and compostable plastics – challenges and opportunities".
- ⁴⁰ Cf. German Food Federation, "Was bedeuten 'vegan' und 'vegetarisch'?"
- ⁴¹ Cf. German Food Federation "Was bedeuten 'vegan' und 'vegetarisch'?"
- ⁴² Cf. Gesellschaft zur Förderung des Tierwohls in der Nutztierhaltung mbH "Haltungsform".
- ⁴³ Cf. Forum Fairer Handel e. V. "Was ist fairer Handel?"
- ⁴⁴ Cf. FAQ no. 2.
- ⁴⁵ Cf. section 2(2) no. 1 UWG – new version.
- ⁴⁶ Cf. Recital (9) of EmpCo.
- ⁴⁷ Cf. no. 4a Annex to section 3(3) UWG – new version.
- ⁴⁸ Cf. section 2(2) no. 2 UWG – new version and no. 2a Annex to section 3(3) UWG – new version.
- ⁴⁹ Cf. FAQ no. 8.
- ⁵⁰ Cf. section 2(2) no. 1 UWG – new version.
- ⁵¹ Cf. FAQ no. 2.

⁵² Cf. FAQ no. 3.

⁵³ Cf. FAQ no. 1.

⁵⁴ Section 5(2) no. 3 UWG – new version.

⁵⁵ Cf. Recital (5) of EmpCo.

⁵⁶ Cf. FAQ no. 17.

⁵⁷ Cf. Recital (7) paragraph 1 of EmpCo.

⁵⁸ Cf. FAQ no. 4.

⁵⁹ Cf. Recital (7) of EmpCo.

⁶⁰ Cf. FAQ no. 8.

⁶¹ Cf. Recital (4) of EmpCo.

⁶² Cf. FAQ no. 12.

⁶³ Cf. FAQ no. 12.

⁶⁴ Cf. Recital (12) of EmpCo.

⁶⁵ Cf. Recital (12) of EmpCo and no. 4c Annex to section 3(3) UWG – new version).

⁶⁶ Cf. FAQ no. 10.

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