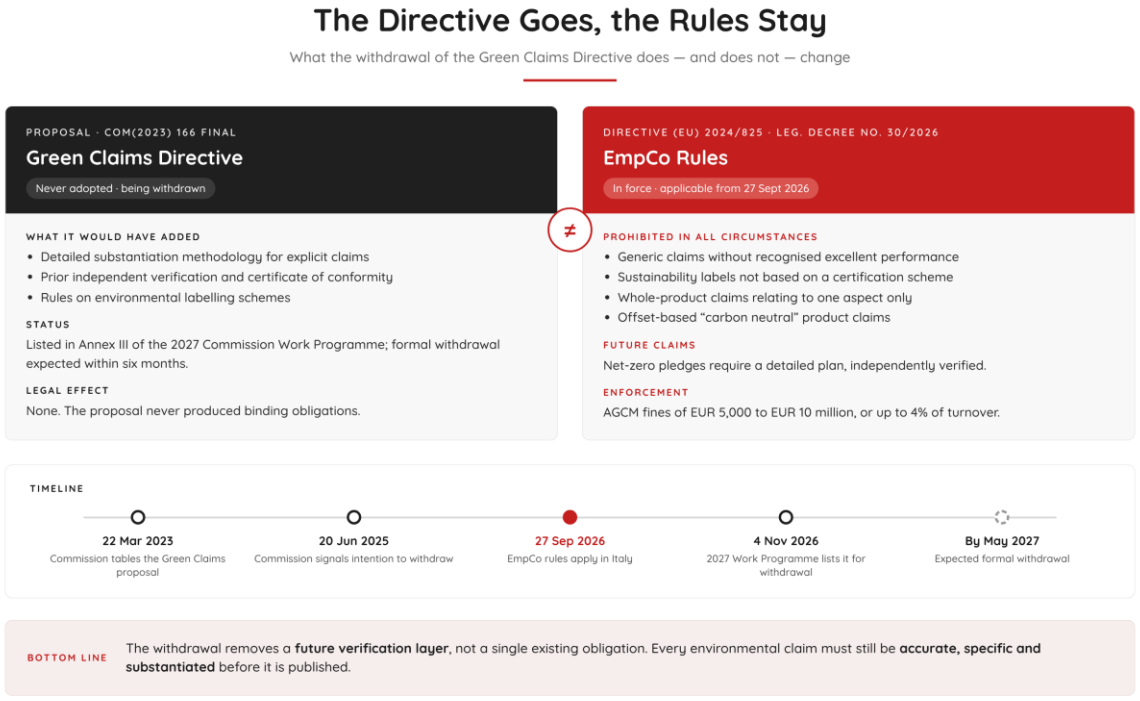
The Directive Goes, the Rules Stay

What the Withdrawal of the Green Claims Directive Means for Businesses

On 4 November 2026, the European Commission published its 2027 Work Programme (COM(2026) 710 final) and listed the proposed Green Claims Directive among the pending proposals it intends to withdraw. For many businesses, the news will read as relief. It should be read with care: what disappears is a prospective EU regime of prior, independent verification of explicit environmental claims, not the obligation to substantiate them. Since 27 September 2026, Italy has applied an express list of prohibited environmental claims under the rules transposing Directive (EU) 2024/825, and those rules are wholly unaffected.



What Is Being Withdrawn

Tabled on 22 March 2023, the proposal for a Directive on the substantiation and communication of explicit environmental claims (COM(2023) 166 final) was designed to complement the EmpCo framework. It would have required traders to substantiate explicit environmental claims through a prescribed methodology, to have them verified *ex ante* by an accredited independent verifier and to obtain a certificate of conformity before publication; it would also have regulated environmental labelling schemes. The proposal was never adopted and has therefore never produced legal effects.

The 2027 Commission Work Programme

Negotiations stalled in June 2025, when the Commission announced its intention to withdraw the proposal shortly before a scheduled trilogue. The 2027 Work Programme formalises that position: Annex III lists the Green Claims Directive among the proposals to be withdrawn within six months, on the ground that the file has been pending with the co-legislators for more than three years and is unlikely to secure the necessary support in the Council within a reasonable timeframe. Formal withdrawal is therefore expected by May 2027. Any future EU initiative on the verification of green claims would require a new proposal; the current text should not be expected to return in its present form.

What Does Not Change

The withdrawal does not touch Directive (EU) 2024/825 (the "EmpCo Directive"), which amended the Unfair Commercial Practices Directive (2005/29/EC) and the Consumer Rights Directive (2011/83/EU)[1]. The EmpCo Directive remains the operative EU standard for environmental claims and applies across the Member States from 27 September 2026.

Legislative Decree No. 30 of 2026

In Italy, the EmpCo Directive was transposed by Legislative Decree No. 30 of 20 February 2026 (Official Gazette, General Series No. 56 of 9 March 2026), in force since 24 March 2026 and applicable from 27 September 2026. The Decree introduces into Article 18 of the Consumer Code (Legislative Decree No. 206 of 6 September 2005) statutory definitions of "environmental claim", "sustainability label" and related notions. Under the new Article 21(2)(b-*ter*), claims about future environmental performance, such as net-zero pledges, are misleading unless supported by a

[1] For further details, please refer to the Newsletter published on our website on 23 October 2026, available at: https://paoletti.com/11694-2/.

detailed and realistic implementation plan with measurable, time-bound targets, periodically verified by an independent third party.

Above all, Article 23(1) now treats as misleading in all circumstances: sustainability labels not based on a certification scheme or established by public authorities (letter b-*bis*); generic environmental claims – such as "green", "eco" or "environmentally friendly" – where recognised excellent environmental performance cannot be demonstrated (letter d-*bis*); claims concerning the whole product or business that relate only to one aspect (letter d-*ter*); and claims that a product has a neutral, reduced or positive greenhouse-gas impact based on offsetting (letter d-*quater*). Claims based on the actual lifecycle impact of a product within its own value chain remain possible, provided they are accurate and not misleading.

- Enforcement

The Italian Competition Authority (AGCM) may impose fines of EUR 5,000 to EUR 10 million per infringement (Article 27(9) of the Consumer Code), or up to 4% of annual turnover for widespread infringements (Article 27(9-*bis*)). Under Article 27(5), the AGCM may require the trader to prove the accuracy of its factual claims, failing which they are deemed inaccurate. Because the new prohibitions are black-listed, the Authority no longer needs to show, case by case, that a claim distorts the economic behaviour of the average consumer. Competitors may also act under Legislative Decree No. 145 of 2 August 2007 on misleading advertising and under Article 2598 of the Civil Code on unfair competition.

Practical Implications

Aspect	Effect of the withdrawal
Substantiation	Unchanged. Every environmental claim must be accurate, evidence-based and not misleading under the EmpCo rules and general consumer-protection law.
Prior verification	A generalised EU requirement of prior independent verification of explicit claims is no longer expected in the short term. Verification remains mandatory for future-performance claims and sustainability labels.
Marketing communications	No room to relax internal controls: generic claims, uncertified labels and offset-based climate-neutrality statements remain high-risk.
Regulatory planning	Less uncertainty over an additional EU compliance layer, but a flexible claims-substantiation framework should be maintained.

Aspect	Effect of the withdrawal
Enforcement	The AGCM's powers and the sanctions under Article 27 of the Consumer Code remain fully operational.

The Cross-Border Perspective

For groups operating in Italy and the United Arab Emirates, the withdrawal does not alter the recommended approach: the European standard should remain the group-wide baseline. The UAE has no dedicated anti-greenwashing statute, but Federal Law No. 15 of 2020 on Consumer Protection and Federal Decree-Law No. 55 of 2023 on Media Regulation prohibit misleading advertising, while Federal Decree-Law No. 11 of 2024 on the Reduction of Climate Change Effects requires emitting entities to measure and report their emissions, creating an official data trail against which net-zero and offset-based statements can be tested. In the ADGM and the DIFC, the FSRA and the DFSA apply express ESG-disclosure and anti-greenwashing expectations to financial firms and products. Claims that meet the EmpCo test will, as a rule, be defensible in the UAE; the reverse is not true.

Conclusions

The withdrawal of the Green Claims Directive removes the prospect of an additional, verification-based compliance layer at EU level. It does not reduce exposure to greenwashing liability. The operative framework remains the EmpCo Directive, as transposed in Italy by Legislative Decree No. 30 of 2026, and the AGCM now enforces a black list that requires no case-by-case assessment of consumer impact. The practical message is unchanged: environmental claims must be truthful, precise, substantiated and documented before publication, and the burden of proof rests with the trader.

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