



EmpCo Directive – Environmental Communication in Aviation

Directive (EU) 2024/825 – (*Empowering Consumers for the Green Transition* – ‘EmpCo Directive’) aims to provide greater protection for consumers against greenwashing and misleading sustainability claims.¹ It is designed to enable consumers to make informed purchasing decisions and, in particular, to prevent individual environmental measures or external climate protection projects from creating the false impression that a product or service is sustainable, climate-neutral or low-emission.

In Austria, these requirements are primarily implemented through the amendment to the Act against Unfair Competition (‘UWG’).² Supplementary information requirements under consumer contract law, on the other hand, are implemented in particular through the Distance and Off-Premises Sales Act (FAGG).³ The new regulations apply from **27 September 2026**.

The scope covers all **commercial practices by companies vis-à-vis consumers**. Where the term ‘product’ is used, it encompasses, according to the definition in the UWG, both goods and services, including immovable property, digital services and digital content, as well as rights and obligations.⁴

The Austrian UWG **may also apply to companies based outside of Austria if there is a sufficient domestic connection**, in particular where the commercial practice affects or is likely to affect Austrian consumers or the Austrian market.⁵ Indications of this may include, for example, the website specifically targeting Austrian customers, the language used, or its commercial focus (e.g. offering flights to and from Austria), etc.

Consequences of a breach of the UWG may include, in particular, legal action by competitors or collective actions brought by organisations with standing to sue (e.g., the Association for Consumer Information, VKI). Such legal action may result, in particular, in injunctions and costly publication of the judgement at the expense of the airline concerned.

Environmental Claims

An **environmental claim** is any message or representation in commercial communications that is **not required by law** and which, **states or implies** that a product, a product category, a brand or a company has a **positive impact** on the environment **or no impact at all**, is **less damaging to the environment** than others, or that its environmental **impact has improved** over time.⁶

¹ The EmpCO Directive amends, in particular, Directive 2005/29/EC on unfair commercial practices (‘the Unfair Commercial Practices Directive’) and Directive 2011/83/EU on consumer rights.

² Federal Act against Unfair Competition 1984 – UWG as amended by Federal Law Gazette I No. 58/2026.

³ Distance and Off-Premises Sales Act – FAGG as amended by Federal Law Gazette I No. 59/2026.

⁴ Section 1(4)(1) of the UWG, as amended.

⁵ See Article 6(1) in conjunction with Article 3 of the Rome II Regulation.

⁶ See Article 1(1)(b) of the EmpCo Directive in conjunction with Article 2(o) of the UGP Directive; Section 1(4)(11) of the UWG as amended by Federal Law Gazette I No. 58/2026.

This covers not only verbal claims, but also, in particular, communication via text, images and symbols. This explicitly includes labels, brand names, company names and product names. Consequently, a green colour scheme, leaf or nature motifs, as well as terms such as 'Green Fare', 'Eco', 'Conscious Flying' or 'Responsible Travel', may in principle constitute an **environmental claim**.

Environmental claims are inadmissible if they are made in relation to the company's entire product or business activity, even though they in fact relate only to a specific aspect of the product or a specific activity within the company's business.⁷

For example, a single benefit (such as on-board recycling or the use of renewable energy at the airport) must not be used to advertise the entire flight as 'sustainable' or 'green'.

Generic Environmental Claims

A so-called **general environmental claim** exists where an **environmental claim**, made either orally or in writing, is not contained within a sustainability label and where the specifics of that claim are not clearly and prominently stated on the same medium.⁸ This may include, in particular, terms such as 'environmentally friendly', 'green', 'ecological', 'climate-friendly', 'sustainable', 'low-carbon' or 'Eco'.

General environmental claims are not **permitted** unless **recognised excellent environmental performance** can be demonstrated specifically for that claim.⁹

Recognised Excellent Environmental Performance

A **recognised excellent environmental performance** exists where the performance

- complies with the EU Ecolabel in accordance with Regulation (EC) No 66/2010;
- complies with an environmental labelling scheme officially recognised in a Member State in accordance with EN ISO 14024 Type I; or
- achieves the highest level of environmental performance under other applicable Union law.

The environmental performance must always relate to the specific claim.

Sustainability Labels

Sustainability labels may only be used if they have been established by a government body or are based on an approved certification scheme.¹⁰

Labels developed in-house, such as 'Eco Choice', 'Green Flight', 'Sustainable Fare' or similarly designed quality marks, are therefore particularly risky if they are not based on such a certification scheme.

⁷ Annex, point 4b of the UWG as amended by Federal Law Gazette I No. 58/2026.

⁸ Article 2(p) of the Unfair Commercial Practices Directive as amended; Section 1(4)(12) of the UWG as amended by Federal Law Gazette I No. 58/2026.

⁹ Annex, point 4a of the UWG as amended by Federal Law Gazette I No. 58/2026.

¹⁰ Annex, point 2a of the UWG as amended by Federal Law Gazette I No. 58/2026.

Offset-based Climate Claims

Statements claiming that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions are not permitted, even if the statement is based on the ***offsetting of greenhouse gas emissions***.¹¹

Statements such as ‘climate-neutral flying’, ‘CO₂-neutral flight’ or ‘With this surcharge, you reduce the emissions from your flight’ are therefore particularly risky.

Future Targets and Net-zero Claims

Claims such as ‘Net Zero by 2050’ or ‘we will become climate-neutral’ are only permissible if they are based on clear, objective, publicly available and verifiable commitments.¹² A detailed and realistic implementation plan is required, with measurable and time-bound targets, resource planning and regular verification by independent third parties. The results of these audits must be made available to consumers.

Our [Aviation Team](#) will be happy to answer your questions regarding the implications of the EmpCo Directive in Austria and the EU, review your websites to minimise the risk of legal proceedings, and represent you in court should proceedings be initiated.

Disclaimer

The information provided here and the checklist are intended solely as general guidance on environmental and climate communication in the aviation sector and do not replace an assessment of individual cases.

The statements and examples provided are not exhaustive and do not constitute a general legal assessment of specific terms or communication measures.

¹¹ Annex, point 4c of the UWG, as amended by Federal Law Gazette I No. 58/2026.

¹² See Recital 4 of the EmpCo Directive; Section 2(3)(4) of the UWG as amended by Federal Law Gazette I No. 58/2026.