



BARBORA BALUNOVÁ
Partner and Attorney
L/R/P Attorneys

NEW RULE- BOOK FOR GREEN TRANSITION

Green transition is entering a new phase. From 27 September 2026, businesses across the EU face a fundamentally different set of rules on how they may talk about sustainability.

Directive (EU) 2024/825, transposed into Slovak law by an amendment to the Consumer Protection Act (Act No. 310/2025 Coll., amending Act No. 108/2024 Coll.), introduces binding legal definitions and an explicit blacklist of prohibited environmental claims.

For companies investing in the green transition and communicating it to customers, investors and regulators, this is no longer a marketing question. It is becoming a compliance issue, legal task and litigation risk that sits squarely alongside energy security and resilience on the sustainability agenda.

STRICTER STANDARDS

Until now, greenwashing in the EU was addressed only through the general unfair commercial practices' regime, which left companies and regulators to argue, case by case, whether a claim was misleading. This changes. Any voluntary statement or visual element suggesting that a product, brand or company has a positive, neutral or reduced environmental impact will now qualify as an "environmental claim" and must be specific, verifiable and evidenced.

Generic terms such as "green", "eco-friendly", "sustainable" or "climate neutral" will be prohibited outright unless accompanied, in the very same communication, by clear and verifiable proof.

Sustainability labels will only be lawful if they rest on a recognized third-party certification system or were introduced by a public authority; company-invented "green" badges and seals will no longer be an option.

The change with the most direct bearing on any business concerns climate neutrality claims built on carbon offsetting. A claim that a product or activity is "climate neutral" or "CO2 compensated" is now explicitly banned where it rests on offsetting emissions outside the value chain rather than on real reductions across the product's life cycle. Energy suppliers and any business selling "green" tariffs or certificates of origin will need to demonstrate an actual reduction pathway, not merely a compensation purchase. And perhaps the most consequential procedural shift: the burden of proof moves to the trader, who must be able to demonstrate, at any time, that a claim is true.

RECENT CASE-LAW LESSONS

In February 2025 in Germany, the Federal Court of Justice ruled that FlixBus could not describe coach travel as "climate neutral" without a clear explanation appearing directly alongside the claim, on the same advertising medium, not merely on a website. In March 2024, an Amsterdam court reached a similar conclusion against

KLM, finding that offsetting measures such as tree planting had only a minimal effect on aviation emissions and created a misleading impression of sustainable flying.

Retailers have not been spared either: Zalando was ordered to remove unsubstantiated sustainability banners, and H&M faced legal action over its uncertified "Conscious" label.



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The Slovak Advertising Standards Council already in 2021 found the SPP "Clean Electricity" campaign misleading, since customers who paid extra received certificates of origin rather than an actual supply of renewable electricity, while in fact consuming national energy mix.

These examples are not abstract risks; they translate into fines, forced changes to advertising, and reputational damage that often exceeds the penalty itself.

WARNING SIGNS TO CHECK

Before seeking legal advice, most companies can already screen their communication materials

against a well-known industry framework, the "seven sins of greenwashing":

- highlighting one green feature while ignoring a bigger negative impact elsewhere;
- a claim with no evidence or certification behind it;
- vague buzzwords like "eco-friendly" with no specifics;
- a look-alike label mimicking a real certification;
- boasting about something the law already requires of every competitor;
- a "lesser evil" version of an inherently problematic product marketed as sustainable; and,
- simplest of all, stating something untrue.

Several map directly onto the new statutory blacklist, making them a useful first check.

HOW L/R/P SUPPORTS THE TRANSITION

Our Greenwashing practice at L/R/P works with companies, groups, and the agencies that serve them to align their sustainability communication with the new legal standard before it takes effect. In practice, that means primarily auditing existing and planned claims across websites, packaging, ESG reports, advertising and social media to identify wording that will fall foul of the new blacklist. In the very next step, we are able to assist clients to reformulate them with the specificity the law now demands.

We are also prepared to advise on the contractual side of this shift – to clarify in service agreements who signs off on final wording and who retains the evidence, reducing the risk of disputes once a claim is challenged. Liability for a misleading commercial practice rests primarily with the trader, but an agency or communications partner managing its channels or publishing claims in its name can face direct exposure. We also represent clients in dealings with supervisory bodies and assist in designing a practical internal approval workflow for green claims.

WHAT TO DO NOW

The penalties are substantial: standard breaches of the amended Consumer Protection Act can attract fines of up to 2% of annual turnover, capped at EUR 200,000, rising to 4% for a coordinated EU-wide breach and up to 5% for a repeated breach within twelve months, alongside possible removal of online content and exclusion from public procurement. Companies that have genuinely invested in the green transition have little to fear and stand to gain once unsubstantiated competitors are pushed out of the market. Those most exposed are the ones whose marketing has, even unintentionally, outpaced their evidence. Our advice is straightforward: audit every environmental and energy-related claim now and put your evidence in order before the deadline arrives.