



Air Law Conference Rome 27-28 June 2024



Approach against greenwashing on EU level

- BEUC The European Consumer Organisation
 - umbrella group for 45 consumer organisations from 31 EU countries
 - represents the consumer organisations to the EU institutions
 - defends the interests of European consumers
- 22 June 2023: BEUC and 23 member organisations of 19 countries filed a complaint to the European Commission against 17 European airlines for alleged greenwashing
- April 2024: Airlines were contacted by the Commission and asked for a statement on the reproaches



Aim and contents of the complaint

- Prohibition of alleged misleading practices and claims of airlines:
 - Programmes to "offset", "neutralise" or "compensate" the CO₂ emissions of a flight
 - Programmes to contribute to the development of Sustainable Aviation Fuels (SAF)
 - Advertising that air travel is "sustainable", "responsible" or "green"
- Request that authorities make airlines reimburse payments made by passengers for "green fares"



Aim and contents of the complaint

- Amendment of the Unfair Commercial Practices Directive: explicit ban of "carbon-neutral" claims
- Promotion of actual decarbonisation methods:
 alternatives to flights for distances shorter than 1,500 2,000 km (e.g. denser high-speed train network)
- Introduction of EU-wide kerosene tax to fund more sustainable means of transport such as cross-border rail connections



Approaches against greenwashing in Germany

- March 2024: Judgment against Eurowings re ad "CO₂-neutral travelling. Together we make flying more sustainable: offset CO₂ emissions and take off."
- Warning letters and lawsuits by VZBV (umbrella organisation of the German consumer protection organisations)
- VZBV did not take part in the BEUC complaint of 22
 June 2023 but acts independently on national level



- sends warning letters to various airlines
 - request: airline shall stop the alleged misleading practice
 - attribution of "sustainable", "more sustainable", "responsible", "green", "carbon-neutral", "climate-friendly" to air travel or to SAF
 - offering carbon offsetting programmes
 - request: airline shall sign a Cease-and-Desist-Declaration including a contractual penalty for each case of future non-compliance
- if Cease-and-Desist-Declaration is not signed: lawsuit is filed against airline



VZBV's arguments:

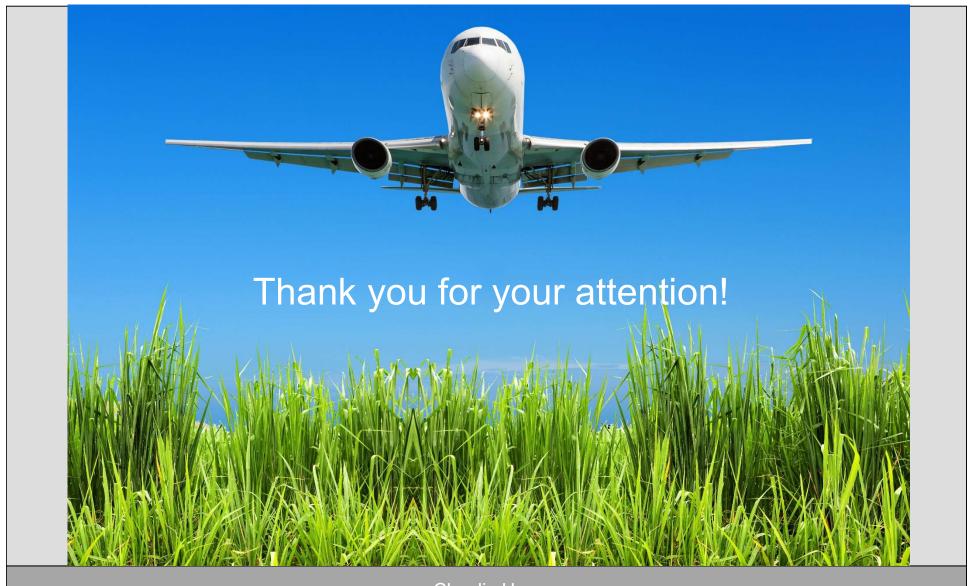
- airlines' advertisements and programmes are misleading and not transparent (enough)
- flying is not sustainable, responsible or green
- offsetting programmes: flight-related CO₂ is not offset, therefore no decarbonisation of air travel
- contribution to invest in SAF: SAF is not sustainable as it is not emission-free



Consequences in case of judgment in favour of VZBV:

- airline must amend their programme in terms of wording and/or transparency
- risk of fine of up to € 250,000 for each case of future non-compliance

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