

Common understanding on old stock situations

under Directive (EU) 2024/825 on Empowering Consumers for the
Green Transition



Context and introduction

Old stock situations and the application of the Directive on Empowering Consumers for the Green Transition

The Unfair Commercial Practices Directive (UCPD) (Directive 2005/29/EC)¹, applies to unfair commercial practices occurring before, during and after a business-to-consumer transaction (B2C). Since its creation, its principle-based rules have been already applied to address unfair commercial practices such as misleading environmental claims. The Directive (EU) 2024/825 on Empowering Consumers for the Green Transition (ECGT)² introduces targeted amendments and more specific prohibitions into the UCPD concerning environmental claims, sustainability labels and related practices, including in the Annex I of UCPD, the so called “blacklist” of commercial practices that are prohibited under all circumstances. These ECGT amendments will strengthen consumer protection, ensure a level playing field between traders and facilitate enforcement by national competent authorities.

The ECGT was adopted by the co-legislators on 28 February 2024, the transposition deadline for Member States was 27 March 2026 and the ECGT will apply from 27 September 2026, therefore having allowed for a preparation period of two and a half years. To support a coherent application of the ECGT, the Commission services provided also answers to frequently asked questions from stakeholders.³ Furthermore, the European Commission, in its guidance notice of 29 December 2021 on the interpretation and application of Directive 2005/29 on unfair commercial practices, has already provided a number of points regarding the application of the rules of unfair commercial practices to environmental claims and sustainability labels, based on relevant case law, enforcement decisions, and practical enforcement experiences over the past decades.⁴

The ECGT maintains the scope and logic of intervention of the current UCPD, for which its enforcement is the responsibility of national competent bodies, including courts. Moreover, the ECGT/UCPD does not regulate the placing of products on the market but focuses exclusively on how they are presented to consumers, such as through marketing. This means that from 27 September 2026, traders will need to ensure that their environmental claims and sustainability labels in a business-to-consumer context comply with the ECGT provisions.

¹ <https://eur-lex.europa.eu/eli/dir/2005/29>

² <https://eur-lex.europa.eu/eli/dir/2024/825>

³ Accessible through https://commission.europa.eu/topics/consumers/consumer-rights-and-complaints/sustainable-consumption_en#empowering-the-consumer-for-the-green-transition

⁴ See in particular Section 4.1 Sustainability [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC1229\(05\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021XC1229(05))

In this context, national competent authorities have received questions and concerns from certain traders facing genuine and specific transitional challenges in the early stage of application of the ECGT rules, in particular in relation to “old stock” situations. These are situations that concern products or packaging displaying environmental claims or sustainability labels which were manufactured, ordered, distributed or placed on retailers’ shelves *before* the ECGT application date, namely 27 September 2026.

This common understanding has been developed by the Consumer Protection Cooperation (CPC) Network to support a coherent approach to the treatment of such old stock situations. While this document does not constitute a formal position of the CPC network or a legally binding interpretation of the ECGT Directive, it sets out a non-exhaustive set of principles intended to provide a pragmatic approach to old stock situations.

CPC authorities acknowledge the need for a coherent enforcement and consider that these principles provide an appropriate basis for addressing the specific transitional challenges linked to such situations. Accordingly, national competent authorities are expected to consider this approach when exercising their enforcement powers, with a view to supporting a consistent application of the ECGT rules across the European Union. This common understanding remains without prejudice to other European Union and national law, to the powers and priorities of national competent authorities, and to the possibility for national competent authorities or courts from taking action in a specific case.

This document has been developed based on exchanges and consultations between CPC authorities in the period January – June 2026. It drew also inspiration from earlier multi-stakeholder initiatives in the area of environmental claims, such as the “Compliance Criteria on Environmental claims - Multi-stakeholder advice to support the implementation/application of the Unfair Commercial Practices Directive 2005/29/EC”, developed in 2016.⁵

Scope

This common understanding concerns the enforcement treatment of old stock situations affected by the ECGT rules, in particular where environmental claims or sustainability labels appear:

- on packaging or on the product itself.
- online or in other digital interfaces.
- in advertising or other commercial communications linked to the product or trader.

⁵ https://commission.europa.eu/system/files/2017-06/compliance_criteria_2016_en.pdf

Principles for the treatment of old stock situations

1. Traders are expected to move towards compliance without delay and in good faith

Old stock situations do not exempt traders from complying with the new ECGT rules, considering that the current UCPD rules were already previously applicable to environmental claims and sustainability labels. Traders must act without delay to bring their B2C practices into compliance also with the ECGT rules by 27 September 2026.

2. Enforcement by authorities may be phased with reference to genuine and specific transitional difficulties by traders

Authorities may take a phased approach where old stock situations give rise to genuine and specific transitional difficulties in the early stages of application of the ECGT rules⁶. During this period, national competent authorities may review in particular:

- environmental claims which have already been addressed through an enforcement action or guidelines under the current UCPD rules;
- online claims as they do not face the same challenges as offline claims;
- practices that are most harmful to consumers
- non-packaging claims and marketing materials;
- products with shorter shelf-life or faster stock rotation;
- products that are not expected to create genuine and specific transitional difficulties in old stock situations.

In determining the appropriate enforcement treatment, national competent authorities may also take into account the trader's role, size, available resources, economic capacity and concrete efforts to comply in good faith.

3. Practical constraints may be taken into account

When deciding on the appropriate enforcement treatment, national competent authorities may take into account objective practical constraints, such as:

- packaging cycles;
- stock volumes;
- prior production or purchase orders;
- supply-chain dependencies;
- the (long) shelf-life of a product;
- the technical feasibility and proportionality of corrective measures.

⁶ The exact duration of such transitional period cannot be determined as it may depend on specific circumstances, for instance the product group under examination. Where for instance short-lived products may hardly be affected by transitional difficulties, for longer-lived products this may take longer. Such assessment will need to be done by national competent authorities taking into account the specific circumstances of each case.

These factors should be assessed on a case-by-case basis, taking into account the specific circumstances of the trader and the product concerned.

4. Reasonable and proportionate efforts should be expected and evidence provided

National competent authorities are expecting from traders all reasonable and proportionate efforts to achieve full compliance with the ECGT rules by 27 September 2026. Depending on the case, these efforts could include:

- removing or correcting *online* claims;
- updating advertising and promotional materials;
- adapting future packaging and new orders;
- using stickers, removing labelling or similar corrective solutions where appropriate and feasible;
- displaying corrective information at the point of sale, including online, where appropriate and feasible;
- coordinating with suppliers and other actors in the chain;
- keeping records showing the steps taken and the timing of those steps, including internal compliance policies, substantiation work or other compliance initiatives where relevant.

5. Disproportionate and unreasonable measures by traders are to be avoided

National competent authorities may refrain from requiring the destruction or recall of products as a measure by traders in order to address genuine and specific transitional ECGT compliance issues for environmental claims or sustainability labels in old stock situations. More generally, authorities may consider a measure as unreasonable and disproportionate if that measure would create disproportionate costs or unnecessary environmental harm.

6. Tailored enforcement approach with reference to genuine and specific transitional difficulties: compliance-oriented before sanction-oriented approach

Overall, national competent authorities may investigate, prioritise and sequence enforcement actions according to the gravity of infringements and the specific circumstances of each case.

In justified old stock situations that bring about genuine and specific transitional issues, national competent authorities may consider a compliance-oriented before a sanction-oriented approach, especially during the early stages of application. This may include, as appropriate, awareness-raising on the new ECGT rules, guidance and clarifications for traders, requests for information and evidence, where necessary, requests for corrective action with a reasonable timeline for adaptation and implementation.
