

## Joint Business Statement

**Businesses urge European Commission to allow continued sale of products already lawfully placed on the market before the Empowering Consumers Directive's application to avoid unnecessary waste and costs**

December 2025

We, the undersigned European business associations, fully support the objectives of the *Directive on Empowering Consumers for the Green Transition (ECGT)*, including its efforts to fight greenwashing and provide consumers with accurate, transparent sustainability information. Our companies are actively preparing to comply with the new rules by September 2026. However, we are **deeply concerned about the absence of transitional provisions often used in EU law** (e.g., Nutrition and Health Claims Regulation, Food Information to Consumers Regulation, Textiles Labelling Regulation, Single-Use Plastics Directive, Medical Devices Regulation, Batteries Regulation, etc.) **for products already lawfully placed on the market.**

Under the current interpretation, confirmed by the European Commission in its recently published FAQ document,<sup>1</sup> **any environmental claim or sustainability label must comply with the Directive, regardless of when the product was manufactured, packaged, or placed on the market.** This retroactive application contradicts fundamental EU principles of legal certainty and non-retroactivity, as confirmed by case law (e.g., *Case C-181/20 VYSOČINA WIND*; *Case C-15/19 A.M.A.*). **It risks forcing companies to withdraw millions of goods lawfully placed on the market before the Directive's application date, leading to considerable economic and environmental impacts,** including costs and burdens regarding relabelling, providing additional information at the point of sale, repackaging, and potentially destruction of products, which would directly contradict the Ecodesign for Sustainable Products Regulation and the operators' efforts to be more sustainable.

**To avoid unnecessary waste, disruption, and high costs—while still supporting the objectives of the Directive—we urge the European Commission to:**

- 1. Introduce a “grandfathering” clause allowing products lawfully placed on the market before the Directive's application date to continue being marketed.**
- 2. Develop a coordinated action plan,** in collaboration with businesses, consumer groups, and other stakeholders, to manage legacy stock effectively and sustainably.

In the absence of such a clause, the practical implications are severe:

- **Millions of products with outdated claims may remain in stock by the deadline.**
- Depending on the size of the business, **corrective measures suggested by the Commission in its FAQ**—such as stickering or providing complementary information at the point of sale—could **cost from a few 100 000s to millions of euros per company.** They are **logistically extremely challenging, highly costly, and environmentally counterproductive,** generating additional waste and disrupting supply chains. In addition, repackaging **may also pose health and safety risks.**
- It is equally **unclear who bears responsibility** for verifying compliance of claims on products already on shelves: While traders would need to verify compliance of each item, only producers can confirm compliance under the new rules, in accordance with recitals 19, 20 and 24 of the Directive regarding the responsibilities of sellers. This will create **considerable disruption to production and distribution timelines, impacting product availability and market stability.**

This will in turn undermine the EU's competitiveness agenda and sustainability objectives, and discourage companies from communicating about sustainability innovation, depriving consumers of valuable information.

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<sup>1</sup> Ares(2025) 10410238.

We urge the EU to address this swiftly with the above two steps in order to safeguard consumer trust, ensure legal certainty, and support the green transition without imposing disproportionate burdens on European businesses.

The signatory industry associations stand ready to assist the Commission by providing an assessment of the anticipated impacts resulting from the absence of a grandfathering clause.

**List of signatories:**

