Consumers Accuse European Airlines of Greenwashing, Claiming "Green" Air Travel Does Not Exist

Article By:

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On June 6, 2023, the BEUC and 23 of its member organizations from 19 countries filed a complaint with the European Commission and relevant consumer protection agencies pursuant to Directive 2005/29/EC, accusing 17 European airlines of greenwashing in connection with their marketing practices, in breach of the EU regulations governing unfair commercial practices. The complaint requests an investigation into the marketing practices used by these airlines, and the airline industry as a whole, in connection with their use of climate-related claims. Founded in 1962, the BEUC ("Bureau Européen des Unions de Consommateurs") is comprised of 45 independent consumer organizations from 31 countries. The BEUC represents the interests of European Consumers to European Union institutions.

Some examples of the alleged misleading practices include:

- Claims that paying extra carbon credits can offset, neutralize, or compensate the CO_2 emissions of a flight, such as "Compensate your CO_2 emissions;" "You can offset your carbon emissions;" and "Carbon offset compensation" — according to claimants, "the climate benefits of offsetting activities are highly uncertain, while the harm caused by the CO_2 emissions from air travel is certain;"

- Charging consumers more to contribute to the development of Sustainable Aviation Fuels [SAFs], including statements such as "For the planet for the people – did you know that your donation helps to reduce CO_2 emissions" — claimants assert that "such fuels are not market-ready" and "until SAFs will be massively available - beyond the end of the 2030s - they will at best only represent a minor share in planes' kerosene tanks;" and

- Implying that air travel can be "sustainable," "responsible," and "green," using statements such as "green by nature;" "Think Green Fly Green," "Green fares: fly more sustainably;" "fly more responsibly;" or "reduce your footprint" — claimants allege that "none of the strategies deployed by the aviation sector are currently able to prevent Greenhouse Gas emissions."

Claimants are calling for (i) a ban on any claim that travel is carbon neutral; and (ii) the establishment of "high integrity offsets with robust quality criteria." Claimants also urge the investment in, and promotion of, alternative means of transportation such as high speed trains to curb demand for air travel.

Taking the Temperature: As seen with the recent litigation against Delta**, scrutiny of the airline industry's use of climate-related marketing claims is mounting. The airline industry is one of several industries facing criticisms of greenwashing. Of course, much focus has been on oil and gas and finance industries, but we have also seen accusations against** fashion**,** food**, and** household essentials **companies. We have also written extensively on how regulators overseeing various industries across several jurisdictions are focusing on greenwashing, and we see no signs of this trend subsiding any time soon. For example, late last year,** the Federal Trade Commission announced **that it is seeking public comment "on potential updates and changes to the Green Guides for the use of Environmental Marketing Claims." The Australian Securities and Investments Commission recently announced that greenwashing remains an ongoing concern, after publishing guidelines for companies to avoid greenwashing under existing securities law. And in May, the European Council issued its support for amended Unfair Commercial Practices Directive and the Consumer Rights Directive to** reinforce consumer rights **against alleged greenwashing. We are watching these developments closely and will continue to report on them as we anticipate continued regulator and consumer activity in this space.**

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