LAW& BEYOND

Green transformation of consumer protection

Implementation of **Directive (EU) 2024/825 (ECGT)** into the Polish legal system

WHAT IS CHANGING?

From 27 September 2027, businesses will be subject to new rules covering, among other things, environmental claims, product labelling and information provided to consumers.

The changes result from the implementation of the EU ECGT Directive (Empowering Consumers for the Green Transition) and are primarily intended to curb greenwashing and promote product durability and repairability.

GREEN CLAIMS DIRECTIVE WITHDRAWN, ECGT AS THE DEDICATED REGIME

In the Commission Work Programme 2027 of 4 November 2026, the Green Claims Directive proposal was placed on the list of files that the Commission intends to withdraw within six months. This means that, in practice, the ECGT will remain the only EU dedicated regime for environmental claims; no complementary EU-level ex-ante verification system through accredited verifiers is expected in the foreseeable future. Consequently, the Polish ECGT implementing act and UOKiK's enforcement practice will be the sole operational anchor for businesses, and postponing adaptation work in anticipation of an "EU certificate" has lost any rationale.

GREENWASHING: STRICTER RULES

The Act on Counteracting Unfair Market Practices has been supplemented, among others, with definitions of an environmental claim, a sustainability label, a certification scheme, durability, a software update and a consumable.

The catalogue of misleading practices has been expanded, as has the corresponding so-called "black list" of practices that are prohibited in all circumstances. Following the announced withdrawal of the Green Claims Directive, this regime in practice remains the dedicated EU tool for environmental claims.

THE FOLLOWING WILL BE PROHIBITED IN PARTICULAR:

- general environmental claims without demonstrating recognised high environmental performance;
- sustainability labels that are not based on a certification scheme and have not been established by public authorities;
- claims that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions, where that claim is justified by emission offsetting;
- claims regarding future environmental performance (e.g. "net-zero 2030") without a verifiable plan with measurable targets, regularly audited by an independent expert;
- claims concerning the entire product or activity where they relate only to a part of it;
- presenting statutory requirements as a distinguishing feature of the offer, and advertising of benefits that are irrelevant;
- planned obsolescence, false claims as to durability and repairability, inducing consumers to replace consumables earlier than necessary;
- concealing the adverse impact of a software update and presenting functionality updates as necessary;
- concealing or making false claims that functionality will be impaired when non-original consumables or parts are used.

NEW INFORMATION DUTIES

Changes to the Consumer Rights Act introduce definitions of a commercial guarantee of durability, a harmonised notice on conformity of goods with the contract, a harmonised label on the commercial guarantee of durability, and a reparability score. Prior to concluding a contract, the trader will be required to inform the consumer of, among others:

- the statutory liability for conformity of goods with the contract (min. 2 years), using the harmonised EU notice;
- the producer's commercial guarantee of durability (free of charge, covering the entire product, lasting more than 2 years), using the harmonised label;
- the minimum period during which software updates are provided for goods with digital elements and for digital content and services;
- the reparability score, availability and cost of spare parts, and repair instructions;
- environmentally friendly delivery options (for distance and off-premises sales).

In addition, product comparison tools presenting environmental features will be required to disclose the comparison method, the products and suppliers covered, and the measures ensuring that the data is kept up to date.

THREE LEVELS OF SANCTIONS

COMPANY

A financial penalty imposed by the President of UOKiK of up to 10% of turnover, orders to publish statements, to cease the practice and to remove its effects.

MANAGERS

Up to PLN 2,000,000 for intentionally allowing the infringement to occur; up to PLN 5,000,000 in the financial sector.

CIVIL LIABILITY

Civil claims by consumers, competitors and consumer organisations (including representative actions).

CONSEQUENCES FOR TRADERS

The amendment requires a review and revision of, among others:

- labels,
- packaging,
- product sheets,
- ESG campaigns,
- sustainability reports,
- online store terms and conditions,
- warranty policies,
- complaint-handling procedures.

It applies to:

- producers,
- importers,
- distributors,
- sellers (including e-commerce),
- operators of platforms and comparison tools, and the digital industries.

HOW CAN WE HELP?

The competition and consumer protection law team of the firm offers, among others:

- greenwashing audit: a review of marketing communications, labels and ESG reports against the new prohibitions;
- validation of environmental claims in the absence of a dedicated EU-level verification system: drafting of claims, evidentiary documentation and in-house verification procedures;
- redesign of warranty policies and implementation of the harmonised durability label;
- updating of terms and conditions, template agreements, product sheets and pre-contractual communications;
- training and compliance procedures for marketing, PR, sales and ESG teams;
- representation in proceedings before the President of UOKiK, and in disputes with consumers and competitors;
- defence of managers in UOKiK proceedings;
- cross-border advisory for groups operating in several EU Member States.

WE RECOMMEND STARTING ADAPTATION WORK AS EARLY AS Q1-Q2 2027

The process takes several months and requires the involvement of legal, marketing, ESG and IT departments.

CONTACT

Get in touch to discuss how these changes may affect your business.



Jakub Jędrzejewski
Partner
jakub.jedrzejewski
@ssw.solutions
+48 664 445 102



Maciej Walewski
Associate
maciej.walewski
@ssw.solutions
+48 880 178 670

This material is for information purposes only and does not constitute legal advice.