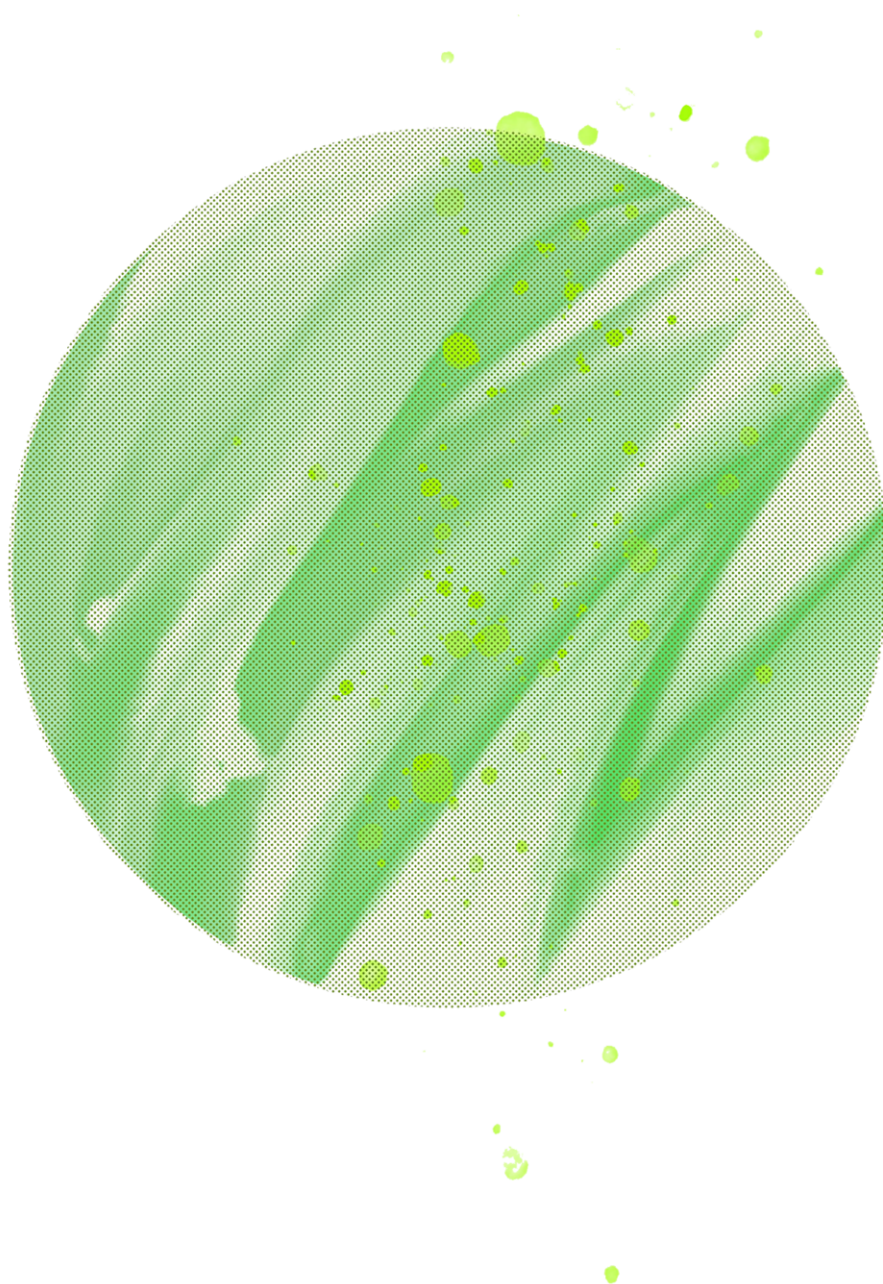




Navigating the New Green Claims Landscape

New requirements under the Swiss Unfair Competition Act and the EU's evolving green claims regulations mean that companies need robust governance, reliable evidence and effective controls to communicate sustainability claims with confidence.

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Ensuring green claims work for you – not against you

Regulators worldwide are tightening up on sustainability claims. The burden of proof has shifted decisively: companies must demonstrate that their claims are substantiated by objective, verifiable criteria. And this requirement applies to sustainability reports, websites, marketing campaigns and even product packaging. One unsubstantiated claim can trigger regulatory penalties, injunctions, demands that advertisements are corrected, and lasting damage to the brand's reputation and market position.

As a solution Deloitte has developed the Green Claim Navigator which automates the detection of misleading sustainability claims across your entire content ecosystem – in minutes, not months.

The regulatory landscape

In March 2026 Switzerland's Federal Office for the Environment (FOEN) published enforcement guidance on the Unfair Competition Act, establishing stricter standards for climate-related claims. Similarly, across the EU, the EmpCo Directive (EU 2024/825 – Empowering Consumers for the Green Transition) demands that companies substantiate every claim with objective, verifiable evidence.

These frameworks introduce critical requirements that reshape how organisations communicate about sustainability. All claims must meet two core standards:

- **Communication quality.** Claims must be clear, precise, and understandable to the target audience. References to time must be explicit (e.g., "50% reduction by 2030 vs. 2020"), and visual elements must align with actual performance. Comparative claims require equivalent data and methodologies.
- **Content integrity.** Claims must be truthful, based on current scientific evidence, and address material climate impacts – not minor improvements. Data must be regularly reviewed and updated.
- **A critical distinction has emerged between product-level and company-level claims.** Product-related claims cannot be

justified by carbon offsets and must reflect actual emission reductions within the product's lifecycle. Company-level claims should prioritise internal emissions reduction over external compensation. This distinction is now embedded in enforcement guidance across Switzerland, the EU, and emerging regulatory frameworks globally.

- **The burden of proof has shifted from plaintiffs to companies.** Under Article 3 of the Swiss Unfair Competition Act (effective January 1, 2025), companies, rather than consumers, competitors or regulators, now bear the burden of demonstrating the accuracy of their climate-related claims. This represents a fundamental change in regulatory enforcement – and a growing liability for organisations that have not yet aligned their claims with these standards.

Who is affected?

The regulatory requirements apply universally to organisations operating in Switzerland and the EU, with no exemptions based on company size or sector.

Swiss UCA Article 3(1)(x)¹ (effective January 1, 2025) obliges all organisations – regardless of size, legal form, or industry – are subject to requirements when making climate-related claims. This includes corporations, cooperatives, associations, foundations, sole proprietorships, and foreign entities marketing into Switzerland. The law covers both voluntary claims (e.g., marketing, advertising) and mandatory communications (e.g., sustainability reporting, investor disclosures). There are no formal exemptions for SMEs or specific industries, though enforcement guidance emphasises proportionality and practical feasibility in substantiation efforts.

EMPCO Directive (EU 2024/825)² (effective September 27, 2026) applies to all traders regardless of size, location, or sector if they sell goods or services to EU consumers. It restricts how companies make environmental claims (e.g., "eco-friendly" or "climate-neutral") and sustainability labels in business-to-consumer (B2C) transactions.

¹SR 241 - Federal Act of 19 December 1986 on Unfair Competition (Unfair Competition Act, UCA) | Fedlex; Enforcement Aid for Assessing Climate-Related Information under the UCA;

² Directive - EU - 2024/825 - EN - EUR-Lex

Consequences of non-compliance

The cost of non-compliance extends far beyond financial penalties and creates cascading risks for the organisation:

1. Enforcement mechanism:

Switzerland and the EU operate multi-layered enforcement approaches for greenwashing rules, though with different structures and coordination models:

Enforcement Mechanism	EU	Switzerland
Civil and criminal proceedings	Competitors, consumer organisations and affected individuals can sue or press charges. Criminal charges may apply in cases of intentional behaviour.	
Government action	Each Member State designates national competent authorities and courts to enforce the Directive; enforcement capacity and procedures vary by Member State. National financial regulators monitor banks, asset managers, and insurance companies for greenwashing in portfolio and product claims.	The State Secretariat for Economic Affairs (SECO) can pursue cases affecting multiple consumers. FINMA monitors financial institutions for greenwashing practices.
Self-regulation	No EU-wide self-regulatory body; enforcement relies on national authorities and private proceedings.	The Swiss Advertising Standards Commission (SLK) reviews complaints and issues recommendations.
Consumer protection	Consumer protection organisations and NGOs across Member States support enforcement.	The Foundation for Consumer Protection operates dedicated reporting platforms.

- 2. Reputational damage.** Enforcement actions are public. Regulatory investigations, corrective advertising, and claim retractions damage brand trust and market position in ways that extend far beyond the financial penalty itself. Consumer confidence and stakeholder relationships are difficult to rebuild once broken.
- 3. Market access and certifications.** Non-compliance can trigger delisting from sustainability indices, revocation of certifications, and exclusion from procurement processes that require verified sustainability claims. This directly impacts market access and competitive positioning.
- 4. Investor and stakeholder risk.** Unsubstantiated sustainability claims expose companies to shareholder litigation, NGO campaigns, media scrutiny, and loss of the social licence to operate. Institutional investors increasingly screen for greenwashing risk.

Deloitte's solution: The Green Claim Navigator

Deloitte has developed a new solution to detect potential greenwashing and ensure compliance: The Green Claim Navigator.

How our solution can help

Assess compliance with evolving standards globally and streamline a strong governance processes around sustainability claims. Deloitte's Green Claim Navigator cross-references every sustainability claim against your specific regulatory landscape (e.g., Swiss UCA, EU Directive 2024/825, FOEN enforcement guidance), enabling you to standardise claim review across business units, brands, and geographies with consistent rules that reduce interpretation risk and strengthen your regulatory defence. The solution deploys on your systems or our cloud, and is configured to your operations.

Create an action plan to address identified risks and substantiate claims. Following the assessment, you receive recommended claim rewrites informed by expert consultation and regulatory best practice, enabling you to strengthen claims before they reach your audience and protect your brand and market position.

Enable continuous monitoring and assurance. Track evolving regulations and enforcement trends in real time to ensure your compliance posture remains current as the regulatory landscape shifts.

Deloitte brings deep expertise in sustainability assurance, regulatory compliance, and AI-driven risk detection. We have worked with leading organisations across sectors to build reputational resilience and ensure compliance confidence. Our team combines regulatory knowledge, industry experience and technical capability to deliver a solution that is both powerful and practical.

Next Steps

Learn more about how the Green Claim Navigator can strengthen your reputational resilience.

Contact

Let's start a conversation



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