

Ms Marie-Paule Benassi
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CPC Network
c/o European Commission

By email

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Brussels, 22 June 2023

Subject: external alert submitted to the CPC-Network about misleading climate-related marketing claims used by several European airlines.

Dear members of the CPC-Network,
Dear Ms Benassi,

I am writing to you on behalf of BEUC, the European Consumer Organisation, to inform you that today, together with 22 of our member organisations from 18 European countries¹, we are launching an external alert to the CPC-Network pursuant to Article 27 of EU Regulation 2017/2394 (the CPC Regulation) about climate-related marketing claims ("carbon offsetting claims") used by 17 European airlines identified below. We consider these claims to be highly misleading and to constitute widespread infringements with an EU-wide dimension of Directive 2005/29/EC (the Unfair Commercial Practices Directive - UCPD).

This letter complements the alerts that we submitted on the IMI platform and builds on the findings and conclusions of the study "*Green (f)lying – The legality of climate-related marketing claims by the aviation sector under the UCPD*", which you will find as an attachment.

We call on the CPC-Network to:

- Start a coordinated enforcement action and publish a joint position. This will be essential to send a clear and strong signal to the airlines concerned and to the entire sector about the misleading nature of climate-related marketing claims based on offsetting schemes and/or supposed use of Sustainable Aviation Fuels.
- Require airlines to stop misleading consumers through climate-related marketing claims and practices.

.../...

¹Altroconsumo in **Italy**, DECO in **Portugal**, Асоциация Активни потребители / Active consumers in **Bulgaria**, Forbrugerrådet Tænk in **Denmark**, EKPIZO in **Greece**, CLCV and UFC-Que Choisir in **France**, ASUFIN, CECU and OCU in **Spain**, Tudatos Vásárlók Egyesülete in **Hungary**, Fundacja Konsumentów and Federacja Konsumentów in **Poland**, Test Achats/ Test Aankoop in **Belgium**, Spoločnosti ochrany spotrebiteľov in **Slovakia**, Kuluttajaliitto – Konsumentförbundet ry in **Finland**, Forbrukerrådet in **Norway**, Arbeiterkammer in **Austria**, Fédération Romande des Consommateurs in **Switzerland**, Sveriges Konsumenter in **Sweden** and Zveza potrošnikov Slovenije in **Slovenia**. In **Germany**, vzbv sent legal warnings to several traders identified in the alert.

- Clarify that whereas airlines may invest in climate-protection projects, these projects must not be presented or featured as neutralising, offsetting or compensating flights' emissions. Airlines should make it transparent to consumers that flying is not sustainable and cannot be sustainable in the near future.
- Monitor the use of climate-related marketing claims by the entire airline sector and impose fines on airlines in the event that they would continue to use such claims (or a variation thereof) in a misleading manner.
- Request airlines to reimburse consumers when airlines have proposed consumers to pay extra fees for flights presented as "greener".² If these amounts are small and the concerned consumers cannot be identified easily, the unduly received fees could be dedicated to an environmental or consumer protection cause, to be agreed upon by the CPC-Network.

Finally, in line with the operational conclusions for co-operation between the CPC-Network and consumer organisations of October 2022³, we invite the European Commission and the CPC-Network to keep us informed about any relevant procedural steps taken by the Network. Should you decide to launch an investigation, we are ready and keen to provide our views at different stages of the procedure and in particular to provide feedback on the commitments that the traders may propose to the CPC-Network, as foreseen under the CPC Regulation.

We remain at your disposal for any additional information you could need and to respond to any questions you could have.

Yours sincerely,

Ursula Pachl
Deputy Director General

Annexes:

1. [Study](#) – *The legality of climate-related marketing claims by the aviation sector under the UCPD* (June 2023).
2. [Targeted airlines and identified practices](#).
3. [Main findings & conclusions](#).

² According to recent news, in the last three months, approximately 200,000 consumers paid extra fees to subscribe to Lufthansa "green fares" (www.lesoir.be/516657/article/2023-05-31/compensation-co2-le-tarif-vert-du-groupe-lufthansa-ne-seduit-que-3-des-voyageurs, last access 2 June 2023).

³ https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/cooperation-consumer-organisations_en