

WHAT EUROPE’S NEW CONSUMER PROTECTION RULES MEAN FOR YOUR BUSINESS

A guide to the Empowering Consumers Directive for Queensland tourism operators

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Empowering green consumers

If you’ve ever described your business as “eco-friendly”, “sustainable”, or “green”, in a brochure, on your website, on a booking platform, then you need to read this.

Europe has changed the rules on what businesses are allowed to say about their environmental credentials. Not tightened them a little. Changed them. From 27 September 2026, vague green language is a legal risk, not just in Europe but the implications are global.

The European Union audited green claims being made to consumers across its member countries and found that more than half were vague or misleading. Nearly 40% had no supporting evidence at all. Consumers were paying a premium for a story that often wasn’t true. The EU decided to put a stop to it.

The law that does this is called the Empowering Consumers for the Green Transition Directive, the Empowering Consumers Directive for short. It was passed in February 2024. It is already law. As of September 2026, it applies to any business, anywhere in the world, that markets to consumers in EU countries.

That includes you, if European travellers are part of your market.

The Australian connection

Australia’s own competition regulator, the ACCC, has been watching closely. They have already issued [greenwashing guidance](#) and taken enforcement action against businesses making unsubstantiated environmental claims. The ACCC’s position aligns directly with the EU approach: if you make a sustainability claim, you need to be able to prove it.

What Empowering Green Consumers actually requires

Empowering Consumers Directive works by strengthening existing EU consumer protection law, specifically the Unfair Commercial Practices Directive, which already prohibits misleading business-to-consumer practices. Empowering Consumers Directive adds new, specific rules targeting green claims.

The core principle is if you make an environmental claim to a consumer, it must be specific, substantiated, and not misleading. Vague language that creates a positive environmental impression without evidence to back it up is no longer permitted.

What used to happen	What Empowering Consumers Directive requires from September 2026
“Eco-friendly” or “green” on your website	Must be specific; eco-friendly in what respect, measured how, evidenced by what?

What used to happen	What Empowering Consumers Directive requires from September 2026
Self-declared "sustainable" operator	Requires independent verification against a recognised, accredited scheme with an audit process
"Carbon neutral" based on offset purchases	Offsets alone are not sufficient, must demonstrate actual emissions reduction
Your own green badge or sustainability logo	Only labels from recognised, accredited certification schemes are permitted
Vague future pledge: "working towards net zero"	Must have a specific, time-bound plan verified by an independent third party
Nature imagery combined with green language	Visual and written claims together can constitute a 'generic environmental claim' subject to the rules

Note: The Empowering Consumers Directive's definition of an 'environmental claim' is deliberately broad. It covers not just words but images, colours, logos, and brand names that create an environmental impression in a consumer's mind. Using a green leaf graphic combined with sustainability language, for example, could fall within scope even if the text alone would not.

Does this apply to me if I'm based in Queensland?

If you market to European consumers - **YES**. Empowering Consumers Directive applies to any business making claims to EU consumers, regardless of where that business is located. If a European traveller sees your sustainability claims when researching their trip, the rules apply.

In practice, this means:

- Your website, if it can be accessed by EU consumers and contains sustainability language
- Your listings on international booking platforms (Expedia, Booking.com, TripAdvisor, etc.)
- Your brochures distributed through international travel agents
- Your social media channels with international followers
- Any co-branded content with international tourism partners

Not sure if EU consumers find you?

If your booking data includes visitors from Germany, France, the Netherlands, Scandinavia, Italy, or Spain or if you work with any inbound tour operators serving those markets, you are in scope. When in doubt, assume you are.

What to do now - a practical checklist

September 2026 is not far away. Here is what to work through before then.

Step 1: Audit every sustainability or eco claim you are currently making

Go through your website, booking platform profiles, brochures, social media, and any co-branded tourism content. Write down every environmental or sustainability claim you make. Be thorough, include imagery and visual elements that could create a green impression, not just text.

For each claim, ask: if a regulator in Europe asked me to prove this, could I? What is the evidence? Who verified it? When was it last checked?

Step 2: Replace vague language with specific, evidenced statements

This is the most immediate action most operators need to take. Generic green language must go unless it can be substantiated.

- Instead of “eco-friendly” - say what specific environmental practice or performance is being referred to and cite the evidence.
- Instead of “sustainable operator” - reference the certification or standard you are verified against.
- Instead of “we care about the environment” - describe what you do, measured and evidenced.
- If you cannot make a claim specific and evidenced, remove it until you can.

Step 3: Review your certifications and labels

Under Empowering Consumers Directive, only sustainability labels from recognised, independently verified certification schemes are permitted. Check every label, badge, or logo you display:

- Is it from a recognised certification scheme with independent third-party monitoring?
- Is your certification current? When does it expire?
- Have you created any in-house “green” badges or sustainability marks? These will need to be removed.
- Are you displaying any partner or industry labels that may not meet the new standard?

In addition, your claims are only defensible if they are backed by independent, third-party verification against a recognised scheme. Self-assessment and in-house sustainability programmes, however genuine, are not sufficient on their own.

If you do not currently hold an independently verified sustainability certification, now is the time to explore your options. Recognised certification schemes in tourism provide the evidence base that turns a sustainability claim into a defensible one. Look for schemes that are independently audited, built on recognised methodologies, and require regular review.

Step 4: Take a hard look at any carbon or climate claims

Carbon claims are the highest-risk category under Empowering Consumers Directive. The rules are explicit: you cannot claim carbon neutrality based on offset purchases alone. What is required is evidence of actual emissions reduction, and any claim about future climate performance must be backed by a specific, time-bound plan verified by an independent third party.

If your current carbon claims are based primarily on offset programmes, you need to either build an evidenced emissions reduction narrative or remove those claims until you can.

Step 5: Know which national laws apply to your key markets

Remember, Empowering Consumers Directive is not enforced at the EU level it is enforced through each country’s national transposition. The penalties, the regulator, and the specific test applied will differ between countries.

If Germany, France, the Netherlands or Scandinavia are important source markets for your business, it is worth understanding how each of those countries has implemented the Empowering Consumers Directive into national law. Germany has already enacted its transposition (in force from 27 September 2026), with some provisions that go beyond the Directive’s minimum requirements. France and the Netherlands have both missed the March 2026 transposition deadline, with bills still working through

their respective parliaments as of April 2026, though both will still need to comply with the September application date.

Your industry body, legal adviser, or sustainability certification provider can also assist with market-specific compliance guidance as more information becomes available through 2026.

Green is Our Gold... and now it needs to be proven

Tourism Australia's Green is Our Gold initiative is built on a simple truth: Australia's natural environment is our greatest competitive advantage. Visitors come for the Great Barrier Reef, the Daintree, the outback, the wildlife. Our exceptional natural landscapes are, quite literally, our gold.

The initiative is more than a tagline. As part of it, Tourism Australia developed practical resources to help businesses and destinations tell their sustainability story well, including storytelling guides that show operators how to communicate environmental credentials in a way that is credible, specific, and compelling to international travellers. EarthCheck helped write those guides. The message is consistent, your green story needs to be authentic, transparent and trustworthy, not just appealing.

Operators who have genuinely invested in sustainable practice, who have the data, the operational evidence, the verified certification, are in a much stronger position than those who have simply used feel-good language.

It is also a moment of risk for operators who have made claims that outrun their evidence. Those claims need to be reviewed now, before September.

Use the Green is Our Gold resources

Tourism Australia's Green is Our Gold platform includes [storytelling guides](#) for businesses and destinations, practical resources that help you communicate what you do in a way that resonates with international travellers and holds up to scrutiny. With Empowering Consumers Directive coming into effect, these guides are more relevant than ever. Visit tourism.australia.com for the full resource suite.

Claims that are now high risk

These are the types of statements most likely to attract scrutiny under Empowering Consumers Directive and subsequent national transpositions. If any of these appear in your current marketing, they need immediate review.

Claim type	Risk level	Why it's a problem
"Eco-friendly experience"	Very high	Banned as a generic claim unless backed by specific evidence of recognised excellent environmental performance
"Sustainable tourism operator"	Very high	Requires definition, evidence base, and independent verification against a recognised scheme
"Carbon neutral holiday"	Critical	Cannot be based on offsets alone, requires actual lifecycle emissions reduction
"Low impact"	High	Must quantify and evidence the reduction, impact compared to what, measured how?

Claim type	Risk level	Why it's a problem
"Green certified"	High	Must reference a recognised and accredited scheme, self-certification is not sufficient
"We care about the environment" or similar values statements	Medium-high	Can constitute a claim if it creates an environmental impression without supporting evidence

Here's the technical - how EU law works

What is a Directive?

The EU can't pass a single law that automatically applies in every country. Instead, it issues "Directives".

A Directive is an instruction. It signals that every EU country must achieve this outcome, but each country can develop its own law to achieve said outcome. It is like the Australian federal government telling every state they must introduce a food safety standard but leaving each state to draft its own Food Safety Act.

The outcome must meet the EU standard. The exact wording, the specific penalties, and the enforcement bodies will vary from country to country.

Empowering Consumers Directive is a Directive. It sets the rules every EU country must enforce. But it is each country's own national law that a business gets prosecuted under.

What is transposition?

Once the Directive is issued, transposition is the process of a country turning it into national law.

The transposition deadline for the Empowering Consumers Directive was 27 March 2026, and that deadline has now passed. EU member states were required to write the Directive into their national laws by that date. As of April 2026, eight countries have formally notified the European Commission of their transposition measures: Denmark, Germany, Ireland, Italy, Latvia, Lithuania, Romania, and Slovakia. Several major economies, including France, the Netherlands, Spain, Belgium, and Austria, have missed the deadline and may face infringement proceedings. Regardless of where individual countries are in their own process, the new rules apply to businesses from 27 September 2026. There is no further transition period.

Why transposition matters to you

When it comes to enforcement, the Directive itself is not the document you need to worry about. It is each country's transposed national law.

Each EU member state's transposed law will be used by their national consumer protection authority when it decides whether to investigate a complaint, issue a fine, or require a business to pull its marketing.

In practice, the rules will be broadly consistent because they all derive from the same Directive. But there will be differences in how each country has implemented them: the penalties it has set, the body that enforces them, the test it applies when assessing a claim. Those differences matter if you are actively marketing in specific EU markets.

What this means for Queensland operators

If you sell to European travellers and want to make sustainability or eco claims in your marketing, you cannot simply check that you comply with 'EU rules' in the abstract. You need to understand the transposed national law in the countries where your key customers come from.

For most Queensland operators, the highest-volume European source markets are Germany, France, the Netherlands, and Scandinavia. If these are your markets, these are the national laws worth reviewing.

Your inbound tour operators, international distribution partners, and industry legal advisers are a good first port of call for market-specific guidance as more information becomes available through 2026.

What about the Green Claims Directive?

You may have heard about a separate piece of EU legislation called the Green Claims Directive. It was proposed to go further than the Empowering Consumers Directive, requiring businesses to have environmental claims pre-verified by an accredited body before making them publicly. It would have been a stricter version.

The Green Claims Directive did not make it into law. The European Commission withdrew it from the legislative process in June 2025. It is not coming, at least in its current form. It is not the law you need to comply with right now, and it is not the law driving the September 2026 deadline.

Empowering Consumers is already passed, already being written into national laws, and applies to your business from 27 September 2026. The Green Claims Directive may resurface in a future EU legislative cycle in some form, but that is a matter for another day. Getting Empowering Consumers Directive-ready now is the right move.

What happens if you get it wrong

The EU has modelled Empowering Consumers Directive's enforcement approach on its data privacy rules, the GDPR which signals the importance and intent.

The EU Directive sets a minimum standard for penalties. Individual countries may set higher penalties in their national transpositions. The consequences can include:

- Fines of up to 4% of annual turnover in the relevant country
- Mandatory withdrawal of claims from all marketing materials
- Exclusion from public procurement and government-contracted tourism programmes
- Mandatory corrective statements published to consumers
- Reputational damage and loss of consumer trust in key markets.

As enforcement happens through each country's national regulator, the practical experience of enforcement will vary. Some countries will be faster and more aggressive than others. Germany and the Netherlands, for example, have strong consumer protection enforcement traditions. France and the Nordic countries are similarly active. If these are your key source markets, the risk of enforcement action is real.

The ACCC parallel

Australia's ACCC has made greenwashing a stated enforcement priority. They have published formal guidance, issued public warnings, and commenced proceedings against businesses making unsubstantiated environmental claims. The risk to Australian operators is not hypothetical or distant, it is active and domestic. EU enforcement from September adds an international dimension to the same exposure.

It's not just operators, RTOs and the state are caught too

The rules do not only apply to individual tourism businesses. They apply to any entity making environmental claims in a business-to-consumer context. That scope is wider than most people realise.

Regional Tourism Organisations (RTOs)

RTOs market destinations to consumers, that is their core function. If an RTO's website, campaigns, social media, or destination branding include sustainability claims "our region is committed to sustainable tourism", "experience our pristine natural environment", "eco-tourism destination" those claims are in scope under Empowering Consumers Directive if they reach EU consumers.

International destination marketing campaigns specifically target European source markets. If those campaigns include green or sustainability messaging, they need to meet the same evidential standard as a claim made by an individual operator.

Tourism and Events Queensland and state government

The same logic applies to Tourism and Events Queensland (TEQ), which markets Queensland as a destination to international audiences including European travellers. Any sustainability claims made in TEQ's international marketing in any channel that reaches EU consumers are subject to Empowering Consumers Directive.

More broadly, any Queensland Government marketing that makes environmental or sustainability claims to EU consumers whether through investment promotion, trade activities, or destination marketing sits within scope. Government entities are not exempt.

The shared exposure across the industry

What this means in practice is that the Queensland tourism industry has a collective interest in getting this right. A RTO that makes a vague sustainability claim in its European marketing creates exposure not just for itself, but potentially undermines confidence in the destination's claims more broadly.

Equally, the work that RTOs and the state do to market Queensland as a genuine sustainability destination backed by evidence, built on the real environmental performance of operators is a shared competitive asset. That asset is more valuable and more defensible under Empowering Consumers Directive than ever before.