

**Question for written answer E-000276/2022  
to the Commission**

Rule 138

**Nikolaj Villumsen** (The Left)

Subject: Compliance with consumer protection obligations in cases involving greenwashing

Is Denmark complying with its obligations pursuant to EU law with regard to consumer protection and enforcement (supervision and penalties) under Articles 11 and 13 of the Unfair Commercial Practices Directive (2005/29/EC), and Articles 137-139 of the Official Controls Regulation (Regulation (EU) 2017/625)?

In Denmark, cases of greenwashing (i.e. making misleading environmental and climate claims) by food companies are assessed only under the rule on misleading practices laid down in the Food Information Regulation (Regulation (EU) No 1169/2011), and not under the rules on misleading practices laid down in the Unfair Commercial Practices Directive (2005/29/EC) (see, inter alia, paragraph 31 of CJEU judgment C-109/17). It is also the case that the Danish Consumer Ombudsman, who supervises compliance with the Unfair Commercial Practices Directive, has free priority access and therefore, under national rules, is not obliged to deal with complaints about food businesses engaging in greenwashing (see also the Commission's answer of 5 April 2016 to Written Questions E-001195/2016 and E-001255/2016, and the Commission's answer of 23 March 2018 to Written Question P-001169/2018).

Furthermore, the regulatory authorities have never conducted any checks on greenwashing with regard to food, and nor are any plans for such checks to be carried out in future. Additionally – consistently and without discretion – complaints about greenwashing in the food sector are not assessed under the Unfair Commercial Practices Directive (2005/29/EC) or dealt with by the Consumer Ombudsman. Instead, they are dealt with by the Danish Veterinary and Food Administration, which does not draw on the Marketing Act, in which the rules on misleading practices laid down in the Unfair Commercial Practices Directive (2005/29/EC) have been transposed.