

# From Illusion to Obligation: A Legal Blueprint to Eliminate Greenwashing in the European Union

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2025 ELI Young Lawyers Award Winning Paper Summary

## GREENWASHING





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By Jamal Hajiyeu

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# Summary

Within the European Union, there is a rising challenge to sustainable development and consumer trust, as well as environmental governance through misleading or unsubstantiated environmental claims that we refer to as greenwashing. The Unfair Commercial Practices Directive, together with the Empowering Consumers for the Green Transition Directive, aims to combat deceptive marketing, but the failure to view greenwashing as a significant issue prevents them from confronting underlying regulatory and ecological impacts.

The paper advocates for the replacement of the term greenwashing with environmental misconduct. Accountability gaps prevent the European Green Deal from achieving its targets since EU instruments have no clear regulatory definition of greenwashing, and inadequate enforcement systems and penalties are in place. This paper recommends implementing a mandatory EU regulation based on Articles 114 and 192 Treaty on the Functioning of the European

Union (TFEU). The proposed regulation would define greenwashing in legal terms while requiring independent third-party verification with EU oversight power and the establishment of punitive measures based on fines and civil liabilities.

The proposal shows how extensive regulatory reform can be achieved through the Union's existing legal structures by adopting a similar enforcement model to global data privacy laws. Valid legal measures must be established because they will protect consumers and rebuild trust with the public while promoting environmental governance and sustainable market development. A specific EU regulation that considers greenwashing as a regulatory offence would advance EU leadership and environmental integrity through credible measures.



## The Author

Jamal Hajiyeu is a Master's student in International and European Law at Vilnius University (Lithuania) and a Junior Legal Officer at Mercator® by Citco. He also serves as an Academic Editor for the ELSA Law Review. He holds a Bachelor's degree in Jurisprudence from Baku State University (Azerbaijan). His main research interests lie in international human rights and environmental law, with recent work focusing on ecocide enforcement and legal innovation in climate accountability. He has presented at conferences such as the Max Planck JNR Sustainability Law Conference and published in peer-reviewed journals.

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