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Greenwashing: Climate promises must be backed up by corporate practice

A Paris civil court has drawn a clear line on the limits of environmental marketing by large energy companies. On 23rd of October 2025 (N° RG 22/02955 – N° Portalis 352J-W-B7G-CWJKL), the court held that TotalEnergies may not advertise climate neutrality where the company's actual business conduct does not align with that claim. The decision sets an important benchmark for environmental communications in the European energy sector, emphasizing that sustainability promises must be credibly substantiated by concrete corporate measures.

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The proceedings stemmed from a broad communications campaign launched in May 2021 during TotalEnergies' rebranding. Across channels including the website, press, television and social media, the company presented itself as a "key player in the energy transition" and pointed to its goal of carbon neutrality by 2050. In early 2022, three NGOs – Greenpeace France, Friends of the Earth France and Notre Affaire à Tous – brought claims against TotalEnergies SE and TotalEnergies Electricité et Gaz France. They challenged, in particular, statements on climate neutrality and on the environmental performance of fossil gas and biofuels as misleading, arguing that the messaging created the impression that the company followed scientific recommendations and materially contributed to a low carbon economy through its products and services. The court classified the disputed statements as advertising capable of misleading consumers about the scope of the group's environmental commitments.

A decisive factor was that the messaging expressly invoked the scientific concept of climate neutrality under the Paris Agreement while, according to the court's findings, the company continued to produce around 97 percent of its energy from fossil sources and planned to develop additional oil and gas fields. The court deemed this discrepancy incompatible with the goals of the Paris Agreement. In its view, highlighting alleged environmental qualities can significantly influence the economic behavior of the average, reasonably observant consumer, particularly as sustainability considerations increasingly stand alongside price as a purchasing criterion. The court therefore prohibited further use of the contested claims and ordered their removal from the website. It also required publication of the ruling's operative part on the website for 180 days. Each claimant NGO was awarded EUR 8,000 for nonmaterial damages. By contrast, broader claims regarding the environmental advantages of fossil gas and biofuels were dismissed due to insufficient direct linkage to consumer sales and inadequate proof of a concrete impact on consumer behavior.

TotalEnergies argued that there is no binding pathway to climate neutrality for companies and that the Paris Agreement addresses states rather than private actors. The court rejected these arguments. What mattered was not a direct legal obligation under the Agreement, but the company's promotional reliance on the recognised scientific concept of climate neutrality, which sets expectations among the public regarding corporate practice. The ruling signals that those who claim climate neutrality, or promise to contribute to it, must be able to demonstrate that their business model, capital allocation and product portfolio are coherently aligned with that goal.

Impact of the ruling beyond France

The decision has significance beyond the immediate case. While it binds the parties in France only, it

articulates a clear standard for the permissibility of environmental advertising in the energy sector and will be watched closely across Europe. Companies with a high share of fossil activities paired with ambitious sustainability messaging should anticipate closer scrutiny of the consistency between brand positioning and actual business practice.

The ruling also illustrates that courts may impose not only prohibitions but also publication obligations to ensure transparency and correct misleading impressions. Environmental communications are increasingly understood as commercially relevant, influencing procurement decisions, customer relationships and market positioning. Climate neutrality claims without verifiable and credible implementation pathways carry material legal and reputational risk. Where companies advertise net-zero strategies or portray themselves as drivers of the energy transition, they should underpin such claims with clear targets, robust investment programs and transparent progress measurement. Misalignments—such as continued expansion of fossil capacity while touting climate neutrality – may be deemed misleading and lead to prohibitory or corrective orders.

Practical takeaways for European companies

For companies operating across Europe, the core message is straightforward: climate claims in marketing are sustainable only if supported by a credible corporate strategy and concrete measures. Environmental statements should be rigorously vetted to ensure alignment between public commitments and real-world value creation and medium-term investment planning. Where companies communicate target states, they should specify interim milestones, priorities and actions and update these regularly. Claims invoking scientific concepts like climate neutrality must be precise, evidence-based and contextualized. If fossil activities remain predominant, absolute statements should be avoided in favor of clear disclosure of the transition pathway, emissions-reduction logic and dependencies on external conditions. This approach reduces regulatory and reputational exposure and strengthens a company's position in public and policy discourse across European markets.

Author: Julia Scheibler

Contact us:

Peter Mussaeus, Partner:

Tel. +49 211 981-4930 / Email: peter.mussaeus@pwc.com

Michael H. Küper, Partner:

Tel. +49 211 981-1559 / Email: michael.kueper@pwc.com

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