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## ClientEarth<sup>®</sup>

Press release: 07 June 2023

## Landmark greenwashing lawsuit against KLM airline granted court permission

A ground-breaking greenwashing lawsuit against airline KLM challenging its misleading advertising has been granted permission to proceed to a full hearing by a Dutch court.

The lawsuit – the first of its kind to challenge airline industry greenwashing – argues that KLM's climate ads and offset marketing breach EU consumer law standards by creating a false impression that its flights do not contribute to the worsening climate emergency.

The District Court of Amsterdam has granted permission for Dutch campaigners Fossilvrij and Reclame Fossilvrij to bring the claim, following a [hearing in April](#) on the organisations' admissibility. The decision establishes for the first time that an environmental non-profit can bring a greenwashing claim under the recently passed Dutch class action law.

It comes after KLM informed the judge that it had dropped its 'Fly Responsibly' advertisements, which were challenged by the lawsuit.

Hiske Arts, campaigner at Fossilvrij, said: "Today's ruling rightly confirms that climate organisations have a place in combating greenwashing. With the threat of this lawsuit, KLM stopped its problematic 'Fly Responsibly' campaign.

"But KLM continues to greenwash its growth ambition through other climate messages. It is important that the Court assesses the full spectrum of KLM's statements, because as long as the biggest polluters continue to lull us to sleep through their slick marketing campaigns, climate action will not happen."



### **KLM's misleading statements**

Although KLM has discontinued its 'Fly Responsibly' ad campaign, it has not made any commitments regarding its future advertising, nor has it addressed the carbon offset marketing that is also targeted by the lawsuit.

Fossielvrij's claim argues that this marketing misleads customers into thinking they can reduce their flight's impact by supporting reforestation projects or the airline's costs of purchasing small quantities of biofuels.

The lawsuit also challenges KLM's claim that the company is "creating a more sustainable future" because of its net zero by 2050 target, which is at odds with its plans for continued business growth.

According to the Court, it is not in dispute that the misleading allegation has sufficient merit to proceed to the next phase of the litigation.

Johnny White, a lawyer from ClientEarth, added: "The truth is that KLM's climate publicity push extends far beyond a single campaign. This is not an isolated incident in the airline industry. The ongoing struggle to stamp out aviation greenwashing underscores the urgent need to ban fossil fuel advertising and protect the public from misleading practices that subvert climate action."

The Court said Fossielvrij can now consult KLM and amend its claim to focus on the advertising the airline stands by. KLM then has six weeks to file a full defence.

**ENDS**

### **About ClientEarth**

ClientEarth is a non-profit organisation that uses the law to create systemic change that protects the Earth for – and with – its inhabitants. We are tackling climate change, protecting nature and stopping pollution, with partners and citizens around the globe. We hold industry and governments to account and defend everyone's right to a healthy world. From our offices in Europe, Asia and the USA we shape, implement and enforce the law, to build a future for our planet in which people and nature can thrive together.

Courtesy of :-



## Notes to editors:

- Fossilvrij's and Reclame Fossiel lawsuit is supported by Reclame Fossilvrij and ClientEarth.
- The Court's judgment on admissibility can be found [here](#). It established that an environmental non-profit can bring a greenwashing claim under the recently passed Dutch class action law, representing people affected by worsening climate change as well as consumers, and providing "efficient and effective legal protection" for those parties.
- A full FAQ on the lawsuit can be found [here](#).
- Recent reporting on other legal and regulatory challenges to aviation sustainability advertising can be found [here](#) and [here](#).