

## GREENWASHING PRACTICES: LEGAL CHALLENGES AND ECONOMIC IMPLICATIONS IN THE CONTEXT OF EUROPEAN INTEGRATION

**ELENA CIOCHINA**

Academy of Economic Studies of Moldova

Republic of Moldova

e-mail: [eciochina.av@gmail.com](mailto:eciochina.av@gmail.com)

ORCID ID: 0000-0001-7852-8567

**Abstract:** Corporate communication that inflates or misrepresents an organization's environmental responsibility is known as "greenwashing." The study analyzes this phenomena from a legal-economic perspective, assessing Moldova's changing legal system and how well it complies with EU sustainability and consumer protection regulations. This paper aims to explore the phenomenon from a legal perspective, focusing on the Republic of Moldova's current regulatory framework and its alignment with European Union standards. The study seeks to identify the gaps and challenges in addressing greenwashing within the context of the country's progressive integration into the EU single market.

The research is based on a comparative legal analysis, examining relevant Moldovan legislation, EU directives, and case law concerning unfair commercial practices and consumer protection. Additionally, the study reviews international best practices, including regulatory approaches from the United States and selected EU member states, to provide a broader understanding of enforcement mechanisms.

The findings indicate that while Moldova has made significant steps toward harmonizing its consumer protection and advertising legislation with EU requirements, enforcement mechanisms remain underdeveloped. The absence of specific provisions targeting environmental claims creates a legal vacuum that may enable companies to engage in deceptive marketing without facing significant consequences. Moreover, limited consumer awareness and insufficient monitoring capacity further weaken the effectiveness of existing laws.

The paper concludes by proposing legal and policy recommendations, including the introduction of explicit legal definitions of greenwashing, enhanced sanctions for misleading environmental claims, and improved inter-agency cooperation. These measures aim to strengthen the legal framework, foster consumer trust, and encourage genuine corporate sustainability initiatives, ultimately contributing to the country's competitiveness in the knowledge economy.

**Keywords:** greenwashing, consumer protection, EU integration, unfair commercial practices, environmental claims, legal regulation

**JEL Classification:** K32, K33, M14, Q56

### 1 INTRODUCTION

The concept of *greenwashing* has become one of the most debated issues in contemporary legal and economic discourse. It refers to marketing practices that create a false or exaggerated impression of a company's environmental responsibility or the ecological benefits of its products (McKinsey & Company, 2023). At its core, greenwashing undermines the integrity of sustainability as both a policy objective and a market value by misleading consumers and distorting competition. Its growing prevalence reflects the tension between the global rise in consumer demand for sustainable goods and the commercial incentives to exploit this demand without undertaking genuine environmental commitments.

Globally, consumer behavior has shifted significantly over the last decade. Surveys consistently demonstrate that consumers—particularly younger generations—prefer environmentally responsible products and are willing to pay a premium for them. However, this willingness is contingent upon trust. Misleading eco-claims erode that trust, thereby creating a paradoxical effect: while genuine sustainability initiatives should be rewarded, the proliferation of

deceptive practices generates skepticism that undermines the entire sustainability market. This dynamic illustrates why greenwashing is not merely an ethical or reputational issue, but also a regulatory, economic, and legal challenge.

In the European Union, legal frameworks addressing unfair commercial practices have increasingly evolved to account for the dangers posed by greenwashing. Directives such as the Unfair Commercial Practices Directive (2005/29/EC), the Misleading and Comparative Advertising Directive (2006/114/EC), and the recently adopted Empowering Consumers for the Green Transition Directive (2024/825) establish clear standards prohibiting vague or unsubstantiated environmental claims. These frameworks reflect the EU’s broader Green Deal agenda, which seeks to combine consumer protection with the transition to a low-carbon economy. They also highlight the growing importance of aligning consumer law with climate and environmental policy objectives.

By contrast, the Republic of Moldova, as a candidate country pursuing alignment with the EU *acquis*, has not yet developed explicit provisions on greenwashing. While Moldova has transposed elements of the EU’s consumer protection *acquis* into national law—particularly through the Consumer Protection Law (2003) and the Advertising Law (2022)—these instruments remain general in nature and do not directly regulate environmental claims (Republic of Moldova, 2003; Republic of Moldova, 2022). This legal lacuna not only exposes consumers to misleading information but also risks creating an uneven playing field for businesses that invest in authentic sustainability. Moreover, it raises questions about Moldova’s preparedness to integrate into the EU’s single market, where increasingly rigorous standards on environmental marketing are being enforced.

In this context, this article aims to examine the legal problems related to greenwashing in Moldova and evaluate their wider economic consequences. It critically analyzes the alignment of Moldova’s consumer and advertising regulations with EU directives and worldwide standards, notably the U.S. Federal Trade Commission’s Green Guides (Federal Trade Commission, 2012). It also looks at how loopholes in regulation hurt consumer trust, competitiveness in the market, and Moldova’s efforts to join the European Union. This study employs a qualitative and comparative legal technique, integrating the analysis of legislation and directives with case law and regulatory practices from other countries. In doing so, it shows both what the laws are supposed to mean and how they are really enforced.

This study makes two contributions. First, it shows exactly where Moldovan laws do not follow EU standards and worldwide best practices. This makes it clear what needs to be changed. Second, it puts greenwashing in the context of both protecting consumers and being a structural problem for Moldova’s economic competitiveness, trust in institutions, and progress toward sustainable development in the European knowledge economy.

## 2. LEGAL FRAMEWORK OF GREENWASHING IN REPUBLIC OF MOLDOVA

The Republic of Moldova has slowly brought its consumer protection and advertising laws in line with the European Union’s *acquis communautaire*. However, there are still some big gaps, especially when it comes to claims about the environment. The country has set up a general legislative framework to protect consumers from misleading tactics, but it has not put in place any specific rules to stop greenwashing. This part looks at the main parts of the current laws, points out their flaws, and puts them in the context of the EU’s process of approximation.

### 2.1 Consumer Protection Law

The cornerstone of Moldova’s consumer law is the *Law on Consumer Protection* (No. 105-XV of 2003, as amended), which transposes Directive 2005/29/EC on unfair business-to-consumer practices. The law prohibits both misleading and aggressive commercial practices, defining unfair practices as those that contain false information or omit material facts likely to mislead the average consumer. This reflects the general structure of the EU Unfair Commercial Practices Directive,

which operates on a principle-based approach. However, the Moldovan law does not include explicit provisions relating to environmental or sustainability claims. Consequently, while unsubstantiated “eco-friendly” or “climate neutral” assertions could in theory fall within the broad category of misleading practices, their regulation depends on the willingness and capacity of enforcement bodies to interpret them as such. This reliance on generic clauses creates interpretative uncertainty and weakens deterrence.

### **2.2 Law on Advertising**

In 2022, Moldova adopted the *Law on Advertising* (No. 62 of 17 March 2022) to modernize its regulatory landscape and harmonize with EU Directive 2006/114/EC on misleading and comparative advertising. The legislation sets out principles of accuracy and transparency, prohibits false or unverifiable statements, and requires the clear identification of the advertiser. It also incorporates the EU’s blacklist approach, whereby certain advertising practices are categorically prohibited. Despite these advances, the law does not define “greenwashing” nor does it introduce eco-specific provisions. Its focus remains on the formal and technical aspects of advertising regulation—such as outdoor advertising permits and placement rules—rather than on the substantive veracity of environmental claims. As a result, the law does not provide adequate safeguards against the proliferation of misleading sustainability marketing.

### **2.3 Competition Law**

Elements of unfair commercial conduct also fall under the scope of the *Law on Protection of Competition* (No. 183/2012). This law prohibits misleading advertising and other practices that distort fair competition, including marketing strategies that create confusion about product origin, qualities, or characteristics. In theory, it could be invoked against misleading green claims where they affect market competition. However, enforcement in this area is the responsibility of the Competition Council rather than consumer protection authorities, and to date there have been no reported cases in Moldova where environmental claims have been challenged under competition law. This reflects a broader tendency for greenwashing to remain overlooked by existing enforcement mechanisms.

### **2.4 Enforcement Gaps and Institutional Limitations**

While Moldova has taken notable steps to harmonize its consumer and advertising framework with EU directives, enforcement remains underdeveloped. Consumer protection authorities and advertising regulators lack specialized guidelines and technical expertise to assess the accuracy of environmental claims. There are no dedicated monitoring mechanisms, and the absence of clear definitions complicates regulatory action. As has been observed in national legal commentary, “the absence of specific provisions targeting environmental claims creates a legal vacuum that may enable companies to engage in deceptive marketing without facing significant consequences” (Republic of Moldova, 2022).

In practical terms, this means that although Moldova’s laws formally prohibit misleading commercial practices, enforcement against greenwashing remains largely reactive, case-specific, and dependent on consumer complaints. The lack of proactive supervision or standardized verification processes allows companies to continue using vague environmental slogans with minimal risk of sanction. This gap not only undermines consumer protection but also creates distortions in market competition, favoring firms that rely on deceptive marketing over those investing in genuine sustainability.

### **2.5 Implications for EU Integration**

Moldova’s current legal framework illustrates the challenges faced by candidate countries in aligning domestic legislation with the EU acquis. While significant progress has been made in transposing directives on consumer and advertising law, the lack of eco-specific provisions signals an incomplete harmonization. Given the EU’s recent adoption of the Empowering Consumers for the Green Transition Directive (2024/825), which explicitly regulates environmental claims,

Moldova’s legislative framework will require further reform to avoid regulatory divergence. The absence of such alignment could hinder Moldova’s integration into the single market, particularly in sectors where environmental marketing plays a central role.

### 3. COMPARATIVE ANALYSIS WITH EU AND INTERNATIONAL PRACTICES

The regulatory shortcomings in Moldova become particularly evident when assessed against developments within the European Union and other leading jurisdictions. While Moldovan legislation prohibits misleading practices in general terms, EU law and international practice are increasingly characterized by targeted, eco-specific instruments designed to address greenwashing with precision and enforceability.

#### 3.1 Developments within the European Union

The EU has long considered misleading environmental claims as falling under the scope of the *Unfair Commercial Practices Directive* (UCPD, 2005/29/EC). The Directive prohibits deceptive commercial practices, including those involving omissions of material information, and has been interpreted by both the European Court of Justice and national authorities to cover vague or unsubstantiated sustainability claims. In practice, member states have used the UCPD to sanction firms for generic descriptors such as “eco-friendly” or “environmentally safe” when these lacked substantiation.

But recent EU legislative efforts have gone beyond this basic framework. The Empowering Consumers for the Green Transition Directive (Directive (EU) 2024/825) was passed in February 2024 to make it clear that greenwashing is not allowed. This Directive says that you can not use "generic environmental claims," like "green," "sustainable," or "climate friendly," unless you can back them up with strong and verifiable evidence (Morgan Lewis, 2024; Mason Hayes & Curran, 2025). It also limits claims of carbon neutrality unless they are based on clear and traceable data on emissions. By 2026, Member States must turn these measures into national law, which sets a clear deadline for reform.

At the same time, the EU was thinking about passing a Green Claims Directive that would have made it necessary for a third party to check environmental claims. The Commission said in the middle of 2025 that it would not go through with this proposal (Latham & Watkins, 2025), but it stressed that the decision did not weaken the bigger picture. The Green Transition Directive is still in effect, and putting it into action will be a big step forward in protecting consumers from misleading marketing about sustainability.

#### 3.2 United States Federal Trade Commission

The Federal Trade Commission's (FTC) Green Guides (FTC, 2012) are the main way that the United States deals with greenwashing. They are the main way to evaluate claims about environmental marketing. The Green Guides are not legally binding rules, but they do set out clear standards that are meant to stop businesses from making false or misleading environmental claims. The FTC says that businesses should not make broad, unqualified claims like "eco-friendly" or "sustainable" unless they can back them up with reliable and verifiable proof. In addition, claims about the environment, like those about recyclability, biodegradability, or renewable content, must be based on scientifically sound methods and tests (FTC, 2012).

Section 5 of the Federal Trade Commission Act makes it illegal for businesses to do "unfair or deceptive acts or practices" in commerce. The Green Guides are not legally binding, but they do help people understand how to use Section 5 in marketing for the environment (Delmas & Burbano, 2011). The FTC has used these rules in several cases against companies that lied about how their products helped the environment. This made the Green Guides an important reference for compliance in U.S. consumer protection law.

Recent changes to the Green Guides have made them more relevant to new sustainability claims, such as carbon offsetting, climate neutrality, and environmental, social, and governance (ESG) marketing statements (Federal Trade Commission, 2023). This is because the market is

changing. Because of this, the FTC's framework is now known around the world and has had an effect on regulators in places like the European Union and the United Kingdom, which have used similar methods to stop greenwashing by being open, using evidence-based substantiation, and using standardized definitions (Testa et al., 2018). So, the FTC's advice serves as a de facto global standard for ethical environmental communication and consumer protection.

### **3.3 National Approaches within and beyond the EU**

Several EU member states have adopted domestic measures that go beyond EU minimum standards. France's *Climate and Resilience Law* (2021) criminalizes greenwashing and establishes severe penalties, including fines up to €300,000 and custodial sentences for individuals (Gowling WLG, 2023). French authorities have also banned unqualified “carbon neutral” claims in advertising, underscoring their commitment to ensuring that environmental assertions are accurate and verifiable.

The United Kingdom, through the Competition and Markets Authority, has developed a *Green Claims Code*. While non-binding, this code establishes principles of accuracy, transparency, and substantiation. Legislation coming into effect in 2025 further empowers the CMA to levy fines against misleading sustainability claims, marking a shift from voluntary guidance to enforceable obligations.

In China, regulators rely on general advertising and anti-unfair competition laws to target false environmental claims. Enforcement actions have included penalties for companies overstating eco-benefits, signaling a global recognition of greenwashing as a competition and consumer protection issue.

### **3.4 Implications for Moldova**

This comparative analysis highlights Moldova's relative lag in regulating environmental claims. Whereas the EU and other advanced jurisdictions are adopting explicit prohibitions, requiring substantiation, and even criminalizing deceptive environmental marketing, Moldova relies solely on general provisions prohibiting misleading advertising. Such reliance leaves enforcement reactive, complaint-driven, and inconsistent.

A practical illustration underscores the divergence: under the EU Green Transition Directive, a claim such as “Our product is biodegradable” would be unlawful unless supported by robust evidence (Mason Hayes & Curran, 2025). In Moldova, however, the same claim could be marketed without consequence unless consumer authorities chose to interpret it as misleading under the general prohibition. This asymmetry not only risks consumer deception but also disadvantages Moldovan firms seeking to compete in EU markets where higher standards apply.

## **4. ECONOMIC AND MARKET IMPLICATIONS**

The economic impact of greenwashing is multifaceted, affecting consumer trust, competitive dynamics, and investment behavior. Evidence suggests that credible sustainability claims contribute positively to sales performance. For example, McKinsey (2023) reports that consumer-packaged goods with environmental, social, and governance (ESG)-related labels experienced a 28% growth in sales over five years, compared with only 20% for products without such claims. This differential illustrates that consumers are not only receptive to sustainability narratives but are also willing to reward companies that credibly integrate environmental considerations into their value propositions.

### **4.1 Consumer Trust and Market Confidence**

Greenwashing undermines the very trust upon which sustainable markets depend. When consumers are exposed to misleading environmental claims, skepticism extends beyond individual products and can erode confidence in sustainability labels more broadly. McKinsey (2023) warns that greenwashing poses substantial reputational risks to businesses by diminishing consumer willingness to pay for genuinely sustainable goods. A survey cited by the Federal Trade Commission found that 88% of young consumers express distrust toward unqualified green claims,

signaling that trust deficits are particularly pronounced among younger, environmentally conscious demographics. In the Moldovan context—where consumer awareness of environmental issues is still developing—greenwashing may not only diminish trust but also hinder the very emergence of a culture of sustainability.

#### **4.2 Distortion of Competition and Innovation Disincentives**

Unchecked greenwashing distorts competition by granting unfair advantages to companies that rely on marketing strategies rather than substantive environmental performance. Firms that make unsubstantiated sustainability claims may secure market share without incurring the costs of genuine environmental innovation, thereby penalizing competitors that invest in cleaner technologies or eco-friendly processes. This misallocation of resources reduces incentives to innovate, slows the diffusion of green technologies, and undermines market efficiency. In Moldova, where the transition toward a knowledge-based and sustainable economy is integral to EU integration, such distortions pose a systemic risk to competitiveness.

#### **4.3 Financial and Investment Implications**

From the perspective of financial markets, the consequences of greenwashing are complex. A report by the European Securities and Markets Authority (ESMA, 2021) found that allegations of greenwashing surged in Europe between 2020 and 2021, particularly in the financial and energy sectors. However, the same study observed no systematic evidence of immediate effects on stock returns or firm valuations, suggesting that markets may not initially penalize companies accused of greenwashing. Nevertheless, ESMA cautioned that repeated scandals generate significant costs in terms of legal expenses, reputational damage, and regulatory penalties.

For emerging economies such as Moldova, where capital markets are less mature, the primary risks are not short-term stock volatility but rather reputational and regulatory credibility. Foreign investors may interpret weak enforcement against deceptive environmental claims as an indicator of broader governance deficiencies. In this sense, greenwashing may reduce Moldova’s attractiveness as an investment destination, particularly in sectors where environmental compliance is a key consideration for international partners.

#### **4.4 Implications for Moldova’s EU Integration**

The economic implications of greenwashing are amplified by Moldova’s strategic objective of European integration. As the EU introduces increasingly stringent rules on environmental claims, Moldovan firms that operate under a permissive domestic regime risk facing barriers when accessing the single market. A lack of harmonization may also create reputational risks for Moldova as a jurisdiction perceived to tolerate deceptive practices. Conversely, the adoption of robust anti-greenwashing regulations could enhance Moldova’s competitiveness, reinforce consumer trust, and improve the country’s attractiveness for sustainable investment.

### **5. POLICY RECOMMENDATIONS**

To address the regulatory and enforcement deficiencies identified in the preceding analysis, Moldova should adopt a comprehensive package of policy measures. These interventions would strengthen consumer protection, ensure market transparency, and accelerate legislative alignment with the European Union. Six key recommendations can be identified:

#### **Introduction of an explicit legal definition of greenwashing**

Moldova’s *Consumer Protection Law* and *Advertising Law* should be amended to incorporate a precise definition of *greenwashing* or *misleading environmental claims*. Establishing a clear statutory definition would reduce interpretative ambiguity, ensure consistency in enforcement, and subject sustainability-related marketing to the same evidentiary standards as other commercial claims (Morgan Lewis, 2024).

#### **Prohibition of generic or unqualified environmental claims**

Legislation should explicitly prohibit the use of broad descriptors such as “green,” “natural,” or “carbon neutral” unless substantiated by verifiable evidence. The EU’s *Empowering Consumers*

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*for the Green Transition Directive* provides a useful model in this respect, ensuring that only claims supported by transparent data and third-party verification are permissible (Mason Hayes & Curran, 2025). This reform would discourage superficial branding strategies and reward companies engaging in genuine sustainability practices.

#### **Enhancement of enforcement powers and sanctions**

The deterrent effect of current sanctions in Moldova remains weak, as fines are modest and rarely applied. To improve compliance, penalties should be increased, with provisions for administrative and, where appropriate, criminal liability. Public disclosure of offenders could also serve as a reputational deterrent. Comparative experience demonstrates that stronger enforcement frameworks are effective in reducing the prevalence of deceptive sustainability claims (Gowling WLG, 2023).

#### **Strengthening of inter-agency coordination**

Greenwashing oversight requires cooperation across institutional boundaries. Moldova should establish joint investigative mechanisms and information-sharing protocols between the Consumer Protection Agency, the Competition Council, and environmental regulators. Such coordination would prevent regulatory fragmentation, facilitate more efficient enforcement, and ensure that environmental claims are scrutinized from both a consumer protection and competition law perspective (Mason Hayes & Curran, 2025).

#### **Promotion of consumer and business awareness**

Along with changes to the law, there need to be educational and informational campaigns aimed at both businesses and consumers. Businesses should learn about compliance requirements through guidelines, training, and consultations. Consumers should also be able to critically evaluate environmental claims. Efforts to raise eco-literacy, such as outreach through schools, civil society groups, and media campaigns, would make consumers more aware and make regulations work better.

#### **Harmonization with EU sustainability standards**

As a candidate country for the EU, Moldova needs to get ready for and follow new EU rules, such as requiring proof of environmental claims and using EU-recognized ecolabels. Proactive harmonization would not only make sure that Moldovan exporters are legally compatible, but it would also help them compete in the single market. Moldova can lower future compliance costs, improve access to markets, and show its commitment to long-term economic integration by making its own rules more like those of the EU.

#### **Conclusion**

Greenwashing is a problem that affects the law, the economy, and the health of consumers. The current rules in Moldova do not have any specific ways to deal with false environmental marketing. Our research shows that Moldova has changed its consumer laws to be more like those in the EU, but it has not yet made rules about green claims. This gap could confuse customers and make the market less efficient at a time when sustainability is very important for staying competitive. On the other hand, the EU and other places are moving toward strict rules against greenwashing, such as banning unproven "eco" labels and giving regulators the power to enforce truth in advertising (Morgan Lewis, 2024; Mason Hayes & Curran, 2025).

If greenwashing goes unchecked, it can hurt the economy by making people less trusting and making competition less fair, which will cost society in the long run (McKinsey & Company, 2023; ESMA, 2021). Moldova should make it clear that false environmental claims are against the law, step up enforcement and penalties, and make its laws more in line with EU rules on sustainability marketing to deal with these problems. These actions will protect consumers, make things fair for honest businesses, and help Moldova's ongoing integration into the European single market.

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