

CONSUMER RIGHTS IN THE REPUBLIC OF MOLDOVA IN THE CONTEXT OF THE TRANSITION TO A CIRCULAR ECONOMY: INTERDISCIPLINARY APPROACHES FROM ENVIRONMENTAL, CIVIL AND EUROPEAN LAW

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ABSTRACT: *The paper analyzes the Republic of Moldova's transition from a linear economy to a circular one from the perspective of the legal protection of consumers. It starts from the premise that the circular economy entails not only technical and economic transformations, but also a profound restructuring of the legal framework, which must respond to new requirements of sustainability and environmental responsibility. At the center of this transition is the consumer, whose legal protection must be expanded by recognizing new rights: the right to information on the environmental impact of products, the right to repair beyond the warranty period, the right to durable products, and the right to compensation for environmental harm. The paper compares the Moldovan regulatory framework with recent European Union regulations, highlighting existing legislative and institutional gaps. Finally, it underscores the need for a coherent legal reform that integrates the principles of the circular economy into national legislation and transforms the consumer into an active participant in the ecological transition—an adaptation essential for aligning the Republic of Moldova with European standards and for ensuring long-term sustainable development.*

KEYWORDS: *consumer rights; circular economy; environmental law; repair; durability; greenwashing.*

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1. INTRODUCTION

The transition from a linear economic model, based on the sequence extraction–production–consumption–disposal, to a circular model entails a paradigm shift that is not only technological and economic, but also legal. The circular economy requires a systemic approach to resources, where the life cycle of products is prolonged through reuse, repair,

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recycling and waste reduction. In this new model, the consumer is no longer only a passive beneficiary of the products, but an active actor, co-responsible for sustainability.

From a legal point of view, the transition involves redefining consumer rights, reinterpreting the obligations of professionals and establishing new regulatory mechanisms to ensure the environmental sustainability of economic activities. This calls for a cross-sectoral approach, which includes environmental law, consumer law, competition law, contract law and commercial law, all interconnected in a joint effort to regulate the ecological transition.

At the heart of this transition is the need to reconceptualise consumer rights. While in the classical model protection was focused on product safety and contractual balance, the circular economy requires an extension of protection to new environmental rights: the right to information on the environmental footprint of the product, the right to repair and the right to durable products, as well as the right to collective protection against environmental damage.

At European level, these transformations were driven by the European Green Deal¹ and Circular Economy Action Plan² which explicitly recognises the role of consumers in achieving climate neutrality. The European Union has started to implement concrete legal instruments in this direction: energy labelling, the proposal on „the right to repair”, digital product passport, the prohibition of planned obsolescence.

In the Republic of Moldova, the problem is becoming more pressing, given the commitments made by the Association Agreement with the European Union³ but also internal pressure to modernise environmental and consumer legislation. Despite partial progress (adoption of the Waste Act⁴ & the Energy performance law on buildings⁵), the legal framework of consumer protection remains rooted in the classical paradigm, being disconnected from the sustainability goals.

Thus, the Moldovan consumer is protected against dangerous or defective products, but does not have access to information on the recyclability, durability or ecological impact of products, nor can consumers exercise collective rights in the face of misleading green commercial practices (greenwashing). This gap between European requirements and national legislation is becoming increasingly visible.

This paper aims to analyze, from a legal perspective, the main challenges faced by the Republic of Moldova in the process of transforming consumer protection, as well as to highlight the possible directions of reform, in correlation with European normative trends.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The European Green Deal, COM(2019) 640 final, 11.12.2019

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — A New Circular Economy Action Plan – For a cleaner and more competitive Europe, COM(2020) 98 final, 11.03.2020

³ Law of the Republic of Moldova no. 112 of 02.07.2014 for the ratification of the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and their member states, on the other hand, published in the MO of the RM no. 185-199 of 18.07.2014

⁴ Law of the Republic of Moldova no. 209 of 29.07.2016 on waste, published in MO of RM no. 459–471 of 30.12.2016

⁵ Law of the Republic of Moldova no. 282 of 05.10.2023 on the energy performance of buildings, published in MO of RM no. 401–403, art. 695 of 27.10.2023

At the heart of the analysis are the emerging concepts of circular consumer and environmental dimensions of consumer law as indispensable legal dimensions of the green transition.

The approach is part of the Union principle of integration, according to which environmental protection requirements must be integrated into the definition and implementation of Union policies and actions, in particular to promote sustainable development (Stârc-Meclejan, 2022, pp. 75–77).

2. THE CONCEPT OF CONSUMER

The concept of „consumer” was born out of the need to correct the legal and economic imbalance between professional manufacturers and individual buyers, who act outside their professional sphere. In the continental civil law system, the contractual relations were traditionally based on the principle of contractual freedom and equality of the parties, both enshrined in Articles 993 and 997 of the Civil Code of the Republic of Moldova.⁶

However, in the reality of the modern market, formal equality between the parties does not correspond to material equality. The professional seller enjoys a superior position, derived from technical knowledge, information control, economic power and the possibility to impose standardised contractual conditions. In opposition, the buyer, a natural person, unprofessional, is in a vulnerable position. This asymmetry gave rise to the special right of consumer protection, with the vocation to balance the contractual relationship and prevent abuses in a liberalised market economy.

The notion of „consumer” is expressly regulated in Article 2 letter a) of the Law of the Republic of Moldova no. 105/2003 on consumer protection, which defines the consumer as *„the natural person who procures, uses or consumes products or services outside his professional activity”*. This definition is narrow and corresponds to the classical approach, in which protection is reserved exclusively for individuals. The legal essence of the notion lies in the unprofessional purpose of the acquisition, not in the quality or social status of the person. Thus, the determining criterion is not the identity of the subject (student, pensioner, employee, etc.), but the purpose of using the product or service. This approach expressly excludes legal persons as well as natural persons acting for entrepreneurial or commercial purposes.

By comparison, Directive 2011/83/EU on consumer rights⁷ defines the consumer as *„any natural person acting for purposes outside the scope of his commercial, industrial, craft or professional activity”*. The difference lies in the explicit enumeration of excluded activities, which gives greater legal certainty and eliminates the risks of extensive

⁶ Article 993 of the Civil Code of the Republic of Moldova enshrines the principle of contractual freedom, recognizing the right of the parties to freely decide whether, with whom, under what conditions and in what form they conclude a contract, within the limits of public order and good morals. On this basis, autonomy of will is the foundation of the legal regime of contracts.

In addition, Article 997 of the same code regulates the obligation to contract in cases expressly provided by law or in situations where the refusal to contract would constitute an abuse of rights or would be contrary to the principle of good faith. This specific limitation of the freedom to contract is justified by the need to protect legitimate interests and to correct imbalances of legal or economic power between the parties

⁷ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, published in the Official Journal of the European Union (OJ) L 304 of 22.11.2011, p. 64–88

interpretation. This terminological harmonisation is essential for the functioning of the internal market and for the uniform application of rights in all Member States of the European Union.

A notable innovation is found in Government Ordinance no. 21/1992 on consumer protection in Romania⁸, which extends the scope of beneficiaries and „to consumer associations”, thus recognizing the collective role of civil society in defending the interests of consumers. This openness allows for the active participation of non-governmental organisations in market surveillance, the formulation of legal actions, as well as consultative processes on public policy making.

In doctrine, the concept of the consumer is approached both from a normative and functional perspective. In its classical sense, the consumer is a legal subject in an unbalanced legal position⁹ in relation to the professional. More broadly, the consumer is also considered a social actor, whose consumer choices influence both the market and economic and environmental policies.

3. THE FOUNDATIONS OF THE CIRCULAR ECONOMY AND THE IMPACT ON CONSUMER PROTECTION

The circular economy is an economic and ecological paradigm that offers an alternative to the traditional linear economic model, replacing the sequence „extraction– production– consumption–disposal” with a systemic vision in which resources are maintained for as long as possible in use through reuse, repair, reconditioning and recycling. Its central objective is to decouple economic growth from the consumption of finite natural resources, promoting sustainability and resource efficiency.

At European level, this approach is legally enshrined by:

- The European Green Deal, which places the circular economy at the heart of the transition to climate neutrality;
- Action Plan for the Circular Economy, which introduces concrete measures on ecolabelling, product sustainability, access to repair, combating programmed obsolescence and consumer protection against disinformation (greenwashing).

This shift from linear to circular must also be read through the rule of integrating environmental requirements into other sectoral policies (Stârc-Meclejan, 2022, pp. 75–77), this requires the integration of consumer protection with environmental law and industrial policies.

From the perspective of binding rules, the circular economy in the EU is supported by:

- Directive 2008/98/EC on waste, which sets the waste hierarchy and requires Member States to prioritise prevention, reuse and recycling¹⁰;

⁸ Romanian Government Ordinance no. 21 of 21.08.1992 on consumer protection, republished in the Official Gazette of Romania, Part I, no. 208 of 28.03.2007, as subsequently amended and supplemented

⁹ For example, Article 3 of the Civil Code of the Republic of Moldova expressly defines the quality of the consumer and professional, introducing an essential distinction for the legal qualification of contractual relations. Thus, the consumer is the natural person who acts predominantly for non-patrimonial purposes, while the professional is the person (physical or legal, public or private) who acts in an entrepreneurial or professional activity, even in the absence of the profit purpose.

¹⁰ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain directives, published in OJ L 312 of 22.11.2008, p. 3–30

- Directive 2009/125/EC on ecodesign requirements, which obliges manufacturers to take into account energy efficiency, the possibility of dismantling and recycling from the design phase¹¹ ;
- Regulation (EU) 2017/1369 on energy labelling, which requires the mandatory display of the energy class of the product in support of an informed choice by the consumer¹²;
- Directive (EU) 2019/771 on the sale of consumer goods, introducing harmonised minimum guarantees and the notion of reasonable durability¹³ ;
- Proposal for a Directive on the right to repair, which aims to create a functioning market for repair services¹⁴ .

On the jurisprudential level, the Court of Justice of the European Union has significantly contributed to the development of the principles of the circular economy, through decisions such as:

- C-693/18 – Dieselgate¹⁵ , in which it has been established that a product (vehicle) equipped with emission-handling devices does not comply with environmental protection rules and does not comply with contractual requirements, thus directly linking consumer protection to environmental protection;
- C-281/12 – Trento Sviluppo¹⁶ , on sanctioning greenwashing as a misleading commercial practice, reinforcing the consumer's right to accurate and complete environmental information.

So the best environmental strategy is to prevent rather than remedy the effects (Duțu and Duțu, 2014, pp. 114-117), and these instruments establish concrete obligations for economic operators and create emerging rights for consumers, which acquire ecological and collective valences.

Although established at international and European level as a strategic solution for reducing the ecological impact of economic activities, the concept of circular economy currently does not benefit from a clear, coherent and comprehensive regulation in the national law of the Republic of Moldova. However, some elements of this model are partially reflected in some normative acts.

A first relevant act is the Law of the Republic of Moldova no. 209/2016 on waste, which introduces an essential principle of circular economy: extended producer

¹¹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the establishment of ecodesign requirements for energy-related products, published in OJ L 285 of 31.10.2009, p. 10–35

¹² Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 establishing a framework for energy labelling and repealing Directive 2010/30/EU, published in OJ L 198 of 28.07.2017, p. 1–23

¹³ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects relating to contracts for the sale of goods, published in OJ L 136 of 22.05.2019, p. 28–50

¹⁴ Proposal for a Directive of the European Parliament and of the Council on common rules promoting the repair of goods [COM(2023) 155 final, 22.03.2023]

¹⁵ Judgment of the Court of Justice of the European Union of 17 December 2020, Case C 693/18, Volkswagen AG.

¹⁶ Judgment of the Court of Justice of the European Union of 19 September 2013, Case C 281/12, Trento Sviluppo and Centrale Adriatica

responsibility (REP). According to Article 12 (1) of the law¹⁷, producers and importers of products subject to selective collection (packaging, electrical and electronic equipment, batteries, end-of-life vehicles, etc.) are required to organise and finance their collection, reuse and recycling after consumption. This responsibility is fundamental to the transition from a linear to a circular economy, as it shifts the burden of waste management from public authorities to economic operators.

However, the real application of the REP principle is affected by multiple shortcomings: the lack of clear methodological regulations, the lack of a functional product traceability system, the weak administrative capacity of environmental authorities, and the lack of economic incentives for compliance. Many obligations laid down in the law are either insufficiently detailed or unaccompanied by effective sanctions, which makes the extended producer responsibility remain theoretical rather than operational.

A second reference document is the Government Decision of the Republic of Moldova no. 586/2020, which approved the National Program for waste management for 2020–2027¹⁸. This strategic document includes the transition to the circular economy in the list of priority objectives and sets out general directions for action, such as the development of recycling infrastructure, the promotion of reuse and the expansion of selective collection. However, the judgment does not have the proper regulatory force, with no direct obligations for operators or consumers, and concrete financial and legislative instruments are almost entirely lacking.

In the field of energy efficiency, the Law of the Republic of Moldova on the energy performance of buildings partially transposes Directive 2010/31/EU, promoting low energy consumption constructions. Although this law contains elements relevant to the circular economy (building sustainability, energy audit, technical requirements)¹⁹, it does not include explicit references to the life cycle of materials, recyclability or related obligations towards consumers.

Thus, in the absence of a systemic legal approach, the circular economy in the Republic of Moldova is reduced, in practice, to the level of a political ideal and does not produce tangible normative effects for the consumer.

4. CONSUMER RIGHTS BETWEEN THE CLASSICAL PARADIGM AND THE DEMANDS OF THE CIRCULAR ECONOMY

In the law of the Republic of Moldova, the legal regime of consumer protection is governed mainly by the Law of the Republic of Moldova no. 105/2003 on consumer protection, supplemented by the relevant provisions of the Civil Code of the Republic of Moldova as well as by sectoral normative acts. This legislative framework reflects a classic conception of consumer protection, centred on the contractual relationship and the prevention of information and economic imbalances between the parties.

¹⁷ Law of the Republic of Moldova no. 209 of 29.07.2016 on waste, published in MO of RM no. 459–471 of 30.12.2016

¹⁸ Government Decision of the Republic of Moldova no. 586 of 24.11.2020 for the approval of the National Program for waste management for the years 2020–2027, published in the MO of the RM no. 353–359 of 04.12.2020

¹⁹ Law of the Republic of Moldova no. 282 of 05.10.2023 on the energy performance of buildings, published in MO of RM no. 401–403, art. 695 of 27.10.2023

The Law of the Republic of Moldova no. 105/2003 stipulates a set of fundamental rights of consumers, which can be classified as follows:

1. *The right to the protection of life, health and safety*²⁰, obliges economic operators to place on the market only products which do not present a danger to the health or safety of consumers, the regulation having a preventive nature and constitutes a partial transposition of the precautionary principle of environmental law.

2. *The right to information*²¹, imposes on suppliers of products and services the obligation to provide complete, truthful and understandable information on the essential characteristics of the product, including its composition, use, associated risks and warranty conditions. However, in its current form, the information remains focused on commercial and safety issues, without including data on the environmental impact of products.

3. *The right to choose*²², guarantees the consumer access to a variety of products and services, under conditions of free competition. This right indirectly entails obligations on the State to prevent monopolies and combat anti-competitive practices.

4. *The right to compensation*²³, gives the consumer the right to compensation for material and moral damage caused by non-compliant products or services. Liability may be contractual (for breach of contractual obligations) or tort (in the case of damage caused by a dangerous product).

5. *The right to warranty*²⁴, gives the consumer the possibility to request repair, replacement of the product, price reduction or termination of the contract, if the product is not compliant. Both the legal and commercial guarantees offered by the manufacturer apply.

6. *The right to association*²⁵, provides the possibility for consumers to associate for the defence of collective interests. Although legally recognized, this right is poorly exploited in practice, in the absence of a developed associative infrastructure and institutional support.

These rights reflect a classic approach, inspired by the pre-ecological European model, where the focus is on individual consumer safety and contractual balance. However, in the context of the transition to the circular economy, this paradigm is becoming insufficient. Consumer rights must be reconfigured to include the environmental dimension, making

²⁰ Consecrated in Articles 6 and 7 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in the MO of RM no. 126–131/505 of 11.07.2003

²¹ Provided for in Articles 6 and 32 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in MO of RM no. 126–131/505 of 11.07.2003

²² Provided in Article 6 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in the MO of RM no. 126–131/505 of 11.07.2003

²³ According to the provisions of art. 27 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in the Ministry of the Republic of Moldova no. 126–131/505 of 11.07.2003, the consumer is entitled to claim compensation for the damage caused by the products, improper services regardless of whether or not he was in contractual relations with the seller, supplier and moral damage is repaired regardless of the material damage caused to the consumer.

²⁴ Regulated under Articles 11 and 24 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in the MO of the RM no. 126–131/505 of 11.07.2003 but also in Article 1160 of the Civil Code of the Republic of Moldova

²⁵ Provided for in Articles 6 and 40 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection, published in MO of RM no. 126–131/505 of 11.07.2003

the consumer a responsible actor for sustainability, not just a passive beneficiary of state protection.

The transition to the circular economy calls for not only technical innovations and alternative economic models, but also a profound rethinking of the legal regime applicable to consumers. In this dynamic, the classic rights such as the right to information, guarantee or compensation are ecologically sized, becoming tools through which the consumer actively participates in the achievement of the sustainability objectives. In the Republic of Moldova, these transformations are still in an early stage, while the European Union has already adopted a normative framework dedicated to the integration of consumers in the circular economy. This subsection examines the nature, content and regulation of emerging consumer rights, as well as the legislative directions that the Republic of Moldova should follow.

A first emerging right is the right to ecological information. It requires consumer access to relevant data on the environmental performance of the product, such as energy efficiency, recyclability, durability, repairability and environmental impact. In Moldovan law, Article 33 of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection only enshrines the general obligation of the seller to provide essential information on the product, not including an ecological dimension of information. In contrast, Directive (EU) 2024/825 on enhancing consumer protection in the green transition²⁶, obliges member states to prohibit the lack of sustainability information and to sanction greenwashing as a misleading commercial practice. It amends Directive 2005/29/EC (unfair commercial practices) and Directive 2011/83/EU (consumer rights) by requiring the display of sustainability criteria. The transposition of these provisions into Moldovan national law requires the amendment of the Law of the Republic of Moldova no. 105 of 13.03.2003 on consumer protection and the establishment of a clear obligation on the ecological information of the consumer, punishable in case of non-compliance.

Therefore, the extension of the rights to green information and post-warranty repair is coherent with the Union orientation to strengthen the role of consumers in the green transition, through better protection against unfair practices and better information (Vâlcu, 2024, pp. 15).

The European Ecolabel also plays a central role in the information plan, as it provides a coherent visual identity for organic products in the European Union allowing the consumer to quickly identify sustainable options (Dumitru, 2021, pp. 242-243).

The second right concerns the extensive repair of products. If currently the Moldovan legislation provides the right to repair only under the legal guarantee, the circular economy requires the guarantee of repair and post-warranty. Regulation (EU) 2024/1799²⁷ expressly enshrines this right by obliging manufacturers to provide spare parts, repair manuals and access to independent service centres even after the warranty expires. This regulation applies to a wide range of products (e.g., household appliances, IT equipment) and

²⁶ Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024 amending Directives 2005/29/EC and 2011/83/EU with a view to enhancing consumer protection in the ecological transition through better information and enhanced protection against unfair commercial practices, published in the Official Journal of the European Union L 51 of 6 March 2024, p. 1–79

²⁷ Directive (EU) 2024/1799 of the European Parliament and of the Council of 13 June 2024 on common rules promoting the repair of goods and amending Regulation (EU) 2017/2394 and Directives (EU) 2019/771 and (EU) 2020/1828, published in the Official Journal of the European Union L (TBA) of 10 July 2024

establishes a positive obligation on the manufacturer to facilitate repairability. In order to harmonize with European standards, Moldovan legislation should provide for an autonomous right to repair, with minimum time limits for the availability of spare parts (eg 7 years), prohibition of restrictive design and the possibility of free access to technical manuals for consumers and independent repairers.

A third emerging right is the right to sustainable products. Under the current legal regime, a product is considered compliant if it corresponds to its usual purpose²⁸. However, this vision is outdated in the context of the new European regulation, Regulation (EU) 2024/1781 on ecodesign for sustainable products²⁹. This regulation extends the applicability of ecodesign standards to all physical products (not just energy ones) and introduces sustainability, recyclability, reparability and digital product passport obligations. In addition, the regulation creates a framework for banning scheduled obsolescence and requires products to be designed for extended service life. Adaptation of Moldovan legislation involves the legal definition of „of the sustainable product” and the integration of technical sustainability criteria within the compliance regime. These elements must be reflected either in the Civil Code of the Republic of Moldova or in a separate law on the circular economy.

Another right with collective valences is the right to ecological compensation and representative actions. According to Article 19 of the Civil Code of the Republic of Moldova, any person damaged by a defective product has the right to obtain compensation for the damage caused, whether material or moral. However, this right, of tort origin, is built exclusively on the paradigm of individual harm and does not take into account environmental damage, which affects the environment, public health or the diffuse interests of a community of consumers.

In the context of the circular economy, it is indispensable to recognise these environmental damage as an autonomous category of compensable harm. Directive (EU) 2020/1828 on representative actions for the protection of the collective interests of consumers³⁰, introduces a modern European legal framework for collective procedural legitimacy by enabling qualified entities (consumer associations, NGOs, environmental institutions) to initiate actions on behalf of a broad range of affected individuals, including where the harm is not individualised but consists of an impairment of the public interest. The areas expressly provided for in the Directive also include environmental protection, combating misleading commercial practices related to the „green” character of products (greenwashing), as well as lack of information on their environmental performance.

²⁸ According to the provisions of Article 1117 of the Civil Code of the Republic of Moldova, the good does not have defects if it corresponds to the destination established in the contract or corresponds to the usual use and has characteristics that commonly exist for goods of the same kind and which the buyer can expect taking into account the kind of good. These characteristics shall also include those which the buyer can expect in accordance with public statements on the specific characteristics of the good made by the seller, the manufacturer or his representative, in particular by means of advertising or labelling

²⁹ Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the establishment of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC, published in the Official Journal of the European Union L 177 of 28.06.24, p. 1–98

³⁰ Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, published in the Official Journal of the European Union L 409 of 04.12.2020, p. 1–15

In the Republic of Moldova, Law no. 80/2025 on collective actions³¹, recently adopted, only partially enshrines the principles laid down in Directive 2020/1828. The list of cases in which the representative action is admitted is restrictive and does not expressly include environmental damage or violations related to the sustainability of products. In addition, the definition of „collective interest” is ambiguous, and the procedural legitimacy is limited to a few entities, not including environmental protection organizations or independent research institutes. Furthermore, no mechanism for symbolic remediation of environmental damage, such as environmental compensation funds, provided for in other jurisdictions is foreseen.

In order for the Moldovan law to be aligned to the requirements of the circular economy, a substantial modification of the Law of the Republic of Moldova no. 80/2025 is necessary. First, the protection of environmental and consumer interests should be expressly introduced under the law. Secondly, the list of entities entitled to initiate collective actions should be extended, with the inclusion of organisations specialised in the protection of the environment and consumers. Thirdly, adequate forms of redress must be provided for: not only pecuniary compensation, but also measures to restore the previous condition (e.g., withdrawal of harmful products, rectification of false commercial communications, obligation to contribute to an environmental remediation fund). Here, the authors of Ardelean, Pascal, Țerus point out that consumer protection must be anchored in sustainability, reparability and recyclability criteria throughout the entire life cycle of the product, so that information to consumers is verifiable and relevant to environmental impact (Ardelean, Pascal and Țerus, 2025, p. 199).

Finally, indirectly, the right to sustainable consumption is also outlined. This right derives from Article 37 of the Constitution of the Republic of Moldova, the right to a healthy environment, and from the international obligations assumed by the state in the field of climate change. In European legislation, the right to sustainable consumption is promoted through strategies such as the European Green Deal, but also through concrete legislation on product sustainability, the right to information and repair. In Moldovan law, this right should be enshrined in a framework law on the circular economy, which explicitly stipulates the obligation of the state to create legislative, financial and educational conditions so that the citizen can choose sustainable products.

Therefore, the Moldovan legal framework must go beyond the classical consumer protection phase and be connected to the new ecological requirements. The emerging rights of the circular consumer are not only instruments of contractual balancing, but legal mechanisms through which the public interest of the transition to a sustainable economy is realized. Respectively, the transposition of the European regulations mentioned is not only an obligation of formal harmonisation, but a necessity for the efficiency of consumer protection and for the integration of the Republic of Moldova into a European legal system oriented towards sustainability.

³¹ Law of the Republic of Moldova no. 80 of 17.04.2025 on actions in representation for the protection of the collective interests of consumers, published in MO of RM no. 253–256, art. 291 of 26.05.2025

5. CHALLENGES AND PERSPECTIVES OF CONSUMER PROTECTION IN THE REPUBLIC OF MOLDOVA DURING THE TRANSITION TO THE CIRCULAR ECONOMY. OVERALL CONCLUSIONS

The transition to a circular economy is a strategic imperative for the Republic of Moldova, both from the perspective of the international commitments assumed by the Association Agreement with the European Union and from the objective need to ensure the sustainability of the environment, resources and national economy. In this process, consumer protection must be reconceptualised, becoming an active element of environmental governance. However, the legal, institutional and social realities point to a number of structural challenges, which must be overcome in order to make consumers' environmental rights effective and enforceable.

The analysis carried out in this paper highlighted a number of fundamental challenges that obstruct the process of integrating consumer rights into the logic of the circular economy:

a) Legislative dysfunctionalities - the current legal framework of the Republic of Moldova is anchored in the paradigm of classic consumer protection, being built on pre-ecological foundations. The Law of the Republic of Moldova no. 105/2003 on consumer protection and the Civil Code of the Republic of Moldova do not contain rules on product sustainability, ecological information, the right to post-warranty repair, the prohibition of planned obsolescence or access to compensation for ecological damage. Consequently, the Moldovan consumer is deprived of the legal instruments necessary for active participation in the green transition.

b) Non-alignment with European law - although the Republic of Moldova has signed the Association Agreement with the European Union, legislative harmonisation in the field of consumer protection is slow and fragmented. Recent European Union regulations, such as Regulation (EU) 2024/1799 on the right to repair, Regulation (EU) 2024/1781 on ecodesign or Directive 2024/825 on the prohibition of greenwashing, remain for the time being foreign to the Moldovan legal system.

c) Lack of an integrating legal concept - the circular economy is not legally recognized in national legislation as a category with normative relevance. There is no framework law on the circular economy and the environmental rights of consumers are not expressly defined or enshrined. Therefore, the absence of a coherent conceptual framework results in an inconsistent and non-unitary application of circular principles.

Last but not least, the transformation of classic consumer rights into ecological rights is a challenge of a conceptual nature, but also a historic opportunity. The right to information can no longer be reduced to the composition of the product, but must include the ecological footprint and the post-consumption route. The right to repair must go beyond the framework of the commercial guarantee and become a tool for extending the product life cycle. The right to safety must include protection against cumulative effects of pollution and the right to compensation must also cover environmental damage. This legal metamorphosis is essential to ensure a sustainable balance between economic interests and ecological imperatives, the right to consume and the duty to protect the environment.

In conclusion, consumer protection in the Republic of Moldova is at a historic crossroads. The choice between maintaining an outdated legal paradigm and undertaking

a bold, coherent and European reform will determine not only the efficiency of legal regulation, but also the quality of life and sustainability of long-term development. The circular economy is not only a technological option, but a legal requirement, and the consumer, in these new ecological dimensions, must be recognised and protected as a central player in this transition.

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