



**UNIVERSITA' DEGLI STUDI DI PADOVA**  
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**RELATORE:**

**CH.MO PROF. CESARE DOSI**


**LAUREANDO: GIANLUCA SELLA**

**MATRICOLA N. 2068501**

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## Introduction

In recent years, environmental issues such as air pollution, global warming, and resource scarcity have received increasing attention from individuals, companies, and organizations. As a result, consumers have begun to place more importance on sustainability when making purchasing decisions, considering not only price or product quality but also environmental impact.

In response, many companies have started to address these concerns by certifying their products, improving their supply chains, or promoting their environmental efforts through sustainability claims. However, these claims are not always honest. In some cases, companies use misleading statements to attract more customers and make their products appear more environmentally friendly than they really are.

This practice is known as *greenwashing*, and it is the main focus of this thesis. The topic will be explored in depth to better understand its forms, effects, and the legal measures introduced to prevent it.

Specifically, the **first chapter** introduces the phenomenon of greenwashing, explaining the different types and tactics used by companies. This section is supported by research on consumer behaviour, aiming to assess how well people can identify and distinguish truly sustainable products from greenwashed ones. The chapter also presents two real-world case studies involving global companies: Delta Air Lines and Zara.

The **second chapter** shifts the focus to the European Union and its efforts to prevent these misleading practices by introducing new legal measures. In particular, it presents the *Green Claims Directive*, a proposal currently being developed, which aims to regulate environmental claims made by companies. The chapter also analyses how businesses will need to adapt their operations to comply with the directive and the challenges they may encounter in doing so.

Finally, the **third chapter** focuses on French legislation, specifically the *Climate and Resilience Law*, which is already in effect and targets misleading green claims. This chapter outlines the law's key provisions and restrictions and then compares it with the EU directive to highlight the main differences and explore possible changes the French legal framework may need to adopt.

# Chapter 1: Greenwashing: concepts, perception and examples

## 1.1 Understanding greenwashing: types and tactics

The term “*greenwashing*” was first coined in 1986 by environmental activist Jay Westerveld, who criticized hotels for encouraging towel reuse as a supposed water conservation strategy, while lacking broader environmental initiatives (Environmental Sciences Europe, 2020). Since then, the term has become increasingly common, particularly since environmental issues have received growing attention from individuals, organizations, businesses, and governments.

But what exactly is greenwashing? According to a widely accepted definition published in *Environmental Sciences Europe*, greenwashing can be defined in various ways depending on perspective. One of the most cited definitions comes from TerraChoice (2010), a Canadian company specializing in environmental marketing and sustainability validation which defines greenwashing as “the act of misleading consumers regarding the environmental practices of a company or the environmental performance and positive communication about environmental performance.”

In particular, greenwashing can occur at two levels:

- Firm-level: where the entire organization presents a misleading image of environmental responsibility.
- Product-level: where specific products or services are falsely marketed as eco-friendly (Delmas, M.A. and Cuerel Burbano, V., 2011).

Moreover, it can be broadly divided into two categories: *claim greenwashing* and *executional greenwashing*.

Claim greenwashing involves written or spoken statements that exaggerate or misrepresent environmental benefits. These claims can be evaluated along two dimensions: *claim type* and *claim deceptiveness*.

Claim types include:

- Product orientation: focuses on the ecological attributes of a product or service.
- Process orientation: highlights the sustainability of production methods.
- Image orientation: aims to enhance a company’s green image through associations.
- Environmental fact: includes factual statements related to environmental issues.
- Combination: merges two or more of the above types.

Claim deceptiveness can be classified into:

- Vague/Ambiguous: unclear claims lacking specificity.
- Omission: failure to provide key information.

- False/Outright: includes factually incorrect or deceptive claims.
- Acceptable: claims that are accurate and transparent.
- Combination: features two or more deceptive elements.

In contrast, executional greenwashing (Parguel et al., 2015) does not involve textual claims but relies on visual cues, such as the use of green or blue colours and imagery of nature (e.g., forests, oceans), which can evoke a false sense of environmental commitment, even if unintentionally. Furthermore, TerraChoice developed another framework called “*The Seven Sins of Greenwashing*” (TerraChoice, 2010), which aims to pinpoint the main ways companies can mislead consumers through environmental claims:

- The sin of the hidden trade-off: highlighting one eco-friendly aspect of a product while ignoring others.
- The sin of no proof: making environmental claims without accessible evidence.
- The sin of vagueness: using overly broad or poorly defined terms.
- The sin of worshipping false labels: suggesting third-party certification where none exists.
- The sin of irrelevance: stating facts that, while true, are not meaningful (e.g., “CFC-free” when CFCs are already banned).
- The sin of the lesser of two evils: promoting a product as green within a category that is fundamentally harmful (e.g., “organic cigarettes”).
- The sin of fibbing: making completely false environmental claims.

In conclusion, understanding what greenwashing is, how it operates, and how it can be classified and identified is essential for consumers, businesses, and regulators aiming to promote genuine environmental responsibility.

## **1.2 Consumer awareness: green vs. greenwashed**

When analysing greenwashing from the consumer’s perspective, a key question arises: Are consumers able to identify greenwashing? More specifically, can they distinguish between honest green, greenwashed, and non-green products?

A valuable contribution to this question is provided by a study conducted in Germany between 2021 and 2023 by Fella and Bausa (2024). The research aimed to assess consumer reactions to different environmental claims and their ability to recognize deceptive marketing.

The study involved three online experiments across different product categories:

- Two low-involvement products: one with strength-related attributes (toilet cleaner) and one with gentleness-related attributes (hand cream).

- One high-involvement product: a smartphone.

Each experiment presented 150 participants with three product versions:

- An honest green product.
- A greenwashed product.
- A non-green (control) product.

To control for bias, all products used fictitious brand names and had the same price. Each version included three environmental claims about the product itself (excluding packaging). The honest green products contained one specific, true, and relevant claim, supported by two official eco-labels (e.g., the European eco-label, V-Label). In contrast, the greenwashed versions had one vague, one false, and one irrelevant claim, accompanied by two fake eco-labels, while the non-green products had only functional claims, with no green visuals or labels. Moreover, both green versions shared the same colour scheme and nature-themed imagery to isolate the impact of claim content.

The study revealed three key findings:

- Effects on purchase intention: for toilet cleaner and hand cream, purchase intentions between honest green and greenwashed products were similar, with non-green products least preferred.

However, in the case of smartphones, participants clearly favoured the honest green version, and the greenwashed smartphone did not outperform the non-green one, suggesting consumers are more discerning with high-involvement purchases (see Fig. 1).

Figure 1 - Purchase intention for the three stimuli per product

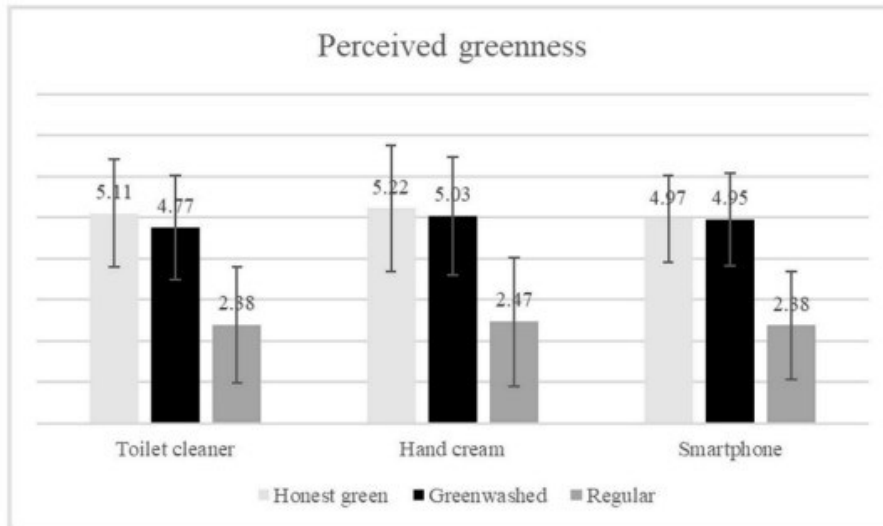


Source - Fella, S. and Bausa, E., 2024

- Effects on perceived greenness: the honest green hand cream and smartphone were rated as significantly greener than their non-green counterparts. However, no major difference was observed between greenwashed and honest green versions in these categories.

On the other hand, for toilet cleaner, participants perceived clear differences among all three versions, ranking honest green highest, followed by greenwashed, then non-green. (see Fig. 2).

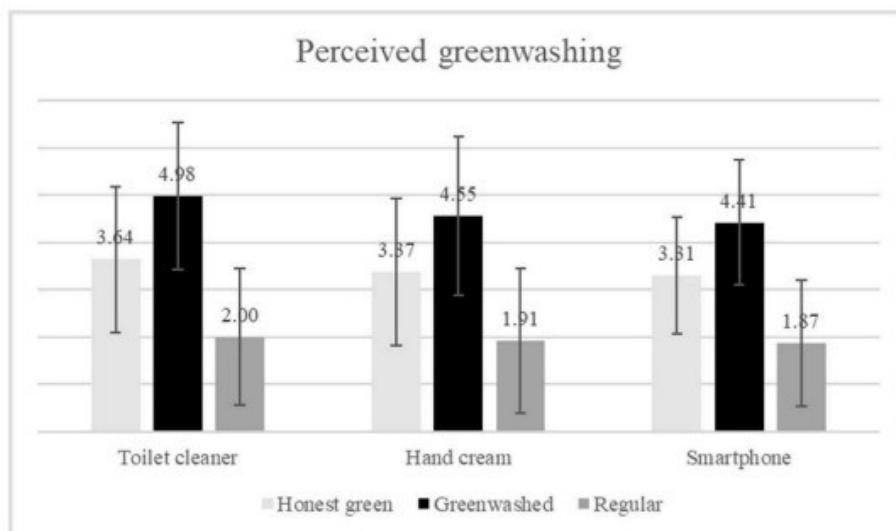
Figure 2 - Perceived greenness of the three stimuli



Source - Fella, S. and Bausa, E., 2024

- Effects on perceived greenwashing: across all product types, participants were generally able to identify the greenwashed products when explicitly asked, suggesting a basic awareness of deceptive environmental claims (see Fig. 3).

Figure 3 - Perceived greenwashing of the three stimuli



Source - Fella, S. and Bausa, E., 2024

Overall, the study revealed that consumers are more vulnerable to greenwashing in low-involvement products, likely because they dedicate less attention and time to evaluating such purchases. In fact, while they could identify deceptive claims when asked, their initial decisions relied more on mental shortcuts, categorizing products simply as “green” or “non-green” rather than critically assessing the credibility of claims (Fella and Bausa, 2024).

### **1.3 Examples of greenwashing**

To better understand how the greenwashing phenomenon manifests in the real world, two case studies are presented below, involving two global companies from different sectors: Delta Air Lines and Zara. Specifically, both companies have engaged in practices that can be associated with greenwashing, although in different ways. These examples offer a broader perspective on how greenwashing can take shape across industries.

#### **1.3.1 Delta Airlines**

In February 2020, Delta Air Lines announced a 1 billion USD commitment to achieve carbon neutrality over the following decade, claiming it would offset all greenhouse gas emissions from its global operations (The Guardian, 2023). The airline firm promoted itself as “the world’s first carbon-neutral airline” (CBS News, 2023), a message featured heavily in its marketing campaigns.

In May 2023, Delta was sued by a passenger, Glendale, who stated that the company had misled consumers by claiming “zero carbon emissions” without delivering actual environmental benefits. The lawsuit focused on Delta’s reliance on Verra rainforest carbon credits, intended to support conservation. However, an investigation by The Guardian and partner organizations found many of these credits to be ineffective, often tied to forest regions not under immediate threat. Consequently, consumers may have paid premium ticket prices believing they were contributing to meaningful climate actions.

Delta defended its position emphasizing a strategic shift in March 2022 from carbon offsetting to direct decarbonization. New efforts include investment in sustainable aviation fuel, fleet modernization, and operational efficiency improvements (The Guardian, 2023).

This case reflects firm-level, process-oriented greenwashing, with Delta making a false environmental claim, aligning with the claim deceptiveness framework discussed in section 1.1 of this document.

### 1.3.2 Zara

Zara, a global fast fashion leader, has made public claims about its commitment to sustainability. Its goals include producing all collections with 100% sustainable fabrics by 2025, reaching net-zero emissions by 2040, and improving the eco-efficiency of its stores (Marley's Monsters, 2024).

Despite initiatives such as the *Join Life collection*, launched in 2016 and promoting materials like organic cotton and recycled wool, the company's core business model remains largely unchanged. Zara continues to rely on mass production and low prices, encouraging overconsumption and generating large volumes of textile waste. Many items are designed to be worn only a few times before being discarded. In addition, Zara is part of the wider fast fashion industry, long criticized for labour exploitation, including unsafe working conditions and low wages in global supply chains.

These contradictions raise the question of whether Zara is *greenwashing*, deliberately misleading consumers, or "*greenwashing*", making well-intentioned but ineffective environmental efforts (Marley's Monsters, 2024).

Although not subject to legal action, Zara's vague and aspirational language aligns with the "vagueness" category of claim deceptiveness (outlined in the section 1.1 of this document), and its messaging could be seen as executing the "*sin of the lesser of two evils*".

In conclusion, in the absence of structural changes to its fast fashion model, Zara's sustainability claims risk to be more symbolic than substantive, falling to create a real positive change for the environment.

## Chapter 2: Regulation of green claims in the European Union

### 2.1 The EU's fight against greenwashing: an overview

In recent decades, the phenomenon of greenwashing has become increasingly common within the European Union. For instance, European Commission reports reveal that 53% of green claims made in the EU are vague or misleading, and 40% lack supporting evidence. Weak legislation and unclear standards have exacerbated the problem by creating legal grey areas, allowing room for interpretation and making it difficult for regulators to address potential violations related to false environmental claims (Publyon, 2024).

In response, the EU has begun implementing stricter sustainability measures for organizations, driven by policies such as the European Green Deal (Publyon, 2024). Notably, on 27 March 2024, Directive (EU) 2024/825 on *Empowering Consumers for the Green Transition* entered

into force. This directive aims to provide consumers with clearer information about product lifespan and reparability, while also protecting them from greenwashing. To achieve this, it requires companies to disclose specific details about a product's durability and reparability, enabling consumers to make more informed purchasing decisions. Additionally, the directive encourages the communication of environmentally friendly delivery options, for example, transport via cargo bike or electric vehicle (Library of Congress, 2024).

Despite these advancements, there remains significant confusion about how companies should adapt their environmental claims and marketing strategies to comply with the various regulations established by EU law.

Moreover, from the consumer perspective, there is still a lack of clarity. Although important eco-certifications exist, such as the *EU Ecolabel*, awarded to products demonstrating environmental excellence, and *EMAS*, the EU's official eco-management and audit scheme for improving corporate environmental performance (European Commission, 2023), there are no clear and accessible guidelines to help consumers distinguish between greenwashed and genuinely sustainable products. This lack of guidance often leads to uncertainty and misinformed purchasing decisions.

## **2.2 The green claims directive: objective and key provisions**

In March 2023, the European Commission adopted a proposal for the *Green Claims Directive (GCD or the Directive)*, aiming to combat false or misleading environmental advertising and support the EU's green transition (European Commission, 2023). The Directive requires companies to substantiate environmental claims using robust, science-based, and verifiable methods. Moreover, it defines *green claims* as any non-mandatory message, textual, symbolic, or visual, used in a commercial context to imply a product, trader, or service has a positive or neutral environmental impact, is less harmful than alternatives, or has improved environmentally over time (Van Poucke, 2023).

Furthermore, it applies to explicit environmental claims made by companies in business-to-consumer commercial practices, outlining the conditions under which such claims must be substantiated and communicated and setting out detailed requirements for the use of environmental labels, third-party verification of claims, and penalties for non-compliance (EY, 2024).

The Directive's key provisions include:

- Substantiation of green claims: companies must use recognized scientific evidence and take a life-cycle perspective when substantiating claims.

For example, they must clarify whether a claim applies to the entire product or just part of it and demonstrate that the product performs significantly better than the market average.

- Communication of green claims: claims must meet minimum transparency standards. Companies must disclose the scientific basis, assumptions, underlying studies, certificate of conformity, and the environmental impacts addressed. This information must be easily accessible to consumers, for example, through a QR code or weblink.
- Labelling schemes: the Directive also addresses the proliferation of ecolabels to ensure their credibility. Specifically:
  - New public labelling schemes may only be introduced at the EU level.
  - New private labelling schemes must be pre-approved by national authorities and show greater environmental ambition than existing schemes.
  - Existing schemes must comply with the new standards unless they are already regulated at the EU level (e.g., EU Ecolabel, energy efficiency label, organic farming label).

Additionally, the Directive seeks to amend the *Unfair Commercial Practices Directive* by expanding the “blacklist” of prohibited practices. Banned practices include using vague or generic terms (e.g., “eco-friendly,” “sustainable,” “green”) without evidence or applying claims to an entire product when they only refer to a specific feature (Van Poucke, 2023).

The GCD is expected to be finalized in early 2026, following a final agreement by the European Parliament. Once published in the EU Official Journal, the Directive will take effect after 20 days. Member States will then have 18 months to transpose it into national legislation and must begin applying its provisions within 24 months. The European Commission will evaluate the Directive’s implementation five years after its transposition (Publyon, 2024).

### **2.3 Implications for businesses: compliance and challenges**

Once in force, the EU Green Claims Directive (GCD) will require companies with over 10 employees and annual turnover exceeding EUR 2 million to review and, if necessary, revise their environmental marketing claims to comply with new standards (Publyon, 2024).

This includes building a credible environmental claims management framework based on transparency, integrity, and data verification. Companies must realign key elements of their operational infrastructure, such as workflows, compliance controls, data governance systems, and digital tools, to meet the new requirements. (Subramoni & Kilsby, 2024).

Firms will also need to develop internal capabilities, possibly appointing a responsible individual or team to oversee claim validation. Special attention must be given to marketing and communication processes to ensure all claims are accurate and defensible, where internal guidelines should be regularly updated, and all claims must be externally verified by an accredited third party (Subramoni & Kilsby, 2024).

The implementation process could also present some challenges. For example, companies must address data and knowledge gaps, manage higher compliance costs, and calculate environmental impacts across different products and markets. Moreover, participation in optional verified labelling schemes may increase financial resources required, as label providers are expected to pass on their own compliance costs and adjusting internal governance may also require new roles and added complexity.

Although still in draft form, it is strongly recommended that companies begin preparing now. Early action can improve alignment with frameworks like the *Corporate Sustainability Due Diligence Directive* and offer competitive advantages such as stronger brand integrity and higher customer loyalty.

Furthermore, the Directive includes strict penalties for non-compliance. To ensure compliance, Member States must apply enforcement mechanisms that are sufficiently robust and discouraging, including the following possible penalties:

- Fines that remove financial benefits from non-compliance.
- Confiscation of revenues earned from misleading claims.
- Temporary bans (up to 12 months) from public procurement and access to public funding.
- A maximum fine of at least 4% of the company's annual turnover in the Member State(s) concerned (Van Poucke, 2023).

In summary, the Green Claims Directive would significantly reshape how companies make and manage environmental claims. By laying the foundations early, businesses can mitigate risks, streamline compliance, and position themselves more favourably in an increasingly regulated and environmentally conscious market.

## **Chapter 3: France as a pioneer in fighting greenwashing**

### **3.1 Overview of the climate and resilience law**

After the election of the new European Commission in 2019, in which Ursula von der Leyen was appointed as President, new ambitious measures addressing environmental challenges were introduced. As noted in section 2.1 of this document, one of the key initiatives was the “European Green Deal,” unveiled on 11 December 2019, shortly after the new Commission took office.

One of the most significant measures within this framework was the “2030 Climate Target Plan,” which aimed to reduce greenhouse gas (GHG) emissions by at least 55% compared to 1990 levels by 2030. France was among the Member States willing to commit to more ambitious climate goals. To reach the new 55% target, the Commission examined all relevant policy instruments over several months and, on 14 July 2021, published a climate package proposing the adoption of regulations and directives aligned with this objective, the “Fit for 55” package, which included five new initiatives and amendments to eight existing instruments (JOUSSEAUME, M., 2022).

Following these decisions by the European Commission, the French government introduced several new laws to align its national legislation with EU requirements. Notably, the “*Climate and Resilience Law*,” approved on 22 August 2021, was designed to raise public awareness of environmental issues while accelerating the ecological transition in business practices and consumer behaviour. As part of this law, product advertising became more strictly regulated, and clearer guidelines were established for the use of environmental labels.

Additionally, this law is built on measures from the earlier “Circular Economy Law”, by helping to reduce packaging and encouraging the reparability of products. Specifically, the Climate and Resilience Law mandates compulsory environmental labelling for goods and services in several priority sectors, including clothing, hospitality, food, and electronics, following an initial five-year trial phase. Furthermore, it prohibits or more strictly regulates certain environmental marketing claims, requiring advertisers to exercise greater caution in their marketing and commercial strategies (CMS, 2022).

### **3.2 Key provisions on environmental claims**

Currently, two major laws regulate sustainability claims and address greenwashing in the French market: the “Circular Economy Law” (previously mentioned) and the “Climate and Resilience Law.”

The second includes over 300 articles based on the five key themes discussed by the Citizens' Climate Convention (CCC) in June 2020:

- **Consumption patterns and food:** consumer behaviour significantly affects the environment. To inform consumers, an environmental label was introduced to show the environmental impact of products and services, especially their climate footprint. Additionally, several actions support this shift. For example, following a 2018 trial, public and private school canteens must offer a weekly vegetarian menu from the 2021 school year to accommodate diverse dietary preferences.
- **Production/Work Models:** in this area, the national research strategy will be aligned with both the national low-carbon strategy and the biodiversity strategy. Additional provisions include increasing the availability of spare parts and requiring that public procurement and orders consider environmental criteria. Moreover, in terms of social dialogue, employees will have the opportunity to express their views on their company's environmental policies.
- **Travel:** the law continues the direction started by the law drafted in 2019 on mobility orientation, with new measures including:
  - Low-emission zones (LEZs) in cities with over 150,000 residents by 2024 (33 new zones).
  - A requirement for regions to offer affordable regional train fares.
  - A ban on domestic flights where a train trip under 2.5 hours exists, and mandatory carbon offsetting for all domestic flights starting in 2022.
  - Reserved carpool lanes to encourage carsharing.
  - Permission for regions to implement a road ecotax from 2024.
  - A phase-out of the most polluting new cars (over 95 gCO<sub>2</sub>/km) by 2030 and the most polluting new heavy vehicles, buses, and coaches by 2040.
- **Housing/Land Artificialization:** the law also supports the renovation of poorly insulated homes (called “thermal colanders”), by introducing new rules and requirements. For instance, when selling homes with low energy ratings, an energy audit including renovation suggestions must be carried out. In addition, land use will be restricted through goals such as halving land artificialization by 2030 and achieving zero net artificialization by 2050.
- **New crime of ecocide:** finally, the law introduces criminal penalties for serious environmental damage, including:

- Endangering the environment: violating safety or caution rules that expose the environment to lasting damage to fauna, flora, or water can lead to up to 3 years in prison and 250,000 euros fine.
- A general offense of environmental pollution and a specific ecocide offense for the most serious cases: intentional environmental harm may be punished by up to 10 years in prison and 4.5 million euros fine (or €22.5 million for legal entities).

To conclude, the Climate and Resilience Law addresses multiple environmental and social challenges, from changing consumer habits to promoting green industry and reducing emissions in housing and transport. Its long-term effectiveness will be reviewed after the five-year trial period set by the national government (VIE PUBLIQUE, 2021).

### **3.3 French vs. EU regulation**

The *Green Claims Directive (GCD)* and the *French Climate and Resilience Law* both try to stop greenwashing and make environmental claims more honest. Even if they have similar goals, they are different in many ways.

The Climate and Resilience Law, which was approved in France in August 2021, is a national law that tries to change both business practices and consumer habits, introducing rules to improve advertising, reduce packaging, and support product repair. Moreover, it also makes environmental labelling mandatory in sectors like clothing, food, hospitality, and electronics. However, the law does not give specific instructions on how companies should prove their environmental claims or whether an independent expert needs to check them.

On the other hand, the *Green Claims Directive*, proposed by the European Commission in 2023, gives more detailed rules and will apply to all EU countries. It says that green claims must be based on science and must look at the full life cycle of the product. Companies must also have their claims checked by a third-party expert and they have to give consumers easy access to the proof behind the claim, for example by using a QR code or a link to a website.

Moreover, the Directive also sets stricter rules for green labels and does not allow the use of general words like “eco-friendly” or “green” unless companies can clearly show that they are true.

If the GCD becomes law, France would need to update some of its current rules. In fact, even though the French law is already strong on this topic compared to other EU countries, it would still need to introduce new measures, such as third-party checks and clearer ways to share information with consumers, to fully follow the new EU rules.

## **Final remarks**

Greenwashing is a growing challenge in today's market, especially because sustainability is becoming always more important for consumers and businesses. In this context, while many companies are making real efforts to reduce their environmental impact, others still use vague or misleading claims to appear more sustainable than they really are, just to attract more customers and to make them paying a premium price for a "sustainable product", which not only confuses them but also creates unfair competition and slows down real progress toward sustainability.

In particular, during this thesis, it has become clear that strong and explicit regulation is essential to reduce these unfair practices, where voluntary initiatives and industry promises are not enough. As an example, the *Green Claims Directive* shows that the European Union is moving in the right direction by proposing specific rules and verification systems. At the same time, France's *Climate and Resilience Law* shows how national governments can take part on this important issue and set direct and strict standards even before EU regulations are issued.

However, many challenges are still ahead. In my opinion, one of the biggest ones is making sure that consumers understand and trust environmental claims, thanks to clear, reliable and easy to check labels and certifications. Furthermore, companies should also take more responsibility, not only to follow the rules, but to make sustainability a real part of their strategy, rather than just a marketing tool.

Personally, I believe that the fight against greenwashing is not only a legal issue but also a cultural one. Promoting sustainability means changing the way we think, produce, and consume, where governments, companies, and consumers all have a main role to play.

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