

Position paper on empowering consumers in the green transition

Ecommerce Europe strongly believes in the twin digital and green transition and welcomes the European Commission's reflection on the role consumers can play in this transition. We also welcome the European Commission's ambition laid down in the European Green Deal and the New Circular Economy Action Plan, and the recognition that a holistic, multi-faceted approach is the key to our transition to a sustainable economy.

With its new Consumer Agenda, the European Commission wishes to set out the vision for the new role of consumers, the possible gaps in consumer protection as well as the legal fragmentation in the Member States with the aim of structuring a new EU consumer policy focusing on areas such as digitalisation and sustainable transition.

As a representative of the e-commerce sector, which is at the centre of synergies between sustainability and digitalisation, Ecommerce Europe wishes to highlight key considerations in relation to the European Commission's consultation on the new Consumer Agenda, and specifically the initiative to empower consumers in the green transition.

Empowering consumers

Consumers have a key role to play in the transition to a greener economy in the choices they make when purchasing products and services, but also more broadly in adopting responsible behaviour (even in relation to recycling, sorting of waste and so on).

Any information meant to empower consumers needs to be accessible, understandable, but also comprehensive. This means that any initiative in relation to information to consumers needs to consider the risk of over-burdening obligatory information streams that in effect do not inform at all.

It is also important to consider how consumers access this information and take full advantage of the tools that are available to them. For example, a constantly increasing part of e-commerce now takes place on mobile, which means that new information should be displayable in various formats and for various channels like voice. E-commerce allows for new solutions to access information, for example through sustainability filters, use of data to communicate information throughout the product's lifecycle¹, or access to digitalised information (for example, information on repairability in online manuals).

The digital age makes it possible to provide clear and easily understandable information to all consumers at the point of sale. Our members and other industry actors are working to develop new information tools to grasp this opportunity, taking into account the evolving technological landscape and understanding of consumer preferences. We encourage the Commission to consider the importance of a flexible approach to sustainability information, to enable industry-led innovation of this kind.

The focus should be on advancing and promoting voluntary best practices, rather than modifying legislation that is generally considered as fit for purpose. Information on "green" features of a product or service should therefore not be regulated by introducing overall information obligations on durability, repairability, circularity etc. but rather by voluntary information consumers ask for. Consumers enjoy a high-level of protection from existing and soon to be implemented legislation. For example, greenwashing is already de

¹ [Ecommerce Europe's Collaborative Report on Sustainability and e-Commerce](#), p 11

facto regulated through the UCPD, and information about the product's "green" main features will have their effect in assessment of non-compliance and non-conformity, as regulated in the CRD and the Sales of Goods Directive. Upcoming horizontal, principle-based legislation on the sales of goods already covers sustainable aspects of products. Greater transparency and reliability of logos or labels can be achieved without changes to existing consumer law.

Horizontal information requirements across product groups is not the solution to provide the right level or type of information. Considering the diversity and characteristics of products that new environmental labels could apply to, a "one-size-fit-all" solutions such as a traffic light system would result in confusing information for consumers. Instead, harmonization of definitions at EU level to ensure that businesses know how to appropriately communicate to consumers, regardless of the market they operate in, could be helpful. This could include, for example, guidance at EU level on concepts such as greenwashing, reparability and expected lifespan.

Creating positive incentives and legal certainty for sustainable markets

The promotion of best practices of proportional and effective information on the availability of spare parts and the expansion of repair services should be prioritised over developing repair "scorecards" or labels that will likely confuse customers and create additional burdens.

European waste legislation should allow for and incentivise reuse, refurbishment, and remanufacturing. The status of "waste" can represent a barrier to the development of those reuse models.

In view of adapting existing legislation to the growing market and demand for second-hand and refurbished goods, there is a need to provide clear and harmonized guidance on the definition of basic concepts such as second-hand goods and/or refurbished goods, in cooperation with stakeholders. This is above all the most important aspect since the Sales of Goods directive opens the door to fragmentation, leaving the choice to Member States to allow for the seller and the consumer to agree on a shorter legal guarantee period for second-hand goods in their national legislation (Art. 10.6 sale of goods directive).

Incentivising sustainable markets would also lead to more affordable sustainable options. Information on product sustainability is an important component of incentives to stimulate those markets. Other complementary solutions, such as the role of lower VAT for sustainable alternatives should also be explored. As the European Commission mentions in the consultation on empowering consumers in the green transition, price-quality ratio is the most important driver for consumer engagement.

Ensure legal protection of the value chain

Sellers are the first contact point for consumers and offering a high level of consumer protection to their customer is of utmost importance to them. However, liability and responsibility in relation to consumer protection should be assigned to the operator in control of the issue, through a balanced application of responsibility throughout the chain. As consumers increasingly expect to be comprehensively informed on a product's environmental qualities, legislation should remain clearly aimed at the operator in control of these elements. In the event of a consumer dispute, a seller should therefore benefit from a legal protection against a manufacturer (or supplier / distributor) having provided inaccurate or incomplete product information. The legal fragmentation and vagueness of the principle and concept of redress, for sellers or their providers in case the consumer has addressed his claim to the seller, creates uncertainty for sellers and makes the legal protection in the form of redress difficult to apply in practice.

Most online resellers are SMEs with little capacity to engage in legal conflicts with manufacturers. Policymakers should support SMEs against harm from inaccurate product information, for example by providing specialized B2B mediators. The European Commission could also assess the need for harmonized and clear redress models when consumers address sellers in cases of "green" non-compliance and non-conformity.

Enforcement of consumer protection legislation

In order to ensure the appropriate enforcement of existing legal framework on consumer protection, national enforcement authorities need sufficient resources and funding. The current regulatory framework is fit for purpose and provides the authorities with the necessary framework to address today's challenges. However, the authorities often lack resources and staff to meet the objectives that are assigned to them. In that perspective, the efficiency of the current regulatory framework could be substantially enhanced by providing the enforcement authorities with sufficient resources to fulfil their task.

Better cooperation of enforcement authorities based on uniform interpretation of the European legal framework on consumer protection would also contribute to such effectiveness.

Closing remarks

From a general perspective, Ecommerce Europe calls upon the European Commission to ensure that all recommendations, conclusions, and initiatives are evidence-based and respect the better regulation guidelines. We would like to stress that the consultation on the New Consumer Agenda, including the questionnaire on Empowering consumers for the green transition, did not allow room for comments or adequate level of explanations for the choice made by the respondents. The questionnaire also did not offer the possibility of attaching a position paper to the submission.

It is Ecommerce Europe's intention to always provide high-quality and balanced feedback based on the input from our members across Europe. Our association and its members are willing to constructively cooperate with EU policymakers and other EU stakeholders on creating a proportionate EU legislative framework that would be fit for the future and ensure the digital and green transition of our continent.

For any questions on our contribution, please feel free to contact Ecommerce Europe.