

trust

**Trust marks report 2013**  
**"Can I trust the trust mark?"**



This publication is available on the websites of the ECCs.  
(Further information can be found in Annex III)

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# **Trust marks report 2013**

## **"Can I trust the trust mark?"**

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# Foreword

This report has been prepared by the European Consumer Centres Network (ECC-Net). This network is established in the 28 EU Member States, Norway and Iceland. It is co-financed by the Health and Consumers Directorate-General of the European Commission (DG SANCO) and by each of the participating states through the federal government, national consumer authority or NGO. The aim of the network is to increase consumer confidence in the European internal market by providing consumers with information on their rights under European consumer legislation, and by giving advice and assistance in the resolution of their individual cross-border complaints.

The European Consumer Centre in Sweden has led this project in close cooperation with the centres in Austria, Belgium, France and Germany, who formed the working group for this project.

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The views and interpretations reflected in this report are not those of the European Commission or the national funding bodies. They are solely those of the working group based on conclusions in the reports referred to, the web survey results and the questionnaire answers submitted to the working group by all project participants.

# Introduction



As e-commerce shopping continuously increases throughout Europe<sup>1</sup> and the European Union, the need for consumer protection and security becomes larger. Especially, as there is no doubt that an increase in shopping also increases the risk of unscrupulous actors and scammers on the market. Earlier research has concluded that the five major concerns for e-commerce are security, privacy, unfamiliarity with services, lack of direct interaction, and credibility of information.<sup>2</sup> Although these five areas are closely related, the key component must be considered to be security. In order to provide security, trust mark organisations have been described as parties that gather traders under certain criteria that are important in order to ensure a good climate for security and online shopping.<sup>3</sup>

Trust marks have been defined as:

“Electronic labels or visual representations indicating that an e-merchant has demonstrated its conformity to standards regarding, e.g., security, privacy, and business practice.”<sup>4</sup>

Such a representation would therefore provide a security to consumers shopping from that e-merchant (or trader) provided that they know what standards the trader conforms to. Furthermore, there is in this concept the possibility for traders gathered under a trust mark to add security and benefits to consumers, by agreeing to apply criteria exceeding legislative demands. Such aspects can be extended cooling off-time, additional complaint times or the promise to oblige ADR/ODR decision in the case of a dispute.

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<sup>1</sup> <http://www.ecommerce-europe.eu/press/2012/12/european-e-commerce-to-reach-over-300-billion-in-2012>  
[http://europa.eu/rapid/press-release\\_IP-13-718\\_en.htm](http://europa.eu/rapid/press-release_IP-13-718_en.htm)

<sup>2</sup> Organization for Economic Co-operation and Development -Working Party on Indicators for the Information Society (2008), pp. 26

<sup>3</sup> Dr. Paolo Balboni; Lecture at “Cyber Security & Privacy EU Forum 2012”, slide 6

<sup>4</sup> Ibid. slide 5

The Commission stated, in their final report regarding trust marks within the EU, that:

“To date, a wide variety of online trust marks related to ecommerce exist. Most are national schemes that are relatively unknown by consumers from other EU countries, but some schemes operate across borders.”<sup>5</sup>

The objective of the ECC-Net is to promote cross border shopping within the European Union, Norway and Iceland. The variety of schemes in existence and the lack of consumer awareness on same schemes create a clear obstacle for consumers engaging in online shopping. The overarching goal of having consumer confidence and awareness of their rights must be considered to involve the extension of both consumer knowledge of functioning trust marks alongside the progression of cross border-active trust marks. According to the ECC-Net overview, the number of active trust mark differs significantly within different European countries:

- One active trust mark: Denmark, Estonia, Finland, Greece, Norway and Spain.
- Two active trust marks: Czech Republic, Ireland, Lithuania, Malta, Portugal, Romania and Sweden.
- Three active trust marks: Austria, Belgium, Poland, Slovakia and United Kingdom.
- Four active trust marks: Germany and Hungary.
- Five active trust marks: The Netherlands.
- Six active trust marks: France.

In all, there are 54 different trust marks active that consumers may encounter when shopping online within Europe. In addition to this, there are a number of countries which have no trust marks at all.<sup>6</sup> There is currently no accessible overview or summary regarding this information available to consumers.

The ECC-Net has, from this starting point, produced a joint project in order to collect and summarise vital information regarding current active trust marks in the working field of the ECC-Net, so that this information can be presented to consumers in an easily accessible fashion. The main purpose of this report is:

- to survey the criteria provided by active trust marks to consumers; and
- to collate all criteria for consumers to access easily through ECC-Net websites.

These actions aim to make trust marks known and understandable to consumers shopping in the internal market, allowing trust marks to fulfil their important purpose.



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<sup>5</sup> Commission Final Report “EU online Trustmarks Building Digital Confidence in Europe” p.13.

<sup>6</sup> The countries reporting no active trust marks are Bulgaria, Croatia, Iceland, Italy, Latvia and Luxembourg.



# Executive summary



In the view of the ECC-Net, the efforts by others in the field of trust marks have been primarily targeted towards legislators, businesses and stakeholders. This report, created and compiled by the ECC-Net working group focuses on the current situation of trust marks in Europe with the intention of also providing this information to consumers in an easy accessible way.

## Web survey

The ECC-Net performed, during the Christmas shopping period of December 2012, a web survey regarding consumer awareness of trust marks. 19 European countries participated, creating a very broad but relatively small consumer group of respondents. The results provided the picture that consumers in general have a relatively low knowledge of how to identify a trust mark and what trust marks stand for, i.e. regarding criteria for membership. However, the survey also indicated that consumers consider trust marks to be an important aspect and a majority of the respondents also answered that they trust a seller which has a trust mark on their website.

## Online quality criteria & blacklists

In order for the general public to assess the trustworthiness of a trust mark on the web site, the aspect of transparency and what criteria are required from traders when wanting to obtain the trust mark are very important issues. A majority of the reviewed trust marks provide this information online and also, to a far extent, provide it in more than one language.

The usage of blacklists is not spread amongst trust mark organisations. Only 13% of the reviewed trust marks use blacklists regarding traders. However, other information schemes exist in cooperation with other organisations which can (if the information is accessible) be to the benefit of consumers seeking such information.

## Certification requirements, certification process, inspections and experiences

Almost all trust marks have certification requirements, making the few lacking this important

process to stand out regarding this aspect. In addition, the process description is often made public. A majority of the trust marks are responsible for the certification process themselves, whereas a few trust marks make use of an independent third party.

Regarding inspections, their regularity varies significantly, although yearly inspections seem to be the most common. There are, besides regular inspections, also a number of unscheduled checkups related i.e. to consumer complaints towards a member.

### **Complaint time, cooling off period and multilingual options, report problems online**

A majority of the trust marks reviewed provide consumers with complaint times in correlation with the legal requirements in their respective country. However, the review illustrates that this information, in a number of cases, has been hard to find or not even available. Only four trust marks provide a cooling off period exceeding the national legislation. Just as the information regarding complaint time, this information has in a number of cases been hard to obtain when reviewing the trust marks' websites.

One of the more important aspects for cross border-shopping consumers is multilingualism when it comes to information and service. The results of this report however show that a minority of current European trust marks have multilingual information regarding the trust marks on their website. In correlation to this, the same minority provides a multilingual service.

The possibility to report problems online to the trust marks is provided by most trust marks today. This function is, in general, deemed easily

found when visiting the trust marks websites. The minority of trust marks, where this wasn't considered easy to find, has an easy task of fixing this.

### **ADR/ODR service, online contact possibilities**

Trust marks themselves are aware that ADR is the most consumer-friendly way of handling disputes. This is illustrated by the fact that a large number of trust marks have their own internal ADR, while others offer related services i.e. mediating or cooperation with external ADRs. Regarding ODR, it is clear that this isn't spread enough throughout Europe, as only four trust marks currently cooperate with an ODR.

### **Sanctions against non-compliant members, fee for business membership, certify/allow foreign traders**

A clear majority of trust marks have sanctions against non-compliant members. The most common, suspension of the right to use/display the trust mark logo, is complemented only by a few examples of other sanctions from individual trust marks. Other sanctions can be financial penalties, informing national authorities or direct actions towards the non-compliant member. Revocation of the right to use the trust mark is used if the non-compliance remains after warnings or sanctions have been administered.

Almost all trust marks charge member fees, most commonly based on i.e. one-time administrative fees and/or certification fees; the most common is however an annual fee. The annual fees have different basis ranging from 30 Euro to 4500 Euro, with the possibility of rising based on i.e. the number of employees and/or annual turnover of the member.

A majority of trust marks allow foreign traders or cross border-selling traders as members. This however, seen in the light of the lack of multilingual information and service, could constitute problematic aspects for either consumers, trust mark members or the trust mark itself.

## Consumer reviews

This report has, as a part of its initial web survey, glanced on the occurrence of consumer reviews. It is clear that this area is considered important to consumers and furthermore an area which is in need of both further investigation and critical pan-European review.

## Recommendations

The ECC-Net considers the area of trust marks in need of increased consumer awareness, in order for it to fulfil its purpose. The efforts needed to heighten the trust marks schemes and to ensure consumer friendly business needs to be between the trust mark organisation and its members.

The ECC-Net lists a number of aspects that the network considers vital for trust marks, from a consumer- and ECC-Net point of view. These aspects range from basic legal obligations, recommendations to comply with ADR/ODR decisions to services exceeding national and European legislation that would give added value for consumers. These aspects would ensure good commercial practices which would promote the cross-border shopping.

The ECC-Net recommends compliance checks and sanctions to be a more spread and powerful tool for trust marks handling non-compliant members and websites misusing a trust mark's logo. The importance of the handling of

complaints, cooperation with ADR and ODR, multilingual information and service are highlighted as aspects that should be developed. The ECC-Net strongly recommends a more uniform practice of European trust marks, in order for consumers to have the possibility to understand and use the benefits that trust marks provide. The main problem of too many differences in criteria, practice and benefits would, to a far extent, be solved through a more uniform European trust mark-practice.



# Project method and delimitations



## Project method

The objective of the trust marks report of 2013 has been to produce information regarding the currently active trust marks in the European Union. To highlight different qualities and aspects that characterise them and also see what effect they have on consumers in their choices when shopping online.

Initially, the working group, with the support of 19 ECC-Net offices, published a web survey during the Christmas shopping period of 2012.<sup>7</sup> From late November until December, consumers accessing ECC websites had the possibility to answer 8 questions regarding their experiences and opinions on trust marks and 1 question about consumer reviews. The intention has been to create an overview of consumer awareness and general opinion on trust mark importance, credibility and how well-known they are.

In order to collect data about the different trust marks throughout the EU, the working group constructed a questionnaire with questions based on different aspects that are important for trust marks, and sent it to all ECC-offices.<sup>8</sup> The gathered data has then been assessed by the working group. Certain data, more relevant for consumers needing information about different trust marks, has been used to compile an overall view of the trust marks acting in each country which will be delivered to the entire ECC-Net for online publication in each office respective language.

Furthermore, the results summarised in this report has the intention of highlighting differences between the trust marks characteristics, the services they provide and what added value or security they give to consumers through their members.

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<sup>7</sup> Reference to web survey 2012 (section in report) Annex II.

<sup>8</sup> Reference to questionnaire 2013, sent out in June 2013 (section in report) Annex I.

The report will also provide comments on eventual problem areas and recommendations for areas which need to be improved.

## Delimitations

This report intends to highlight aspects regarding a large number of trust marks in 22 countries. Therefore, the report is limited to data that the trust mark organisations provide through information on their websites. This information is, to a far extent, the same information that consumers in general have the opportunity to find and assess. The ECC-Net has not contacted the organisations directly but has instead reviewed the information available to consumers. Any lack of, or insufficient, information is an indication of the very same situation consumers face. This report has been limited to the following aspects:

- Online membership quality criteria and blacklists
- Certification requirements and process
- Aspects regarding cooling off, complaint time and problem reporting
- Multilingual services
- ADR/ODR service
- Sanctions against non-compliant members and revocation of memberships





# Trust marks, initial view and web survey

Trust marks for e-commerce have been broadly defined as “any third-party mark, logo, picture, or symbol that is presented in an effort to dispel consumers’ concerns about internet security and privacy and, therefore, to increase firm-specific trust levels”.<sup>9</sup> Along those lines, representatives of European businesses and consumers have jointly defined a trust mark as, “[a] label or visual representation showing participation in a trust mark scheme. A subscriber to a trust mark scheme can display a trust mark if he meets the trust mark requirements.”<sup>10</sup>

Trust marks are a form of branding and their use is especially important for SMEs, as these are often not a well-known brand of their own.<sup>11</sup>

Important is, that trust marks are designed and formulated to be understandable by all consumers shopping in the internal market and not only for the people living in the same country as the trader or the trust mark certifier.

“E-commerce trust marks are intended as a way for online shoppers to be protected by online service providers who ensure that websites are securely processing information that could be used to subvert their persona, financial accounts or cause any harm through hacking, viruses or other intervention related to data exchange such as denial of service etc”.<sup>12</sup>

## Web survey

To find out how well consumers recognise and use trust marks during their shopping, in 2012 the ECC-Net decided to make a web survey regarding the knowledge about trust marks. During the Christmas shopping period, 19 ECCs (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Latvia, Luxemburg, Spain, Greece, Iceland, Italy, Malta, the Netherlands, Sweden, and Slovakia) promoted 8 questions about trust marks and 1 question about consumer reviews on their web sites and received totally 573 answers. It is important to assess the results with respect to the limited number of responses.

Do you know any trustmarks?

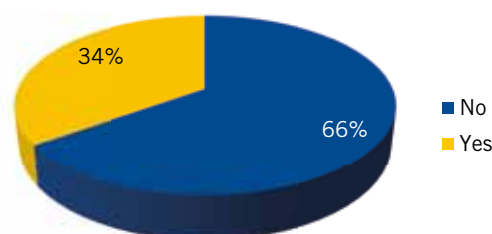


Figure 1.1

<sup>9</sup> Study A Pan-European Trust mark for E-Commerce: Possibilities and Opportunities IP/A/IMCO/ST/2012-04, page 18.

<sup>10</sup> ibid.

<sup>11</sup> EU online Trust marks Building Digital Confidence in Europe, Report/Study: 21/03/2013, Final report, page 3, <http://ec.europa.eu/digital-agenda/en/news/eu-online-trust-marks-%E2%80%93-building-digital-confidence-europe-smart-20110022>

<sup>12</sup> <http://www.techopedia.com/definition/1491/e-commerce-trustmark>

### Do you know any trustmarks?

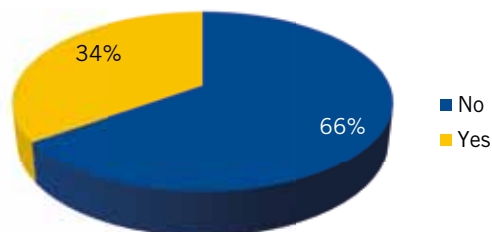


Figure 1.2

The results show that 49% of the consumers answered that they know what a trust mark is but only 34% know of any trust mark. This is not surprising as the ECC-Net offices report from September 2011 “Online Cross-border Mystery Shopping - State of the e-Union”<sup>13</sup> showed that it wasn’t always clear if there was a trust mark displayed on a website, especially due to language barriers.<sup>14</sup>

According to the survey only 37% of the consumers look for a trust mark when they are shopping, not surprising, due to the fact that not so many know about them. To play a role in increasing consumer confidence in online cross-border shopping, trust marks should be designed in a way that is understandable for all consumers shopping online in the internal market.

### Why do you look for trustmarks when shopping online?



Figure 1.4

### Do you look for trustmarks when shopping online?

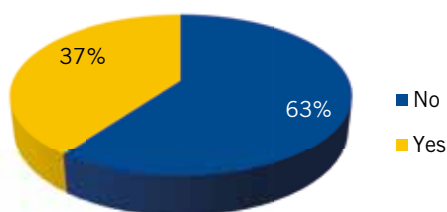


Figure 1.3

The main reasons as to why consumers look for trust marks according to the survey were:

- They give me confidence in shopping from that trader 33%
- The trader has secure payment methods 19%
- The trust mark may provide help if there are problems later 18%

The reason for not looking for a trust mark when shopping online was according to the survey that the consumer didn’t know how to identify a trust mark.

<sup>13</sup> The European Consumer Centers rapport September 2011 “Online Cross-border Mystery Shopping - State of the e-Union” <http://dokumenter.forbrug.dk/forbrugereuropa/onlinecrossbordermysteryshopping/web.pdf>

<sup>14</sup> The European Consumer Centers report from September 2011 “Online Cross-border Mystery Shopping - State of the e-Union”, page 52. <http://dokumenter.forbrug.dk/forbrugereuropa/onlinecrossbordermysteryshopping/web.pdf>

### Why do you not look for trustmarks when shopping online?

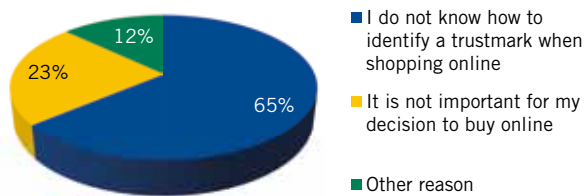


Figure 1.5

Interesting is that as shown in figure 1.1, 49% of the consumers know what a trust mark is, but when it comes to why consumers do not look for a trust mark, 65% says that they do not know how to identify a trust mark when shopping online.

### Do you trust a company which has a trustmark label on their site?

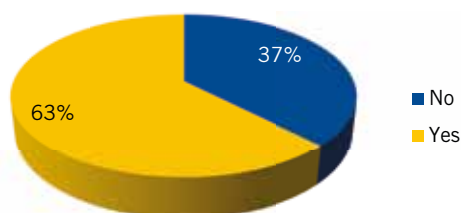


Figure 1.6

Trust is an important issue for consumers in the internet world, as purchases are of a distance nature and languages may differ from the consumers' native language. 63% of the survey participants stated that they trust companies with a trust mark.

This is, however, perhaps a false reality, as traders with a trust mark present on their website do not necessarily perform better than those without one. The Mystery Shopping report was based on a shopping exercise by Mystery Shoppers. A total of 305 online cross-border purchases were made and 17 ECC offices participated. The results showed that:

- Of the 52 websites that displayed a trust mark, 46 informed about the cooling-off period, while six did not; and
- Of the 52 websites, 44 traders gave the consumer a refund, while eight did not. However, out of the 44 refunds, only 21 refunded the delivery costs.<sup>15</sup>

This means that 23 out of 44 traders that displayed a trust mark did not provide a refund in accordance with the Distance Selling Directive.<sup>16</sup> It is possible that more than 52 traders were members of a trust mark scheme, but that the trust mark had not been recognised by the mystery shopper.<sup>17</sup>

Hopefully the situation has improved since 2011. This is a prerequisite if trust mark schemes are to continue to be considered a seal of confidence, indicating that consumers can feel more confident, indicating that consumers can feel more confident when shopping on a website displaying a trust mark. This is an area that could benefit from cooperation between consumers and trade organisations.

<sup>15</sup> The European Consumer Centres report from September 2011 "Online Cross-border Mystery Shopping - State of the e-Union", page 20. <http://dokumenter.forbrug.dk/forbrugereuropa/onlinecrossbordermysteryshopping/web.pdf>

<sup>16</sup> Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts. Art. 6.

<sup>17</sup> The European Consumer Centres report from September 2011 "Online Cross-border Mystery Shopping - State of the e-Union", page 52.



### Why do you not trust a company that has a trust mark on their site?

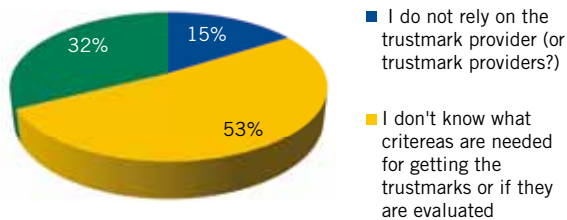


Figure 1.7

Consumers reasoning for not trusting companies with trust marks are based on their lack of understanding of criteria with which trust marks are based on.

It is important that trust marks have a transparency regarding their criteria and that they are of high standard, available in a clear and comprehensible form and easy for the consumer to find.

### Is it important that the company has a trustmark?

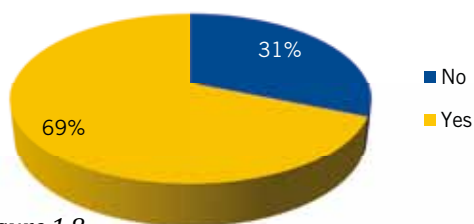


Figure 1.8

Even though consumers are not fully aware of what a trust mark is and what it stands for, they think trust marks are important. The following has been stated regarding trust marks:

“Usually, the purpose is to signal adherence to a set of rules (a code of conduct) in order to inspire confidence to the user of the website”.<sup>18</sup>

The Mystery Shopping report showed that surprisingly few traders use trust marks: “Mystery Shoppers reported that 52 of 305 websites displayed a trust mark, meaning that a trust mark was displayed on the website, in only 17% of the purchases.”<sup>19</sup>

Based on the information provided by the trust mark providers, around 30 000 web shops in the EU carry a trust mark. However, there may be a significant number of duplications within this number, since web shops may be active in multiple countries. Based on numbers provided by the Trusted Shops trust mark provider, this means between 6% and 7.5% of a total of 400.000 to 500.000 EU-based web shops that have online revenue of more than 50.000 Euros carry a trust mark.<sup>20</sup>

<sup>18</sup> Jan Trzaskowski, “E-commerce Trust marks in Europe”, p. 11.

<sup>19</sup> The European Consumer Centers rapport September 2011 “Online Cross-border Mystery Shopping - State of the e-Union”, page 50.

<sup>20</sup> EU online Trust marks Building Digital Confidence in Europe, Report/Study: 21/03/2013, Final report, page 4, <http://ec.europa.eu/digital-agenda/en/news/eu-online-trust-marks-%E2%80%93-building-digital-confidence-europe-smart-20110022>

Using trust marks is a way to improve consumer confidence in e-commerce, if it emerges clearly that consumer law is respected and if there is an added value to the consumer that the company has a trust mark, for example:

- the trader has an ethical code of conduct;
- the trader has a complaint handling system;
- the trust mark criteria are clear and accessible; and
- that ADR scheme recommendations are respected.

It is also important that there are sanctions in place for non-compliance, e.g. blacklisting for companies that do not comply with the trust mark criteria.<sup>21</sup>

The ECC-Net recognises the fact that this result only represents a sample of European consumers, and furthermore, only during a specific period of time. However, in that aspect, it is still noticeable that the consumers participating in this survey were accessing an ECC-Net website, making them more active than the general consumer regarding their interest in consumer rights. This would, in the light of the results, produce a more positive picture of the trust mark awareness than indicated in the data collated.



## ECC 2013 trust marks questionnaire results

### Online quality criteria & blacklists

*Does the trust mark have an online list of quality criteria?*

Does the trust mark have an online list of quality criteria?

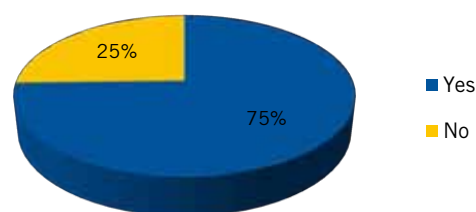


Figure 2.1

A majority of the trust marks reviewed have online lists or documents publicly showing the criteria that traders need to fulfil in order to join and remain members of the trust mark. Furthermore, a number of the trust marks have a “code of conduct” that more or less would be considered as a complement to such criteria.

Looking back at the survey made by the ECC-Net during 2012,<sup>22</sup> consumers indicated that one of the main reasons they didn’t feel confidence for trust marks, were that they did not know what the trust marks quality criteria were. Given that the ECC-Net review indicates that a majority of trust marks display the criteria online, more or less easily accessible to consumers, it is noticeable that trust marks face the problem of credibility independent on whether they provide their membership quality criteria to consumers or not.

<sup>21</sup> See page 23 about blacklist.

<sup>22</sup> See page 17.

The assessment must be made that consumers in general consider security and protection regarding all aspects of purchasing online important, while at the same time lacking the initiative to further investigate or ensure that the trust mark logo displayed on the shop-website fulfils those aspects. Viewing the situation critically, consumers cannot be considered engaged enough regarding this.

Provided the assumptions that e-commerce is a constantly growing market and that the existence of trust marks logos play an important role for consumers when choosing which shop to buy from are correct, it must be considered more important than ever that stakeholders, including authorities in the field of consumer protection, take an active role to inform consumers about the value of the trust mark label. The risks of fraudulent behaviour, unserious actors in the field and unfair commercial practices will undoubtedly be directly correlated to what measures are taken as to avoid a negative development.

Looking further into the aspect, it is clear that different trust marks have different levels of criteria for membership. A majority of the trust marks reviewed have separate documents with clearly stated criteria regarding what members must ensure in order to be allowed to get, and keep, the trust mark logo and membership. It is however not clear how many, and to what extent, trust marks regularly follow up and review the compliance of their members.

*General conditions for members (which follows legislative demands):*

- Trader information clear and easy accessible
- Terms and conditions easy accessible
- Information about product/service, delivery time, total price and privacy policy easily accessible to consumer
- Secure online payment methods

*Member-criteria for some trust marks:*

- Recognition and compliance of national ADR decisions
- Information on procedure when delivered product is faulty or incorrect product.
- Having a role of ADR, if an agreement cannot be made regarding a complaint. In some cases, the trust mark will act as mediators in order to find a solution; if failed, the trust mark may forward the case to an external ADR.
- Requirements regarding different degrees information after a purchase is completed
- List of authorities in charge of reviewing company business (when applicable) (Österreichisches E-Commerce-Gütezeichen)
- Defined requirements regarding good economical practice

### *Examples of trust mark specific criteria*

As every trust mark has its own criteria and code of conduct, a complete list of aspects will not be published in this report. However, the working group has chosen to highlight a number of criteria that illustrates the differences and individual composition of some trust marks.

#### **Austria:**

- Complaints (and questions) should be answered within two working days. (Österreichisches E-Commerce-Gütezeichen)<sup>23</sup>
- Terms and conditions should be easily understandable (E-Commerce und M-Commerce)<sup>24</sup>

#### **Belgium:**

- The trader will not encourage minors to order products/services
- If a complaint against a member is considered valid, the trust mark can impose one (or several of the following penalties:
  - o Warning
  - o Blame
  - o Fine (minimum 1000 Euro and maximum 50 000 Euro)
  - o Suspension of membership
  - o Exclusion (BeCommerce)<sup>25</sup>

#### **Czech Republic:**

- Information to consumer regarding trader exceeds national law (APEK)<sup>26</sup>

#### **Germany:**

- Data Security: a consistent plan for handling operational disruption and emergencies has been established. This plan includes the names of the responsible persons and/or their roles and authorities.
- In the case of revocation or return all payments made shall be reimbursed within 30 days. There are rules as to who incurs the cost of return shipments. (TÜV SÜD)<sup>27</sup>
- The reliability of the Online-Shop must not fall below 90 % and the rate of complaints within customer feedback must not exceed 8%.
- Buyer protection offered, however consumers have to register for this service in advance.
- Trust mark ensures through criteria that country-specific rules regarding cooling off are followed. (Trusted Shops)<sup>28</sup>

#### **Denmark:**

- Online store must be designed so that it is easy and effortless to cancel contracts of children and adolescents. At the same time children and young people will not be asked to provide personal information unless parental consent is obtained. (e-mærket)<sup>29</sup>

#### **Estonia:**

- Website must be operational for at least one year. (Turvaline ostukoht)<sup>30</sup>

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<sup>23</sup> <https://www.guetezeichen.at/infos-fuer-unternehmen/kriterien.html>

<sup>24</sup> <http://www.sicher-einkaufen.at/16135.html>

<sup>25</sup> <http://www.becommerce.be/upload/Gedragscode%20BeCommerce%20Kwaliteitslabel20130130141527.pdf>

<sup>26</sup> <http://www.apek.cz/gallery/4/1316-apek-certifikovany-obchod-certifikacni-pravidla-01062013.pdf>

<sup>27</sup> <http://www.safer-shopping.com/quality-criteria.html>

<sup>28</sup> <http://www.trustedshops.de/guetesiegel/einzelkriterien.html>

<sup>29</sup> <https://www.emaerket.dk/netbutik/e-maerkets-saerlige-krav>

<sup>30</sup> <http://e-kaubanduseliit.ee/kvaliteedimark/kvaliteedimargi-taotlemine/>

**Spain:**

- Separate sections regarding the protection of minors and requirements in order to ensure that disabled people can use the traders' websites.
- Code of conduct reviewed every 4th years. (Confianza Online)<sup>31</sup>

**Finland:**

- Digital contacts with the trader must be replied within one working day.
- The terms and conditions regarding commercial warranty shall always state that the consumer also has legal rights according to the consumer protection act. (Luotettavaa toimintaa-laatumerkki)<sup>32</sup>

**France:**

- Consumers are entitled to “evaluate” traders' fulfilment of trust marks criteria after purchase. Such evaluations are then followed up by the trust mark in order to ensure compliance. (Fia-Net)<sup>33</sup>

**Greece:**

- Trust mark offers termination of contract if ordered goods are unavailable.
- Trust mark offers “money back guarantee”. (EPAM)<sup>34</sup>

**Hungary:**

- Trust mark criteria are only available after registration.

- Information about the right to cancellation cannot be given by only citing the law. (Veddaneten!)<sup>35</sup>

**Ireland:**

- Trust mark refers to Irish National Disability Authority Guidelines for Web Accessibility as a criterion for certification. (Segala Ltd.)<sup>36</sup>
- The trust mark provides a level of transaction protection which is not mentioned in national legislation. (Digi Sign)

**Lithuania:**

- Trust mark provides checks regarding legal aspects and performs “mystery shopping”-procedures. (SAUGUPIRKTI.LT)<sup>37</sup>

**The Netherlands:**

- Trust mark members offer extended cooling off period compared to national law.
- Yearly financial check of the members. (Thuiswinkel Waarborg)<sup>38</sup>
- A “guarantee fund” ensures that consumers are reimbursed if the member is bankrupt. (KeurOnline)<sup>39</sup>

**Norway:**

- Consumers can always turn to the trader for complaints or assistance, even if the trader isn't supplying the goods or service.
- Trader does not sell to minors without consent from parents. (Trygg E-handel)<sup>40</sup>

<sup>31</sup> <http://www.confianzaonline.es/conocenos/codigo-etico/?lang=en>

<sup>32</sup> <http://verkkoteollisuus.fi/fi/laatumerkki/saannot/>

<sup>33</sup> <http://www.fia-net.com/annuaire/fonctionnement.php>

<sup>34</sup> [http://www.enepam.gr/images/stories/pdf/kodikas\\_deontologias.pdf](http://www.enepam.gr/images/stories/pdf/kodikas_deontologias.pdf)

<sup>35</sup> <http://www.veddaneten.hu/regisztracio>

<sup>36</sup> <http://www.w3.org/TR/WCAG10/>

<sup>37</sup> <http://www.eshops.lt/infocentras/taisykles-ir-nuostatos>

<sup>38</sup> <http://www.thuiswinkel.org/stream/toetsingskader-voor-aspirant-leden-van-thuiswinkel.org-versie-3-6-2013>

<sup>39</sup> <http://www.keurmerk.info/Home/KeurmerkCode>

<sup>40</sup> <http://www.trygghandel.no/?side=krav>

#### Portugal:

- Accreditation program requests compliance with national and international best practices.
- Members shall provide a consumer complaints management system.(Confiança Online)<sup>41</sup>

#### Sweden:

- Consumers can always turn to the trader for complaints or assistance, even if the trader isn't supplying the goods or service.
- Trader does not sell to minors without consent from parents.(Trygg E-handel)<sup>42</sup>

The EMOTA<sup>43</sup> initiative to accredit its members with an “EMOTA trust mark” lists many of the criteria that have been mentioned here but lacks, in the view of the ECC-Net, a strong enough criteria to recognise and follow ADR/ODR recommendations and decisions.<sup>44</sup> It must be considered one of the more important aspects from a consumer point of view, to know that the trader not only informs about ADR/ODR processes but also follows them. This criterion characterises that the trust mark has achieved a level of high quality.

#### *Is the criteria information multilingual? What languages?*

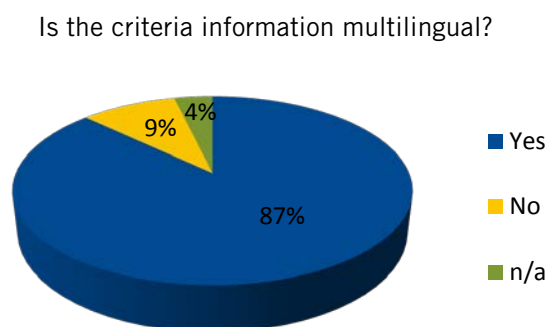


Figure 2.2

As nationally established trust marks generally target traders registered in that country, it is unsurprising that the criteria available online is provided in only that country's language. However, a few trust marks provide more or less information in more languages. It is however clear that English is the most used second language for such criteria.<sup>45</sup> Furthermore, the standard approach is that the information available in the second language doesn't cover everything, or at least as much, as the primary language of the trust mark. This information is mostly relevant when linked to the number of trust marks that provide cross border services and foreign members.

<sup>41</sup> <http://paco.acepi.pt/index.php/faqs/>

<sup>42</sup> <http://www.tryggehandel.se/?sida=krav>

<sup>43</sup> EMOTA, <http://www.emota.eu/#!trust-online/c1jas>

<sup>44</sup> EMOTA International Online Shopping Trust Mark Accreditation Criteria & Charter.

<sup>45</sup> Only one multilingual trust mark didn't provide information in English but instead French (Belgian trust mark BeCommerce).

### *Is the criteria information easy to find?*

Although this is an obvious subjective assessment which only can be truly made on an individual level, it is still an interesting aspect when linked to the fact that consumers both consider trust marks important, while at the same time find it hard to know what criteria are required to obtain and keep a trust mark.<sup>46</sup> It must be considered a preferable evolution for trust marks to present their advantages to consumers, in a way that give them a clearer picture of what they stand for and what the trader must fulfil in order to have the trust mark on their website. In the view of consumer information, a good example may be found with the Danish trust mark e-mærket which provides both a Q&A and a short video explaining the basics around the trust mark and what it means for consumers if a trader has their logo on its website.<sup>47</sup>

## **Blacklist**

“Blacklist is a list of people or groups regarded as unacceptable or untrustworthy and often marked down for punishment or exclusion.”<sup>48</sup>

These lists can for example be compiled by a government or an organisation.

In the consumer area a blacklist might consist of information about rogue companies that do not follow recommendations from an ADR or the criteria's of a trust mark. They are often published to warn consumers, so that they can avoid companies not following consumer legislation. In Sweden the Consumer Magazine

”Råd & Rön” uses the data from the ADR National Board for Consumer Disputes (Allmänna Reklimationsnämnden, ARN) and publish the names of traders who do not comply with ARNs recommendations.<sup>49</sup> This list is given wide publicity and provides a strong incentive for business compliance.<sup>50</sup>

Blacklists can also be a powerful tool for consumers to react and to use when trying to avoid bad consumer experience and to get their voice heard.



Also business organisations can use blacklists to avoid financial losses in different sectors. The Swedish Car Rental Association has a blacklist in their “General Rental Terms”.<sup>51</sup>

### **13. The Black List of the Swedish Car Rental Association**

...The lessees (and / or drivers) that violate the above conditions, or otherwise cause damage to the lessor, are reported as a matter of routine to the black list of the Swedish Car Rental Association.

<sup>46</sup> See section about the December web survey, page 14-18.

<sup>47</sup> <https://www.emaerket.dk/forbruger/saadan-sikrer-e-maerket-dig>

<sup>48</sup> <http://oxforddictionaries.com/definition/english/blacklist>

<sup>49</sup> Råd & Rön Svarta listan (Blacklist) <http://www.radron.se/svarta-listan/>

<sup>50</sup> Consumer ADR in Europe, Christopher Hodges, Iris Benöhr and Naomi Creutzfeldt-Banda, page 229.

<sup>51</sup> GENERAL RENTAL TERMS Applies to passenger cars & light commercial vehicles of up to 3.5 metric tons. Adopted by the Swedish Car Rental Association for the car rental industry. <http://www.biluthyrarna.se/data/HYRVILL-KORS%20ENGLISH.pdf>



The black list is distributed to participating car rental companies with a recommendation not to rent vehicles to the persons listed. Processing of personal data takes place in accordance with the Personal Data Act. Members of the Swedish Car Rental Association abide by the PCI Act”.

To find out if trust marks inform about companies who failed to follow the criteria, the working group asked each ECC-Net office to check whether their functioning national trade mark(s) had blacklists.

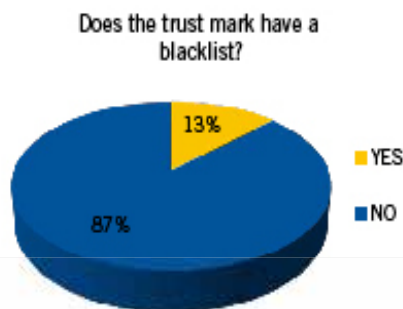


Figure 2.3

The result from the questionnaire showed that only 13% of the trust marks have a blacklist. Often the purpose of blacklists is to exclude, so it is surprising that most of the trust marks do not display companies with withdrawn quality marks. For consumers it is important to know if a company has failed to follow criteria laid down.

Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorization or claiming to be a signatory to a code of conduct when the trader is not, are outright banned in the Directive on Unfair Commercial Practices.<sup>52</sup>

*These following trust marks provide blacklists as a service.*

#### Austria

- Österreichisches E-Commerce-Gütezeichen has a blacklist<sup>53</sup> regarding companies with withdrawn quality mark.

#### Spain

- Spanish Confianza Online has a list of websites that despite that Confianza Online has already taken legal action have published their trust mark without its authorization.<sup>54</sup>

#### The Netherlands

- Stichting Webshop Keurmerkwarn consumers for some web shops.<sup>55</sup>
- Stichting Qshops Keurmerk has a blacklist.<sup>56</sup>
- Vennootschap: KeurOnline V.O.F. has a blacklist.<sup>57</sup>

#### Norway

- Distansehandel Norge (Norwegian Distance Sellers Association) has a blacklist.<sup>58</sup>

<sup>52</sup> DIRECTIVE 2005/29/EC, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:149:0022:0039:EN:PDF> or [http://ec.europa.eu/consumers/cons\\_int/safe\\_shop/fair\\_bus\\_pract/index\\_en.htm](http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/index_en.htm)

<sup>53</sup> <https://www.guetezeichen.at/zertifizierte-shops/entzogene-guetezeichen.html>

<sup>54</sup> <https://www.confianzaonline.es/empresas/uso-indebido/?lang=en>

<sup>55</sup> [https://www.keurmerk.info/Leden\\_Partners/Waarschuwingen](https://www.keurmerk.info/Leden_Partners/Waarschuwingen)

<sup>56</sup> <https://www.qshops.org/misbruik-en-rovering>

<sup>57</sup> [http://keuronline.nl/leden\\_geen\\_leden.html](http://keuronline.nl/leden_geen_leden.html)

<sup>58</sup> <http://www.tryggehandel.no/?side=hjem>



## Sweden

- Trygg E-handel has a warning section on their web site where they publish the name of the company that uses their trust mark without authorization, also mentioning that they will take legal action if the trust mark is not removed.<sup>59</sup>

*Following trust marks do not have a blacklist but they provide information about blacklists on other sites.*

## Estonia

- Estonian Association of E-commerce does not, but on their website they refer to the existing black list of the enforcement body Consumer Protection Board.<sup>60</sup>

## The Netherlands

- Thuiswinkel.org does not have a blacklist, but on the website part for consumers, they mention Warnings (Waarschuwingen).<sup>61</sup> They post news messages sorted by date and report web shops in these warning sections that are using the Thuiswinkel Waarborg trust mark (logo) and/or certificate or the Thuiswinkel.org T&C unfairly.<sup>62</sup>

## Poland

- Polish Rzetelna firma sp.z.o.o has a blacklist with National Registration of Debt.<sup>63</sup>

## Romania

- Trusted Internet SRL in Romania – collaboration between the E-Commerce

Gala ([www.gpec.ro](http://www.gpec.ro)) and the Internet Laws project ([www.legi-internet.ro](http://www.legi-internet.ro)) with the support of APC Romania do not have a blacklist. They have a kind of internal blacklist of e-commerce web sites that had the trust mark revoked for breaching the rules – they won't be allowed to get the trust mark.

*Following trust marks do not have a blacklist but they provide contact details for reporting a complaint about a web shop missing the logo.*

## The Netherlands

- Stichting MKB en internet does not have any list, but on their website on "Zoek Keurmerk Houder" consumers have the contact details for reporting a complaint about a web shop misusing the logo.

## Slovakia

- Overenézákazníkmi/Heureka and obchododporúčaný zákazníkmi/Najnakup.sk in Slovakia do not have blacklists, but negative comments from the consumers/customers are published and cannot be deleted by the trader.

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<sup>59</sup> <http://www.tryggehandel.se/>

<sup>60</sup> <http://www.tarbijakaitseamet.ee/epoed-kes-ei-taida-seadusest-tulenevaid-noudeid/>

<sup>61</sup> <http://www.thuiswinkel.org/consumenten>

<sup>62</sup> <http://www.thuiswinkel.org/mededelingen>

<sup>63</sup> <http://www.rzetelnafirma.pl/rzetelne-firmy/lista-podmiotow-nieuczestniczacych-w-programie-rzetelna-firma.html>

Comment from ECC Poland: In fact the list is not an independent one but uses the filtered data from the large database run by the company Krajowy Rejestr Długów - Biuro Informacji Gospodarczej S.A. (Could be translated as The National Debt Register - Credit Information Bureau Co. Ltd.)

### *Unfair commercial practices and blacklists*

Certain commercial practices in Europe are banned outright the Directive on Unfair Commercial Practices.<sup>64</sup> The Blacklist provide a list of the commercial practices that are unfair in all circumstances and no case-by-case assessment against other provisions of the Directive is required. Regarding trust marks and codes, it is stated that:<sup>65</sup>

- Claiming to be a signatory to a code of conduct when the trader is not.
- Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorization.

- Claiming that a code of conduct has an endorsement from a public or other body which it does not have.
- Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorized by a public or private body when he/it has not or making such a claim without complying with the terms of the approval, endorsement or authorization.

It is important that blacklists as a tool are not misused. Instead consumer feedback and ADR decisions or recommendation should bring more aligned interaction so constructive feedback makes impact on companies' behaviour on the consumer market.



<sup>64</sup> DIRECTIVE 2005/29/EC, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:149:0022:0039:EN:PDF> or [http://ec.europa.eu/consumers/cons\\_int/safe\\_shop/fair\\_bus\\_pract/index\\_en.htm](http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/index_en.htm)

<sup>65</sup> Page 20, [http://ec.europa.eu/consumers/cons\\_int/safe\\_shop/fair\\_bus\\_pract/ucp\\_en.pdf](http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/ucp_en.pdf)

# Certification requirements, certification process, inspections and experiences



“Certification entails a set of requirements (code of conduct) and the assessment of an online trader’s compliance with these requirements.”<sup>66</sup> “[...] the purpose (of a trust mark) is to signal adherence to a set of rules (a code of conduct) to increase consumers’ confidence in the online trader.”<sup>67</sup>

Trust mark organisations will issue a trust mark to a web trader only if he has demonstrated that he conforms to the certification requirements.

Out of 54, 47 trust marks list certification requirements to which web traders have to comply in order to obtain the trust mark.

4 trust marks (France, Fia-Net, Slovakia, Garancia, Overenézakazníkmi, and Obchododporúčanýzákazníkmi) don’t foresee any certification requirements at all and for 3 trust marks there was no information available.

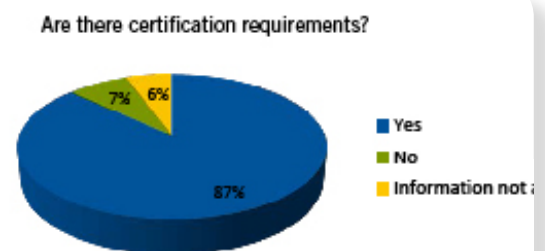


Figure 3.1

<sup>66</sup> DG for Internal Policies, A Pan-European Trust mark for E-Commerce: Possibilities and Opportunities, IP/A/IMCO/ST/2012-04, 2012, page 40. <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=75183>

<sup>67</sup> *ibid*, page 6.

## If there are certification requirements, describe the process

The certification process entails different steps:

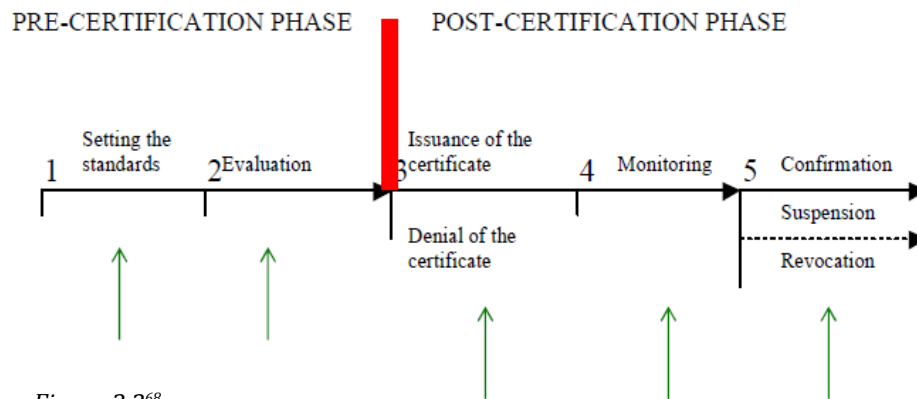


Figure 3.2<sup>68</sup>

Since trust marks aren't submitted to any specific EU regulations,<sup>69</sup> trust mark providers have to formulate their own set of certification requirements. This results in a significant diversity among existing trust marks in Europe.

In the first place, web traders have to comply with all applicable national and European regulations. Therefore, in order to demonstrate to consumers that a website is trustworthy, trust marks have to make sure that their code is, at least, in compliance with all applicable regulations, including:<sup>70</sup>

- E-Commerce Directive (2000)
- Consumer Rights Directive (2011)
- Consumer Sales Directive (1999)
- Service Directive (2006)
- Unfair Commercial Practices Directive (2005)

- Unfair Contract Terms Directive (1993)
- E-Privacy Directive (2002)
- Data Protection Directive (1995)
- All national legislation transposing the above mentioned directives

Thus, compliance with the above mentioned European and national regulations only constitutes the minimum certification requirements.

In many cases, the trust marks have added extra criteria that offer supplementary protection to online consumers, i.e. additional complaint time and cooling-off time. In that perspective, it would be interesting for consumers to be able to differentiate legal requirements from additional ones that are typical or specific to the trust mark. This would ease the consumers' decision to determine whether a trust mark is trustworthy or not.

<sup>68</sup> Dr. Paolo Balboni, European Data Protection Seal. The value of trust marks for e-commerce, Presentation Berlin 2012, page 6.

<sup>69</sup> Zentrum für Europäischen Verbraucherschutz e.v., Studie zu Internetgütesiegeln in Deutschland und Europa, 2012, Page 48

<sup>70</sup> DG for Internal Policies, A Pan-European Trust mark for E-Commerce: Possibilities and Opportunities, IP/A/IMCO/ST/2012-04, 2012, page 55. <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=75183>

It is important to constantly update the set of requirements so as to keep up with the rapidly and constantly changing digital environment.

As mentioned before, 47 out of 54 trust mark organisations provide certification requirements. The examined trust marks make use of a wide variety of certification requirements. 47 processes were described. Some processes prove to be very extensive, others are more straightforward.

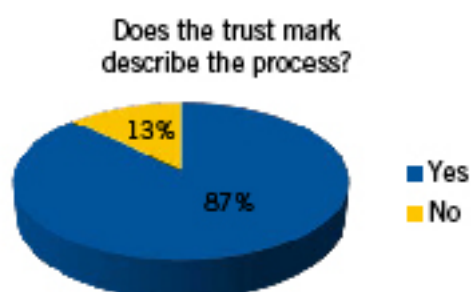


Figure 3.3

Mostly, the e-shops' application will be submitted to an auditing process that checks whether the applicant complies with the certification requirements (also called code of conduct, code of ethics, criteria). If the applicant fails in one or more aspects, he's offered the opportunity to rectify these within a certain deadline. Once he fully complies, the trust mark is rewarded.

The most common criteria for trust mark certification are:

- Payment of a membership fee
- Fulfilment of the legal requirements with regards to the applicable laws
- Compliance of the website with the technical requirements
- Development of a compliant ordering process

- Adoption of the terms and conditions set by the organisation
- Complaint management

The more certification criteria are listed, the more complex the certification process becomes and the more difficult it will be for an applicant to comply with the set certification requirements.

9 trust marks are worthwhile mentioning as they demonstrate a particular certification process or in some cases the (almost) absence of a process.

In the Netherlands, Thuiswinkel Waarborg and in Belgium SafeShops re-certify their members on a yearly basis. In France, applicants to the Fevad trust mark have a one year probation period during which they have no permission to post the trust mark's logo on their website.

In some cases, only a self-declaration is needed in order to obtain the trust mark. This is the case in France (Chamber Trust), Hungary (Veddanden!) and Malta (Trust you). The Polish applicants to Wellmark have to sign a "free of abusive" clause on a regular basis.

In Hungary, besides respecting the code of conduct and being a member, Ivsz applicants have to obtain recommendations from the other members or other participants of their respective business sectors. The process for áruküldök members is very similar.

Four trust marks do not have a certification process. In these cases, the trust mark is awarded by the consumers. In France, Fia-Net asks the consumers to fill in a satisfaction questionnaire. For all three Slovakian trust marks (Garancia "Security", Overenézakazníkmi "Verified by customers", Obchododporúčanyákazníkmi "Shop recommended by customers") the trust marks are granted based on positive consumer reviews.

### *Who is responsible for the certification process?*

The certification process can be carried out by the trust mark provider or by an independent third party. 63% of the examined trust marks providers carry out the certification process themselves. This means they have an internal audit procedure. Only 13% of the organisations call upon an external organisation to perform the certification procedure. Although, “certification by such an independent third party is considered to be a prerequisite for a trust mark”.<sup>71</sup>

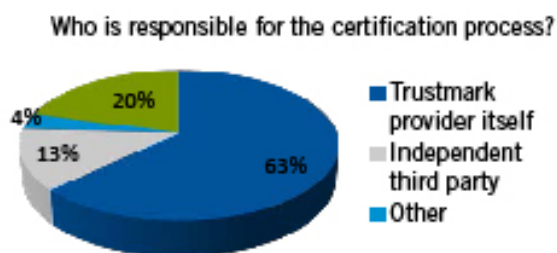


Figure 3.4

In numbers, this means that 34 organisations examine whether an applicant meets the certification requirements themselves. 7 Organisations appeal to an external organisation for the certification process. This is the case for 2 Austrian trust marks (E-Commerce Quality and M-Commerce Quality), 2 Belgian (BeCommerce and SafeShops), 2 Dutch (Thuiswinkel Waarborg and mkbOk Keurmerk) and finally one Swedish trust mark (Certifierad E-handel).

For two trust marks, neither the organisation itself, nor an external independent third assesses whether a trader meets the certification requirements or not. For the Hungarian trust mark áruküldök, the certification process proves quite particular. The applicant has to declare that he accepts the organisations Code of Ethics. Afterwards, the other members of the organisation check if the company really operates in conformity with the Code of Ethics.

### *Are there regular inspections from the trust mark or a third party?*

In order to make sure e-traders comply with the trust marks requirements at all times, trust mark providers should perform periodic inspections on a regular basis. An annual inspection is recommended and additional, unscheduled inspections should be made in case breaches of the requirements are suspected, i.e. an increased number of complaints.

32 trust marks perform or have regular inspections performed. 9 trust mark providers never re-inspect the web shops carrying their logo.

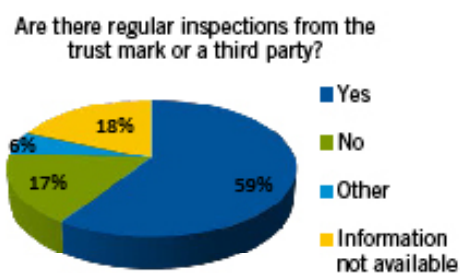


Figure 3.5

<sup>71</sup> DG for Internal Policies, A Pan-European Trust mark for E-Commerce: Possibilities and Opportunities, IP/A/IMCO/ST/2012-04, 2012, page 40. <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=75183>



As the ECC-Net project has been to provide an overall overview of several aspects, no further investigation has been made regarding inspections depth and regularity. The ECC-Net however considers this aspect a vital part of trust marks credibility towards both consumers and traders and that further investigation by i.e. the ECC-Net.

9 trust marks perform a yearly inspection:

- **German** trust marks TÜV SÜD, Trusted Shops, BoniCert and EHI-bvh,
- **French** trust marks Webcert, Trusted Shops,
- **Maltese** trust mark eshop
- **Dutch** trust marks Thuiswinkel Waarborg and Qshops Keurmerk.

2 trust mark providers perform unscheduled checks after receiving an increased number of complaints:

- **Belgian** SafeShops
- **Spanish** Confianza Online

The **Swedish** Certifierad E-Handel established a daily inspection procedure.<sup>72</sup> The certifier (Bit Security) follows all certified businesses daily. This applies both to the financial situation (bankruptcy risk, etc.) and other events relating to the certification requirements, (board changes, recommendations from the Board for Consumer Disputes, blacklists, etc.). In addition, consumers can by clicking on the label, make a complaint directly to the certifier, whereby the trust mark provider does a follow up to the requirements that relate to this.

In the **UK**, the performance of the members of Buy with Confidence is continuously monitored

via the Citizen's Advice Consumer Service and through customer feedback submitted directly to them. Also in the **UK**, Buy with Confidence members' customer satisfaction is monitored.

KeurOnline, **The Netherlands**, submits its members to a quarterly inspection.

### *What are your experiences from this trust mark?*

The reporting ECC offices express they have no experiences from 83% of the trust marks.

Do you have any experiences from this trust mark?

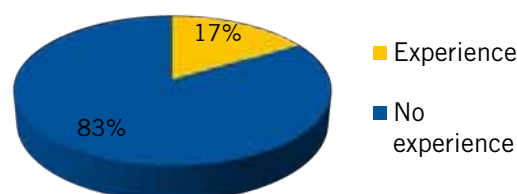


Figure 3.6

Explanations can go both ways: best case scenario, the trust marks are well functioning organisations that only award trust marks to well performing e-shops that never cause complaints. A more realistic explanation would be that trust marks are not well known by the consumers. This is confirmed by the ECC-Net web survey performed by the ECC-Net that reveals that 72% of the respondents did not know any trust mark.<sup>73</sup> That would explain the absence of complaints about trust marks within the ECC-Net.

<sup>72</sup> <http://www.ehandelscertifiering.se/varforcertifierasig.php>

<sup>73</sup> Trust marks, initial view and web survey, page 14, figure 1.2.

ECC **Denmark** has a good experience with e-mærket which states that Websites displaying this trust mark are trustworthy. The trust mark organisation solves disputes between consumers and traders within 14 days. Also the **Czech ECC** has good experiences with dOP, which will probably become the leader among the Czech trust marks.

The **Dutch ECC** states that Thuiswinkel Waarborg is a reliable and well-functioning trust mark. It is acknowledged by the EC and has an official ADR body which is part of the Foundation for Consumer Complaints Boards in The Hague. Also Webshop Keurmerk is acknowledged by the EC and has an official ADR body which is part of the Foundation for Consumer Complaints Boards in The Hague.

ECC **Norway** confirms that Trygg E-handel resolves complaints quickly. ECC **Sweden** mentions that in general the trust marks have a good reputation and that they are considered to be an important quality symbol.

ECC **Lithuania** finds that the Lithuanian trust marks are cooperative while the ECC **Estonia** states the trust mark plays no important role in Estonia. According to recent research (ordered by the Government) the trust mark "Turvalineostukoht" has no high value among traders or consumers. The trust mark is not crucial in determining whether or not consumers make a purchase. Consumers count more on the experiences of other consumers and relevant comments and ratings.





# Complaint time, cooling off period and multilingual options, report problems online



## In a legal guarantee case: Does the trust mark offer a complaint time that goes beyond the complaint time of the legal guarantee?

With regard to the trust marks investigation in the report, the majority provide consumers with complaint times in correlation with the legal requirements in their respective country (usually 2 years within the European Union):

- **Austria** (2)(Commerce Quality, M-Commerce Quality)
- **Belgium** (3)( BeCommerce, UNIZO e-commerce label, SafeShops),
- **Czech Republic** (1), (APEK)
- **Denmark** (1), e-mærket (e-maerket)
- **Estonia** (1), (Turvalineostukoht)
- **Finland** (1), (Luotettavaatoimintaa-laatumerkki)
- **France** (4), (Webcert, Fevad, Trusted Shops, eKomi)
- **Hungary** (4), (Veddaneten, Fairbusiness, ivsz, áruküldők)
- **Lithuania** (2), (ESHOPS.LT, SAUGUPIRKTI.LT)
- **Malta** (2), (eshop, Trust You)
- **Poland** (1) , (Prokonsumencki.pl)
- **Slovakia** (3), (Garancia, Overenézákaznίκmi, Obchododporúčanýzákaznίκmi)
- **Spain** (1), (Confianza Online)
- **Sweden** (2) , (Trygg e-handel, Certifierad E-handel)
- **The Netherlands** (5), (Thuiswinkel Waarborg, Webshop Keurmerk, Qshop-skeurmerk, mkbOkkeurmerk, KeurOnline)
- **United Kingdom**<sup>74</sup>(3), (Trustmark.org.uk, Buy with Confidence, Consumer Codes Approval Scheme)

<sup>74</sup> All the 3 UK-trust mark-schemes do not provide any rights beyond the statutory legal requirements. It is worth notifying that in the UK the time for the legal guarantee is 6 years and not 2 years as in many other EU countries. EU Directive 1999/44/EC states that all European Union member states must allow consumers to make a claim for faulty or misdescribed goods under their consumer rights for a minimum of two years. English law allows up to six years from the date you bought the goods and for up to five years in Scotland.

A number of trust marks have not made this information available, or have not provided enough information in order for them to be included in the questionnaire:

- **Austria** (1), (E-Commerce-Gütezeichen)
- **Czech Republic** (1), (dOP)
- **France** (2), (Fia-Net, Chamber Trust)
- **Germany** (4), (TÜV SÜD, Trusted Shops, BoniCert, EHI-bvh)
- **Greece** (1), (EPAM)
- **Ireland** (2), (Segala Ltd., Digi Sign)
- **Norway** (1), (Trygg E-handel)
- **Poland** (2), (Wellmark, Rzetelna firma)
- **Portugal** (2), (Confiança Online / Online Trust, Selo de Qualidade AEPCC)
- **Romania** (2), (Trusted.ro, ARMO)

The **French** trust mark Trusted Shops ensures the refund of the order in cases such as non-delivery of goods or non-provision of services, non-delivery of travel and identity documents by the online tour operator and cooling off over a certain time period (30, 60, 90, 120 days, according to the guarantee chosen by the buyer). This guarantee will work only if the consumer respects the time limits specified by law.

In case of a complaint against an advertising campaign, the **Spanish** trust mark Confianza Online provides a time limit. The respective campaign must have been published less than a year ago.

## Does the trust mark offer additional cooling off time?

### *Is it additional beyond legal requirements?*

According to the EU Distance Selling Directive a right of withdrawal from an online purchase exists in each Member State within a certain period of time.

33 trust marks reported that they offer a cooling off time based on the respective legal requirements:

- **Austria** (2), (E-Commerce Quality, M-Commerce Quality)
- **Belgium** (3), (BeCommerce, UNIZO e-commerce label, SafeShops)
- **Czech Republic** (1), (APEK)
- **Denmark** (1), (e-mærket)
- **Estonia** (1), (Turvalineostukoht)
- **Finland** (1), (Luotettavaa-toimintaa-laatumerkki)
- **France** (4), (Webcert, Fevad, Trusted Shops, eKomi)
- **Germany** (4), (TÜV SÜD, Trusted Shops, BoniCert, EHI-bvh)
- **Hungary** (4), (Veddanden, Fairbusiness, ivsz, áruküldők)
- **Lithuania** (2), (ESHOPS.LT, SAUGUPIRKTI.LT)
- **Malta** (1), (eshop)
- **Slovakia** (3), (Garancia, Overenézákazníkmi, Obchododporúčanýzákazníkmi)
- **Spain** (1), (Confianza Online)
- **Sweden** (2), (Trygg e-handel, Certifierad E-handel)
- **The Netherlands** (2), (Qshopskeurmerk, mkbOkkeurmerk)
- **United Kingdom** (1), (Consumer Codes Approval Scheme)

The EU Distance Selling Directive sets out minimum rights but it is open to Member States to adopt more stringent regulations. Thus there are differences in the duration of the right of withdrawal (cooling off period), i.e. the period in which you have to decide whether to keep or return a product.

Withdrawal / cooling off period – national legislation	Country
7 working days	Austria, Bulgaria, Croatia, Ireland, Lithuania, Luxembourg, The Netherlands, Slovakia, Spain, United Kingdom
7 calendar days	France
8 working days	Hungary
10 working days	Italy, Poland, Romania
13 calendar days	Iceland
14 calendar days	Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Latvia, Norway, Portugal, Slovenia, Sweden
15 working days	Malta

There is no answer available about the cooling off period concerning 17 trust marks in

- **Czech Republic** (1), (dOP)
- **France** (2), (Fia-Net, Chamber Trust)
- **Greece** (1), (EPAM)
- **Ireland** (2), (Segala Ltd., Digi Sign)
- **Malta** (1), (Trust You)
- **Norway** (1), (Trygg E-handel)
- **Poland** (3), (Prokonsumencki.pl, Wellmark, Rzetelna firma)
- **Portugal** (2), (Confiança Online / Online Trust, Selo de Qualidade AEPCC)
- **Romania** (2) (Trusted.ro, ARMO)
- **United Kingdom** (2), (Trustmark.org.uk, Buy with Confidence).

### *Extended cooling off period*

Only 4 trust marks, one in Austria (Österreichische E-Commerce-Gütezeichen) and three in The Netherlands (Thuiswinkel Waarborg, Webshop Keurmerk, and KeurOnline) exceed the cooling off period. The Österreichische E-Commerce-Gütezeichen extends the legal period from 7 working days to 14 working days. The Dutch trust marks Thuiswinkel Waarborg, Webshop Keurmerk, and KeurOnline extends the legal period from 7 working days to 14 calendar days.

### **Does the trust mark have multilingual information? If so, which language?**

Due to the fact that websites are accessible in all language areas around the world it would be useful, if trust mark operators offer their service in more than one language.

Currently just 15 trust marks in 10 European countries (**Austria, Belgium, Czech Republic, France, Germany, Hungary, Ireland, Poland, Spain and the Netherlands**) offer multilingual information in another language other than the primary language of the country where they are located:

- **English: 13 trust marks:**
  - Austria (Österreichisches E-Commerce-Gütezeichen)
  - Czech Republic (dOP)
  - France (AFNOR Certification, Trusted Shops, eKomi Ltd)
  - Germany (TÜV SÜD, Trusted Shops)
  - Hungary (Fairbusiness)
  - Ireland (Digi-Sign)
  - Poland (Rzetelna firma)
  - Spain (Confianza Online)
  - The Netherlands (Webshop Keurmerk, KeurOnline)

- **Dutch: 5 trust marks**  
Belgium (BeCommerce, SafeShops)  
France (Trusted Shops, eKomi Ltd)  
Germany (Trusted Shops)
- **French: 3 trust marks**  
Belgium (BeCommerce, SafeShops)  
Germany (Trusted Shops)
- **Spanish: 4 trust marks**  
France (Trusted Shops, eKomi Ltd)  
Germany (Trusted Shops)  
Ireland (Digi-Sign)
- **German: 3 trust marks**  
France (Trusted Shops, eKomi Ltd)  
Poland (Rzetelna firma)
- **Italian: 3 trust marks**  
France (Trusted Shops, eKomi Ltd)  
Germany (Trusted Shops)
- **Polish: 2 trust mark**  
France (Trusted Shops)  
Germany (Trusted Shops)
- **Ireland (1), (Segala Ltd.)**
- **Lithuania (2), (ESHOPS.LT, SAUGUPIRKTI.LT)**
- **Malta (2), (eshop, Trust You)**
- **Norway (1), (Trygg E-handel)**
- **Poland (2), (Prokonsumencki.pl, Wellmark)**
- **Portugal (2), (Confiança Online / Online Trust, Selo de Qualidade AEPCC)**
- **Romania (2), (Trusted.ro, ARMO)**
- **Slovakia (3), (Garancia, Overenézákazníkmí, Obchododporúčanyzákazníkmí)**
- **Sweden (2), (Trygg e-handel, Certifierad E-handel)**
- **The Netherlands (3), (Thuiswinkel Waarborg , Qshopskeurmerk, mkbOkkeurmerk)**
- **United Kingdom (1), (Consumer Codes Approval Scheme)**

For two trust marks in the United Kingdom (trust mark.org.uk, Buy with confidence,) no information on multilingualism has been available.

## Does the trust mark have multilingual service?

### *No multilingual information*

37 of the 54 trust marks reviewed do not offer any multilingual information in

- **Austria (2), (E-Commerce Quality, M-Commerce Quality)**
- **Belgium (1), (UNIZO e-commerce label)**
- **Czech Republic (1), (APEK)**
- **Denmark (1), (e-mærket / e-maerket)**
- **Estonia(1), (Turvalineostukoht)**
- **Finland (1), (Luotettavaatoimintaa-laatumerkki)**
- **France (3) (Fia-Net, Chamber Trust, Fevad)**
- **Germany ,(2), (BoniCert, EHI-bvh)**
- **Greece (1), (EPAM)**
- **Hungary (3), (Veddaneten, ivsz, áruküldők)**

### *If multilingual service is provided, what languages are included?*

Only 16 trust marks in 10 European countries offer a multilingual service in another language than the primary language of the country where they are located. These are trust marks in Austria, Belgium, Czech Republic, France, Germany, Ireland, Norway, Poland, Spain and The Netherlands:

- **English: 14 trust marks:**  
Austria (Österreichisches E-Commerce-Gütezeichen)  
Czech Republic (dOP)  
France (Trusted Shops, eKomi Ltd)  
Germany (TÜV SÜD, Trusted Shops,

BoniCert, EHI-bvh)  
 Ireland (Digi-Sign)  
 Norway (Trygg E-handel)  
 Poland (Rzetelna firma)  
 Spain (Confianza Online)  
 The Netherlands (Webshop Keurmerk, KeurOnline)

- **French: 4 trust marks:**  
 Belgium (BeCommerce, SafeShops)  
 Germany (Trusted Shops, EHI-bvh)
- **Spanish: 4 trust marks:**  
 France (Trusted Shops, eKomi Ltd )  
 Germany (Trusted Shops)  
 Ireland (Digi-Sign)
- **Dutch: 3 trust marks:**  
 Belgium (BeCommerce, SafeShops)  
 France (eKomi Ltd)
- **German: 3 trust marks:**  
 France (Trusted Shops, eKomi Ltd)  
 Poland (Rzetelna firma)
- **Italian: 1 trust mark:**  
 France (eKomi Ltd)
- **Polish: 2 trust marks:**  
 France (Trusted Shops)  
 Germany (Trusted Shops)
- **Portuguese: 2 trust marks:**  
 France (Trusted Shops)  
 Germany (Trusted Shops)
- **Catalan: 1 trust mark:**  
 Spain (Confianza Online)

### *No multilingual service*

29 of the evaluated trust marks do not offer any multilingual service. They are located in:

- **Austria** (2), (E-Commerce Quality, M-Commerce Quality)
- **Belgium** (1), (UNIZO e-commerce label)
- **Czech Republic** (1), (APEK)
- **Denmark** (1), (e-mærket / e-mærket)
- **Estonia** (1), (Turvalineostukoht)
- **Finland** (1), (Luotettavaatoimintaa-laatumerkki)
- **France** (3), (Fia-Net, Chamber Trust, Fevad)
- **Hungary** (2), (Veddáneten, áruküldők)
- **Ireland** (1), (Segala Ltd.)
- **Lithuania** (2), (ESHOPS.LT, SAUGUPIRKTI.LT)
- **Malta** (2), (eshop, Trust You)
- **Poland** (2), (Prokonsumencki.pl, Wellmark)
- **Portugal** (2), (Confiança Online / Online Trust, Selo de Qualidade AEPCC)
- **Romania** (2), (Trusted.ro, ARMO)
- **Slovakia** (3), (Garancia, Overenézákaznákmi, Obchododporúčanýzákaznákmi)
- **Sweden** (2), (Trygg e-handel, Certifierad E-handel)
- **United Kingdom** (1), (Consumer Codes Approval Scheme)

For 9 trust marks no information about a multilingual service is available.

- **France** (1), (Webcert,)
- **Greece** (1), (EPAM)
- **Hungary** (2), (Fairbusiness, ivsz)
- **The Netherlands** (3), (Thuiswinkel Waarborg , Qshopskeurmerk, mkbOkkeurmerk)
- **United Kingdom** (2), (Trustmark.org.uk, Buy with Confidence)

## Can consumers "report" problems online?

Consumer can report problems to 39 evaluated trust marks, online through different channels. These are:

- **Austria**  
(Österreichisches E-Commerce-Gütezeichen)
- **Belgium**  
(BeCommerce, UNIZO e-commerce label, SafeShops)
- **Czech Republic**  
(APEK, dOP)
- **Denmark**  
(e-mærket)
- **Estonia**  
(Turvalineostukoht)
- **France**  
(Fia-Net, Trusted Shops)
- **Germany**  
(TÜV SÜD, Trusted Shops, BoniCert, EHI-bvh.)
- **Greece**  
(EPAM)
- **Hungary**  
(Veddáneten, Fairbusiness, áruküldők)
- **Ireland**  
(Segala Ltd.)
- **Lithuania**  
(SAUGUPIRKTI.LT)
- **Malta**  
(eshop)
- **Norway**  
(Trygg E-handel)
- **Poland**  
(Prokonsumencki.pl, Wellmark, Rzetelna firma)
- **Portugal**  
(Selo de Qualidade AEPCC)
- **Romania**  
(Trusted.ro, ARMO)
- **Spain**  
(Confianza Online)

- **Sweden**  
(Trygg e-handel, Certifierad E-handel)
- **The Netherlands**  
(Thuiswinkel Waarborg, Webshop Keurmerk, Qshopskeurmerk, mkbOkkeurmerk, KeurOnline)
- **United Kingdom**  
(trust mark.org.uk, Buy with confidence, Consumer Codes Approval Scheme)

*Thuiswinkel Waarborg also deals with complaints from websites without its trust mark*

The Dutch trust mark Thuiswinkel Waarborg offers an online complaint form (for complaints or questions about web shops with their trust mark but also about web shops without their trust mark). At this stage the Thuiswinkel.org does not intervene in the matter and they directly forward the question or complaint to the web shop involved. In addition, if a consumer does not reach a solution with a trader (in case of a complaint) and he/she requests complaint mediation from the Thuiswinkel.org, there is the possibility simply to send an e-mail to the organisation.

*Possibility to report the misuse of the trust mark logo*

Webshop Keurmerk from the Netherlands offers, reporting a complaint and also the possibility of reporting misuse of the logo.

Consumer cannot report problems online to 9 trust marks:

- **Austria** (2), (E-Commerce Quality, M-Commerce Quality)
- **Finland** (1), (Luotettavaatoimintalaatumerkki)
- **France** (2), (Chamber Trust, eKomi)
- **Hungary** (1), (ivsz)
- **Ireland** (1), (Digi Sign)
- **Malta** (1), (Trust You)



- **Portugal** (1), (Confiança Online / Online Trust)

The Maltese trust mark Trust You does not provide for a report function, however consumers can lodge a complaint online with the complaint handling section of the authority (Malta Competition and Consumer Affairs Authority - MCCA).

There is no information available concerning **4 trust marks**:

- **France** (2), (Webcert, Fevad)
- **Lithuania** (1), (ESHOPS.LT)
- **Slovakia** (1), (Garancia)

With **2 trust marks** in Slovakia (Overenézákazníkmi - "Verified by customers" and Obchododporúčaná zákazníkmi - "Shop recommended by customers"), there is the possibility for consumers to write public comments regarding traders, which cannot be deleted by traders themselves. So other consumers have the possibility of seeing negative posts about certain traders.

### *Is the report function "easy to find"?*

Based on the responses to the ECC-Net questionnaire, 39 trust marks offer a report function. 26 trust marks facilitate this function so that it can be considered easy to find.

#### **26 trust marks:**

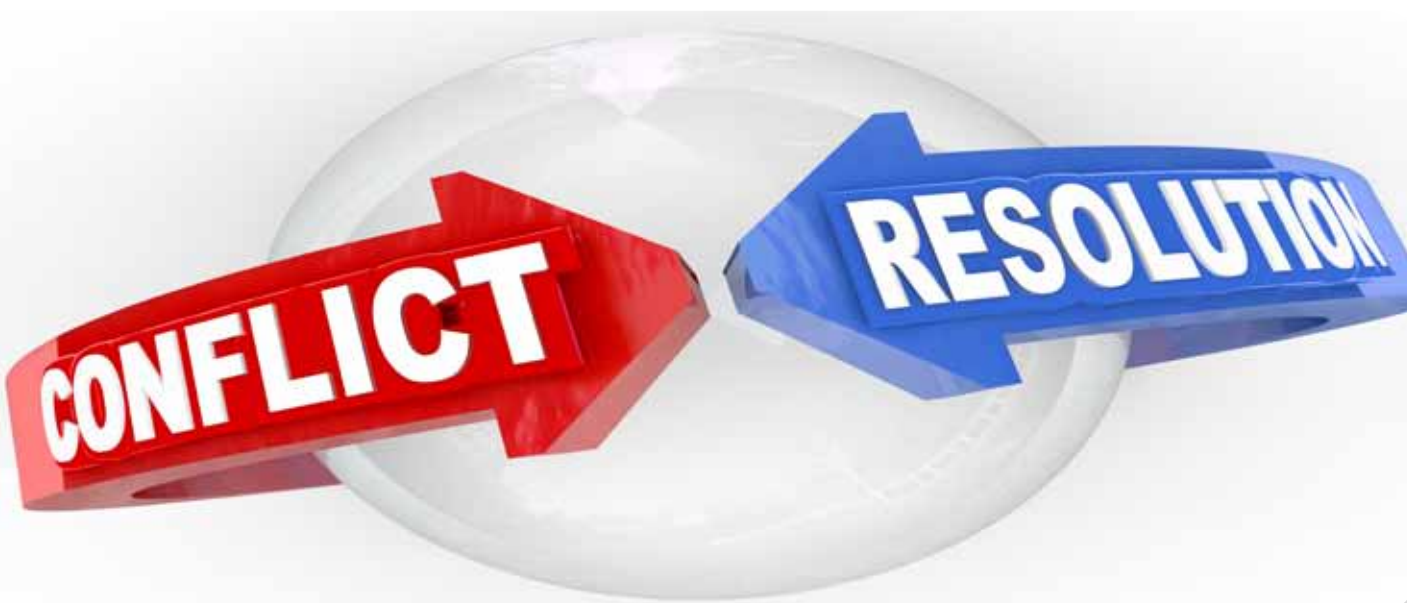
- **Austria**  
(Österreichisches E-Commerce-Gütezeichen)
- **Belgium**  
BeCommerce
- **Denmark**  
(e-mærket)
- **France**  
(Fia-Net)

- **Germany**  
(TÜV SÜD)
- **Greece**  
(EPAM)
- **Hungary**  
(Veddáneten; Fairbusiness)
- **Lithuania**  
(SAUGUPIRKTI.LT)
- **Malta**  
(eshop)
- **Norway**  
(Trygg E-handel)
- **Poland**  
(Prokonsumencki.pl, Wellmark, Rzetelna firma)
- **Portugal**  
(Selo de Qualidade AEPCC)
- **Spain**  
(Confianza Online)
- **Sweden**  
(Trygg e-handel, Certifierad E-handel)
- **The Netherlands**  
(Thuiswinkel Waarborg, Webshop Keurmerk, Qshopskeurmerk, mkbOkkeurmerk, KeurOnline)
- **United Kingdom**  
(trust mark.org.uk, Buy with confidence, Consumer Codes Approval Scheme)

Unfortunately the report function is not considered easy to find at **13 trust marks**:

- **Belgium** (2), (UNIZO e-commerce label, SafeShops)
- **Czech Republic**(2), (APEK, dOP)
- **Estonia** (1),(Turvalineostukoht)
- **France** (1),(Trusted Shops)
- **Germany** (3), (Trusted Shops, BoniCert, EHI-bvh)
- **Hungary** (1) (árúküldők)
- **Ireland** (1), (Segala Ltd.)
- **Romania** (2) (Trusted.ro, ARMO)

# ADR/ODR service, online contact possibilities



## Does the trust mark have an internal ADR service?

More than 50% of the participating ECCs answer that at least one trust mark offers an internal ADR service, or a similar service. That shows that the trust marks themselves are aware about the fact that consumers are encountering problems with online shops.

The approach, however, is differently. Some trust marks focus on an own ADR, that mediates between the online shop and the customer. This can be recognised as a customer service and might clear problems between shop and consumer at an early stage. Other trust marks act as mediators to official complaint boards, if there is any.

Nevertheless, the scope of service differs significantly from only buyer's protection for non-delivery until taking legally binding decisions. This shows that, as a result of the country's different traditions in out of court resolution and depending on the legal system, trust marks offer different services.

A number of countries have trust marks with an internal ADR:

- **Austria**  
(Österreichisches E-Commerce- Gütezeichen, E-Commerce Quality, M- Commerce Quality)
- **Belgium**  
(BeCommerce, UNIZO e-commerce label, SafeShops)
- **Czech Republic**  
(dOP)
- **Denmark**  
(e-mærket)
- **Spain**  
(Confianza Online)
- **Greece**  
(The Greek Association of Distance Selling and Direct Marketing)
- **Hungary**  
(Infomediátor Információs Társadalmi Felhasználóvédelmi Iroda)
- **Netherlands**  
(Thuiswinkel Waarborg, Webshop Keurmerk, Qshopskeurmerk, mkbOkkeurmerk, KeurOnline)
- **Poland**  
(Rzetelna firma)



### *Trust marks that offer other related services*

All five **Dutch** trust marks have an internal ADR. However, if the internal ADR fails, disputes with members of Thuiswinkel Waarborg and Webshop Keurmerk can be submitted to the Geschillencommissie Thuiswinkel or Geschillencommissie Webshop, which are independent ADR bodies at the Foundation for Consumer Complaints Boards. Disputes with members of the trust mark mkbOk Keurmerk can be reported to Geschillenonline.nl, which on the one side requires a fee for the consumer, but also gives a binding decision. The **Dutch** Qshops Keurmerk cannot give a binding decision, which on the other hand means further legal action is possible.

One of the **German** trust marks provides an internal complaint service. A service of the German trust mark safer shopping<sup>75</sup> operates as a mediator between the shop and the customer. The trust mark Trusted Shops<sup>76</sup> provides a bit less, as they offer optional buyers protection for cases of non-delivery, non-refund or credit card fraud.

The trust mark Fia-net<sup>77</sup> in **France** doesn't have a real ADR service, but as the purchaser declares the litigation, the trust mark contacts the trader. The trust mark Magyar Áruküldők Egyesülete<sup>78</sup> in **Hungary** offers a similar service.

In the **United Kingdom** the trust mark "Buy with confidence" provides mediation by Trading Standards Service. The trust mark "Consumer Codes Approval Scheme" obliges that each individual code sponsor must provide a form of formal ADR and the scheme also recognises two formal ADR providers automatically.

### *Does the trust mark have cooperation with another ADR-service?*

If a country holds an established ADR system, trust marks do cooperate with that system. If no such a system is available, another entity takes over that part.

15 countries have trust marks with cooperation with other ADR services:

- **Austria**  
(Österreichisches E-Commerce-Gütezeichen)
- **Belgium**  
(SafeShops)
- **Denmark**  
(e-mærket)
- **Germany**  
(Trusted Shops GmbH, EHI Retail Institute GmbH + Bundesverband des Deutschen Versandhandels.V.)
- **Estonia**  
(Turvalineostukoht)

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<sup>75</sup> <https://www.safer-shopping.de/unsere-leistungen.html>

<sup>76</sup> <http://www.trustedshops.de/guetesiegel/kaeuferschutz.html>

<sup>77</sup> <http://www.fia-net.com/annuaire/fonctionnement.php>

<sup>78</sup> <http://www.arukuldok.hu>

- **Spain**  
(Confianza Online)
- **France**  
(Trusted Shops GmbH)
- **Greece**  
(The Greek Association of Distance Selling and Direct Marketing)
- **Lithuania**  
(ESHOPS.LT, SAUGUPIRKTI.LT)
- **Netherlands**  
(Thuiswinkel Waarborg, Webshop Keurmerk, Qshopskeurmerk, mkbOkkeurmerk, KeurOnline)
- **Norway**  
(Trygg E-handel)
- **Poland**  
(Rzetelna firma)
- **Portugal**  
(Confiança Online)
- **Sweden**  
(Trygg e-handel)
- **United Kingdom**  
(Consumer Codes Approval Scheme)

From some trust marks no information could be gathered regarding cooperation with another ADR:

- **French**  
(eKomiLtd)
- **Irish**  
(Digi-Sign)
- **Portuguese**  
(Selo de Qualidade AEPCC)
- **United Kingdom**  
(trust mark.org.uk)

### *What kind of cooperation do the trust marks have with the ADR?*

The trust marks that are cooperating with other ADRs are mainly situated in countries

with an established tradition in out of court dispute resolution. These are:

- **Austria**  
(Österreichisches E-Commerce-Gütezeichen)
- **Denmark**  
(e-mærket)
- **Estonia**  
(Turvalineostukoht)
- **Spain**  
(Confianza Online)
- **Greece**  
(The Greek Association of Distance Selling and Direct Marketing)
- **Lithuania**  
(ESHOPS.LT, SAUGUPIRKTI.LT)
- **The Netherlands**  
(Thuiswinkel Waarborg, Webshop Keurmerk, Qshopskeurmerk, mkbOkkeurmerk, KeurOnline)
- **Norway**  
(Trygg E-handel)
- **Sweden**  
(Trygg E-handel)

Trust marks in countries without a well-established tradition in out of court dispute resolution cooperate mainly with private entities. These are namely Safe shops in **Belgium** cooperating with BDMA (Belgian Direct Marketing Association), Sirius Legal, Trusted Shops in **Germany** and **France** cooperating with Der Online-Schlichter. The German EHI Retail Institute GmbH + Bundesverbandes Deutschen Versandhandelse .V. is cooperating with Euro-Label which is a European cooperation of national trust marks. **UKs** trust mark Buy with confidence states that some business sectors are subject to statutory registration with an Ombudsman whereas **UKs** Consumer Codes Approval Scheme cooperates with Ombudsman Service Ltd and CEDR Resolve Ltd.

## Does the trust mark have cooperation with another ODR-service?

The online dispute resolution is assigned to the ADR system, as online shopping is considered a method of purchase. Therefore it's not self-evident that there is an extra ODR service at all. So, other than cooperation with other ADR services, the cooperation with other ODRs is not quite as common.

Only four countries have trust marks in cooperation with other ODR services: **Germany**, **Spain**, **The Netherlands** and **Norway**. One is planned in **Belgium**. **Portugal** states that there is no information available about cooperation of Confianza Online with an ODR, but the trader association behind the trust mark is one of the leading founders of an ODR. In **Spain** it is Confianza Online, Trusted Shops in **Germany** and Trygg E-handel in **Norway**, whereas in **The Netherlands** there is a possibility for all five trust marks to cooperate with an ODR service.

### *What kind of cooperation do the trust marks have with the ODR?*

Most ODRs are part of an official ADR. This is the case with the **Spanish** trust mark Confianza Online, the **Norwegian** Trygg E-Handel as well as Thuiswinkel Waarborg and Webshop Keurmerk in **The Netherlands**. The other three **Dutch** trust marks Qshops Keurmerk, mkbOk Keurmerk and KeurOnline are cooperating with "geschilonline.nl".

Trusted Shops in Germany and France is cooperating with Der Online-Schlichter.<sup>79</sup>

## Does the trust mark have online contact possibilities?

48 of 54 examined trust marks provide online contact possibilities, either via email or webpage.

- **Austria**  
(Österreichisches E-Commerce-Gütezeichen, E-Commerce Quality, M-Commerce Quality)
- **Belgium**  
(BeCommerce, UNIZO e-commerce label, SafeShops)
- **Czech Republic**  
(APEK – Certifikovaný obchod, dOP)
- **Denmark**  
(e-mærket)
- **Germany**  
(TÜV SÜD Management Service GmbH, Trusted Shops GmbH, BoniCert, EHI Retail Institute GmbH Bundesverband des Deutschen Versandhandels e.V.)
- **Estonia**  
(Turvalineostukoht)
- **Spain**  
(Confianza Online)
- **France**  
(Fia-Net, World Chambers Network (ICCWBO), AFNOR Certification, FEVAD, Trusted Shops GmbH, eKomi Ltd)
- **Greece**  
(The Greek Association of Distance Selling and Direct Marketing)

<sup>79</sup> <http://www.online-schlichter.de/herzlich-willkommen-auf-dem-schlichtungsportal-fuer-elektronischen-geschaftsverkehr>

- **Hungary**  
(Szövetség az Elektronikus  
Kereskedelemért Közhasznú Egyesület,  
Infomediátor Információs Társadalmi  
Felhasználóvédelmi Iroda, Informatikai,  
Távközlési és Elektronikai Vállalkozások  
Szövetsége, Magyar Áruküldők Egyesülete)
- **Ireland**  
(Segala (Privately owned company),  
Digi-Sign)
- **Lithuania**  
(SAUGUPIRKTI.LT)
- **Malta**  
(Eshop, Trust you)
- **Netherlands**  
(Thuiswinkel Waarborg,  
Webshop Keurmerk, Qshopskeurmerk,  
mkbOkkeurmerk, KeurOnline)
- **Poland**  
(Prokonsumencki.pl, Wellmark,  
Rzetelnafirma)
- **Portugal**  
(Selo de Qualidade AEPCC)
- **Romania**  
(Trusted.ro, ARMO)
- **Sweden**  
(Trygg e-handel, Certifierad E-handel)
- **Slovakia**  
(Heureka, Heureka (same organisation with two types of the trust marks),  
Najnakup.sk)
- **United Kingdom**  
(trust mark.org.uk, Buy with confidence,  
Consumer Codes Approval Scheme)



# Sanctions against non-compliant members, fee for business membership, certify/allow foreign traders



## Does the trust marks have sanctions against non-compliant members?

Does the trust marks have sanctions against non-compliant members?

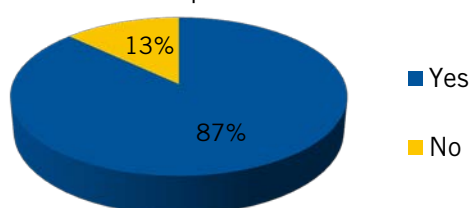


Figure 6.1

Almost all trust marks foresee sanctions against non-compliant members. Out of all answers received by the ECCs, only in **Ireland** (Segala, Digi Sign), **Czech Republic** (APEK), and in **Slovakia** there seems to be no sanction against non-compliant members.

### *If yes, what kind of sanctions has the trust mark against non-compliant members?*

In the majority of cases, the sanction consists of the suspension of the right to use/display the

logo of the trust mark/certification service and of the right to use the statute as certified or affiliated member. The suspension periods vary a lot between the different trust marks; some foresee a first “warning”. In some cases this right to display the logo and member statute can be permanently revoked.

Besides the sanctions, some country specificities are worth mentioning:

**In Austria**, in addition to the revocation, a penalty to be paid by the e-merchant is required by the Österreichische E-Commerce Gütezeichen (Euro-Label).

**In Finland**, the trust mark Luotettavaatoimintaa –laatumerkki foresees the possibility of informing the competent national authorities of the trader not respecting the code of conduct.

**In the UK**, « disciplinary » actions can be initiated by the public trust mark [trustmark.org.uk](http://trustmark.org.uk) as well as by the trust mark Buy with Confidence.

## What is needed for a member to have its trust mark certificate revoked?

In general, the revocation of the e-merchant is caused by the non-compliance with the certification criteria or the code of conduct established by the trust mark (most of the codes of conduct assume compliance with national consumer and personal data protection rules).

The trust mark certificate is generally revoked if the non-compliance remains after a warning or a previous suspension of the trust mark.

A risk of revocation also exists if the trader changes his general terms and conditions or terms of use and does not inform the trust mark even though these changes have an impact on compliance with the code of conduct or certification criteria.

The effectiveness of the sanction will depend mainly on regular inspections.<sup>80</sup>

### *Specific revocation criteria*

A few labels stand out with supplementary criteria i.e. that the e-merchant needs to cooperate with an internal or external ADR.

In **France**, the eKomi trust mark is revoked if the e-merchant falsifies the opinions or evaluation given by consumers or deletes negative feedback. It is however very delicate to prove this type of practices and therefore the risk of sanction seem quite hypothetical.

In **Hungary**, if a Fairbusiness affiliate does not cooperate with the internal ODR of the trust mark or does not follow its recommendations, the trust mark can be revoked. Another trust mark, Veddanden!, suggests as well a possible revocation in case the e-merchant does not cooperate with an ADR.

In **Denmark** also e-mærket foresees a possibility to revoke the trust mark in case of non-cooperation with an internal or external ADR. In Sweden, Certifierad e-Handel will revoke the trust mark if the merchant does not follow the recommendations of the national ADR, the « National Board of Consumer Disputes ».

In **Greece**, the Greek Association of Distance Selling and Direct Marketing (label EPAM) can revoke a trust mark if the merchant pursues an unfair pricing policy or competition infringements as with regard to other trust mark members. Even though this seems to be mainly an issue between competing traders, there is an indirect effect on consumer protection as traders will be inclined to ask for affiliation with this trust mark for competitive reasons but will have to respect the applicable code of conduct and the certification criteria. However we don't have information on the number of member companies and the variety of sectors covered etc. Eight trust marks explicitly mention that bad complaint handling or consumer complaints can trigger revocation of the trust mark rights.<sup>81</sup> Trusted Shops Germany even mentions that failure to handle customer complaints within 5 days can be a reason. However it is not possible to assess how consumers can start

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<sup>80</sup> See section Certification requirements, certification process, inspections and experiences, page 27-32.

<sup>81</sup> Trust mark applying sanctions in case of bad complaint management by the trader: M-Commerce Quality (AT), E-Commerce Quality (AT), Trusted Shops (DE), Certifierad E-handel (SE). Trust mark applying sanctions based on the numerous complaints against the trader :Áruküld k( HU ), Keur Online (NL), Qshops Keurmerk (NL), Trygg E-handel (NO), Garancia (SK)



this kind of complaint procedure or how trust mark take consumer complaints into account.

The seller's financial situation can, in a number of trust marks organisations, play a more critical role, i.e., if the seller does not pay the membership fee or if the seller is in a critical economic state (Belgium Unizo, France Trusted Shops, Hungary Veddaneten!, Germany Trusted Shops, Norway Trygg e-handel, Sweden Certifierad E-handel). Furthermore, bankruptcy is a practical problem which is hard to foresee for the consumer because you cannot assess the situation of a shop based on a website.

Also in case of bankruptcy there are a few areas of redress that actually help; i.e. sometimes credit cards can help. Trust marks which take the economic situation into account are of use to consumers in particular for those who want to buy expensive goods. Four trust marks refer to bad economic state as a reason to revoke the trust mark (German Trusted Shops, Swedish Trygg e-handel, Certifierad E-handel and Norwegian Trygg e-handel).

The German trust mark Trusted Shops offers a "money-back-guarantee" operated by Trusted Shops and an insurance company. Consumers can cover the risk of non-delivery and of non-reimbursement in case of withdrawal; in that way bankruptcy risk is covered. However, this only works for financial claims and not for warranty and is linked to registration, follow-up procedure and sometimes to a cost.

Overall it is not surprising that the breach of the trust mark's own rules is the most frequent cause for revocation. Consumer related economic/financial, legal and practical reasons also seem to play a role, which is a good approach.

## Is there a fee for business membership?

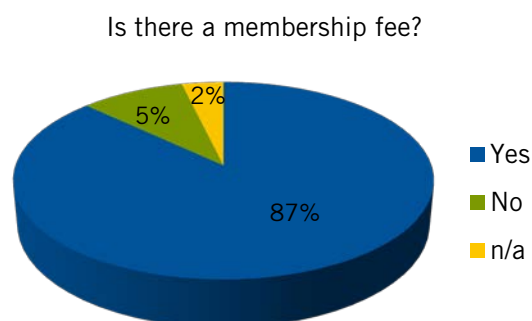


Figure 6.2

According to the results received, almost all trust marks charge a membership fee, with two exceptions: Trust You (Malta) and Obchod (Slovakia). The trust mark eshops (Lithuania) offers a free registration but additional services attract further costs.

The question "indicate the fee" was only answered for 32 trust mark (remaining trust mark info not available).

### Basis of calculation

The basis of calculation varies between trust marks and is therefore difficult to compare. However a couple of similar fees can be identified which can be applied alternatively or cumulatively (some or all of them):

- A one-time administrative registration fee (rarely applied by the trust marks),
- A fee for first certification (very frequent),
- An annual fee (required by almost all trust marks).



The amount to be paid may vary depending on whether the shop is a member of the trust mark organisation (occasionally applied by the trust marks) and/or depending either on turnover or number of employees (frequently applied) or on the type of membership, e.g. basic or pro-membership (rarely applied).

For comparison reasons, only the annual fees for non-members for the smallest type of shops have been taken into consideration. The majority of fees ranges 100-200 Euro, 20 out of 52 trust marks ask for a fee under 300 Euro p.a. The lowest fee is required by Chamber trust (**France**, 30 Euro 1<sup>st</sup> year, 18 Euro 2<sup>nd</sup> year), the maximum fee by TÜV SÜD (**Germany**, starting at 4.500 Euro p.a.).

The results are as follows (after currency conversion to Euro):

<100 Euro	5 trust marks (Chamber Trust France, eKomi France, Segala Ireland, eshop Malta, Wellmark Poland)
<200 Euro	13 trust mark (BeCommerce Belgium, APEK Czech Republic, dOP Czech Republic, Veddaneten! Hungary, ivsz Hungary, Áruküldők Hungary, Saugupirkti Lithuania, Thuiswinkel Netherlands, Webshop Keurmerk Netherlands, mkbOK Keurmerk Netherlands, Keur Online Netherlands, Confiança Online Portugal, Trusted.ro Romania)
<300 Euro	5 trust mark (SafeShops Belgium, Turvalineostukoht Estonia, Confianza Online Spain, ARMO Romania, Qshops Keurmerk Netherlands)
<400 Euro	1 trust mark (Certifierad E-handel Sweden)
<500 Euro	3 trust mark (E-Commerce Quality Austria, M-Commerce quality Austria, BoniCert Germany)
<600 Euro	2 trust mark (e-maerket Denmark, Trusted Shops Germany)
<700 Euro	1 trust mark (Trygg e-handel Sweden)
<800 Euro	1 trust mark (EHI Euro label Germany)
<900 Euro	
<1000 Euro	
1.000-2.000 Euro	1 trust mark (Fairbusiness Hungary)
2.000-3.000 Euro	1 trust mark (Trustmark.org UK)
3.000-4.000 Euro	
4.000-5.000 Euro	1 trust mark (TÜV SÜD Germany)

Bearing in mind this is the minimum annual fee; fees may rise if the company achieves a high turnover or has many employees. Also a fee for 1<sup>st</sup> certification is often added.

For explanatory purposes only, this is an example of the calculation from a **Danish** trust mark:<sup>82</sup>

1. 0-4 employees: start fee 2.250 DKK, annual subscription 5.100 DKK.
2. 5-24 employees: start fee 3.550 DKK, annual subscription 6.700 DKK.
3. 25-99 employees: start fee 5.050 DKK, annual subscription 9.300 DKK.
4. 100-249 employees: start fee 6.650 DKK, annual subscription 12.500 DKK.
5. More than 250 employees: start fee 8.250 DKK, annual subscription 16.200 DKK.

### Does the trust mark certify/allow foreign traders?

Does the trust mark certify/allow foreign traders?

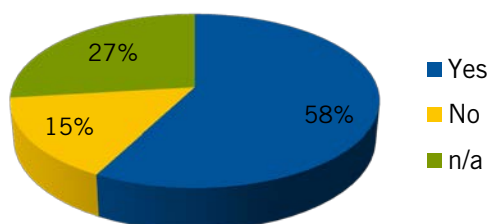


Figure 6.3

The majority of trust marks, 30 out of 52, allow foreign traders. Unfortunately for those which don't, little information is available on the reasons for exclusion. It seems that several

trust marks require the company seat to be established in their country (for example, the **Finnish** trust mark only certifies traders established in Finland, the **Hungarian** Veddanden! requires a Hungarian company registry number).

Some trust marks certify foreign traders as long as they respect certain conditions:

- The company needs to be active in the respective country (**The Netherlands** Thuiswinkel, **Malta** eshops).
- Some trust marks raise the language issue and accept communication only in the respective language (**Danish** trust mark, the **German** trust mark BoniCert only accepts German speaking countries).

### Does the trust mark certify/allow cross border-selling traders?

Does the trust mark certify/allow cross border-selling traders?

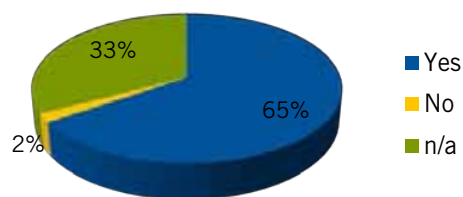


Figure 6.4

The majority of trust marks, 34 out of 54 accept cross-border selling traders.

<sup>82</sup> <https://www.emaerket.dk/>

Only the **Maltese** trust mark of the Competition and Consumers' Affairs Authority refuses as the trust mark is restricted to local operators including NGO's and service providers only.

Some trust marks certify foreign traders as long as they respect certain conditions:

- One label asks the shop to be very precise on the area of delivery: The **Romanian** trust mark [marktrusted.ro](http://marktrusted.ro) asks the seller to publicly state their area of delivery.
- The **German** EHI-bvh accepts cross-border selling traders but generally signposts shops to other partners in the respective country

(Euro-Label). However Euro-Label seems to be active in Germany, Poland and Austria only.

- The **Dutch** Webshop Keurmerk requires shops to include the following in their terms and conditions “[The terms and conditions are drawn up in the Dutch language. If the website also attracts foreign consumers, the Provider shall ensure that the terms and conditions are given in at least the English language](#)”.



# Consumer reviews



Consumer reviews in electronic commerce, are product reviews on shopping sites used to give customers an opportunity to rate and comment on products they have purchased directly on the product page, price comparison sites and in social media. This gives other consumers possibility to read these comments before making a purchase decision. Often, the company will include a URL on printed literature or e-mail marketing to invite customers to review their service after a transaction has been completed.<sup>83</sup>

The information is coming directly from customers giving comments on the satisfaction or dissatisfaction they feel with a product. Customer comments and complaints given to a company are an important resource for improving and addressing the needs and wants of the customer.

Local Consumer Review Survey 2013<sup>84</sup> about consumer attitudes to online reviews reveals that consumers tend to trust what they read, 8 out of 10 say they trust online reviews as much as personal recommendations.

In our web survey we found that consumer reviews are used frequently when shopping, 82 % reads reviews before a purchase.

Do you read consumer reviews before a purchase?

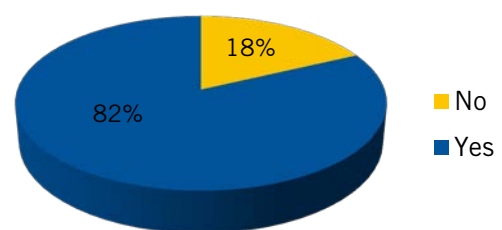


Figure 7.1

<sup>83</sup> [http://www.webopedia.com/TERM/P/product\\_review.html](http://www.webopedia.com/TERM/P/product_review.html)

<sup>84</sup> 8 in 10 Say They Trust Online Customer Reviews As Much as Personal Recommendations. <http://www.marketing-charts.com/wp/topics/viral-marketing/8-in-10-say-they-trust-online-customer-reviews-as-much-as-personal-recommendations-30686>

A study<sup>85</sup> done on consumer behaviour in France showed that 82% of the consumers declared to be influenced by comments and appreciations given by other consumers before purchasing. They are more sensitive to notes on the trader's website than on social media or forums.

It is important that consumers assess the reviews with a sceptical eye as user reviews and ratings can have a direct influence on consumers' purchasing decisions. Doubts have been expressed about their value and authenticity.

Several cases have surfaced where paid advertising was "camouflaged" as spontaneous user testimonials.<sup>86</sup> Cases of "flooding" of positive reviews that are organised by companies to counterbalance negative reviews submitted by consumers are not a rare phenomenon.<sup>87</sup>

Achieving transparency with regard to user-generated reviews and ratings is very complex, due to their subjective nature. In an attempt to guarantee the authenticity of consumer reviews, some comparison tools have put in place verification systems, requiring for example consumers

to register with a valid e-mail address prior to submitting a review or to provide a product code in order to review a purchased item. They also apply technical protection measures against automated reviews. Such measures raise questions for consumers wishing to use the service while preserving their anonymity. The challenge is to find a balance between an efficient system for collecting user reviews and an effective control mechanism to avoid abuse.<sup>88</sup>

Fake reviews are likely to be illegal under consumer protection legislation,<sup>89</sup> but are tempting for some companies to produce. Here, it is important to mention the blacklist on Unfair Commercial Practices.<sup>90</sup>

Research has found that reading three negative reviews is enough to change the mind of 63% of consumers about making a purchase.<sup>91</sup>

Fighting fake reviews by naming companies found to be doing it on a blacklist might be a way to deal with the problem.

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<sup>85</sup> Article, 9 internautes sur 10 préparent leurs achats sur internet, 9th barometer on the purchasing behavior of Internet users by Médiametrie, <http://www.mediametrie.fr/internet/communiqués/9-internautes-sur-10-preparent-leurs-achats-sur-internet.php?id=888#.Ui3YOj91j2l>

<sup>86</sup> This was discussed during EU Consumer Summit 2013: Europe joining forces to enforce consumers' rights, Result of the multi-stakeholder dialogues, Comparison Tools Report, [http://europa.eu/rapid/press-release\\_IP-13-228\\_en.htm](http://europa.eu/rapid/press-release_IP-13-228_en.htm)

<sup>87</sup> Comparison Tools Report from the Multi-Stakeholder Dialogue Providing consumers with transparent and reliable information, page 22, [http://ec.europa.eu/consumers/documents/consumer-summit-2013-msdct-report\\_en.pdf](http://ec.europa.eu/consumers/documents/consumer-summit-2013-msdct-report_en.pdf)

<sup>88</sup> Ibid.

<sup>89</sup> EU Directive 2005/29/EC on Unfair Commercial Practices range unfair business practices, such as providing untruthful information to consumers or using aggressive marketing techniques to influence their choices. Its legal framework is proving well suited to assess the fairness of the new on-line practices that are developing in parallel with the evolution of advertising sales techniques. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:149:0022:0039:EN:PDF>

<sup>90</sup> [http://ec.europa.eu/consumers/cons\\_int/safe\\_shop/fair\\_bus\\_pract/ucp\\_en.pdf](http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/ucp_en.pdf)

<sup>91</sup> [www.channelnews.com.au/...and.../J9T6N5R7.asp...](http://www.channelnews.com.au/...and.../J9T6N5R7.asp...)



How much can one trust a review on an independent website that gives a positive account of a company's product or service? Concrete details can reveal a fake review, such as:

- Reviews that provide abstract narratives about a product or service, instead of in-depth descriptions of the quality.
- Checking the user's profile on review websites to get an indication of which other reviews the user has written.
- Reviews written as if they seem to be translated from a foreign language.
- Has the reviewer's purchase been confirmed, some companies have ways to confirm whether a customer who left a for a product has indeed purchased it.

A study shows that 4 in 10 respondents (38%) say a single negative comment online can dissuade them from making a purchase and 51% say non-branded blogs or social media made them change their mind about a product or service they had intended to buy.<sup>92</sup>

Consumer reviews can be a good tool if they are used sensibly and are valued properly. It is important that consumers learn how to handle them, in order to use the information as an aid to contribute to underpinning conscious purchases, both national and cross-border.

Assessing the fact that this area must be considered to be growing fast, it is the opinion of the ECC-Net that there is a need to further look into, assess and evaluate how this tool for raising consumer awareness and confidence

doesn't spin out of control and mislead, rather than guide, consumers in the future. The ECC-Net considers several aspects that are in need of assessment from consumer, trader and consumer review-sites points of view i.e.:

- Flooding
  - False reviews creating boosts in individual traders rating, ranking and/or visibility on the review web site. Furthermore, rival traders leaving negative reviews regarding the competition in order to lower their rating, also constitutes a possibility regarding this aspect.
- Removal or editing of negative reviews
  - Traders' possibilities to remove, or pay for removal of, negative reviews in order to improve its rating.
- Traders' possibilities to respond to negative reviews and assess their credibility and grounds.
- General transparency regarding reviews and their validity, considering that the review is created by someone with an individual experience from the trader.

In the view of the ECC-Net, consumer reviews cannot, until the above mentioned and other aspects are thoroughly investigated, be considered established and valid ground for making well informed and conscious choices online and thereby increasing the overall EU-consumer confidence.

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<sup>92</sup> Havas Worldwide global Consumer study of more than 10,000 people, Digital and the New Consumer: Emerging Paths to Purchase. Vol. 16, 2013 [http://digital.edition-on.net/HavasWorldwide/Digital\\_and\\_the\\_New\\_Consumer.html](http://digital.edition-on.net/HavasWorldwide/Digital_and_the_New_Consumer.html)

# Recommendations



## Recommendations

It is clear that a trust mark must, in order to achieve its purpose, be well known amongst both traders and consumers. On an international level, trust marks have a challenging task ahead of them, should they wish to attract consumers shopping cross border to their member companies' websites. The project's December shopping web survey indicates that consumers today lack the knowhow to determine whether the website they intend to purchase from is a member of a trust mark, or how to assess the scope of additional protection the trustmark offers and furthermore if the trust mark displayed represents a genuine organisation. This is not to say that recognizing a trustmark on some trader's website will not influence their decision to buy there.

If consumers generally lack knowledge of trust mark organisations, what they stand for and what differences the existence of a trustmark might make to their purchase, the measures taken to enhance the trust marks schemes'

reputation need to be determined between the trust mark and its members. The need for trust mark organisations to promote themselves and their members towards consumers becomes greater with each indicator illustrating increasing cross border e-commerce within the internal market.

## A good trust mark - aspects and criteria

A good trust mark should bring added value to consumers. A trust mark that only requires that its members follow terms already established by consumer legislation does not provide additional benefits to the consumer. In this case it merely plays the role of pointing out the wrongdoings of unserious traders. In order for a trust mark to be a "consumer friendly quality mark", it is necessary for trust mark organisations to have member criteria that exceed European and national legislation. From the ECC-Net point of view, a number of criteria give a trust mark the "added value" beyond the legal requirements that companies are forced to meet anyway.



- **Compliance with legislation**

In order to be trustworthy, minimum criteria cannot be neglected and there is a basic requirement for trust mark members to comply with European and national legislation.

- **Compliance with ADR/ODR decisions**

As alternative dispute resolution and online dispute resolution must be considered as vital and effective aspects of the European consumer area today, the need for traders to promote and respect such processes is crucial to heighten consumer cross border confidence and handling of occurring problems. It should be a basic requirement that trustmark members participate in the ADR process and follow their decisions or recommendations, especially as the European Union has set the keystones for ADR soon becoming a reality in all consumer sectors.<sup>93</sup>

- **Member-checkups**

As most trust marks do regular controls of their members, this must be considered an aspect that often does not need to be established but instead improved. As e-commerce increases rapidly and changes in European and national legislation might affect the legal requirements, the need for frequent, regular and random checkups cannot be underestimated, both from a consumer perspective and from a trust mark reputational point of view.

Furthermore, as the term “checkups” can be interpreted broadly, they should at least involve the mentioned aspects as well as financial indicators, solvency, compliance and cooperation with national authorities and ADR schemes.

One of the risks of performing checkups through internal processes is that criticism could arise as to whether the inspections are thorough enough, performed properly and unbiased. This could be resolved by imposing exclusively, or partially, external checkups of members, so as to ensure the validity and the high standards of the trust mark. Furthermore, transparent and clear rules for checkup procedures would further add value to this aspect.

- **Cooling off time/Complaint time**

Offering extended cooling off and complaint times for consumers would be considered both consumer friendly and indicate that the traders sell quality products and are willing to take responsibility if something goes wrong. The report shows that only a few of the evaluated trust marks offer an extended cooling off period.

- **Multilingual information and service**

As cross border e-commerce increases, trust marks must recognise that more foreign consumers shop from the websites of their members, and multilingual information and service become increasingly important factors, both from a consumer and trader perspective.

- **Cross-border services**

Closely related to the above-mentioned factors, it is evident that cross border service would increase the standard of both the trust marks and its members.

- **Blacklist**

Recognizing that trust marks are meant to promote consumer confidence and security when shopping online, it is just as important that both members who comply and members

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<sup>93</sup> DIRECTIVE 2013/11/EU on alternative dispute resolution for consumer disputes (Directive on consumer ADR) and REGULATION (EU) No 524/2013 on online dispute resolution for consumer disputes (Regulation on consumer ODR)

who fail to comply are highlighted. This aspect becomes closely related to the above mentioned checkups, in order to ensure that a formerly certified trader no longer gives consumers the impression of offering the high standard the trust mark demands by removing the logo from its website.

- **Secure handling of information/secure payments**

In order to meet the demands of consumers today regarding the handling of confidential and sensitive information, trust marks should ensure that their members establish secure ways of dealing with these issues. This aspect should cover both personal data handling as well as ensuring secure payments methods for consumers.

## **Certifications, sanctions and cooperation**

A consumer who understands what demands are placed on a trader which is member of a trust mark also has the capability to assess the trustworthiness of the trader. However, as this report has illustrated, it can be more or less difficult to find information about the certification processes and demands placed on applying traders. In some cases, only a self declaration is needed in order to obtain the trust mark, while others are provided through an internal auditing procedure, by a third party certification or based on consumer reviews. It is therefore important that traders that have a trust mark on their website also provide easy accessible information that describes the certification process and the demands that follow the awarding of the trust mark.

The misuse or non-compliance of members of a trust mark must, if the trust mark is to be considered trustworthy, result in more than just the removal of the right to use the trust mark logo. In the ECC-Net recommended criteria for trust marks, the aspect of blacklisting is

mentioned as a sanction. However, there must be a process ensuring that traders are informed of their non-compliance to allow them to correct relevant aspects. As the goal of this process is not to automatically punish the trader, but to warn him, provide information and help him to respect the law and consumer protection standards, fines and warnings can also be powerful tools for compliance.

As trust mark schemes are an initiative separate from national authorities and legislative demands, there is a risk of double or parallel work, if there is no cooperation or information exchange. Since both stakeholders share a desire to ensure consumer friendly, law abiding and fair commercial practices, cooperation between trust mark organisations and authorities should be a natural result.

The ECC-Net looks positively on this and assumes that the ECC-Net, with its unique position in cross border commerce and its expertise in consumer protection issues throughout the EU, also can be useful in this cooperation for the better protection of consumer interests.

## **ADR/ODR**

As mentioned earlier, cooperation with ADR/ODR is an important feature which a trust mark should ensure that its members observe. Through this report, the ECC-Net considers that trust marks should require members to:

- **Provide on the trust marks' websites and on the traders' websites an internal complaint handling system where consumers can address their problems with a certified trader.**
- **Provide clear and transparent information on how the internal complaint process works.**

- Provide information about external ADR/ODR schemes the consumer can turn to.
- Provide information about the scope and procedure of this external ADR scheme. Because the scope and procedure of ADR possibilities differ so greatly from each other, the consumer has to be made aware which ADR scheme the trust mark is cooperating with in order to make an informed decision.
- Ensure that the above mentioned information is available in other languages so that foreign consumers may also profit from the additional security a trust mark with internal complaint management or submitting itself to the cooperation with an external ADR/ODR has to offer.

## The need for uniform practice

To consumers, trust marks are a jungle. Provided that the consumer shopping cross border even notices that different trust marks exist in the country of the trader, it cannot be expected that the consumer will obtain enough knowledge regarding the trust mark to know if shopping from a trader related to that trust mark is a more secure purchase than from a non-member trader. There is currently no conformity between the vast numbers of organisations within the Internal Market that offer trust marks to traders.

As it is not reasonable to assume that consumers will adapt their shopping to use trust mark members as a starting point, there is a need to find a way to make it easier for consumers. If uniform rules/code of criteria for trust marks were to be developed on a European level, the distinction might be easier to make for consumers. Such a code of conduct would then establish which minimum criteria all trust marks must

establish for their members, in order to be active on the internal market, allowing consumers shopping online to simply trust traders carrying the trust mark logo. Various business associations could tentatively collaborate to achieve this comprehensive solution.

The ECC-Net considers this project to create an overview of the European trust marks and to summarise the vital information for consumers in an easily accessible way, to be an indicator of what the current situations and problems are. The ECC-Net also believes that the aspects highlighted in this report can create awareness of the consumer aspects of trust marks. Although a large number of positive aspects have been recognised through this report, it is the view of the ECC-Net that work still needs to be done, in order for trust marks to fulfill the important task of providing the good commercial practices that they strive for, and which the consumers of Europe shopping cross border today need and want.

Trust marks should be known and understandable by all consumers shopping in the internal market, a sign that gives buyers security and confidence when shopping online.

Regarding the closely related consumer reviews, it is the clear view of the ECC-Net that this needs further investigation and analysis. It is to the ECC-Net clear that consumer reviews and trust marks are two areas which have the possibility to become combined and powerful tools for establishing good commercial practice alongside consumer confidence and consumer involvement.

## Annex I

### Trust mark Questionnaire 2013

<b>ECC-office:</b>	
<b>Contact person at the office:</b>	
<b>Questionnaire answered by:</b>	

#### Part 1

1. Do you have any trust marks (besides the ones mentioned in attached files) registered in your country?

Alternatives: Yes/No/I don't know/Information not available

2. What trust marks are active in your country?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

3. Does your office receive questions about trust marks?

Alternatives: Yes/No/I don't know/Information not available

4. Does your office have a cooperation with any trust mark(s)?

If yes, describe the cooperation.

#### Part 2

Information regarding individual trust mark listed in part 1.

1. Organization behind trust mark:

2. Contact information:

3. Online list of quality criteria?

- If yes, link:

(please also add if the link was easy to find)

- In what language(s) is the information available?

4. Are the quality criteria merely the provisions that the national law demands or do the criteria exceed these?

<b>5. If so, in what way?</b>
<b>6. What added values, such as “money back-guarantees” or other values does the trust mark offer?</b>
<b>7. What complaint time do they offer?</b> <i>(additional beyond legal requirements?)</i>
<b>8. Additional cooling off time?</b> <i>(additional beyond legal requirements?)</i>
<b>9. Multilingual information?</b> If so, what languages?
<b>10. Multilingual service?</b> If so, what languages?
<b>11. Does the trust mark have an internal ADR-service?</b>
<b>12. Does the trust mark have a cooperation with another ADR-service?</b> If yes, which one? (What kind of cooperation?)
<b>13. Does the trust mark have a cooperation with another ODR-service?</b> If yes, which one?
<b>14. Does the trust mark have online contact possibilities?</b>
<b>15. Can consumers “report” problems online?</b>
<b>16. Is the report function “easy to find”?</b>

17. Does the trust mark have a “black list”? If yes, link:
18. Does the trust marks have sanctions against non-compliant members? If yes, what kind of sanctions?
19. What is needed for a member to have its trust mark certificate revoked?
20. Is there a fee for business membership? If yes, describe the fee(s)
21. Does the trust mark certify/allow foreign traders?
22. Does the trust mark certify/allow cross border-selling traders?
23. Are there certification requirements? If so, describe the process
24. Who is responsible for the certification process?
25. Are there regular inspections from the trust mark or a third party?
26. What are your experiences from this trust mark?
27. Additional comments:

## Annex II

### Trust mark web survey 2013

Total:	Age
Man:	18-25:
Woman:	26-55:
	56 +:

Do you know what a trust mark is?	
No	
Yes	
Total	
Do you know any trust mark?	
No	
Yes	
Total	
Do you look for trust mark when shopping online?	
No	
Yes	
Total	
Why?	
They give me confidence in shopping from that trader	
The trader comply with consumer legislation	
The trader has a good complaint handling service	
The trader has secure payment methods	
The trust mark may provide help if there are problems later	
Other, specify below:	
Total	
Why not?	
I do not know how to identify a trust mark when shopping online	
It is not important for my decision to buy online	
Other, specify below:	
Total	
Do you trust a company which has a trust mark label on their site?	
No	
Yes	
Total	
Why not?	
I do not rely on the trust mark provider (or trust mark providers)	
I don't know what criteria's are needed for getting the trust mark or if they are evaluated	
Trust mark features are difficult to access or are insufficient	
Other, specify below:	
Total	
Is it important that the company has a trust mark?	
No	
Yes	
Total	
Do you read consumer reviews before a purchase?	
No	
Yes	
Total	



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