



# Enabling sustainable e-commerce for European consumers

Policy recommendations to foster greater consumer  
choice in sustainable online shopping

## Introduction

**For 25 years, eBay has enabled millions of consumers and businesses to give a second life to goods.** Whether through individuals selling items online that they no longer need, or by facilitating online access to spare parts for repair, eBay can be considered a key player in the circular economy.

As we collectively take conscience of the climate challenge ahead, consumers move towards more sustainable online shopping options. According to eBay data, the number of search queries for "sustainable" and "environmentally friendly" offers has increased by almost 100 percent from 2018 to 2019.

**During the economic recovery from Covid-19, European SMEs will have a great interest and opportunity in responding to the ever-growing demand for second-hand, refurbished, repurposed, ecodesigned or repairable goods.** The ability for them to count on a stable, protective and clear legal framework in this context will be crucial.

In 2019, the European Union adopted the "New Deal for Consumers", an ambitious reform to improve trust and transparency for consumers in the Digital Single Market era. While this legislation has yet to be implemented in many Member States, some measures, included either directly in consumer law or in other parts of legislation may help foster a larger supply in sustainable options for consumers, as well as more consumer trust in these options.

## Improve access to relevant product information

### Create a flexible EU standard for product sustainability information

- New environmental product information should be made easily accessible on all channels and devices that consumers regularly use. According to Ecommerce Europe<sup>1</sup>, mobile app penetration in the EU during 2021 among online marketplaces was around 75%. Thus, such environmental information shall hence fit on mobile devices.
- In the EU, SMEs that use eBay export to an average of 21<sup>2</sup> markets every year. To support international activity, SMEs must be able to rely on a European harmonized yet flexible standard for providing consumers with information on product durability, repairability, energy consumption and other eco-design characteristics. The EU Commission should take the lead on drafting such a standard to avoid national initiatives that further fragment the EU Single Market.
- Such a standard would also help online marketplaces in efficiently relaying the information to the end-consumer and competent authorities in controlling compliance from sellers.

### Ensure legal protection of the retail chain against manufacturer's infringements

- As consumers increasingly expect to be comprehensively informed on a product's environmental qualities, legislation should remain clearly aimed at the operator in control of these elements, namely, the product's manufacturer. In the event of a consumer dispute, a seller should therefore benefit from a legal protection against a manufacturer (or supplier / distributor) having provided inaccurate or incomplete product information.
- Most online resellers are SMEs with little capacity to engage in legal conflicts with manufacturers. Policymakers should support SMEs against harm from inaccurate product information, for example by providing specialized B2B mediators.
- This protection should also be enforced at a every stage of the contractual chain (manufacturer, distributor, seller), in particular if it is decided to connect the period of legal guarantee with that of the product's expected lifespan (which although determined by the manufacturer, would be shouldered by the seller via the guarantee).

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<sup>1</sup> [2021 European E-commerce Report](#)

<sup>2</sup> [European Union Small Online Business Trade Report, November 2020](#)

# Build trust into emerging sustainable trade options

## Create a harmonized legal framework for refurbished products

- Refurbished products are in fast-growing demand, especially in the tech and parts sector.
- Recently, eBay conducted a survey which showed that 78% of European small business sellers using our marketplace had sold non-new items, with second-hand and Harmonized refurbished items representing 52% of their sales. The survey also points to sustainability and less impact on the environment as the top motivation for eBay sellers of non-new items in Europe<sup>3</sup>.
- Therefore, more ambitious measures are needed for the development of the second-hand market within European ongoing legislative initiatives such as the Sustainable Products Initiative and the General Product Safety Regulation legislation. There are good opportunities for the EU to lead a coherent legal framework by defining “refurbished products”, their quality standards and corresponding contractual rights for responding to consumers’ expectations.

## Foster a healthy repair market

### Create accessible, affordable and proportionate repair options for European consumers and SMEs

- Repair should be an accessible and affordable option for both consumers and sellers. Consumers should be enabled to repair their goods when needed, while sellers should have an easy way to cover for consumers’ demands under a product’s legal guarantee.
- Facilitating repair relies on better design of products for durability and repairability, but also better availability of spare parts, access to repair services and maintenance information, including for small online sellers.
- Moreover, repair services for EU consumers should be promoted in a balanced way with regards to the legal and commercial guarantees attached to products. On the one hand, consumers should be enabled to repair without the risk of losing guarantee on the product. As such, a balance should be found between manufacturers’ IP rights and consumers’ experience in favour of facilitating access and raising competition on a growing market. On the other hand, the burden of repair under guarantee should remain proportionate in particular for small sellers, avoiding consumer abuse and leaving flexibility to assess case-by-case whether the best option, both from an environmental and economic point of view, is to repair or replace a given product.
- Finally, safety requirements for placing repaired or refurbished products back on the market should be balanced and proportional to promote the growth of the second-hand market, support businesses and small independent repairers, and provide more sustainable options to consumers.

## Safeguard the inclusiveness of e-commerce

### Focus on positive incentives for better access to sustainable consumption

- The emergence and growth of e-commerce over the past two decades has provided consumers located in remote or otherwise traditionally underserved areas with access to a greater variety of products at more affordable prices.
- Legal limitation of return policies or delivery options should therefore be avoided, as they could turn sustainable online shopping into a privilege for urban and upper-class populations. Examples such as penalizing the use of home delivery in favour of pick-up points are not guaranteed to work in rural areas. More evidence-based research is needed to compare the environmental footprint of online versus in-store shopping, taking into account all types of consumers, shopping areas and available means of transport.
- Positive incentives to sustainable consumer behaviors should therefore be the focus of policymaking in the area.

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<sup>3</sup> [Report: eBay and the Circular Economy, November 2021](#)

# Increase waste management options for consumers

## **Simplify Extended Producer Responsibility compliance for SMEs**

- The revision of the Waste Framework Directive is an opportunity to create a single market for waste. The legislation needs to be aligned to the upcoming Sustainable Products Initiative in terms of definitions but also to promote a pan-European system that facilitate tools to businesses for compliance and reduce languages barriers.
- Furthermore, Extended Producer Responsibility rules and obligations are currently made very complex for Internet-enabled SMEs. Maximum harmonization, digitization and simplification (also with an increased role of producers' schemes) should be applied to the European EPR framework as a priority, even before considering broadening it. A larger number of compliant SMEs would eventually lead to better access to waste management options for consumers, such as take-back in accessible collection points.