



POLICY ACTION FRAMEWORK: IMPROVING PRODUCT SUSTAINABILITY INFORMATION IN E-COMMERCE

**CONSUMERS INTERNATIONAL AND THE INTERNATIONAL
INSTITUTE FOR SUSTAINABLE DEVELOPMENT**



CONTENTS

Executive Summary	4
Introduction	5
The Need for Change	5
Methodology.....	6
Understanding Product Sustainability Information.....	7
How to Read the Report	7
Core Action 1.....	9
Core Action 2.....	18
Core Action 3.....	23
Core Action 4.....	30
Core Action 5.....	35
Supporting Action 1.....	39
Supporting Action 2.....	41
Supporting Action 3.....	44
References.....	47

ABOUT CONSUMERS INTERNATIONAL

Consumers International is the membership organisation for consumer groups around the world.

We believe in a world where everyone has access to safe and sustainable goods and services.

We bring together over 200 member organisations in more than 100 countries to empower and champion the rights of consumers everywhere. We are their voice in international policy-making forums and the global marketplace to ensure they are treated safely, fairly and honestly.

We are resolutely independent, unconstrained by businesses or political parties. We work in partnership and exercise our influence with integrity, tenacity and passion to deliver tangible results.

ABOUT THE INTERNATIONAL INSTITUTE FOR SUSTAINABLE DEVELOPMENT

The International Institute for Sustainable Development (IISD) is an award-winning independent think tank working to accelerate solutions for a stable climate, sustainable resource management and fair economies.

Our work inspires better decisions and sparks meaningful action to help people and the planet thrive. It affects lives in more than 100 countries in the world. We shine a light on what can be achieved when governments, businesses, non-profits, and communities come together.

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EXECUTIVE SUMMARY

Achieving sustainable consumption is vital to addressing the global environmental crisis and meeting the United Nations Sustainable Development Goals. The size of the sustainable consumption challenge – trillions of products produced in millions of locations and sold to billions of consumers – requires a tectonic shift in established approaches among consumers, retailers, and manufacturers.

Two trends offer an opportunity to accelerate this shift. The first is the growing number of consumers worldwide who are concerned about their environmental footprint and are willing to change their consumption habits to be more sustainable. The second is the significant growth of e-commerce, which will continue reshaping consumption worldwide after the Covid-19 pandemic.

Policymakers can realize e-commerce's potential to accelerate sustainable consumption by supporting the provision of clear and reliable product sustainability information online. This is important for three main reasons:

- Products more than e-commerce operations are where the most significant environmental impacts lie.
- Insufficient sustainability information about products sold online is a critical barrier to sustainable consumption.
- Consumers' basic rights are at significant risk due to the increase in misleading sustainability claims made about products sold online.

This report sets out five core actions for policymakers who regulate product sustainability information. Some of the actions apply also to physical shopping, but the focus is online.

- **Core Action 1** is to set requirements for product sustainability information. This is a key step to guarantee the provision of comprehensive and standardized product sustainability information to consumers, both in shops and online.
- **Core Action 2** is to clarify the responsibilities of different actors to ensure compliance with information requirements. This is particularly relevant in complex online environments, where consumers are often unaware of who they are dealing with.
- **Core Action 3** is to encourage sustainable consumption behaviours in e-commerce, drawing on insights from behavioural science. This includes ethical considerations around digital privacy and transparency.
- **Core Action 4** is to strengthen the reliability of sustainability labelling schemes. These help consumers to find products that comply with certain sustainability criteria, and regulation has a role in ensuring best practices are followed.
- **Core Action 5** is to combat misleading sustainability claims. Both consumer authorities and legislators need to protect consumers from this urgent and growing risk, which is contributing to consumer scepticism.

The five core actions are complemented by **three supporting actions**: to educate consumers, to enhance consumer law enforcement, and to set up a coherent policy framework.

Together the eight actions are a whole-system approach to improving product sustainability information for online consumers. The suggested policy actions are not mutually exclusive, and

governments can tailor policies according to their own policy priorities, needs, objectives, and implementation capacity.

INTRODUCTION

THE NEED FOR CHANGE

Achieving United Nations (UN) Sustainable Development Goal 12 – responsible consumption and production – is key to tackling the global climate, biodiversity, and pollution crises. Yet it remains one of the most neglected by policymakers worldwide: by 2020, only 82 countries developed, adopted or implemented policy instruments to support the shift to sustainable consumption and production (UN Environment Programme [UNEP], 2022). Moreover, research by Consumers International and the International Institute for Sustainable Development (IISD) suggests that more policies have been developed worldwide to address sustainable production than sustainable consumption (Consumers International and IISD, 2023).

The size of the consumption challenge – trillions of products, produced in millions of locations and sold to billions of consumers – calls for ambitious action. The International Panel on Climate Change (IPCC) Sixth Assessment Report suggests that 40% to 70% of future greenhouse gas emission reductions can be achieved by demand-side interventions (IPCC, 2022). Only a tectonic shift in established approaches can break engrained behaviours and practices among consumers, retailers, and manufacturers.

Growing numbers of consumers worldwide are concerned about their environmental footprint and are willing to change their consumption habits to be more sustainable (GlobeScan, 2021; IBM and National Retail Foundation, 2022; PricewaterhouseCoopers, 2021; Pew Research Center, 2021). But many are yet to transform this intention into action.

A key cause of the intention-action gap is related to information, including: a lack of comprehensive and comparable product sustainability information; a proliferation of misleading or unreliable claims; information overload; ineffective information delivery; and consumers' lack of understanding of such information (Consumers International and IISD, 2023).

Given that a growing proportion of consumption will take place through online interfaces, e-commerce can be one of the triggers of a transformative shift to more sustainable consumption patterns. Online shopping has grown significantly in recent years. Accelerated by the Covid-19 pandemic, e-commerce's global share of total retail sales is predicted to rise to 23.6% by 2025 from less than 18% in 2020 (eMarketer, 2020).

The digital environment offers new opportunities to convey product sustainability information to the consumer effectively. Recent field data already suggests that sustainability-marketed products outperform conventionally marketed products by a greater margin online than in shops (Kronthal-Sacco and Whelan, 2021). There is scope for e-commerce to deliver information in ways that critically alter online shopping decisions, supporting more sustainable choices while building consumer trust and understanding.

To grasp the opportunity for change, Consumers International and IISD implemented a joint research project to identify and develop policy actions that empower online consumers to make more sustainable choices. Some of the actions apply also to physical shopping, but the focus here is online retailing given its unique opportunities. The policy actions are about the provision of sustainability information on products because their embedded environmental footprints significantly increase the impact of e-commerce operations (Environmental Defense Fund, 2020; Ivanova *et al.*, 2015).

Box 1. A vision of a future online marketplace

An online marketplace where consumers can easily access comprehensive, standardized product sustainability information. This can be achieved if policymakers:

- Set requirements for product sustainability information (**Core Action 1**).
- Allocate responsibilities for providing product sustainability information (**Core Action 2**).
- Promote a coherent policy framework for sustainable consumption (**Supporting Action 3**).

An online marketplace that supports consumers to choose more sustainable products. This can be achieved if policymakers:

- Encourage sustainable consumer behaviours in e-commerce (**Core Action 3**).
- Promote consumer education and awareness about product sustainability (**Supporting Action 1**).

An online marketplace free of greenwashing. This can be achieved if policymakers:

- Combat misleading sustainability claims (**Core Action 5**).
- Strengthen enforcement of relevant consumer law (**Supporting Action 2**).
- Ensure liabilities for sustainability claims are unambiguous in online settings (**Core Action 2**).
- Strengthen reliability of sustainability labels (**Core Action 4**).

METHODOLOGY

This report proposes five core and three supporting actions to transform consumer sustainability information, with a focus on e-commerce. The actions were developed from the project's research, which included:

- **A review of literature**, which analysed consumer attitudes, needs, and behaviours in relation to product sustainability information in e-commerce.
- **A review of policies** concerning consumer protection, digital shopping, and product sustainability information, with a special focus on seven different jurisdictions to illustrate the key trends and policy issues. The review covered relevant developments in the European Union (EU), Chile, the People's Republic of China, India, Morocco, the Republic of Korea, and South Africa.
- **Multi-stakeholder roundtables**, which convened 77 individuals representing more than 30 countries to unearth new thinking and identify areas of tension and alignment.

- An **online survey** answered by 44 experts, which was used to test potential policy options and approaches.

Relevant findings from the research and online survey are included in the footnotes throughout this report.

UNDERSTANDING PRODUCT SUSTAINABILITY INFORMATION

Product sustainability information is substantiated information related to the attributes or impacts of a product throughout its life cycle.¹ It concerns the economic, social, and environmental dimensions of sustainability. Product sustainability information can be provided to consumers through different channels, such as: directly on the packaging; at the point of sale; online; via social media; and through different forms of marketing. The policy actions in this report focus on the environmental aspects of sustainability since this has been the focus of most legislation to date. Policymakers can also respond to consumer concerns over the other dimensions of sustainability, such as the fair treatment of workers.

Many methods and tools are available to measure, assess, and communicate product sustainability information including databases, life-cycle assessments, labels, and claims. The diversity and fragmentation of methods and tools can create confusion among consumers and businesses alike (Consumers International and IISD, 2023). The expert survey found strong support for providing product sustainability information that has been measured, assessed, and communicated using widely harmonized and accepted methods and tools.²

It is important that policymakers use international standards and guidelines as the base for developing harmonized legislation as many products contain components that are produced, manufactured, or traded across borders. Relevant standards and guidelines include the UN *Guidelines for Providing Product Sustainability Information* (UN Environment Programme [UNEP] and International Trade Centre [ITC], 2017), UN *Guidelines for Providing Product Sustainability Information in E-Commerce* (UNEP, 2021), ISEAL's codes of good practice (ISEAL, 2022), the Global Ecolabelling Network (2022a) Genices framework, and relevant International Organization for Standardization (ISO) standards, especially ISO 14020 series dealing with different aspects of environmental labels and declarations (ISO, 2019a), ISO 14040 on life cycle assessment (ISO, 2006) and ISO 14060 series on greenhouse gas management (ISO, 2019b).

HOW TO READ THE REPORT

¹ Life cycle refers to “consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal. Life cycle stages include acquisition of raw materials, design, production, transportation/delivery, use, end-of-life treatment and final disposal”, (ISO, 2006).

² The survey results show that 74% and 19% of participants perceive as very useful and somewhat useful, respectively, requiring businesses to provide only product sustainability information that has been measured, assessed, and communicated using widely harmonised and accepted methodologies and tools.

This report presents five core actions and three supporting actions to help policymakers realize the vision of a future online marketplace, as outlined in Box 1. The core actions will have a direct effect on the provision of product sustainability information to consumers in e-commerce.

It is evident from the research and stakeholder consultation that there are key enabling conditions required to guarantee the success of the core actions. Policymakers can help to secure these conditions by also following the three supporting actions.

The total of eight policy actions are a whole-system approach to transforming online product sustainability information for consumers. Some of the actions extend to physical shopping, but the focus is on their application online.

The approach is informed by a commitment to consumer protection and empowerment principles, as detailed at international level by the UN Conference on Trade and Development (UNCTAD) *United Nations Guidelines for Consumer Protection* (UNCTAD, 2016). Four legitimate consumer needs are relevant to this report:

- Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs.
- Consumer education, including education on the sustainability, social, and economic consequences of consumer choice.
- The promotion of sustainable consumption patterns.
- A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce.

This report’s actions will also help national governments meet international obligations related to the UN Sustainable Development Goals (SDGs), particularly SDG 12 concerning responsible consumption and production.

The suggested policy actions are not mutually exclusive, and governments can tailor their policies according to their own priorities, needs, objectives, and implementation capacity.

FIVE CORE ACTIONS

CORE ACTION 1: Set **requirements** for product sustainability information

CORE ACTION 2: Allocate **responsibilities** for providing product sustainability information

CORE ACTION 3: Encourage sustainable **consumer behaviours** in e-commerce

CORE ACTION 4: Strengthen **reliability** of sustainability labels

CORE ACTION 5: Combat **misleading** sustainability claims

THREE SUPPORTING ACTIONS

SUPPORTING ACTION 1: Promote **consumer education and awareness** about product sustainability

SUPPORTING ACTION 2: **Strengthen enforcement** of relevant consumer law

SUPPORTING ACTION 3: Promote a **coherent policy framework for sustainable consumption**

CORE ACTION 1

CORE ACTION 1: Set requirements for product sustainability information

- 1.1 Establish which product categories will be covered by information requirements.
- 1.2 Establish which product sustainability aspects will be covered by information requirements.
- 1.3 Establish methods for assessing product sustainability aspects, and comply with information requirements.
 - 1.3.1 Use quantitative methods to assess sustainability impacts.
 - 1.3.2 Use qualitative methods to assess sustainability characteristics.
- 1.4 Establish tools to communicate mandatory information to consumers.
- 1.5 Leverage technology to reduce compliance and administrative burden of information requirements.

INTRODUCTION

There is an information imbalance between sellers and consumers as sellers have access to information not available to consumers. Consumer law worldwide has been developed to remedy this discrepancy through establishing consumers' right to information.

According to the UN *Guidelines for Consumer Protection*, the information regarding goods and services given to consumers must be "complete, accurate and not misleading" (UNCTAD, 2016). Many jurisdictions have a basic requirement to provide consumers with information on the essential characteristics and features of a product. There are also often specific information requirements for e-commerce to compensate for the fact that consumers cannot feel, see, or touch the product. Given the growing importance of achieving sustainable consumption, it is logical for legislators to expand consumers' right to information to include sustainability characteristics.

In addition, increased transparency empowers consumers to take different, better-informed decisions (Oehler and Wendt, 2016). This means that providing product sustainability information will help consumers make more sustainable choices (Consumers International and IISD, 2023).

There is a growing body of evidence that insufficient information is an important barrier to consumers adopting more sustainable consumption practices. Around half the consumers surveyed by Deloitte (2021) said they would lead a more sustainable lifestyle if businesses provided more clarity and information: how to discard or recycle old products; the origins and sourcing of products; and how to make products last longer through services to renew or repair broken and damaged items. Similarly, an IBM and National Retail Federation (NRF) (2022) study found that just over 20% of consumers would shop more sustainably if they had additional information on how to reuse, return, or recycle products, and where they are sourced, produced, and manufactured.

In summary, setting information requirements on product sustainability, either through specific legislation or specific provisions in more general legislation, is a potentially powerful step to guarantee comprehensive and standardized product sustainability information for consumers.

Box 2. Setting mandatory requirements

The research and expert survey showed wide support for legislation on mandatory communication of product sustainability information at national level.³ Key considerations are:

- Mandatory communication of product sustainability information can be introduced in different ways, not necessarily by enacting specific legislation. It can also be done by introducing provisions in appropriate or relevant pieces of legislation in force, such as laws concerning waste management, climate change, or biodiversity protection.
- The definition of mandatory requirements can result from a participatory process that includes all concerned actors to ensure existing practices and lessons learned are considered. This can also help build support for legislation and ensure feasibility of suggested options.
- All mandatory consumer information requirements can be subject to consumer testing to ensure high levels of consumer understanding and credibility.
- Mandatory requirements introduced at national level can reference or follow existing internationally accepted standards to address potential implications of new requirements for international trade, given that exporters may need support to comply with the legislation (see Supporting Action 3).
- If a mandatory requirement is introduced, transition periods will be needed for its implementation. This approach can take into account different levels of implementation capacity of sellers, manufacturers, and marketplaces.
- Alongside transition periods, policymakers can consider establishing capacity-building and support programs to help exporters into their markets (and their suppliers) adapt to the new legislation and measure, assess, and communicate required product sustainability information.

Setting requirements for communicating product sustainability information through national legislation requires the consideration of: products covered, sustainability impacts included, methods for assessing these impacts, collection of necessary information to comply with requirements, and tools used for communicating to consumers (see Box 2 and Figure 1).

³ Survey results showed that 58% of participants considered the introduction of detailed mandatory sustainability labelling requirements across product categories to be very useful and 16% considered it somewhat useful. Regarding the explicit need for legislation at national level that introduces mandatory requirements to provide product sustainability information, 55% of respondents strongly agree with this policy option, 21% somewhat agree, 10% neither agree nor disagree, 10% somewhat disagree, and 3% strongly disagree.

Figure 1. Key considerations for introducing information requirements on product sustainability in national legislation



CORE ACTION 1.1: ESTABLISH WHICH PRODUCT CATEGORIES WILL BE COVERED BY INFORMATION REQUIREMENTS

Policymakers can consider the relative benefits and feasibility of introducing requirements tailored to different product categories and sub-categories (e.g., textiles made from natural fibres and textiles made from synthetic fibres), or cross-cutting across all product categories.

The research and expert survey suggest that while some aspects of product sustainability information may cut across product categories, information requirements on product sustainability need to account for the different “hotspots” of different types of products, and respond to a sector consensus and alignment.⁴ But categories must not be so granular that the information provided cannot be easily compared to facilitate consumer choice, for example between different food types.

⁴ For instance, the French Climate Change Law states: “The information provided highlights, in a reliable and easily understandable way for the consumer, the sustainability impact of the goods and services considered over their entire life cycle.” It considers the sustainability impacts of the goods and services based on their relevance to a given category in terms of greenhouse gas emissions, damage to biodiversity, and consumption of water and other natural resources. It also considers the sustainability of production of the goods and services considered, scientifically assessed, especially for agricultural, forestry, and food products (Art. L. 541-9-11).

The goal of having regulation across all sectors and product categories can be reached by taking a step-by-step approach targeting specific product categories. Governments can start by regulating those product categories that have largest environmental impact before expanding to other categories.

CORE ACTION 1.2: ESTABLISH WHICH PRODUCT SUSTAINABILITY ASPECTS WILL BE COVERED BY INFORMATION REQUIREMENTS

Once the products to be included are defined, the second step is to consider the sustainability aspects of each product that the information requirements will cover. Issues to consider include:

- Which stages of the value chain will be covered (e.g., production, distribution, and consumption).
- Which product sustainability aspects will be covered (e.g., quantitative impacts like carbon footprint, or qualitative characteristics such as recyclability) (see Box 3).

Box 3. Product sustainability aspects

The expert survey found the following production aspects were very important to communicate:

- Presence and/or use of hazardous substances
- Impact on water: usage and contamination
- Usage of chemicals (e.g., fertilizers and pesticides)
- Product embedded carbon dioxide emissions
- Impact on deforestation
- Impact on biodiversity

The survey found the following consumption aspects were very important to communicate:

- Recyclability
- Energy efficiency
- Water efficiency
- Reparability
- Recyclability of packaging
- Possibilities of re-use
- Durability
- Compostability or biodegradability

Policymakers are increasingly looking at ways in which to extend the lifetime of products by postponing or reversing the obsolescence through deliberate intervention (One Planet Network, 2021). This can be done by designing more durable products so consumers can use them for a longer time, by extending their use through correct care and maintenance, and by recovering broken products through repair and refurbishment.

Information requirements to consumers can help to promote product lifetime extension in the following ways:

- By ensuring consumers are informed about their rights regarding purchase of products and their durability, procedures in case of defect, and product reparability options.
- By educating consumers about how best to care for and maintain products so they last for longer (see Supporting Action 1 on consumer education).
- By incentivising purchase of products that are durable or repairable by design and manufacture (see Box 4). Many such products cost more than those with built-in obsolescence, even though consumers will likely save money over the long term. Information requirements on product reparability and durability can empower consumers to incorporate these considerations into buying decisions. Research commissioned by the EU found consumers were willing to pay €83 to €105 more for dishwashers with a higher reparability rating (European Commission, 2018).

To implement the third option, policymakers may need to introduce a new standard method for measuring and assessing product reparability and durability, as illustrated by the reparability index introduced by the Anti-Waste Law in France (see Box 5). This method can be developed according to a participatory, multi-stakeholder process.

Box 4. Example of policy action in practice

EU Directive on Green Transition

The EU's proposal for a green transition directive will empower consumers to make informed and environment-friendly choices when buying products (European Commission, 2022a). Several information requirements will be introduced, designed to protect consumers against the early obsolescence of products, focusing on the following aspects:

- Durability. The new rules will require traders to inform:
 - If the producer of a consumer good offers a commercial guarantee of durability of over two years.
 - If the producer has not provided information on such guarantee (for energy-using goods).
 - If software updates are provided (for goods with digital elements, digital content, and digital services).
- Reparability. The new rules will require traders to provide:
 - Information on the product's reparability score, where applicable.
 - Other repair information given by the producer (e.g., availability of spare parts, repair manual).
- Early obsolescence. The new rules will ban not informing consumers about:
 - Features (such as updates) introduced to limit durability.
 - Incompatibility of third-party consumables or spare parts.

CORE ACTION 1.3: ESTABLISH METHODS FOR ASSESSING PRODUCT SUSTAINABILITY ASPECTS

To assess product sustainability aspects and collect the necessary information to comply with the requirements, there is a need to establish common methods and tools to collect and assess the information and share it with different actors along the product cycle in a consistent way.

Different methods can be used. For information requirements concerning product sustainability impacts (e.g., water use, greenhouse gas emissions), the use of quantitative methods are more appropriate. For information requirements concerning characteristics of the product (e.g., origin, recyclability, reparability), qualitative methods can also be used.

CORE ACTION 1.3.1: USE QUANTITATIVE METHODS TO ASSESS SUSTAINABILITY IMPACTS

The research and expert survey revealed a strong call for businesses to provide information about a product's sustainability impacts throughout its entire life cycle.⁵ Information requirements based on a life cycle assessment, such as those to be introduced in France (see Box 5), are a useful way to give consumers a holistic picture of a product's environmental impacts, from production to distribution to consumption.

A standard method for measuring, assessing, and communicating information related to sustainability impacts can be established through a participatory process including all concerned organizations to support sector alignment. For each sustainability impact (e.g., biodiversity loss, greenhouse gas emissions, water use, and solid waste), the method can establish common metrics and terms with corresponding units of measure and definitions.

The standard method can also be harmonized with the relevant ISO standards, particularly series 14040 on life cycle assessment (ISO, 2006), and other relevant methods, such as the EU's Product Environmental Footprint (European Commission, 2021a). The standard method can attempt to cover the whole life cycle, including use and disposal phases. If the latter cannot be calculated, or if data is not available, qualitative information requirements covering these aspects can supplement a life-cycle-assessment-based requirement (see Core Action 1.3.2).

Policymakers should be realistic about the limitations, as well as the benefits, of life cycle assessment when developing mandatory requirements. The use of life cycle assessments can raise concerns about: the lack of sufficient and qualified data; the accuracy, precision, and rigorousness of the methods used to collect the data; and the difficulty of comparing information across products and communicating it in an adequately contextualized way. In addition, high adoption costs also pose a constraint for its broader use (Chatterjee *et al.*, 2021; Stiebert *et al.*, 2019). Life cycle assessment may also be unsuitable to address certain sustainability impacts, such as soil erosion, biodiversity loss, and product toxicity (ANEC, 2012; ANEC, 2020).

Governments can help improve life cycle assessments by updating existing life-cycle inventories with good quality data, expanding databases across product categories and geographies, and improving collection methods (Chatterjee *et al.*, 2021). Governments can also encourage the use of life cycle

⁵ According to the expert survey, 60% and 27% of respondents perceive as very useful and useful, respectively, requiring businesses to provide product sustainability information that relates to product sustainability impacts or hotspots through its life cycle.

assessments by making it a requirement in their public procurement tenders and offering support services (e.g., training and information technology tools) to small to medium enterprises for applying it (Jelse and Peerens, 2018; European Commission, 2021b).

CORE ACTION 1.3.2: USE QUALITATIVE METHODS TO ASSESS SUSTAINABILITY CHARACTERISTICS

Consumers also benefit from receiving information about qualitative product sustainability characteristics, such as: incorporation of recycled material in products; compostability and recyclability of products and packaging; use of renewable resources; presence of hazardous substances; and presence of plastic microfibres (Deloitte, 2021). Often these aspects are related both to sustainability and to the health of consumers, which corresponds to another legitimate consumer need recognized by the UN *Guidelines for Consumer Protection* (UNCTAD, 2016).

Information requirements that cover qualitative dimensions can help to clear up existing consumer confusion caused by the diversity of different symbols and terms used, such as for recyclability of packaging (Consumers International, 2020). Information requirements covering qualitative aspects need to set clearly defined qualitative metrics and terms, harmonized with internationally agreed definitions and guidelines for assessment and reporting.

CORE ACTION 1.4: ESTABLISH TOOLS TO COMMUNICATE MANDATORY INFORMATION

Information requirements on product sustainability can specify where, how and when mandatory information can be provided to consumers. Following existing international best practice guidelines, such as the UN *Guidelines for Providing Product Sustainability Information*, will help to create harmonized legislation (UNEP and ITC, 2017).

The displayed information needs to be clear, prominent and easy to distinguish by consumers, both on a product's packaging and on its webpage. For example, a study by French consumer organization UFC-Que Choisir showed only 42% of products displayed the reparability index visibly online and only 28% easily provided the required extended table with information on the criteria (UFC-Que Choisir, 2021). This is an important shortcoming which gives consumers uneven access to the repair score depending on the dealer they choose.

Requirements can also ensure consumers get the information sufficiently early to compare products, not just as they are about to pay.

For more complex information requirements, for example quantitative sustainability metrics described in option 1.3.1, a dedicated communication tool such as a label can be used. Consumers are more like to understand a single, recognizable labelling scheme as it will help them make comparisons.

The label format will be guided by graphic design and the level of interpretation presented. Where a label conveys information in the form of a score,⁶ issues to consider include calibration of the score, scales used, number of classes or levels, and ranking of products. Pilot communication tools can be developed in a multi-stakeholder process with rigorous testing to ensure high levels of consumer understanding and credibility.

CORE ACTION 1.5: LEVERAGE TECHNOLOGY TO REDUCE COMPLIANCE AND ADMINISTRATIVE BURDEN

New technologies, including AI, should be encouraged to reduce the burden of information requirements, for example by: reducing costs and complexity in gathering sustainability data; streamlining data exchange and integration; and enabling verification of reported data in real time by third-parties (de Jesus *et al.*, 2021; Ligozat *et al.*, 2022). Development of tools can be supported through tests, pilots, and financing improvements so they become effective, affordable, and broadly used.

An example of an emerging technology that can make product sustainability information more easily available to different stakeholders is digital product passports (DPPs). Full DPPs involve the whole value chain. They document the source of inputs as well as the production and use phase until the product's end of life. Aside from data on material origin and composition of products, DPPs also include performance and environmental impact metrics. A DPP can be used to convey sustainability information to consumers in both e-commerce and physical environments via a scannable QR code. The design of DPPs can take into account the needs and accessibility requirements of different types of consumers, including those not online.

Policymakers and practitioners are currently laying the ground for broad DPP implementation. The EU Green Deal and Circular Economy Action Plan, especially the proposed revision of the Eco-Design Directive (see Box 5), illustrate the potential for DPPs to streamline the communication of mandatory product sustainability information to consumers and supply chain actors.

Box 5. Examples of policy action in practice

EU Eco-Design Regulation

The EU's proposed Eco-Design Regulation is part of a package of initiatives presented by the European Commission (2022b). Article 1 of the proposed regulation introduces information requirements related to product sustainability aspects, such as: durability and reliability; reusability; upgradability; reparability and the possibility of maintenance and refurbishment; presence of substances of concern; energy and resource efficiency; and recycled content.

The proposal advocates the creation of a DPP to register, process, and share product-related information electronically among supply chains, authorities, and consumers. This is intended to

⁶ 53% of respondents to the expert survey said this is a 'very useful' option to promote sustainable consumption, and 30% 'somewhat useful'.

increase transparency for supply chains and the general public, and to increase efficiencies in terms of information transfer. A DPP will streamline the monitoring and enforcement of the regulation by the EU and its member states. It is also intended to become a market-intelligence tool to revise and refine obligations in the future.

France Climate and Resilience Law

France's new Climate and Resilience Law will, following a pilot phase, introduce mandatory disclosures on the environmental impact of certain goods sold on the French market (France, 2021). The goods and services foreseen for the mandatory display of sustainability information include: clothing items, foods, furniture, hotel services, and electronic products.

The requirements will consider "the environmental impact of the goods and services considered over their entire life cycle". Requirements will select impacts relevant to a given product category, in particular in terms of greenhouse gas emissions, damage to biodiversity, and consumption of water and other natural resources.

The pilot program indicates a hybrid approach, incorporating life cycle assessment and some qualitative types of information. The assessment report for food products by the Scientific Council (2021) proposed that:

"The environmental impact information to be displayed for consumers must be based on the metrics of Life Cycle Analysis (LCA), in keeping with the Product Sustainability Footprint (PEF) reference framework recognized by scientific bodies and institutions in Europe. In this framework a single impact score can be calculated for food products by aggregating various impacts, including climate change, resource consumption, emission of pollutants, among others."

France Anti-Waste Law

France's Anti-Waste Law, enforced from 2021, includes mandatory provisions to inform consumers better about the environmental qualities and characteristics of goods (France, 2020). Depending on the type of product, the information requirements target: incorporation of recycled material; use of renewable resources; durability; compostability; reparability; recyclability; reusability; and presence of dangerous substances, precious metals, and rare earth metals.

The law also introduces the mandatory display of a "repairability index" as part of measures to fight planned obsolescence. The index applies to products such as washing machines, smartphones, televisions, computers, and electric lawnmowers. It assesses five criteria: documentation, disassembly, availability of spare parts, price of spare parts, and product-specific aspects. By 2024, the law provides for the repairability index to be replaced by a "durability index", which will include new criteria such as robustness and reliability.

CORE ACTION 2

CORE ACTION 2: Allocate responsibilities for providing product sustainability information

2.1 Identify relevant actors and actions.

2.2 Determine means to allocate responsibilities:

2.2.1 Use legislation to introduce mandatory product sustainability requirements.

2.2.2 Use rules or guidance on misleading sustainability claims.

2.2.3 Use voluntary commitments by marketplace actors.

2.3 Develop international guidelines and principles regarding allocation of responsibilities for provision of product sustainability information to consumers.

INTRODUCTION

A complex network of actors operates across the value chain of each product, often across various countries. They include input suppliers, producers, service providers, manufacturers, sellers, platforms, and distributors. Data from these organizations must be collected and processed to produce comprehensive and reliable product sustainability information, which means an ecosystem approach to define responsibilities is needed.

The various stages of a product's life cycle need to be examined to understand how they interact with each other and to determine the information flow and responsibilities of each organization (Okongwu *et al.*, 2013; Rau *et al.*, 2014). Ideally, all value chain actors can be allocated specific responsibilities. As a minimum, in the case of e-commerce, the responsibilities of the key organizations – manufacturers, sellers, and online marketplaces – should be clarified.

Online marketplaces can and should play an important role in providing product sustainability information. Larger online marketplaces often function as gatekeepers between sellers and consumers so are in an influential position to promote sustainability practices across the value chains of products they sell. There is also a perception that online marketplaces implicitly endorse the goods they sell as safe and trustworthy (Weil, 2021). Given such perceptions, online marketplaces may additionally be seen as responsible for ensuring the trustworthiness of the product sustainability information published on their websites.

However, collecting, measuring, assessing, verifying, and communicating product sustainability information all have cost implications. Allocating responsibilities affects the way these costs are distributed (Food and Agriculture Organization, 2014; Whitehead *et al.*, 2016). In the case of input suppliers and producers from developing countries, cost burdens may have a disproportionate effect on their ability to compete and comply with requirements.

Governments and bigger value chain actors can contribute supporting actions (e.g., training, assistance and tools) and cost-sharing schemes to help smaller players collect, measure, assess and share reliable product sustainability information, despite the associated costs. Bigger organizations

can also facilitate the development and use of technological tools which streamline the collection and flow of product sustainability data across value chain actors, from input suppliers to consumers.

Furthermore, in the absence of harmonized rules at the international level, policymakers worldwide face challenges when protecting consumers, pursuing sustainability objectives, and regulating private-sector businesses that increasingly function across multiple jurisdictions. These difficulties are aggravated by cross-border e-commerce. Specific and innovative measures may be needed to ensure compliance with regulations by value chain actors operating in other jurisdictions.

CORE ACTION 2.1 IDENTIFY RELEVANT ACTORS AND ACTIONS

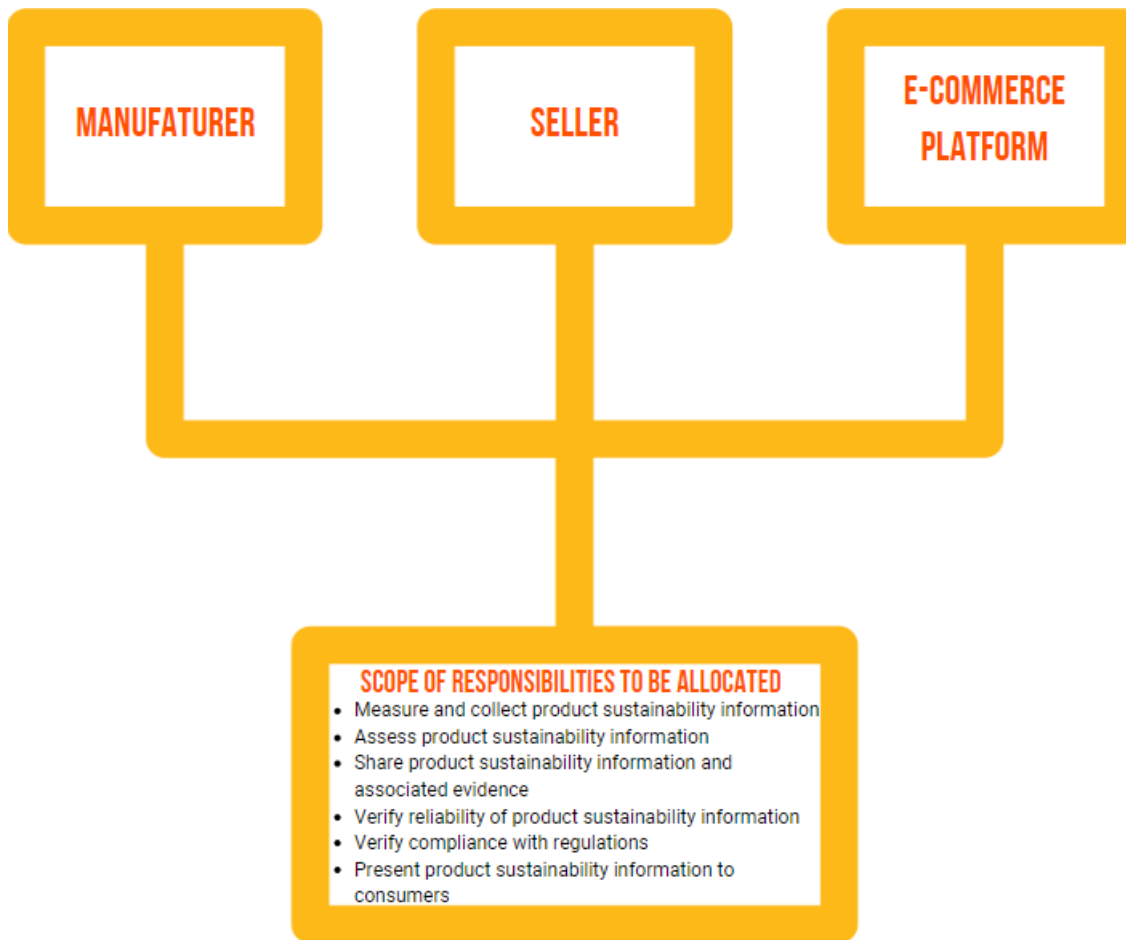
As a minimum, the responsibilities of manufacturers, sellers, and online marketplaces should be defined when designing national legislation on product sustainability information (see Figure 2).⁷ Examples of actions that need to be clarified and allocated among the identified actors include:

- Measuring and collecting product sustainability information.
- Assessing product sustainability information.
- Sharing product sustainability information and associated evidence.
- Verifying reliability of product sustainability information.
- Verifying compliance with regulations.
- Presenting product sustainability information to consumers.

Given the process and cost implications associated with collecting and processing product sustainability information, a transition period will allow the different value chain actors to adjust and implement their responsibilities accordingly.

⁷ According to the online survey results, 55% and 21% of respondents strongly agree and somewhat agree, respectively, that legislation is needed at the national level to allocate responsibilities and liabilities among manufacturers, sellers, and e-platforms regarding the product sustainability information provided to consumers online.

Figure 2. Allocation of responsibilities



CORE ACTION 2.2: DETERMINE MEANS TO ALLOCATE RESPONSIBILITIES

There are different means by which the various responsibilities among actors can be clarified or allocated. These include:

CORE ACTION 2.2.1: USE LEGISLATION TO INTRODUCE MANDATORY PRODUCT SUSTAINABILITY REQUIREMENTS

A clear, unambiguous allocation of responsibilities is essential to ensuring legislation introducing information requirements is implementable and enforceable. It may be necessary to set intermediary requirements for sharing information between different actors, for example between third-party sellers and e-commerce platforms.

CORE ACTION 2.2.2: USE RULES OR GUIDANCE ON MISLEADING SUSTAINABILITY CLAIMS

Legislation introducing rules or guidance on misleading sustainability claims can also be used to allocate or clarify responsibilities (see also Core Action 5).

For example, the European Commission allocates responsibilities to online marketplaces in the Unfair Commercial Practices Directive (UCPD), which sets rules against misleading claims to consumers, including those regarding product sustainability (European Commission, 2005). According to the UCPD, online marketplaces are not liable for misleading sustainability claims made by traders on product listings.

Where an online marketplace qualifies as a trader, it must comply with the directive as far as its own commercial practices are concerned, regardless of the fact that these practices may concern products supplied by third parties and not the platforms themselves. It is therefore important for consumers to be able to identify the identity of the trader. A guidance note on the UCPD in the Official Journal of the European Union (2019) requires that online marketplaces:

“take steps to make sure that the consumer is duly informed about the identity of the trader on the basis of the information provided by the trader itself. In fact, if the failure by the marketplace to inform about the identity of the actual trader creates the impression that the marketplace is the actual trader, this may result in it being liable for the obligations of the trader.”

CORE ACTION 2.2.3: USE VOLUNTARY COMMITMENTS BY MARKETPLACE ACTORS

Policymakers can encourage e-commerce platforms to take on additional voluntary responsibilities that help other actors understand and fulfil their responsibilities. Such voluntary initiatives can be encouraged even in jurisdictions where mandatory product sustainability requirements are not in place. There are two main opportunities for online platforms: standardization and compliance.

Designers of e-commerce platforms have the capacity to ensure product sustainability information is presented in a standardized way to consumers, even if the information is sourced from sellers or manufacturers. An analogue is Apple’s and Google’s app stores, which require developers to make certain information about privacy available in a standardized way (CPO Magazine, 2022). It is far easier to accomplish this standardization at platform level than the level of individual sellers or products.

The UN One Planet Network’s *Guidelines for Providing Product Sustainability Information in E-Commerce* (UNEP, 2021) highlight some of the actions e-commerce platforms can take to achieve this, including:

- Providing clear guidance and templates for sellers and manufacturers on how to provide product sustainability information in a holistic and comparable manner.
- Providing sellers and manufacturers with a common “sustainability glossary” explaining and defining sustainability terms and their appropriate use, both for consumers and to make the information machine readable. The latter will make it easier for search engines to identify sustainable products and for automated purchasing processes.

Where sellers are required to provide product sustainability information through mandatory requirements in legislation, platform designers can require sellers to demonstrate their compliance

before they are able to sell through them. The scope of this responsibility needs careful consideration as online platforms will not have the same powers and access to information as regulators.

CORE ACTION 2.3: DEVELOP INTERNATIONAL GUIDELINES AND PRINCIPLES REGARDING ALLOCATION OF RESPONSIBILITIES FOR THE PROVISION OF PRODUCT SUSTAINABILITY INFORMATION TO CONSUMERS⁸

Governments can collaborate through international groups of stakeholders such as the UN One Planet network's Consumer Information Programme to develop useful principles and guidelines on the minimum levels and scopes of responsibilities allocated among key actors. These guidelines can also clarify information flow across the product life cycle and value chain actors, and provide a base for harmonized national legislation (see Box 6).

Box 6. Examples of policy action in practice

Chile Electronic Commerce Regulation

Chile's new Electronic Commerce Regulation aims to strengthen transparency and the quality of information delivered to consumers on e-commerce platforms (Chile, 2021).

Chile's approach has been to set information requirements regarding the essential characteristics and features of a product or service, including benefits, price, and other relevant information necessary for consumers to make an informed decision. Sellers have a responsibility to give this information to operators of e-commerce platforms, and the operators in turn must provide that information to consumers.

Operators must also clearly indicate their role in the sale of the product or service. A breach of the obligations contained in the regulation is sanctioned with fines, in accordance with the provisions of Article 24 of the Consumer Protection Act (Chile, 1997).

EU Digital Services Act and Digital Markets Act

The European Commission has recently adopted a comprehensive set of rules for all digital services, including social media, online marketplaces, other marketplaces, and other online platforms that operate in the EU (European Commission, 2022c). These rules are contained in the Digital Services Act (DSA) and the Digital Markets Act (DMA) and aim at creating "a safer digital space where the fundamental rights of users are protected and to establish a level playing field for businesses".

The DSA is a set of new rules aimed at better protecting consumers online by regulating the responsibilities and obligations of online intermediary services within the single market (European

⁸ According to the expert survey results, 41% of participants respondents strongly agree, while the same percentage of participants somewhat agree, with the need for a guidance at the international level for the allocation of responsibilities for the communications of product sustainability information to consumers.

Commission, 2020a). These obligations are not specific to product sustainability but provide an example on how to impose obligations on these actors.

The DSA includes rules on the traceability of traders, imposing an obligation on platforms intermediating online contracts between traders and consumers to obtain identifying information from traders and to make “reasonable efforts” to verify the reliability of the information submitted. The DSA also has rules on the transparency of online and targeted advertising, imposing the obligation to indicate it is an advertisement and to provide information on who sponsored the advertisement and how and why it targets the user.

The DMA is a list of dos and don’ts aimed at making sure that “gatekeepers”—large online platforms—behave in a fair way online (European Commission, 2020b). The DMA sets out a list of criteria defining a large platform as “gatekeeper”.

China Consumer Reforms

A document recently published in China (2022) announced 19 points that outline upcoming consumer reforms. These are aimed at addressing unfair practices by internet platforms, protection of consumer rights, and responsibilities regarding the quality of information provided by platforms, manufacturers, and traders.

CORE ACTION 3

CORE ACTION 3: Encourage sustainable consumer behaviours in e-commerce

- 3.1 Encourage efforts to improve clarity and accessibility of online product sustainability information
- 3.2 Develop national-level research programs to identify optimal consumer behaviour change interventions across different product categories and demographics
- 3.3 Facilitate exchange of best practices on consumer behaviour change policies
- 3.4 Clarify ethical use of digital consumer behaviour change interventions
- 3.5 Fund projects that test new ways for digital innovations to drive consumer behaviour change

INTRODUCTION

Although consumers are increasingly concerned about sustainability crises and are willing to change their lifestyles accordingly, many are unable to follow through in practice. On average, nearly half of consumers that aspire to undertake more sustainable consumption habits do not do so in practice (GlobeScan, 2021; IBM and NRF, 2022).

Attempts to close the “intention-action” gap can be supported by drawing on insights from behavioural science. When making decisions, consumers tend to rely on systemic, rational, and

deliberative thought processes, as well as irrational processes in the form of unconscious biases, automatic thinking, and mental shortcuts (Kahneman, 2011).

An example of deliberative thinking is when a consumer consciously calculates the trade-offs among competing product attributes, such as price, product quality, and performance. But unconscious biases can have a huge influence on the decisions that are ultimately made. In certain cases, these biases can influence consumers into making unsustainable purchases that are not aligned with their values.

Consumers experience different behavioural influences in an online shopping environment than in a physical one. In terms of deliberative thinking, e-commerce has led many consumers to prioritise evaluative criteria other than sustainability. Consumer surveys highlight that across different product categories, price, quality, and convenience are often the most important reasons why they shop online. The increased number of product offerings, the ease of comparing prices, and the increased personalization of e-commerce encourages consumers to prioritize factors that may conflict with sustainability in their decision-making (McKinsey, 2021; Accenture, 2019).

Consumers are also more likely to rely on automatic thought processes in an online setting. For example, online consumers have access to information from a variety of sources at their fingertips. This can lead to information overload: when faced with too much information, or complex, poorly presented, and badly structured information, consumers may tune it out altogether (CMA, 2022; OECD, 2018).

Behavioural studies reveal that information overload can desensitize sustainable consumption because consumers disengage by ignoring certain types of information, relying on intuition, or deferring a decision (OECD, 2018). Studies have found that when shopping online as opposed to physically, consumers tend to be more motivated by simplifying their choices to avoid information overload (Leenheer *et al.*, 2014; Benartzi and Lehrer, 2017). This poses challenges for sustainability information.

The e-commerce setting can also increase the time pressures on consumer decision-making. Predefined consumer profiles, computer-generated recommendations based on past purchase patterns, and “quick buy” options significantly shorten the customer journey and risk locking consumers in to previous habits (see Box 7).

Research suggests that online shopping increasingly happens during “micro-moments” (IBM and NRF, 2020). Rather than being a planned activity, shopping can happen wherever, whenever, and for different purposes (e.g., to replenish groceries, purchase a gift, or shop for a party) while doing something else (e.g., exercising, eating on lunch break). Ensuring product sustainability attracts consumer attention during these micro-moments is another challenge for online information provision.

While e-commerce can make it more challenging for consumers to pursue sustainability-oriented decision-making, it can also provide ample opportunities to promote positive consumer behaviours that are not available in brick-and-mortar retail (EDF, 2020; Ecommerce Europe, 2021). The manner in which sustainability information is presented to consumers has a significant impact on their resulting behaviour (CMA, 2021, Konsumentverket, 2020). Field data from the United States already suggests that sustainability-marketed products outperform conventionally marketed products by a greater margin online than in shops (Kronthal-Sacco and Whelan, 2021).

Box 7. Understanding consumer behaviour change strategies

“Nudge theory” is a concept involving indirect suggestions and positive reinforcement as a means to influence people’s behaviour in a predictable and beneficial way (Thaler and Sunstein, 2008). This change in behaviour takes place without having to limit any of the choices of the consumer or by taking advantage of financial incentives.

Digital nudging is characterized as a “subtle form of using design, information, and interaction elements to guide user behaviour in digital environments, without restricting the individual’s freedom of choice”, (Meske and Potthoff, 2017). Digital nudging can entail making subtle changes to the user interface (e.g., the online marketplace webpage) that toggles certain psychological biases (i.e., goes beyond rational thought), for the purpose of guiding the consumer towards more sustainability-oriented decisions without having had to limit their freedom of choice.

With advances in AI and machine learning, organizations can collect, parse, and crunch their consumers’ data on a large scale, and use this data to train their algorithms and target users through personalized nudges, such as push-notifications and rewards. Such algorithms can be adjusted in real time based on user feedback and have proved to be very effective in triggering behavioural change (Deloitte, 2018).

The opportunity for micro-targeting can be harnessed to foster more sustainable consumption behaviours. Conversely, this unprecedented access to user data also carries the risk of manipulating consumers to choose options that may not be the most beneficial, or interfere with data privacy and individual agency (see Core Action 3.4). The Competition and Markets Authority in the United Kingdom has categorised the most common digital nudging features of online marketplaces into 21 practices, as follows:

Choice structure <i>(design and presentation of options)</i>	Choice information <i>(content and framing of information provided)</i>	Choice pressure <i>(through indirect influence of choices)</i>
Defaults	Drip pricing*	Scarcity and popularity claims
Ranking	Reference pricing	Prompts and reminders
Partitioned pricing	Framing	Messengers
Bundling	Complex language	Commitment
Choice overload and decoys*	Information overload	Feedback
Sensory manipulation*		Personalisation
Sludge*		
Dark nudge*		
Virtual currencies in gaming		
Forced outcomes*		

*Research suggests such practices are almost always harmful.

CORE ACTION 3.1: ENCOURAGE EFFORTS TO IMPROVE CLARITY AND ACCESSIBILITY OF ONLINE PRODUCT SUSTAINABILITY INFORMATION

Making product sustainability information clear and accessible is a prerequisite for successfully shifting consumer behaviours. They are two of the fundamental principles laid out in the UN *Guidelines for Providing Product Sustainability Information* (UNEP and ITC, 2017). There are several options available to e-commerce actors to put these principles into practice. The following are the three highest regarded options from the expert survey. Policymakers can encourage e-commerce actors to adopt these practices through voluntary commitment schemes or communication guidelines on mandatory information requirements.

- **Layering information.** For example, platforms can present the sustainability label or short claim with a pop-up box providing further sustainability information.⁹ This can include the underlying criteria covered in the case of a sustainability label, or the substantiating evidence in the case of a claim.
- **Animating information.** An example is using an infographic presenting product sustainability information¹⁰ with charts or diagrams. This can improve the accessibility and clarity of the information and ensure consumers are informed.
- **Standardizing information.**¹¹ Providing product sustainability information in the product description will increase its visibility and accessibility. Moreover, information provided according to a standard structure is easier to compare across products, supporting informed choices.

Beyond making information clear and accessible, there are many ways in which online platforms can experiment with their design, from making subtle changes to individual elements, to simplifying how information is structured and presented, and experimenting with the timing of when these changes are made.

Experimenting with how information is conveyed and focusing on efforts that makes it easier for consumers to receive and process the relevant sustainability information can influence consumers in following through with beneficial sustainable choices. Compared with regulatory efforts, promoting improved digital consumer behavioural strategies is a more viable and inexpensive route to sustainable online consumption (see Box 8).

Box 8. Online consumer behavioural strategies

⁹ According to the survey results, 54% and 43% of respondents strongly agree and somewhat agree, respectively, with this policy action.

¹⁰ According to the survey results, 29% and 64% of respondents strongly agree and somewhat agree, respectively, with this policy action.

¹¹ According to the survey results, 43% and 50% of respondents strongly agree and somewhat agree, respectively, with this policy action.

The following online consumer behavioural strategies are presented in order of level of support from survey respondents:

- Sustainability option as default in a product search.
- Optional search filters for sustainable products.
- Placing sustainable choices higher in rankings, search results, and recommendations.
- Highlighting product sustainability features linked to cost benefits (e.g., total cost of ownership, or cost per use).
- Messaging illustrating the positive impact of choices.
- Showcasing sustainable alternatives to non-sustainable options.
- Using colour, star, or letter ratings to illustrate relative product sustainability.
- Using social influence and inspiration from peers who have selected more sustainable options.
- Indicating what proportion of an average person’s carbon footprint the purchase of a specific product contributes.
- Enabling consumers to track their individual sustainability progress, purchase by purchase (e.g., setting up goals in purchasing profiles).

CORE ACTION 3.2: DEVELOP NATIONAL-LEVEL RESEARCH PROGRAMS TO IDENTIFY OPTIMAL SUSTAINABILITY BEHAVIOUR CHANGE STRATEGIES ACROSS DIFFERENT PRODUCT CATEGORIES AND DEMOGRAPHICS¹²

Policymakers can facilitate the adoption and implementation of good practices by private-sector businesses by researching pertinent digital sustainability strategies at a national level.

For example, the Swedish Consumer Agency has conducted a study to identify the barriers for e-commerce consumers to choose more sustainable products. The report suggests how a “capability, motivation, opportunity” model of consumer behaviour can be used to design and assess effective information provision (Konsumentverket, 2020).

CORE ACTION 3.3: FACILITATE EXCHANGE OF BEST PRACTICES ON CONSUMER BEHAVIOUR CHANGE POLICIES¹³

Policymakers can set up public–private forums to facilitate information exchange with the purpose of promoting the adoption and implementation of best practices. These forums can also be useful for

¹² According to the survey results, 33% and 57% of respondents strongly agree and somewhat agree, respectively, with this policy action.

¹³ According to the survey results, 63% and 33% of respondents strongly agree and somewhat agree, respectively, with this policy action.

identifying and solving the ethical dilemmas emerging from the use of digital sustainability behaviour change interventions.¹⁴

CORE ACTION 3.4: CLARIFY ETHICAL USE OF DIGITAL CONSUMER BEHAVIOUR CHANGE INTERVENTIONS

Policymakers have an important role to play in countering the risks of digital consumer behaviour change interventions, for example relating to transparency, privacy, and competition policy.

Because behaviour change interventions take advantage of people’s unconscious biases, there is a potential that they could veer into being manipulative and negatively paternalistic with a detrimental impact on people’s autonomy. There is a high risk for exploitation: rather than implementing consumer behavioural interventions that benefit their interests and sustainability objectives, the interventions could instead be implemented for the benefit of the service provider.

“Dark patterns” or “dark nudges” are examples of such practices, in which the design choices made take advantage of consumers’ psychological inclinations, tricking them into actions they otherwise would not have made or are against their interest. Use of dark nudges and dark patterns can be relatively pervasive (Forbrukerradet, 2018). A 2019 study by the International Consumer Protection Enforcement Network (ICPEN) found that of the 1760 websites and applications reviewed, close to 25% of them could be flagged for dark commercial practices (OECD, 2020).

Policymakers can help businesses, users, and enforcers to distinguish better between dark commercial practices and legitimate marketing techniques by providing guidelines and setting principles on design criteria that help promote sustainability behaviour.

One of the key principles of ethical interventions is transparency. When implementing consumer behavioural interventions, there is a need for the consumer to be made aware of the behavioural techniques used to avoid the risks of manipulation and worsening autonomy. Issues around behavioural strategies and transparency are complex.

Research suggests that behavioural strategies conducted in the dark (i.e., without the participant’s knowledge or prior information) tend to be more effective (Santos Silva, 2022). Consequently, this is an area where stakeholders can benefit from additional guidance and best practice knowledge on how best to balance the issues of transparency and effectiveness. For instance, some scholars argue that a watchful consumer is easily able to “unmask the manipulation” prior to making a decision (Santos Silva, 2022).

Other solutions include the development of ethical guidelines relating to transparency and accountability, as well as developing supporting initiatives for pilot projects. These can test the

¹⁴ Examples of initiatives working on ethical dilemmas include the Transatlantic Consumer Dialogue (TACD), a network of EU and US consumer organisations with a dedicated Digital Policy Committee and the OECD’s Committee on Consumer Policy (CCP) roundtable on ongoing and emerging consumer risks associated with dark commercial patterns online organised as part of the 99th Session (OECD, 2021).

legitimacy and effectiveness of behavioural strategies in relation to transparency in the online environment (Meske and Amojó, 2020).

Behavioural strategies often make use of personal data, which in turn can impinge on matters relating to privacy. Ethical dimensions related to the role of algorithms will also need to be clarified. These algorithms enable personal data to be collected and analyzed in a more effective manner.

If the effective use of data results in manipulations for maintaining and expanding market power positions, this may raise concerns relating to competition policy. A report by the United Kingdom Competition and Markets Authority (2022) examines how design of online marketplaces can potentially harm competition and consumers. It highlights instances in which companies leverage online choice practices for the purpose of manipulating consumers toward harmful consumption and privacy-related practices, as well as cases in which companies change design features to expand their market dominance by limiting choice.

There is clearly an important role here for consumer rights and competition policy enforcement agencies. They need to ensure that consumer behavioural strategies are not used as a means for companies to expand their market power by implementing strategies that are harmful to consumers in practice, all under the guise of being more sustainable.

CORE ACTION 3.5: FUND PROJECTS THAT TEST NEW WAYS FOR DIGITAL INNOVATIONS TO DRIVE CONSUMER BEHAVIOUR CHANGE

Policymakers can consider funding research projects and pilots to identify new ways of promoting sustainable consumer behaviours in e-commerce, such as through use of big data and AI, while respecting consumers' rights and data privacy (see Boxes 9 and 10).

Box 9. German government AI initiative

Germany's Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (2022a) KI-Leuchttürme (AI Lighthouse) initiative supports projects that promote sustainable consumption through AI innovations:

“Artificial intelligence (AI) offers significant opportunities to protect the environment, mitigate climate change, conserve resources and reverse the loss of biodiversity. Innovations based on AI can promote sustainable consumption, accelerate the expansion of renewable energies, reduce marine litter and facilitate a switch to sustainable transport. To this end, the Federal Environment Ministry has set up an initiative for AI lighthouse projects for the environment, climate, nature and resources. This initiative promotes projects that use AI to tackle ecological challenges and serve as models for a sustainably sound and climate-friendly digitalisation.”

Box 10. Example of policy action in practice

Germany Digital Policy for Environment

Germany's Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (2022b) Digital Policy Agenda for the Environment is an example of a range of actions to encourage sustainable consumption in e-commerce. These measures include:

- Dialogue with online retailers about possible voluntary commitments.
- Providing access to information available in public databases on sustainability impacts of products and services for sustainable consumer choices (e.g., the Blue Angel sustainability label).
- Increasing the visibility of more sustainable product alternatives online (e.g., by highlighting products with sustainability labels).
- Transparency of search engine criteria for retailers to display search results. Allow consumers to set these options themselves.
- Better information about the origin of the order and display of a comparative life-cycle assessment of product alternatives (e.g., DPP).
- Specify sustainability impacts (e.g., carbon dioxide emissions) for possible returns and/or charge customers for the cost of returns.
- Better product descriptions to prevent returns. For example, the German Environment Ministry is providing support to develop an avatar to try on clothes digitally.
- Digital consumer assistant: actively promoting sustainable alternatives (e.g., certified products).

CORE ACTION 4

CORE ACTION 4: Strengthen reliability of sustainability labels

- 4.1** Adopt a national or international agreement for sustainability labels to follow only internationally recognized standards and codes.
- 4.2** Establish minimum requirements for governance of sustainability labels and encourage their adoption across standards, regulations, and codes when missing.
- 4.3** Develop standard guidelines for effective development and use of sustainability labels and establish incentives for their adoption.
- 4.4** Establish a public accreditation scheme for labelling bodies.
- 4.5** Encourage use of ISO 14024 Type I ecolabels by manufacturers, sellers, and e-platforms.
- 4.6** Set up a mechanism to categorize and benchmark sustainability labels.
- 4.7** Encourage or require businesses to provide additional information on sustainability labels.

INTRODUCTION

Sustainability labelling is among the more concise ways to convey information on the sustainability credentials of products to consumers. There is an important distinction between first-party, self-declared sustainability logos or symbols, and third-party-certified sustainability labelling programs (Global Ecolabelling Network, 2022b). The former should be considered “sustainability claims” and guidance on how these can be regulated is set out in Core Action 5.

Research suggests that consumers have more confidence in third-party-verified sustainability labels than any other (Compare Ethics, 2020). A large-scale study showed that sales of third-party-certified products for sustainability significantly outgrew sustainable products that had sustainability labelling but no third-party endorsement (Kronthal-Sacco and Whelan, 2021).

There is another key distinction between third-party-certified ecolabels, defined by ISO 14024 (ISO, 2019a) as “Type I”, and other sustainability labels. The former are often operated by the public sector or non-governmental organizations (NGOs), such as members of the Global Ecolabelling Network (2022a). They identify products that have been independently determined to meet transparent environmental leadership criteria within a product category based on life cycle considerations. These Type I ecolabels are also multi-criteria and multi-sectoral.

Studies have found that not all sustainability labels have systems in place to verify their reliability. Those labels that do may need to reinforce them to ensure the underlying criteria with which they require operators to comply are properly observed (OECD, 2009; Elder *et al.*, 2021). These issues can have a negative effect on consumer perception and purchasing behaviour.

Research shows that consumers can lose trust in labels and in the sustainability information conveyed. Such “greenwashing scepticism” can affect consumer conviction toward purchasing sustainable products (Consumers International and IISD, 2023).

Other issues on the use of sustainability labels relate to consumers’ knowledge. Even if consumers access sufficient product sustainability information through the label, they can misinterpret it if they lack a full understanding of what certain labels mean, making them ineffective to motivate sustainable purchases (CMA, 2021). Consumers also report difficulty in distinguishing between third-party verified sustainability labels and self-declared claims (OECD, 2011) (see Supporting Action 1).

The concerns associated with labels are pertinent for both the online and physical settings. They are particularly relevant online given that some e-commerce platforms are creating customized “umbrella labels” to identify products that meet certain criteria or comply with a number of pre-defined third-party certifications, such as Amazon’s Climate Pledge Friendly scheme (Amazon, 2022).

Policymakers have several policy actions to consider to strengthen the reliability of sustainability labels and consumers’ knowledge of them. Some of these actions directly address the issue of reliability, whereas others focus on improving consumers’ understanding of the label.

CORE ACTION 4.1: ADOPT A NATIONAL OR INTERNATIONAL AGREEMENT FOR SUSTAINABILITY LABELS TO FOLLOW ONLY INTERNATIONALLY RECOGNIZED STANDARDS AND CODES

A number of international standards and codes are already widely used and referenced for improving the reliability of sustainability labels and their underlying standards, regulations, or codes.

For instance, the ISO 14000 family of standards on promoting effective management systems in organizations (ISO, 2006), the ISO/IEC 17000:2020 standard on Conformity Assessment (ISO, 2020), and the ISEAL Standard-setting Code, Assurance Code, and Credibility Principles (ISEAL, 2022). The UN *Guidelines for Providing Product Sustainability Information* (UNEP and ITC, 2017) can also be applied to sustainability labels to strengthen their reliability.

CORE ACTION 4.2: ESTABLISH MINIMUM REQUIREMENTS FOR GOVERNANCE OF SUSTAINABILITY LABELS AND ENCOURAGE THEIR ADOPTION ACROSS STANDARDS, REGULATIONS, AND CODES

The governance of sustainability labels influences: how underlying standards, requirements, and codes are designed; who participates in this process; how decisions are made; how the management entity operates; and how disputes concerning misuse of labels are addressed. The way these functions are carried out can affect the credibility and reliability of labels.

By establishing minimum requirements, policymakers can strengthen the governance systems of sustainability labels and improve their reliability.

CORE ACTION 4.3: DEVELOP STANDARD GUIDELINES FOR EFFECTIVE DEVELOPMENT AND USE OF SUSTAINABILITY LABELS, AND ESTABLISH INCENTIVES FOR THEIR ADOPTION

There is extensive knowledge and expertise¹⁵ on how to best develop and use sustainability labels, as well as the tools needed to do so. Policymakers can leverage these resources to develop standard guidelines and training for effective development and use of sustainability labels, including minimum requirements.

The guidelines and minimum requirements can be expanded and adapted considering particularities of local contexts. Specific sector recommendations, for instance concerning relevant criteria by sector or the best methods for measuring, assessing, and communicating product sustainability information, can complement these guidelines.

Policymakers can also build on existing international training guidelines. For example, UNEP in collaboration with the Global Ecolabelling Network (GEN) in 2022 developed a new Ecolabelling Handbook and Training Programme, drawing on the expertise of the multi-stakeholder UN Consumer Information Programme (One Planet Network, 2022).

¹⁵ Reference institutions include the ISO, ITC, UNCTAD, Global Ecolabelling Network, UN One Planet Network Consumer Information Programme, UNEP, the United Nations Forum on Sustainability Standards, ISEAL, OECD, the Deutsche Gesellschaft für Internationale Zusammenarbeit, IISD, WWF, and individual schemes such as Fairtrade, IOAM, GLOBALG.A.P., Rainforest Alliance, and industry platforms (e.g., Sustainable Coffee Challenge).

CORE ACTION 4.4: ESTABLISH A PUBLIC ACCREDITATION SCHEME FOR SUSTAINABILITY LABELLING BODIES

Creating public accreditation schemes for sustainability labelling and certification bodies can help to guarantee their reliability and effectiveness. The existence of a public scheme will also help reduce the cost burdens for private businesses.

An example is the Organismo Nacional de Acreditación (ONAC) in Colombia, which accredits certification agencies of sustainable products.

CORE ACTION 4.5: ENCOURAGE USE OF ISO 14024 TYPE I ECOLABELS BY MANUFACTURERS, SELLERS, AND E-PLATFORMS

According to the research and expert survey, ISO 14024 Type I compliant ecolabels, which are third-party verified, are those consumers trust the most. Products with this type of ecolabel are preferred over other products (Consumers International and IISD, 2023).

Policymakers can champion the use of Type I ecolabels by encouraging e-commerce platforms to highlight them to consumers in the online interface, for example, or by promoting their use in public procurement decisions.

CORE ACTION 4.6: SET UP A MECHANISM TO CATEGORIZE AND BENCHMARK SUSTAINABILITY LABELS

Benchmarking exercises can provide transparency on the strengths and limitations of each sustainability labelling method and help users choose the most appropriate one. They can also be used to examine how each method integrates the provisions and guidelines defined in the regulation for communicating product sustainability information. In this regard, policymakers can collaborate with recognized independent entities with expertise in benchmarking methods and evaluating compliance with standards.¹⁶

An example of a public-led benchmarking initiative is the German Federal Government (2022) Siegelklarheit (Label Clarity). The initiative scores labels and their underlying voluntary sustainability standards found in the German consumer market against a set of criteria to help guide consumers to identify sustainable purchases.

Criteria used for benchmarking relate to credibility of the labelling scheme and relevance of social and sustainability issues covered, building upon the ISEAL Credibility Principles (ISEAL, 2021) and the ITC (2022) Sustainability Map, as well as internationally recognized standards such as ILO (2022) core

¹⁶ These include World Wildlife Fund (WWF): Certification Assessment Tool; ITC's Sustainability Standards Map; and IISD's State of Sustainability Initiatives Reviews.

conventions. They were developed in an open multi-stakeholder process together with experts from science, civil society, and the private sector. The initiative covers different product categories including textiles, cleaning agents, paper, and laptops.

An example of an NGO-led benchmarking process is Genices, run by the Global Ecolabelling Network (2022a). It is a peer-review process that benchmarks members as a basis for mutual trust and confidence, after which they can input on standards and specifications in a common internationally accepted database of criteria.

A framework that categorises and ranks sustainability labels can also be used to promote sustainable public procurement programs. An example is the U.S. Environmental Protection Agency's (EPA) Framework for the Assessment of Environmental Performance Standards and Ecolabels, which aims to provide a transparent, fair and consistent approach to assessing marketplace standards and ecolabels for environmental sustainability and for potential inclusion into EPA's Recommendations of Specifications, Standards and Ecolabels for Federal Purchasing (EPA, 2022a; EPA, 2022b). EPA's recommendations help federal purchasers identify and procure more sustainable products and services and enable progress towards the Federal Sustainability Plan (Office of the Federal Chief Sustainability Officer, 2022).

CORE ACTION 4.7: ENCOURAGE OR REQUIRE BUSINESSES TO PROVIDE ADDITIONAL INFORMATION ON SUSTAINABILITY LABELS

To improve consumers' understanding of sustainability labels, policymakers can encourage or require businesses to provide supporting information on sustainability labels, such as what is covered, what is not covered, supported practices, and evidence on impacts (see Box 11).

Businesses can leverage existing information that sustainability labels disclose or provide links to platforms that gather knowledge of these tools, such as the ITC (2022) Sustainability Map and the German Federal Government (2022) Siegelklarheit portal .

Box 11. Examples of policy action in practice

Chile Regulation of Sustainability Labelling

Chile (2022) is initiating a process to regulate labelling of certain products to prevent the generation of waste and promote their recovery. The labelling will contain information about components and materials as well as recycling instructions. The regulation will also establish sustainability criteria that must be met to obtain certification by the Ministry of Environment.

Morocco Strategy for Sustainable Development

Morocco (2017) has adopted a National Strategy for Sustainable Development, to be implemented from 2017 to 2030. This promotes the development of certification instruments, organic labelling, and ecolabelling, among other things. The aim is to develop a "Bio Maroc" label.

EU Directive on Green Transition

The European Commission (2022a) is proposing a new directive that will empower consumers to make more informed and environment-friendly choices when buying products. Currently in the EU only 35% of sustainability labels need specific data to prove compliance with labelling requirements. New rules will ban displaying sustainability labels that are not based on an independent third-party verification system, or established by public authorities.

CORE ACTION 5

CORE ACTION 5: Combat misleading sustainability claims

- 5.1 Produce detailed guidance or rules on sustainability claims.
- 5.2 Promote international harmonization of guidance or rules on sustainability claims.
- 5.3 Introduce an advance approval procedure for sustainability claims.
- 5.4 Ban claims that are impossible to substantiate.

INTRODUCTION

Sustainability claims, also called “green claims,” are assertions made by companies about the beneficial qualities or characteristics of their goods and services. They can refer to the manner in which products are produced, packaged, distributed, used, consumed, and disposed of (OECD, 2011). Unlike Type I, third-party verified, sustainability labels (see Core Action 4), these claims are self-declared, first-party forms of information provision.

Misleading claims about the environmentally beneficial characteristics of products for sale pose a growing risk to consumers globally. The number of misleading green claims made online has reached unprecedented levels, with a sweep of websites carried out by ICPEN (2021) finding that four in 10 online green claims could be misleading and therefore break consumer law.

Policymakers should take urgent action against misleading green claims for two main reasons. First, an essential consumer right is at risk. Access to “adequate information to enable them to make informed choices” is enshrined as a legitimate consumer need in the UN *Guidelines for Consumer Protection*, and rules against misleading claims (a form of unfair commercial practice) are a part of consumer law in most countries (UNCTAD, 2016)

Second, misleading green claims breed consumer scepticism. A 2021 study found 60% of consumers had lost trust in the sustainability information provided by companies due to perceptions of greenwashing (Ernst and Young, 2021). This undermines companies which do the right thing by providing reliable product sustainability information.

A European Commission market study found that consumer understanding of sustainability claims is also problematic (European Commission, 2014). The study concluded that sustainability claims tend

to be too general or vague, with the scientific information used to justify the claims difficult to assess. Consumers may not always be able to distinguish between third-party sustainability labels and self-declared sustainability claims. Information about the reliability of each claim is rarely displayed, preventing consumers from making informed decisions.

While there are rules addressing false, inaccurate, and misleading claims on products as well as harmful omissions, these generally do not regulate misleading sustainability claims in a systematic manner, for example by requiring companies to provide substantiating evidence based on a solid method.

CORE ACTION 5.1: PRODUCE DETAILED GUIDANCE OR RULES SUSTAINABILITY CLAIMS

Government consumer authorities have a role to play in developing detailed guidance or rules for businesses on how sustainability claims can be made and substantiated. Guidance developed by a government authority can be specifically designed to support compliance with existing consumer laws on misleading claims. Some industry and self-regulation groups have already developed general guidance (see Box 12).

Guidelines that take a principles-based approach will be most successful in adapting to market, scientific, and technological changes. The United Kingdom's *Green Claims Code* (see Box 12) includes the principles that "claims are truthful and accurate" and "clear and unambiguous", for example.

Guidance can include specific definitions for commonly used terms such as "renewable" or "organic", complementing any existing sectoral rules or guidance. Where feasible, these definitions can be harmonized at an international level. Guidance can also provide detail on the level of substantiation appropriate for claims, and how it may apply to different business types (see also Core Action 2.2.2).

Box 12. Examples of guidance on sustainability claims

Principle-based guidance

United Kingdom's Green Claims Code

Britain's Competition and Markets Authority (2021) developed the *Green Claims Code* to help businesses understand and meet their legal obligations when making environmental claims. The guidance lays down principles and includes examples and case studies. While it is not exhaustive, it covers the areas of most concern among enforcement authorities.

World Federation of Advertisers

The World Federation of Advertisers' *Global Guidance on Sustainability Claims* identifies six key principles that marketers need to follow to make sure they are seen as trustworthy and to avoid their brands being accused of greenwashing (World Federation of Advertisers, 2022). The goal is to provide marketers with a clear set of rules to follow when they decide to communicate the actions their company is taking to drive more sustainable outcomes. By detailing both the principles and

global best practice, the guidance aims to help brands ensure that sustainability claims are credible to consumers and can be backed up if they are challenged.

Term-specific guidance

International Chamber of Commerce

Part 2 of the International Chamber of Commerce (ICC) *Framework for Responsible Environmental Marketing Communications* describes specific sustainability claims or terms and guidance on how to use them in marketing communications (ICC, 2021).

CORE ACTION 5.2: PROMOTE INTERNATIONAL HARMONIZATION OF GUIDANCE OR RULES ON SUSTAINABILITY CLAIMS

Harmonizing guidance and rules should always be an overarching objective as it will simplify efforts and ensure consistency and predictability for businesses and consumers alike.¹⁷ At a national level, introduction of any new rules on sustainability claims can take into account principles set out at an international level. International training programs can ensure that rules and guidance produced by national authorities are aligned.

For example, the UN One Planet network's Consumer Information Programme has collaborated with ICPEN to create a training program informing consumer protection authorities about the ten principles of the UN *Guidelines for Providing Product Sustainability Information* (UNEP and ITC, 2017). These can be a basis for development of harmonized national guidance or rules on sustainability claims.

Policymakers can establish an international platform with information on banned sustainability claims to guarantee transparency and allow consistency in enforcement.

CORE ACTION 5.3: INTRODUCE AND ADVANCE APPROVAL PROCEDURE FOR SUSTAINABILITY CLAIMS¹⁸

Currently, green claims are only assessed by authorities if they are challenged. Most are never verified and yet they might be on the market for years, potentially misleading consumers and undermining consumer trust. Even in cases where enforcement actions are taken by the authorities or consumer organisations, it can take months or even years before a claim is actually prohibited and taken off the

¹⁷ The survey results show that 53% of respondents strongly agree, 33% agree, 7% neither agree nor disagree, 3% somewhat disagree and 3% strongly disagree with this policy action.

¹⁸ The survey results show that 31% of respondents strongly agree, 28% agree, 17% neither agree nor disagree, 21% somewhat disagree, and 3% strongly disagree with this policy action.

market. This type of control system leads to situations where, by the time any enforcement measures are taken, the trader has already moved on to other marketing strategies.

As a result, some consumers organisations have called for an advance control mechanism to prevent misleading and unsubstantiated claims from entering the market in the first place (see Box 13). Policymakers can weigh the compliance and administrative burdens imposed by a pre-approval scheme against the gains in consumer trust and legitimacy.

Box 13. BEUC proposals for combatting greenwashing

The European Consumer Organisation (BEUC) has recommended establishing a pre-approval scheme for all sustainability claims (BEUC, 2020). While the proposal is specific to the EU and is based on the model of the 2016 Health and Nutrition Claims Regulation, policymakers may draw inspiration and adapt it to other national contexts.

BEUC also proposes publishing in a public registry a list of all decisions concerning authorisation or non-authorisation of claims, together with conditions and restrictions for use. This will reduce the administrative burden and avoid duplication of pre-approval requests.

CORE ACTION 5.4: BAN CLAIMS WHICH ARE IMPOSSIBLE TO SUBSTANTIATE

Another policy option is to ban the use of certain claims that are deemed impossible to substantiate.¹⁹ This might include terms such as “carbon neutral”, “climate friendly” or “impact-free”. A blacklist of prohibited sustainability claims can be created to complement the ban. Where there is wide consensus on use of a new standard that legitimately and scientifically defines the term, it can be removed from the blacklist (see Box 14).

Box 14. Examples of policy action in practice

France Climate and Resilience Law

The France (2021) Climate and Resilience Law prohibits advertising related to the marketing or promotion of fossil fuels and polluting cars. It also includes provisions on sustainability claims, in particular forbidding the use of any wording on a product, packaging, or advertisement indicating that a product is carbon-neutral or has no negative climate impact, unless strict conditions are met. The fine for misleading sustainability claims can be up to 80% of the cost of advertising.

France Anti-Waste Law

The France (2021) Anti-Waste Law of 2020 prohibits displaying vague or unverifiable terms such as “biodegradable,” “environmentally friendly,” or equivalent wording on a product or packaging.

¹⁹ The survey results show that 50% of respondents strongly agree, 20% somewhat agree, and 20% neither agree nor disagree, 7% somewhat disagree, and 3% strongly disagree with this policy action.

EU Directive on Green Transition

The European Commission (2022a) proposal for a directive on green transition aims to empower consumers to make more informed and environment-friendly choices when buying products. It amends the Unfair Commercial Practices Directive by adding new practices to the existing list of prohibited unfair commercial practices. The new banned practices will include, among others:

- Making generic or vague environmental claims where the environmental performance of a product or trader cannot be demonstrated. Examples of such generic environmental claims are “environmentally friendly”, “eco” or “green”, which wrongly suggest or create the impression of excellent environmental performance.
- Making an environmental claim about an entire product, when it really concerns only a certain aspect of the product.

EU Substantiating Green Claims Initiative

The European Green Deal states that “Companies making ‘green claims’ should substantiate these against a standard method to assess their impact on the environment” and the 2020 Circular Economy Action Plan commits that “the Commission will also propose that companies substantiate their sustainability claims using Product and Organisation Sustainability Footprint methods”, (European Commission, 2020c and 2022d).

The relevant legislative proposal, expected to be published in 2022, will require companies to substantiate green claims by using the common Product Environmental Footprint (PEF) method. Consumer associations in Europe, including BEUC and ANEC, have expressed reservations about using the PEF method, which has shortcomings as a standalone instrument for substantiating consumer-facing claims (ANEC, 2012; ANEC, 2020; BEUC, 2020).

SUPPORTING ACTION 1

SUPPORTING ACTION 1: Promote consumer education and awareness about product sustainability

- 1.1 Implement consumer education programmes.
- 1.2 Impose mandatory requirements to raise consumer understanding.
- 1.3 Legislate for consumer right to education.

INTRODUCTION

Simply providing more or better scientific information on sustainability and health measures has limited impact on changing consumer behaviour (O’Rourke and Ringer, 2015). Behavioural studies reveal that consumers often do not understand what product sustainability information presented to them means, or they may not understand it correctly.

The research and stakeholder consultations also indicated that consumers are not necessarily aware of the sustainability issues that concern each product category (e.g., electronics, food) and may not even realize that certain types of information can help them make more sustainable consumption choices (Consumers International and IISD, 2023). In addition, consumers consistently misunderstand which behaviour changes are the most impactful (Ipsos, 2021).

Against this background, promoting education and awareness among consumers on product sustainability aspects constitutes a supporting action toward sustainable consumption (see Box 15).

SUPPORTING ACTION 1.1: IMPLEMENT CONSUMER EDUCATION PROGRAMMES

Implement consumer education programs that raise consumer awareness about critical product sustainability features and sustainability impacts through its life cycle by product category.²⁰ Policymakers can work with research institutions and universities as well as consumer associations to design and implement these programs on a large scale. They can start with those goods that the country consumes or imports that have the biggest environmental footprint.

SUPPORTING ACTION 1.2: IMPOSE MANDATORY REQUIREMENTS TO RAISE CONSUMER UNDERSTANDING

Impose mandatory requirements on manufacturers, sellers, and e-commerce platforms to provide certain information deemed important for raising consumer understanding of critical product sustainability features and impacts,²¹ and how to reuse, return, repair, or recycle products.²²

SUPPORT ACTION 1.3: LEGISLATE FOR CONSUMER RIGHT TO EDUCATION

Include in the most appropriate national legislation (e.g., consumers protection, e-commerce, or environmental legislation) the right of consumers to receive education about sustainable consumption.²³ Policymakers can collaborate with consumer associations to identify the national legislation that will be most effective to incorporate consumer rights provisions.

²⁰ The survey results show that 66% strongly agree, 28% somewhat agree, 3% neither agree nor disagree, and 3% somewhat disagree.

²¹ The survey results show that 54% strongly agree, 29% somewhat agree, 14% neither agree nor disagree, and 4% strongly disagree.

²² The survey results show that 50% strongly agree, 36% somewhat agree, 7% neither agree nor disagree, 4% somewhat disagree, and 4% strongly disagree.

²³ The survey results show that 52% strongly agree, 17% somewhat agree, 21% neither agree nor disagree, and 10% somewhat disagree.

Box 15. Examples of policy action in practice

Chile Consumer Protection Act

The Chile (1997) Consumer Protection Act encompasses a right to education on responsible consumption for consumers.

South Korea Framework Act on Consumers

Under Section 1 related to the Establishment of Consumer Policy, the Republic of Korea (2017) Framework Act on Consumers requires the Fair Trade Commission to establish a basic plan for consumer policy every three years. This plan should include matters on the facilitation of consumer education and information provision.

SUPPORTING ACTION 2

SUPPORTING ACTION 2: Strengthen enforcement of relevant consumer law

- 2.1 Make regular compliance checks.
- 2.2 Increase enforcement action.
- 2.3 Introduce bigger penalties.
- 2.4 Create international enforcement networks.
- 2.5 Get support from consumer groups.
- 2.6 Provide training to businesses.

INTRODUCTION

Enforcing rules against greenwashing remains a challenge. This is partly due to the complexity of assessing sustainability claims, as well as insufficient resources, a lack of prioritization of consumer policy issues by governments, and differences between rules across jurisdictions.²⁴

SUPPORTING ACTION 2.1: MAKE REGULAR COMPLIANCE CHECKS

Market surveillance authorities can make regular compliance checks. Unannounced compliance checks, along with penalties in case of non-compliance, can disincentivize greenwashing.

²⁴ Participants at stakeholder roundtables held in April 2022 identified these challenges.

SUPPORTING ACTION 2.2: INCREASE ENFORCEMENT ACTION

Consumer agencies can increase enforcement action on sustainability claims to build up case law. Case law can in turn guide and support businesses to substantiate sustainability claims.

SUPPORTING ACTION 2.3: INTRODUCE BIGGER PENALTIES

Introduce larger fines or other penalties to discourage misleading sustainability claims. The proceeds of these fines can be directed toward further enforcement action on sustainability claims.

SUPPORTING ACTION 2.4: CREATE INTERNATIONAL ENFORCEMENT NETWORKS

Create enhanced enforcement networks to address infringement by large market players that operate across borders. International cooperation and information sharing among enforcement agencies can contribute to this objective.²⁵

SUPPORTING ACTION 2.5: GET SUPPORT FROM CONSUMER GROUPS

Enable independent consumer associations to support development and enforcement of regulations. They can do this by providing evidence of consumer detriment due to false and misleading environmental claims, and by relaying consumer expectations of sustainability claims. Evidence of consumer detriment is a key element in the preliminary steps of consumer policy development, as outlined in the OECD's Consumer Policy Toolkit (OECD, 2010) (see Box 16).

SUPPORTING ACTION 2.6: PROVIDE TRAINING TO BUSINESSES

Provide training to businesses on how to comply with guidelines on sustainability claims. This can happen at national or international level.

Box 16. Improving consumer protection enforcement insights

Enforcing rules on sustainability claims is just one issue of enforcement of consumer protection laws, which have many shortcomings. Goyens (2020) identifies the main challenges as inadequate resources coupled with a lack of prioritization of consumer law enforcement by regulators.

Based on the online survey, policymakers can undertake one or more of the following actions to ensure effective enforcement of consumer rights (which are tangible and actionable) in e-commerce and physical retailing.

²⁵ See, for instance, the ICPEN working group on sustainability claims, which has carried out international sweeps of websites for misleading sustainability claims (ICPEN, 2021).

With respect to consumer organizations:

1. Involve consumer organizations in decision-making on sustainable consumption legislation.
2. Allocate more resources to consumer protection agencies so they can better enforce consumer rights.
3. Provide funding to consumer organizations (e.g., to raise awareness and monitor enforcement of consumer rights).
4. Give consumer organizations and businesses opportunities to share information and network on consumer legislation, compliance, and implementation.

With respect to enforcement:

5. Establish a tripartite mechanism including consumers, consumer organizations, and the government to monitor how consumer rights are protected.
6. Establish a civil society mechanism to oversee implementation of consumer protection legislation.
7. Impose significant penalties or fines for breaches of consumer legislation.

Other examples to improve enforcement:

8. Promote coordination between national consumer protection authorities.
9. Introducing consumer training programs.

EU Consumer Protection Cooperation Regulation

The EU Consumer Protection Cooperation Regulation lays down the conditions under which competent authorities in member states, designated as responsible to enforce laws that protect consumers' interests, shall cooperate with each other and with the EU to ensure: compliance with those laws, smooth functioning of the internal market, and better protection of consumers' economic interests (European Commission, 2017).

EU Consumer Law Ready Program

The EU Consumer Law Ready is a consumer law training program for small businesses. It was developed to update small and medium enterprises on important aspects of EU consumer law (European Commission, 2022e).

United Kingdom Green Claims Code

The British Competition and Markets Authority (2021) launched an awareness campaign to businesses on misleading green claims. A *Green Claims Code* was published to "help businesses understand how to communicate their green credentials while reducing the risk of misleading shoppers."

SUPPORTING ACTION 3

SUPPORTING ACTION 3: Promote a coherent policy framework for sustainable consumption

- 3.1 Adopt a whole-government approach.
- 3.2 Create an international policy framework.
- 3.3 Be prepared for change.
- 3.4 Address capacity-building needs.

INTRODUCTION

Legislation across different policy areas, including consumer, digital, environmental, and sustainability policies, often operates in silos. The development of a coherent policy framework for sustainable consumption requires a whole-government approach. Challenges include not only insufficient interagency coordination, but also dealing with potentially competing policy objectives (see Box 17).

Box 17. Examples of competing policies (Consumers International and IISD, 2023)

Right of Withdrawal

The right of withdrawal is a period during which a consumer can cancel an online purchase even when already paid, usually without giving a reason or incurring any costs. The use and possible abuse of this right may undermine the objectives of environmental sustainability, because customers' returns of online purchases are a main driver of greenhouse gas emissions associated with e-commerce. There have been proposals to amend this right to reconcile consumer protection and sustainability objectives (Terry and Van Gool, 2021).

Free Delivery and Return

In e-commerce, consumer legislation normally does not ban free delivery and return. As such, these policies clash with the objectives of sustainable development and "threaten the profitability of [small] e-commerce businesses", (Terry and Van Gool, 2021). Discussions are ongoing on whether to ban free delivery and returns of online shopping due to its negative sustainability impact (e.g., in France) (The Local, 2021).

SUPPORTING ACTION 3.1: ADOPT A WHOLE-GOVERNMENT APPROACH

Prioritize development and implementation of a whole-of-government approach to sustainable consumption.²⁶ Enhanced interagency consultation, coordination, and collaboration, along with

²⁶ The survey results show that 52% consider it very useful, 34% somewhat useful, 10% neutral and 3% not at all useful.

national studies aimed at identifying potential policy gaps and addressing competing policy objectives, can support this objective.²⁷

SUPPORTING ACTION 3.2: CREATE AN INTERNATIONAL POLICY FRAMEWORK

Foster international collaboration and cooperation to identify best practices followed by governments to achieve a more coherent policy framework for sustainable consumption. This can be achieved by adding this item to agendas of regular events of international organizations, or through dedicated policy dialogues at regional and international levels, such as the UN One Planet network (see Box 18).

SUPPORTING ACTION 3.3: BE PREPARED FOR CHANGE

Build on existing international cooperation on consumer protection to enhance governments' preparedness to address multiple policy challenges derived from a changing environment. Informal dialogues and exchange on best practices and lessons learned, for example through forums like ICPEN, can contribute to this objective.²⁸

SUPPORTING ACTION 3.4: ADDRESS CAPACITY-BUILDING NEEDS

Promote international dialogue and cooperation on regulations that may have an impact on producers from developing countries to identify and address capacity-building needs. Inspiration may be drawn from existing cooperation programs to help producers comply with requirements in export markets.

Box 18. Examples of opportunities for international cooperation

Opportunities for greater national and international collaboration and cooperation on sustainable consumption policy include:

- Enabling regulators to exchange information and best practices on enforcement in a more systematic manner.
- Empowering consumer protection authorities to gather data about consumer incidents and develop joint actions to remedy consumer harm (Goyens, 2020).
- Providing technical assistance and capacity building.
- Engaging in international and regional cooperation.

EU and Canada Cooperation

In 2017, the EU-Canada Comprehensive Economic Trade and Trade Agreement entered into force

²⁷ The survey results show that 41% consider it very useful, 52% somewhat useful, and 7% are neutral.

²⁸ The survey results show that 68% strongly agree, 29% somewhat agree, and 4% somewhat disagree.

provisionally. Under the cooperation section of the agreement, there is an initiative establishing a regular exchange of information between the EU RAPEX alert system and Canada's RADAR consumer product incident reporting system.

EU Technical Assistance

The EU is seeking to promote high standards for consumer protection worldwide and is involved in the "regulatory support, technical assistance and capacity building for EU partner countries, including Africa."

Republic of Korea Cooperation

The Korea Environmental Industry and Technology Institute (KEITI) plays a key role in international cooperation, serving as a secretariat for UN Sustainable Consumption and Production programs for the Asian region. The agency undertakes cross-cutting activities to promote sustainable consumption, including the Environmental Information Disclosure Programme and Korea Ecolabelling certification scheme.

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