



Ecommerce Europe Trustmark Handbook

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1. GLOSSARY

1. Ecommerce Europe Trustmark: An Ecommerce Europe initiative seeking to promote high standards of consumer protection and to encourage the cross-border sale of goods and services on the Internet.
2. Ecommerce Europe Trustmark Requirements (EETR): A set of requirements that national trustmark schemes wishing to participate in the Ecommerce Europe Trustmark must comply with.
3. National trustmark schemes: Any national e-commerce association providing a national e-commerce trustmark to B2C e-merchants after positive assessment on the basis of legal criteria.
4. National Trustmark requirements: Set of business practices that a national trustmark scheme requires its subscribers to comply with. The national trustmark requirements may be presented in the form of a code of practice, a code of conduct, a set of requirements or a list of criteria.
5. Trustmark: A label or visual representation showing participation in a trustmark scheme, which links to a dedicated website or certificate which explains the certification with the trustmark and connects to the Trustmark Code of Conduct. A subscriber to a trustmark scheme can display a trustmark if he meets the Trustmark requirements.
6. Subscriber: Any B2C online merchant who uses a national trustmark after positive assessment by the national trustmark scheme concerned.
7. Online merchant: “Any party offering to sell products and/or services, and/or engaging in advertising and marketing on-line (electronically)”.

2. PREAMBLE

This Handbook outlines how the Ecommerce Europe Trustmark scheme works. It serves as a guidance document for participating national associations and is updated regularly to align with current practice.

3. INTRODUCTION

The Ecommerce Europe Trustmark is non-for-profit, based upon self-regulation and has been developed in close cooperation with national consumer organizations. The Ecommerce Europe Trustmark is free for B2C online shops members of participating national associations until - at least - the end of the year 2020. The objective of the Ecommerce Europe Trustmark is to stimulate cross-border online sales through better protection for consumers and merchants, by establishing one European set of rules and by ensuring clear communication on these rules. Moreover, we are actively helping those countries without a national trustmark scheme to set up a trustmark which we can then directly link to the Ecommerce Europe Trustmark.

4. WHO CAN APPLY?

The Ecommerce Europe Trustmark is open to merchants selling goods and/or services online to consumers in Europe. As a general rule, merchants will apply for the Ecommerce Europe Trustmark through the connected national trustmark scheme in the country where they (aim to) sell their goods and/or services. The National Association - which has to be a member of Ecommerce Europe - in the targeted country will be responsible for the certification and will monitor compliance with the national

and Ecommerce Europe Trustmark codes and guidelines. Online merchants targeting a country where there is no national trustmark scheme connected to the Ecommerce Europe Trustmark scheme cannot, at this point in time, apply for the trustmark.

In some cases, National Associations rely on third parties to award the national trustmark. In those cases, third parties are allowed to award the Ecommerce Europe Trustmark as far as they fully comply with Ecommerce Europe's standards and as far as they act on behalf of a national e-commerce association that is a member of Ecommerce Europe, meaning - in practice - only to those companies that are a member of the national association.

For an overview of the national associations participating in the Ecommerce Europe Trustmark scheme, please visit: <https://www.ecommercetrustmark.eu/>.

5. TRUSTMARK CODES AND GUIDELINES

The Ecommerce Europe Trustmark scheme commits its members (national trustmark schemes and individual companies carrying the Trustmark logo) to attain to high standards of service and accountability to ensure better consumer protection. Ecommerce Europe has developed several standards and guidelines so that all participants in the Trustmark scheme are clear on their rights and obligations:

5.1. For national Trustmarks:

a. Ecommerce Europe Trustmark Requirements (EETR)

The Ecommerce Europe Trustmark Requirements (EETR) are the basis for the Ecommerce Europe Trustmark and aim to provide a high standard of consumer protection in e-commerce. The EETR offer a basis for good online practice and cover high standards for requirements for national trustmark schemes such as transparency, accessibility and visibility, scope and content, monitoring and enforcement. Trustmark schemes of a National Association member of Ecommerce Europe that meet the EETR can participate in the Ecommerce Europe Trustmark scheme. National trustmark schemes are encouraged to meet or exceed the requirements of the Ecommerce Europe Trustmark. The EETR and the Ecommerce Europe Trustmark are subject to regular review in order to be able to keep pace with the development of the online market and technological change. Please see Annex I for the full list of EETR.

b. Minimum level of EU legal criteria (or Minimum Common Denominator)

All participating National Associations use a checklist of EU legal criteria for the certification of the applying online merchants. Online merchants will have to comply with a minimum level of EU legal criteria for consumer protection (also called "Minimum Common Denominator") but will be encouraged to attain to an even higher level of consumer protection where possible. The legal checklist is agreed upon and regularly reviewed by the Trustmark Committee, and can be requested via e-mail to the Brussels Secretariat at info@ecommerce-europe.eu.

c. Minimum level of certification process

All National Associations participating in the European scheme commit to certify applying companies based upon the agreed checklist with certification criteria. Each participating National Association commits itself to monitoring compliance of the participating online merchants and to recertify the companies on a regular basis.

5.2. For merchants:

a. Ecommerce Europe Trustmark Code of Conduct

The Ecommerce Europe Trustmark has a clear and recognizable label. By clicking on it, the consumer will be led to the Code of Conduct, which contains a clear explanation of his or her rights and the commitments of the merchant. The Code of Conduct includes, for instance, the commitment of the merchant to be clear and transparent on the offer and prices before the consumer enters the order process, and the commitment of the merchant to offer the client transparent, easily acceptable and safe payment methods. Please see Annex II for the Code of Conduct, which is also available at: <https://www.ecommercetrustmark.eu/the-code-of-conduct>

b. Infringement procedures

Online merchants that are not authorized to use the Ecommerce Europe Trustmark will be contacted by Ecommerce Europe according to the procedure for the unauthorized use of the scheme. The Brussels Secretariat will first contact the online merchant informally in order to avoid legal steps where possible. The infringement procedure can be found in an annex to this document.

6. GOVERNANCE MODEL

1. Project Group

The Project Group is responsible for the day-to-day management and further development of the Trustmark. The Project Group consists of the Secretary General of Ecommerce Europe, the Director of EU Public Affairs of Ecommerce Europe, the Chair of the Trustmark Committee and a public affairs / communications advisor of Ecommerce Europe. The Group gives suggestions to the Trustmark Committee for overall strategy and follows the implementation of actions and upcoming issues and oversees project progress.

2. Trustmark Working Committee

The Ecommerce Europe Trustmark Committee consists of the trustmark and/or consumer law experts of all national associations which are member of Ecommerce Europe and third parties acting on behalf of a national association. The Trustmark Committee meets several times a year to discuss, under the lead of the Chair of the Trustmark Committee, further development of the Ecommerce Europe Trustmark. The Trustmark Committee decides upon the practical implementation of the overall strategy. The Committee shall appoint by common accord a chairman or chairwoman.

The Committee can have the support of a Trustmark Coordinator.

3. Board of Directors / Executive Committee

Ecommerce Europe's Board of Directors and its Executive Committee decide upon overall strategy and financial management of the Ecommerce Europe Trustmark.

7. BUSINESS MODEL

Ecommerce Europe offers the Ecommerce Europe Trustmark for free to all online merchants that carry a National Trustmark at least until the end of 2020. The online merchant always carries the European Trustmark alongside the National Trustmark. If the online merchant is active in another country with a

dedicated URL for that country, it must have the approval of the local National Association which is a member of Ecommerce Europe, be certified and carry the National Trustmark before being able to carry the European Trustmark in that country. The merchant using the Ecommerce Europe Trustmark logo has to comply with the graphic charter of the logo.

8. PROCEDURAL REQUIREMENTS APPROVAL

As outlined above, a National Association, which is a member of Ecommerce Europe, with a national trustmark scheme, can apply for the Ecommerce Europe Trustmark. To this effect, the National Association has to fill in a self-declaration stating the National Association's compliance with:

- The Ecommerce Europe Trustmark Requirements;
- The minimum level of EU legal criteria (or Minimum Common Denominator/MCD)

The applicant will receive the necessary documents (spreadsheet with criteria and MCS; self-declaration model) to be completed and sent back to the Brussels Secretariat at info@ecommerce-europe.eu.

Ecommerce Europe will assess the application and reply to the National Association in a reasonable period of time.

9. PROCEDURE TO FOLLOW IN CASE OF CONSUMER COMPLAINTS, ODR

Ecommerce Europe may receive a consumer's complaint for a good/service he/she bought on an online shop carrying a trustmark of a National Association alongside the Ecommerce Europe Trustmark. In that case, the following procedure will be applied:

1. Ecommerce Europe inquiries if the consumer has already informed the merchant about the complaint.
2. If not, the consumer is advised to contact the merchant first and offer him/her the opportunity and time to respond adequately. If the merchant does not provide an adequate response, the consumer can contact the National Association that delivered the national trustmark.
3. Eventually, if the consumer notified Ecommerce Europe that he/she is not yet satisfied, Ecommerce Europe will redirect the consumer to the ODR Platform (<https://ec.europa.eu/odr>). If the consumer is in the EU, Norway, Iceland or Liechtenstein, he/she can use the ODR Platform to find the best solution for the problem, to discuss a solution directly with a trader concerning your problem or, eventually, to agree on a dispute resolution body to handle the case.

In addition, most participating national associations have certified Alternative Dispute Resolution (ADR) systems in place. These ADR systems can provide for out-of-court solutions in case a cross-border complaint that cannot be solved in a mutual agreement between consumer and trader.

10. PROCEDURE UNAUTHORIZED USE ECOMMERCE EUROPE TRUSTMARK

Ecommerce Europe may receive information from a consumer, trader or other stakeholder indicating that a website is using the Ecommerce Europe Trustmark logo in an unauthorized way. Within a reasonable period of time, the informant receives a reply from Ecommerce Europe, in which he is kindly thanked for providing the information. Ecommerce Europe will look into the provided information further. If relevant, the relative National Association may be contacted as well. If the webshop is indeed abusing the Ecommerce Europe Trustmark logo, the webshop will be intimated to stop using it.

Annex I - ECOMMERCE EUROPE TRUSTMARK REQUIREMENTS (EETR)

1. High standard, measurability and purpose

The aim of a national trustmark scheme is to foster consumer trust and confidence in the relationship between businesses and consumers in online commercial transactions. The national trustmark scheme must comply fully with relevant EU legislation in relation to any obligation they place on subscribers or any practices they recommend to them, and require that subscribers take the necessary steps to ensure their compliance with their legal obligations.

The national trustmark scheme adds value for consumers and subscribers through complementing or supplementing legal obligations. Their performance is measurable, and they ensure a high level of consumer protection. The national trustmark scheme promotes high level of customer service, which is responsible, flexible and efficient.

2. Transparency

The national trustmark scheme provides information in the national language and, if possible, in English. It publishes and makes clear to both consumers and businesses:

- the criteria for participation in the national trustmark scheme,
- the national trustmark scheme requirements,
- the subscribers participating in the national trustmark scheme.

Moreover, the national trustmark scheme uses plain and intelligible language that is easy to understand. Information provided at any stage is presented in a clear, concise, intelligible, timely, accurate and easily accessible manner.

3. Accessibility and visibility

The national trustmark scheme is easily visible to the consumer. By clicking on the Trustmark, consumers are able to access easily details of the Trustmark scheme, including the Trustmark requirements. Subscription to a Trustmark scheme is, in principle, open to e-commerce traders with a B2C webshop.

4. Scope and content

The national trustmark scheme requirements must comply with the following legal items:

1. Legal notices
2. Right of withdrawal
3. General terms and conditions of businesses
4. Duties to provide information in electronic business transactions
5. Further duties to provide information for distance Contracts
6. Payment terms

7. Delivery terms
8. Price information, freight, delivery and dispatch costs
9. Product description, sales & distribution restrictions
10. Order process
11. Information following the order
12. Data Protection and Security

These legal items are laid down in a separate document, the Ecommerce Europe Trustmark legal checklist, which the Trustmark Committee agrees upon. The Code of Conduct is a description of this legal checklist towards consumers/traders/stakeholders in plain and intelligible language.

5. Operation

The national trustmark scheme must have the resources necessary to assess applicants, to operate a Trustmark scheme and to deal with complaints regarding non-compliance with the Trustmark requirements.

6. Assessment of applicants

The national trustmark scheme has a clear procedure in place for the assessment of applicants. This should be done through an assessment of the applicant's compliance with the Trustmark requirements which should include a check of the applicant's relevant website, its corporate identity and its internal procedures to ensure compliance.

7. Monitoring system

The national trustmark scheme monitors regularly the subscriber's compliance with the Trustmark requirements. The Trustmark scheme reports on the results of the monitoring and of the noncompliance complaints received in their yearly report. The Trustmark scheme encourages feedback from consumers and other interested parties.

8. Enforcement system

The national trustmark scheme has an adequate and meaningful enforcement mechanism and takes the necessary steps to ensure that subscribers comply with the Trustmarks requirements. The Trustmark scheme ensures that, when the Trustmark requirements are not met, subscribers undertake to amend practices to bring them into line with the Trustmark requirements within a reasonable period of time.

A list of dissuasive and proportionate sanctions is established. Sanctions available should include the withdrawal of the Trustmark when the subscriber fails to take action to comply with the Trustmark requirements or seriously or repeatedly fails to comply with them. Decisions as regards to sanctions are disclosed in the yearly report. The Trustmark scheme should make available to the public decisions to withdraw the Trustmark or unauthorized use of their Trustmark.

9. Technical security

The national trustmark scheme regularly reports on fraudulent use of the Trustmark. The information is critical to establishing confidence. The Trustmark is authenticated using effective technical mechanisms.

Annex II - ECOMMERCE EUROPE TRUSTMARK CODE OF CONDUCT

✓ We stand for our name: we give you clear information on our identity, address and how to contact us in a convenient way (e.g. e-mail, social media, telephone) before you place an order. In case we operate on behalf of another merchant, we also inform you of his identity.

✓ The essential characteristics of the products and services are adequately described. The products will be delivered based on the description and the product photo. We remind you about the existence of a legal guarantee of conformity for goods.

✓ We will be clear and transparent on our offer and the price you have to pay for our services or our products before you enter the order process. We will not charge you for additional services or products unless you explicitly agreed with these additional services or products. Before concluding the contract, you will see the final prices, VAT, delivery costs and, eventually, surcharges.

✓ We take care to have a transparent, accessible and easy order process that provides you with the possibility to check your order and eventually correct it before you finally conclude the contract. We always will confirm your order and give you information on your order and progress.

✓ We use fair, easily accessible and transparent contract terms in plain language that respect your rights. We will provide an easy way to communicate, to print or to download these contract terms.

✓ We offer you transparent, convenient, widely accepted and safe payment methods (e.g. PayPal, payment via invoice).

✓ We use transparent, convenient, widely accepted and safe delivery systems based upon the information provided at transparent prices. We will deliver at the place and time as specified in the offer.

✓ Before you conclude the contract, we will provide clear and transparent information on your legal rights and obligations, your withdrawal right or the absence of it, the costs of effecting your withdrawal right (as and if required by EU legislation) and, in case you have a withdrawal right, the standard European withdrawal form. We will provide easy and transparent return and refund procedures.

✓ You can always contact us in an easy and convenient way. We commit ourselves to offering a transparent and easily accessible customer service and complaints handling system. We inform you about the possibility of out-of-court dispute resolution and display the link towards the [European Online Dispute Resolution platform](#) on our website.

✓ We respect your privacy, protect your data and care for a safe web-environment. We are transparent and inform you about the collecting and processing of your data and the purposes for which we use them, including information regarding cookies policy. Data is collected to carry out the contract and to improve our offer to you and your buying experience. Your data is collected in compliance with data protection and privacy legislation and, as far as legally required, only with your explicit consent.