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PART 1/3

COMMISSION STAFF WORKING DOCUMENT

**Consumer Conditions Scoreboard 2017 edition:
Consumers at home in the Single Market**

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1. EXECUTIVE SUMMARY

The Consumer Conditions Scoreboard, published every two years, is the main instrument for monitoring the consumer environment across Europe. It looks at three main dimensions: knowledge and trust; compliance and enforcement; complaints and dispute resolution. Together these form the composite Consumer Conditions Index. The Scoreboard also examines progress in the integration of the EU retail market based on the level of business-to-consumer cross-border transactions and the development of e-commerce.

Scoreboard findings are of interest to consumer and business stakeholders and to policymakers, at both EU and national level. Scoreboard data is unique in that it can be used to compare consumer conditions across countries and across time. It informs a broad range of EU and national policies, with immediate relevance for consumer and single market policies (in particular the Digital Single Market). Moreover, Scoreboard indicators are correlated with key social, economic and governance indicators monitored by international organisations. This highlights the relevance of the consumer perspective across policy areas.

The main sources of statistical data for the Scoreboard are dedicated representative surveys of consumers and retailers in all EU countries, Iceland and Norway.

The 2017 Consumers Conditions Scoreboard is structured as follows:

| | |
|-----------|--|
| Chapter 1 | Highlights the main findings of the Scoreboard. |
| Chapter 2 | Presents the conceptual framework and methodological approach to measuring consumer conditions. |
| Chapter 3 | Tracks the quality of consumer conditions at EU and national level, along three components: knowledge and trust; compliance and enforcement; complaints and dispute resolution. It also examines correlations of the Consumer Conditions Index with other established social, economic and governance indicators. |
| Chapter 4 | Looks at the extent to which respondents' socio-demographic characteristics and self-assessed consumer vulnerability have an impact on indicators of consumer conditions. |
| Chapter 5 | Is dedicated to the Digital Single Market (DSM), with a particular focus on e-commerce. |
| Annex | Includes 30 country sheets with detailed indicators by country (EU Member States, Iceland and Norway); the detailed composition of the Consumer Conditions Index; and the results of a multivariate analysis on how the different socio-demographic characteristics of the respondents have an impact on their perceived vulnerability as consumers. |

Key findings of the 2017 Consumer Conditions Scoreboard

- 1. Conditions for consumers improve across the EU, but significant differences persist between countries**
- 2. Conditions for vulnerable consumers (e.g. those facing severe financial problems) can be challenging**
- 3. Consumer trust in online shopping surges, but obstacles that hamper the development of e-commerce to its full potential remain (e.g. territorial restrictions applied by online sellers)**

Conditions for consumers have improved overall since 2014 in the EU, driven mainly by an increase in trust, but remain less satisfactory in the eastern and southern EU countries.

All of the three components of the Consumer Conditions Index (CCI) show improvement at EU level in 2016 compared to 2014. The biggest increase is for Knowledge and Trust with a score 4.2 percentage points higher than two years earlier. This was mainly driven by a surge in trust (+6) and continues the positive trend observed in previous Scoreboards. There is also improvement on the two other CCI components, i.e. Compliance and Enforcement (+3.1) and the component Complaints and Dispute Resolution (+1.4).

Consumer conditions are generally better in northern and western Europe compared to the eastern and southern¹ EU countries, a pattern similar to previous years.

Consumers know better their rights

In 2016, consumers scored much better when tested on their knowledge of three key consumer rights² compared to previous editions. The percentage of correct answers increased by 5.8 percentage points to 49 % and more consumers were able to answer correctly all three knowledge questions (12.6 %, up 3.6 percentage points from 2014). Consumers are particularly aware of their right to return a good purchased at distance (67.4 %) but also have a fair knowledge of their rights to repair and/or replacement for goods purchased that turn out to be defective (45.8 % correct answers).

Retailers on the other hand reached knowledge scores slightly below those of two years ago (-0.8), with 53.5 % correct answers on average at EU level³. Retailers selling goods are

¹ See Chapter 2 for the definition of the clusters of countries.

² The survey tests consumers' knowledge of the right to return a good purchased at distance during a 'cooling off period', the rights in case of receiving unsolicited products and finally the rights stemming from the legal guarantee when a product purchased is faulty,

³ The overall indicator on retailers' knowledge is computed by averaging the incidence of correct answers on five questions, of which four (referring to whether or not specific commercial practices are illicit) are computed on all sampled retailers and one (on faulty product guarantee) is calculated for retailers selling among others non-food products. For more information, please refer to figure 7.

generally more knowledgeable of consumer rules than those providing services⁴. Retailers' knowledge of unfair commercial practices (three out of four commercial practices are correctly identified by a majority) is better than their knowledge of faulty product guarantees.

Consumers are more confident that their rights are protected

Seven out of 10 respondents on average confirmed their trust in companies to respect their rights and in public authorities and non-governmental consumer organisations ('consumer NGOs') to protect their rights when necessary. This was an increase of 8.2 points compared to 2014. This surge follows the largely positive trend observed in previous Scoreboards and is one of the most encouraging findings in 2016. Indeed, trust is a central element to functioning markets. Consumers who feel confident that their rights are respected and protected, are likely to engage actively in the marketplace. Worth noting in 2016 is the stronger increase in trust in public authorities (+8.8 points) and consumer NGOs (+10 points) compared to that in companies (+5.7 points).

In the same vein, trust in the safety of non-food products and trust in redress mechanisms also improve. The same applies for confidence in environmental claims (linked to 'green' products).

Generally higher consumer trust levels can be observed in the EU-15 compared to the EU-13⁵.

Compliance by retailers with consumer rules has improved

In 2016 both consumers (down by 6.9 points) and retailers (-3.6) were less likely than in 2014 to come across unfair commercial practices. The improvement can be observed for all practices monitored. However, it is worth noting that vulnerable consumers and smaller businesses appear to be more exposed than other groups to such practices. Similarly, other illicit commercial practices (such as unfair contract terms or unanticipated charges) were reported less frequently.

Retailers find compliance costs reasonable in their country...

Most retailers indicate that within their sector complying with domestic consumer rules is easy (71.2 %, a slight decline of 1.6 points from 2014) and the related costs reasonable (66.2 %, similar to 2014). These results largely corroborate the findings of a business survey carried out under the recent regulatory fitness check of EU consumer law⁶. Retailers also have a positive view on compliance with consumer legislation by their competitors (67.1 % agree, an increase of 2.4 points from 2014).

...but struggle with compliance and the related costs when it comes to consumer laws in other EU countries

⁴ This comparison is based on the average incidence of correct answers to the four questions on commercial practices (excluding the one on faulty product guarantee).

⁵ See Chapter 2 for the definition of EU-13 and EU-15.

⁶ http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=59332

However, when it comes to cross-border situations, retailers' assessment of compliance is less positive, with just around half considering it easy to comply with consumer rules in other EU countries (55 %), declaring that their competitors in other EU countries comply with consumer legislation (49.3 %) or that compliance costs are reasonable in other EU countries (47.6 %). Results for all these indicators on doing business in other EU countries are somewhat worse than in 2014.

The enforcement of consumer and safety rules by public authorities is positively assessed by retailers...

Retailers' assessment of enforcement in 2016 is slightly better than in 2014, halting the decline observed in the previous Scoreboard. Most retailers agree that public authorities actively monitor and ensure compliance with consumer laws (66.7 %) and with product safety rules (74.7 %). However, smaller companies tend to assess enforcement less positively than medium-sized and large ones. They are also more likely to report having encountered unfair commercial practices by competitors.

...and seems to indeed make a difference

Retailers' views on enforcement have a high positive correlation with their assessment of compliance (0.64) and a moderate negative correlation with the perceived prevalence of unfair commercial practices (-0.53). Moreover, there is a high correlation between retailers' assessment of the role of public authorities and consumer NGOs in monitoring compliance and consumers' trust in these organisations to protect their rights (0.74 and 0.63 respectively). Both elements suggest that monitoring and enforcement efforts by public authorities and consumer NGOs effectively translate into better outcomes for consumers.

Fewer consumers report having encountered a problem worth complaining about and more of those who complained were satisfied with how their complaint was dealt with

In 2016 a fifth of consumers reported that they encountered a problem over the previous twelve months that in their view would be a cause to complain (-2.6 points compared to 2014). Those who did complain primarily complained to the retailer or service provider (50 %, a significant drop of 12.5 points compared to 2014). Few took the matter to a public authority (6.5 %) or an alternative dispute resolution body (3.7 %) and even fewer to a court (1.2 %). According to retailers, consumers mainly complained about the product itself, delivery issues (late or not delivery) and extra charges. This was the case whether they bought domestically or from another EU country. Those who complained were generally (on average 63.4 %) satisfied with the way their complaint was handled across the different channels available, more than in 2014 (+3.5 points).

Still, in 2016 almost a third of consumers decided not to act upon their problem (despite feeling it would have been legitimate), a higher proportion than in 2014 (+6.1). The main reasons for not complaining were that the sums involved were too small (34.6 %) and that it would have taken too long (32.6 %). As a positive development in 2016, of those who did not complain considerably fewer believed that a complaint would have been unlikely to produce a satisfactory solution (down to 19.6 %, i.e. roughly half of the percentage in 2014). If confirmed over time, this trend — alongside the increased satisfaction with complaint handling — could be indicative of continued efforts at EU and national level to promote consumer rights and to make it easier for consumers to complain.

Vulnerability, whether linked to individual characteristics of the respondent or to market factors, significantly influences consumer conditions

Consumer vulnerability may be linked to individual characteristics such as age, health and education, to personal circumstances such as financial situation or employment status, or to market factors, such as complexity of the offers or complexity of contract terms and conditions.

Consumers who perceive themselves as vulnerable have less trust in organisations, product safety and environmental claims. They are more likely to report having been exposed to unfair commercial practices and score lower on the problems and complaints indicator (meaning they are confronted with more problems and/or are less satisfied with how their complaint was handled). In addition, when vulnerability is linked to socio-demographic characteristics, knowledge of consumer rights and numerical skills are lower compared to other groups.

Likewise, severe financial problems⁷ are linked with lower trust in organisations, less confidence in online shopping and product safety, and poorer numerical skills. In addition, these consumers are somewhat more likely to have been exposed to unfair commercial practices and shopping problems and are less likely to complain about problems⁸.

Consumer trust in online shopping surges, especially in buying from other EU countries, but obstacles that hamper e-commerce development to its full potential remain (e.g. territorial restrictions applied by online sellers)

This Scoreboard depicts a rather contrasted picture between the demand side and supply side of the online market, with consumers appearing considerably better prepared for the Digital Single Market (more ‘DSM-ready’) than retailers.

More consumers are buying online, including from other EU countries

An increasing number of consumers are buying online: the share of e-shoppers almost doubled in a decade increasing from roughly 30 % to 55 %. Most choose to buy from traders in their country (49.1 %), while 17.5 % purchase from other EU countries. The gap could be narrowing as the share of cross-border buyers almost tripled in relative terms, whereas that of domestic ones roughly doubled (increased by a factor of 1.8) during this period.

Retailers are slower to respond to consumers’ increased interest in e-commerce

The uptake of e-commerce by businesses is progressing at a comparatively slower pace: between 2009 and 2015, the share of businesses selling online increased by 5.5 points, reaching just 20 %. Among retailers (those who sell directly to consumers), the uptake of online sales is higher, but also stagnant: there is no statistically significant increase from 2014

⁷ Those who declared that their financial situation is very difficult

⁸ The percentage of persons who did not complain (base: consumers from the EU-28 who experienced a problem but did not take any action to solve it — excluding situations where the sums involved were considered too small) was 24.5 %, among persons with a very difficult financial situation against an overall incidence of 20.1 %.

to 2016, while among those who do not yet sell online the reported intention to engage in e-commerce in the next 12 months is in decline (-4.1 points from 2014).

Consumer trust in online purchases surges, in particular for cross-border purchases...

This Scoreboard reports a breakthrough increase in consumer confidence in online shopping with trust levels increasing by 12.4 percentage points for purchases from retailers located in the same country and by a stunning 21.1 percentage points for purchases from other EU countries. Early signs of this strengthening of confidence could already be observed in the 2014 survey. What is striking in the 2016 results is that for the first time consumers expressed a strong increase in trust in buying goods and services from other EU countries. This is significant since lack of trust in cross-border e-commerce has been for years the main demand-side barrier to tapping the full potential of the DSM.

...but retailers remain reluctant

On the supply side however, the picture is quite different: while 58 % of EU retailers declared being confident selling online (a slight decrease of -0.8 points from 2014), just half of them (27.2 %, or 1.7 points lower than in 2014) appear ready to sell both domestically and to other EU countries and 30 % were only confident to sell within their own country. When asked to rank the significance of the obstacles they face in selling online to consumers in other EU countries, retailers mostly show concern for higher risks of fraud and differences in tax regulations. Other aspects identified as significant barriers by retailers are differences in national contract law, differences in national consumer protection rules, and potentially higher costs for solving disputes cross-border.

The above suggests that consumers may be considerably more DSM-ready than retailers, both in terms of trust in e-commerce (in particular cross-border) and in terms of actual behaviour (purchasing by consumers vs selling by retailers) as the long-standing demand-side obstacle represented by consumers' lack of trust in cross-border online purchases appears to be finally subsiding.

Delivery problems remain frequent in e-commerce, but the situation is improving

A little over a third (34.5 %) of e-shoppers report having had a problem with the delivery of their purchases. This remains considerable in spite of a significant improvement since 2014 (down by 15.6 points). Delivery issues typically range from late delivery (25.6 %), the most commonly reported problem, to delivery of damaged or wrong products (12.1 %) and non-delivery of the product (6.6 %). It should be noted, however, that there is a significant decrease in 2016 compared to 2014 in the proportion of e-shoppers reporting each of these problems (-12.5 points for late delivery, -8.9 points for delivery of damaged/wrong products, -4.0 points for non-delivery).

Consumers continue to face supply-side obstacles to cross-border e-commerce

Consumers who shop online cross-border report facing a number of barriers that limit their access to the DSM. Almost a quarter (24.2 %) reported encountering some problem in 2016, an increase of 6.7 points from 2014, possibly linked to a higher uptake of cross-border e-commerce by consumers. The issue most frequently reported in this context is the seller's refusal to accept payment from the consumer's country (12.8 %, an increase of 7.9 points from 2014). This is followed by the refusal to deliver to the country of the consumer (10.1 %, no significant change) and rerouting to other websites with different prices (6.2 %, down by 2 points from 2014). The European co-legislators are currently reviewing a regulation to

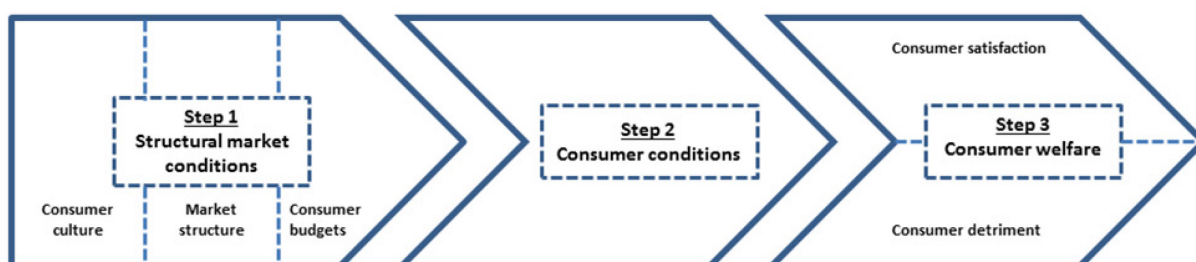
address geo-blocking and other forms of discrimination in the DSM, which the Commission proposed in May 2016.

2. MEASURING CONSUMER CONDITIONS

What are consumer conditions?

Consumer conditions cover those aspects of the consumption process that facilitate or hamper the transformation of consumer choice into consumer welfare. Consumer conditions lie between structural market conditions (consumer needs, budgets and the offer of products on the market) and consumer welfare, i.e. the extent to which consumers are satisfied with the outcome of their choices.

Figure 1: Positioning consumer conditions within a consumption process



Conceptual framework of the Consumer Conditions Scoreboard

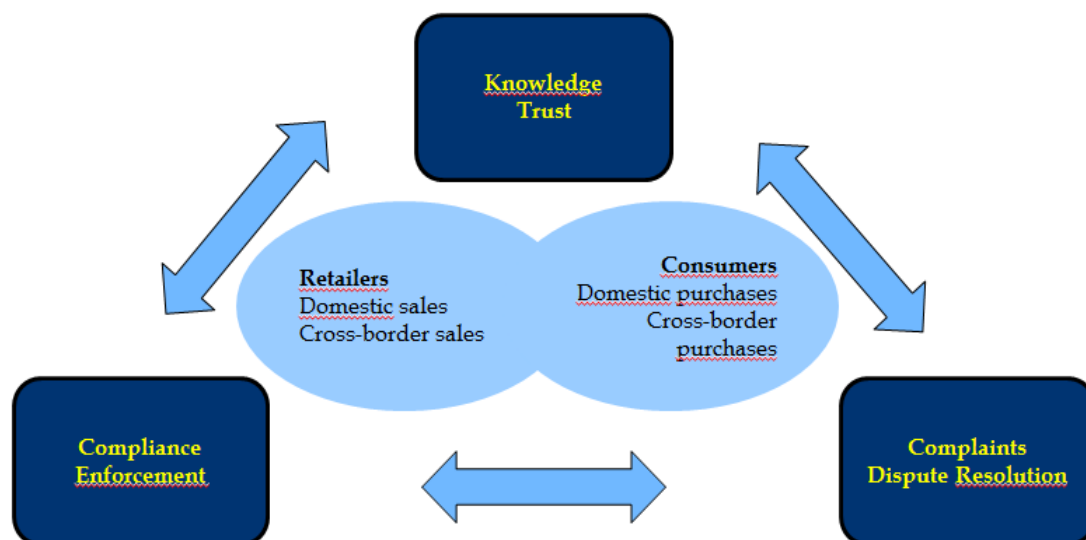
The conceptual framework used in the Scoreboard to measure consumer conditions builds on the following three components:

- consumer and business **knowledge of consumer rights**, **their trust** in institutional actors, product safety and environment claims and their confidence to trade online
- issues related **to compliance with consumer laws and enforcement** by different institutional and market actors
- elements related to **consumer complaints and the resolution of disputes** between consumers and traders.

The Scoreboard mainly draws from two regular surveys of consumers and retailers. It combines, where relevant, the two perspectives since they are likely to cross-validate and complement one another. This helps to increase the reliability of the measurements. As in previous Scoreboards, the surveys' results are complemented by data from other sources such as the results of compliance checks coordinated by the Commission or complaints received by the European Consumer Centres.

Finally, the Consumer Conditions Scoreboard also monitors the integration of the Single Market from a consumer perspective: differences in attitudes and experiences of market participants in cross-border EU transactions as compared to domestic ones are assessed to analyse the integration of the Single Market over time.

Figure 2: Framework for measuring consumer conditions



The Consumer Conditions Index

A selection of the Scoreboard's core indicators collected through the surveys feed into the **Consumer Conditions Index (CCI)**. The index is focussed on domestic transactions and builds on three components:

- Knowledge and Trust
- Compliance and Enforcement;
- Complaints and Dispute Resolution

The CCI has a theoretical range from 0 to 100 since the basic indicators⁹ feeding into it are expressed in percentages. An equal weight (33.3 %) is given to each of the three components, with the first one being equally subdivided into two sub-components.

Improved and refined methodology

The methodology underpinning the Consumer Conditions Scoreboard was extensively revised in 2015. This was done with the expert support of the Commission's Joint Research Centre and in consultation with stakeholders. As part of the revision, the conceptual framework was strengthened, new indicators were introduced and existing ones were refined following a thorough statistical audit¹⁰.

The comparability with previous Scoreboards was preserved as much as possible. When shown in graphs and tables, changes are always based on comparable data. However, due to the methodological novelties introduced, it was not possible to estimate data in levels for the years 2012 and before.

⁹ Annex **Error! Reference source not found.** provides the list of indicators contained in the CCI

¹⁰ The Consumer Conditions Scoreboard – Consumers at home in the Single Market (2015 edition) contains a more detailed description of the methodological improvements made. It is accessible under: http://ec.europa.eu/consumers/consumer_evidence/consumer_scoreboards/index_en.htm

Presentation of the results

Results in this Scoreboard are presented by countries or aggregated at EU-28 level and in different country groupings, such as the regional clusters listed in Table 1, EU-15 and EU-13 (where EU-15 refers to the EU in its pre-2004 formation and EU-13 refers to the EU countries that joined in 2004 or later).

Table 1: overview of the regional clusters

| | |
|-----------------------------|---|
| Northern EU countries/North | Denmark, Finland, Sweden |
| Southern EU countries/South | Cyprus, Greece, Spain, Italy, Malta, Portugal |
| Western EU countries/West | Austria, Belgium, Germany, France, Ireland, Luxembourg, Netherlands, United Kingdom |
| Eastern EU countries/East | Bulgaria, Czech Republic, Estonia, Hungary, Croatia, Lithuania, Latvia, Poland, Romania, Slovenia, Slovakia |

Results from Iceland and Norway are also highlighted where particularly relevant throughout the Scoreboard.

Statistically significant changes are indicated in the relevant tables with an asterisk (*). Statistical significance is calculated at the 95 % confidence level, meaning that the null hypothesis of no difference has been rejected at 5 % probability level.

For the main indicators socio-demographic differences or differences in company characteristics are highlighted. For consumer results the highlighted differences are based on the results of a multivariate regression analysis, in line with the results presented in Chapter **Error! Reference source not found.** For the results on company characteristics the highlighted differences are based on the results of cross-tabulations.

Table 2: Overview of socio-demographic and company characteristics

| Consumers | Retailers |
|--|---|
| <ul style="list-style-type: none"> Nationality Country of residence, region, locality Age and gender Education Current occupation Frequency of internet use Landline/mobile phone Numerical literacy Language(s) spoken Household financial situation Consumer vulnerability based on personal characteristics Consumer vulnerability due to complexity of offers Experience with EU cross-border shopping Experience with online shopping | <ul style="list-style-type: none"> Number of employees Respondents' position in the company Company turnover Language(s) used for business Retail channels used Experience with cross-border sales Experience with online sales Types of products sold Sector Year of establishment |

Dissemination database

Most of the data underpinning the Consumer Conditions Scoreboard is accessible via an online dissemination platform¹¹.

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http://ec.europa.eu/consumers/consumer_evidence/consumer_scoreboards/dissemination_database/index_en.htm.

3. CONSUMER CONDITIONS NATIONALLY

This chapter of the Scoreboard benchmarks consumer conditions in the 28 EU Member States plus Iceland and Norway. The results are presented by Scoreboard component first, followed by a more detailed presentation of results by key indicators under each component. Where relevant, results are presented by country and differences by regional clusters of countries¹² highlighted.

3.1. Knowledge and trust

The Knowledge and Trust component of the Scoreboard assesses the extent to which consumers and retailers are aware of (key) consumer rights, and it also assesses their perceptions on safety and on environmental claims of products offered on the market. In addition, it measures the trust consumers have in the organisations that have a role in ensuring consumer rights are respected and/or enforced, including trust in available redress mechanisms.

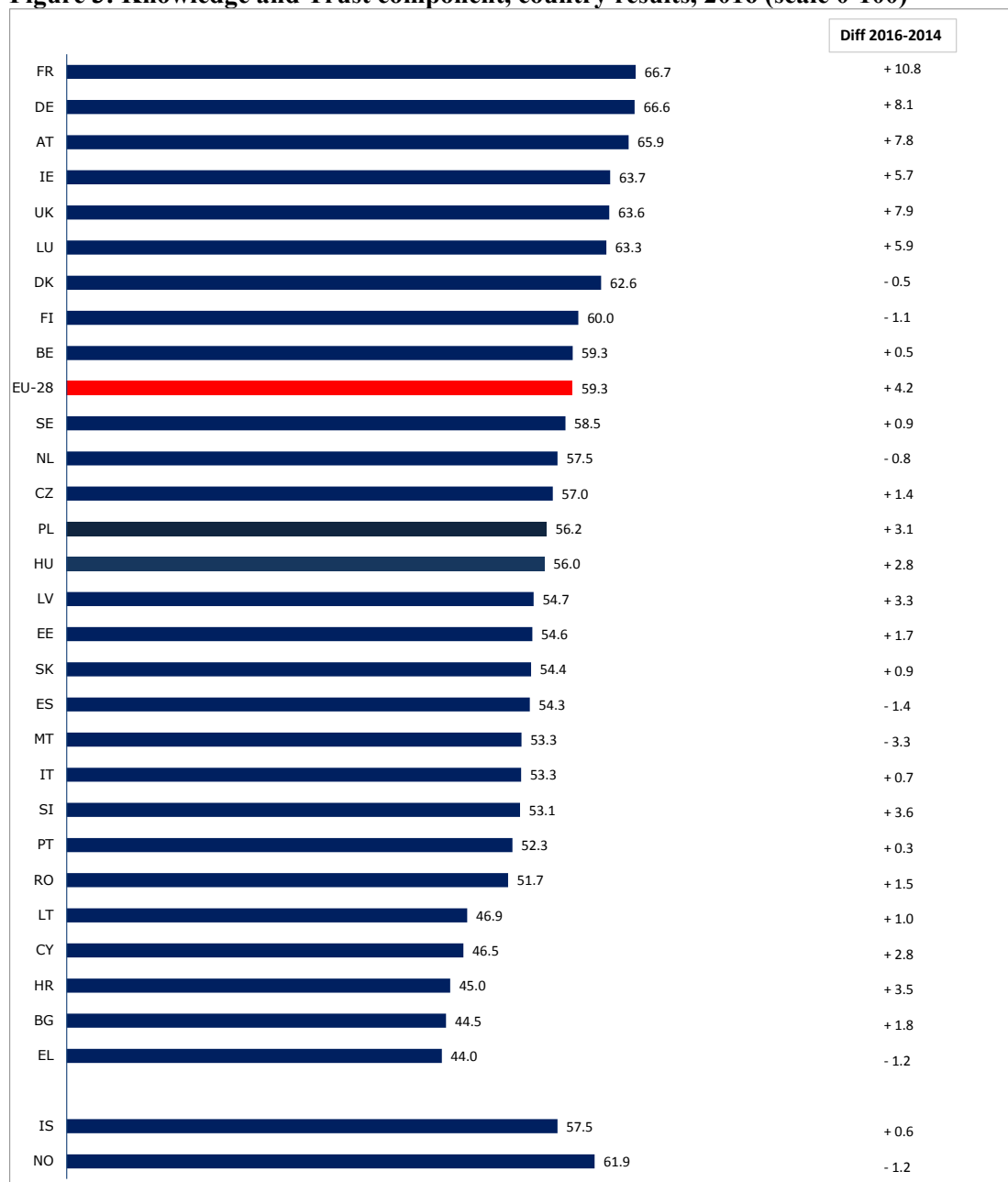
Knowledge of consumer rights and trust are increasing

The Knowledge and Trust component at EU-28 level reached a value of 59.3 in 2016, an increase of 4.2 points compared to 2014. At country level, France (66.7), Germany (66.6), Austria (65.9), Ireland (63.7) and the United Kingdom (63.6) lead the ranking. In contrast, the lowest scores are observed in Greece (44.0), Bulgaria (44.5), Croatia (45), Cyprus (46.5) and Lithuania (46.9).

France shows the greatest improvement from the 2014 results (+10.8), followed by Germany (+8.1), the United Kingdom (+7.9), Austria (+7.8) and Luxembourg (+5.9). Knowledge and Trust decreased in only six Member States: Malta (-3.3), Spain (-1.4), Greece (-1.2), Finland (-1.1), the Netherlands (-0.8), and Denmark (-0.5). Outside the EU, the same indicator also decreased in Norway (-1.2).

¹² See Chapter 2 for the definition of the regional clusters of countries.

Figure 3: Knowledge and Trust component, country results, 2016 (scale 0-100)



Source: Surveys on consumer and retailer attitudes towards cross-border trade and consumer protection

3.1.1. Knowledge of consumer rights and legislation

Consumer knowledge of their rights improves

Previous Scoreboard editions drew attention to the fact that important proportions of consumers are not aware of key rights guaranteed by EU legislation. The 2016 survey results, however, show that knowledge of consumer rights improved considerably compared to 2014. On average, respondents gave 49 % correct answers to three knowledge questions on consumer rights (for unsolicited products, faulty product guarantees and cooling-off periods applying in case of purchases at distance). This represents a rise of 5.8 percentage points and could be indicative of efforts at national and EU level to raise awareness of consumer rights¹³.

¹³ The Commission undertakes different initiatives to raise awareness such as information campaigns in which national authorities and other players in the consumer environment are encouraged to participate (e.g.

In the same vein, a 3.6 points increase in the percentage of respondents able to correctly answer all three questions on consumer rights can be observed compared to 2014. Raising awareness about consumer rights remains nevertheless a priority, as the proportion of those who got all three answers right is still low (12.6 %).

The cooling-off period for purchases at distance remains the best known consumer right

Knowledge of different consumer rights varies. Over a third of European consumers (34.5 %) know that they are neither obliged to pay for unsolicited products, nor to return them. Knowledge of this so-called inertia selling¹⁴ increased slightly compared to results in 2014 (+0.9). The proportion of correct answers is higher in the West (42.6 %) and North (40.8 %) but lower in the southern EU countries (18.7 %).

Knowledge about legal guarantees is higher, with 45.8 % of respondents stating correctly that they have the right to a free repair or replacement should a new electronic product break down without any fault on their part 18 months after the purchase¹⁵. This is a significant increase by 5.5 percentage points since 2014, although a decrease in correct answers to this question is found in the North (-2.9) and South (-2.0).

Of the rights on which their knowledge was tested, consumers are best aware of their right of return during a cooling-off period for purchases made at distance. Knowledge of this right also increased the most since 2014 (+11.0), as 67.4 % of respondents in 2016 answered correctly that they have the right to return a new electronic product ordered by post, phone or the internet four days after its delivery and get a full refund without giving any reason¹⁶. Knowledge of this right increased in the West (+18.0) and the East (+7.2), and — to a lesser extent — in the South (+2.1). It remained the same in the North.

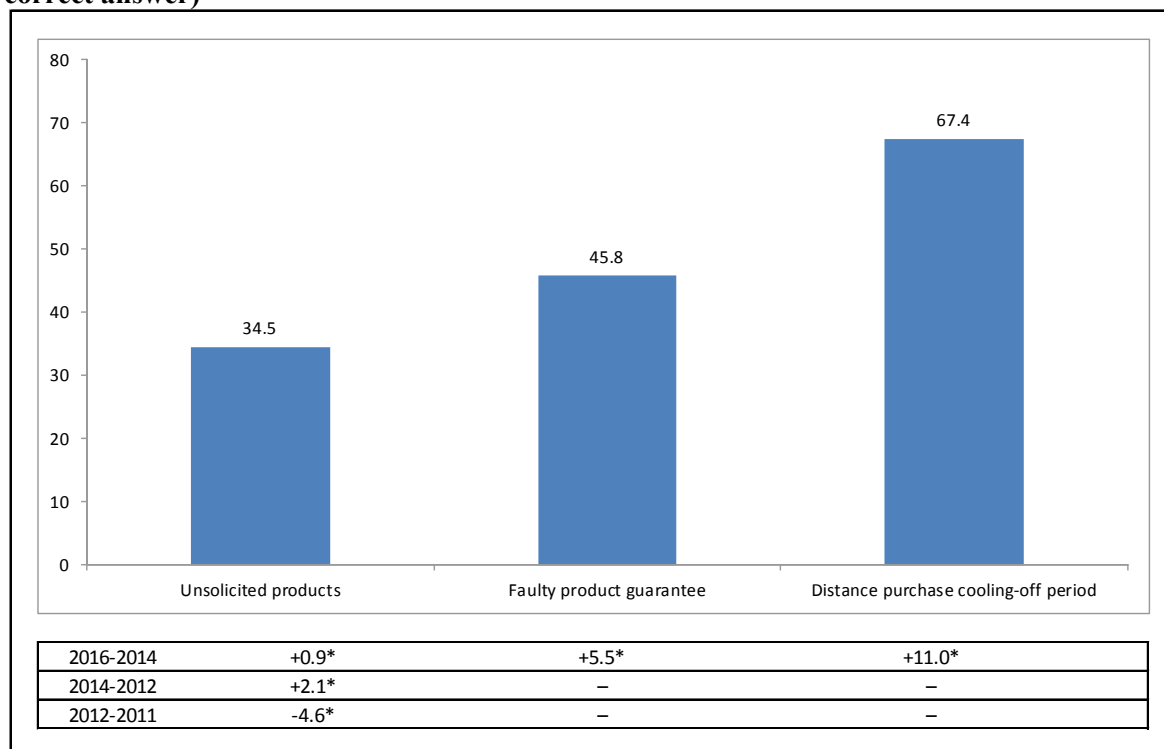
information campaign on consumer rights in 2014 – 2015 in 14 EU countries or the campaign on consumer rights under consumer credit agreements in 2015). The Commission also launched the ‘Consumer Classroom’, an interactive collaborative website for teachers to promote consumer education in secondary schools. More details can be found under: http://ec.europa.eu/justice/newsroom/consumer-marketing/events/140317_en.htm

¹⁴ Inertia selling is banned under the Unfair Commercial Practices Directive (2005/29/EC) while in addition the Consumer Rights Directive (2011/83/EC) exempts the consumer from having to provide any consideration in cases of unsolicited supply; the absence of a response from the consumer does not constitute consent.

¹⁵ Under the Directive on certain aspects of the sale of consumer goods and associated guarantees (1999/44/EC), consumers are entitled to a free repair or replacement of defective goods if a defect becomes apparent through no fault of their own within a period of at least two years from delivery. If repair or replacement is not possible or reasonable, consumers may request a refund. If the purchased item becomes defective within 6 months or if, within this period, the performance of the purchased item is not what the consumer might reasonably expect of it, it is assumed that the lack of conformity already existed at the time of purchase. If the defect becomes apparent between 6 and 24 months after purchase, it is the responsibility of the consumer to show that the defect or fault already existed at the time they purchased the item.

¹⁶ The Directive on Consumer Rights (2011/83/EC) stipulates the right for consumers to withdraw from distance and off-premises contracts within 14 days without giving any reason, i.e. the right to return goods purchased at distance.

Figure 4: Consumer knowledge of relevant legislation, EU-28, 2016 (% of consumers who gave a correct answer)^{17 18}



Source: Survey on consumer attitudes towards cross-border trade and consumer protection, base: all respondents (n=26 599)

Looking at the average proportions of correct answers to the three questions by countries, the highest levels of knowledge are found in Slovakia (59.7 %), the Czech Republic (59.2 %) and Germany (55.9 %) while the lowest levels are in Greece (26.9 %), Croatia (35.4 %) and Romania (36.0 %). Knowledge increases most in Luxembourg (+18.5), France (+17.7) and the UK (+17.6) compared to 2014 while Italy has the highest decrease (-2.9).

Knowledge of the cooling-off period for purchases made at distance and on faulty product guarantees varies widely between the countries surveyed. Knowledge of the cooling-off period is particularly low in Greece (35.3 %), Portugal (36.0 %) and Finland (40.0 %) as well as in Iceland (38.3 %), while it is high in Austria (79.3 %), the United Kingdom (78.3 %) and France (77.8 %). Knowledge of the legal guarantee in case of faulty products is particularly low in Finland (21.6 %), Hungary (29.1 %) and Lithuania (29.8 %) but high in the Czech Republic (70.6 %), Slovakia (67.3 %) and Portugal (65.4 %).

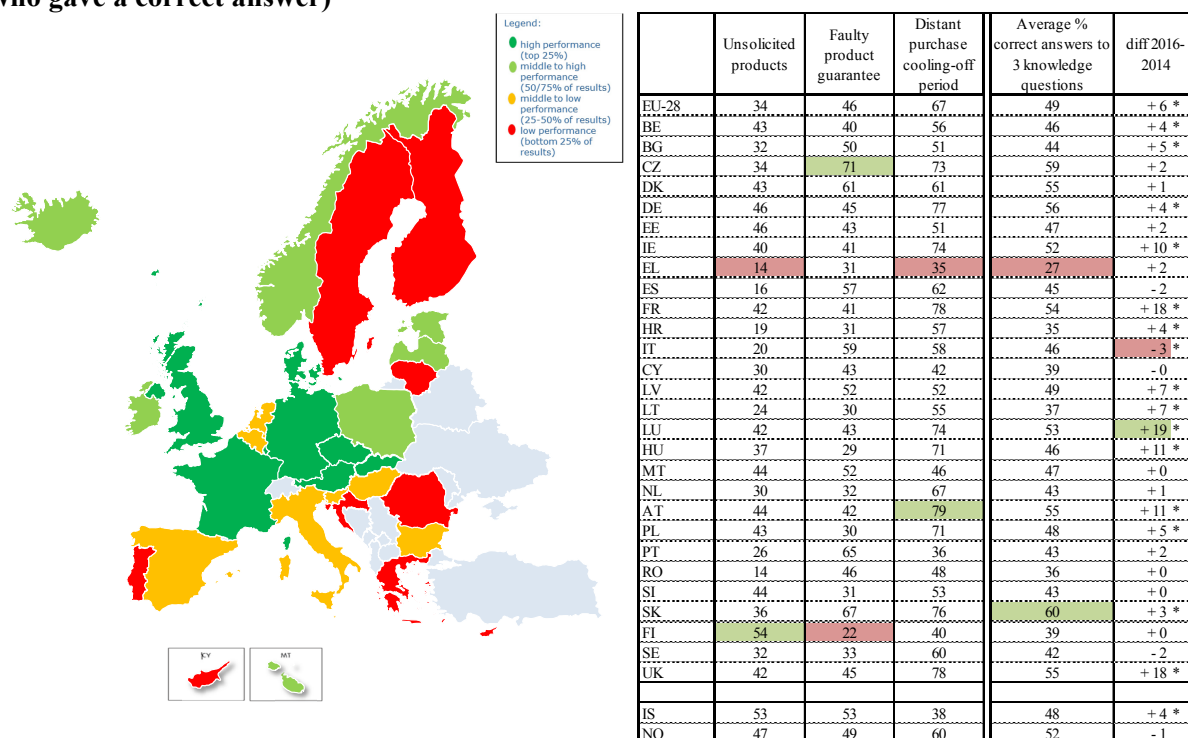
Knowledge of different consumer rights can also vary significantly within a country, depending on the topic. For example, Finland has the highest percentage of consumers correctly answering the question on unsolicited products, while it has among the lowest proportion of consumers correctly answering the other two knowledge questions. Similarly, in

¹⁷ The survey questions on the faulty product guarantee and cooling-off period applying to purchases made at distance were phrased differently from 2014 onwards. It is not possible to compare these with results in earlier Scoreboards.

¹⁸ Statistically significant differences are indicated by asterisks. Statistical significance is calculated at the 95 % confidence level, meaning that the null hypothesis of no difference has been rejected at 5 % probability level.

Portugal there is a high proportion of correct answers on faulty product guarantees, but much lower for the other two knowledge questions.

Figure 5: Consumer knowledge of relevant legislation, country results, 2016 (% of consumers who gave a correct answer)



Source: Survey on consumer attitudes towards cross-border trade and consumer protection, base: all respondents (n=26 599).

Language skills, gender and internet use seem to influence consumers' knowledge of their rights. Awareness of consumer rights is higher among consumers having the official national or regional language as mother tongue and among male respondents. The link with patterns of internet usage is less clear-cut since both daily internet users and those never using the internet appear to have the lowest knowledge of consumer rights.¹⁹

Slight decrease in retailer knowledge of consumer rights

Overall, the retailers surveyed scored an average of 53.5 % of correct answers, which is slightly worse than in 2014 (-0.8). Retailers selling goods know consumer rights better than those providing services (on average 55.1 % of correct answers compared to 51.9 % respectively).²⁰

Retailers' knowledge of consumer rights under the legal guarantee for any lack of conformity of a good could be better: less than a third of retailers (29.4 %) know that consumers are still entitled to a free repair or replacement of a new durable good should it break down without any wrongdoing on their side 18 months after the purchase²¹. Nearly six in ten retailers (58.6 %) provide incorrect answers: 38.3 % replied that this applies depending on the product

¹⁹ Results on socio-demographic variables are based on multivariate regression analysis.

²⁰ Results on company characteristics are based on cross-tabulations.

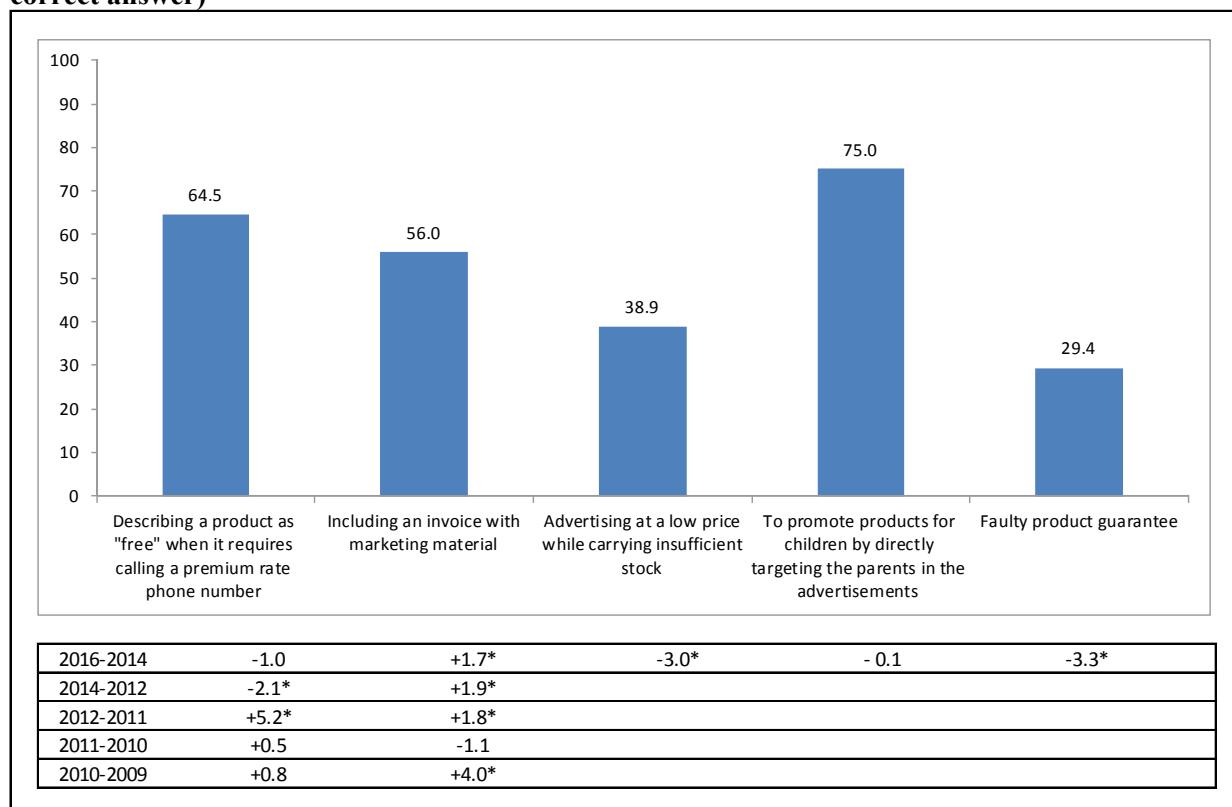
²¹ See footnote 15

(-5.2 since 2014), while 20.3 % stated that consumers do not have the right to free repair or replacement in such a scenario (+2.6 since 2014). More than one in ten retailers (12.0 %, an increase of 5.9 points from 2014) did not know how to answer this question.

Retailers have better knowledge about unfair commercial practices, with a majority identifying correctly three out of four commercial practices presented to them as either fair or unfair, though just 13.7 % of retailers in the EU were able to correctly identify all commercial practices presented to them (four correct answers).

Retailers are most likely to know that it is not prohibited to promote products for children by directly targeting the parents in the advertisements (75.0 %), and almost two thirds (64.5 %) know it is prohibited to describe a product as 'free' when it is only available free of charge to consumers calling a premium rate phone number. More than half know it is prohibited to include an invoice or a similar document seeking payment in marketing material (56.0 %). However, only a minority of retailers are aware that it is prohibited to run a promotional campaign stating 'we offer a discount of 60 %' while carrying insufficient stock (38.9 %).

Figure 6: Retailer knowledge of consumer legislation, EU-28, 2016 (% of retailers who gave a correct answer)²²



Source: Survey on retailer attitudes towards cross-border trade and consumer protection, base: all respondents (n=10 437) — data for 2009-2012 refer to EU27.

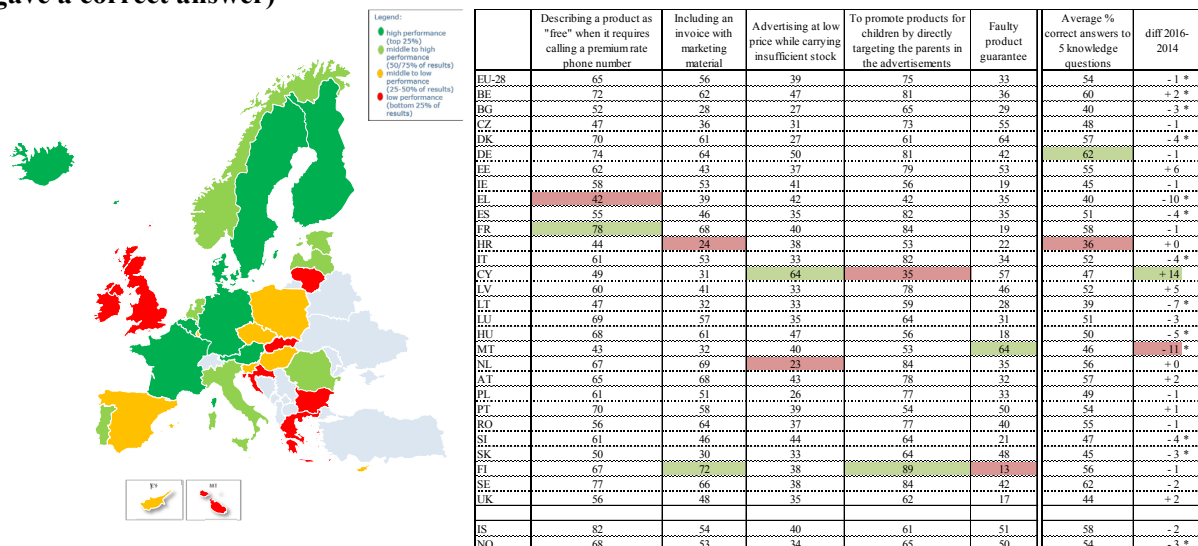
Retailers in EU-15 Member States have on average better knowledge compared to those in EU-13 Member States (54.7 % vs 48 %). Knowledge is higher among retailers in the West and North compared to those from the South and East. For example, retailers in Germany

²² No comparisons with the results from earlier Scoreboards are indicated where the results are related to either significantly modified questions (question on advertising at a low price while carrying insufficient stock) or to new questions introduced in 2014 (questions on promoting products for children by directly targeting the parents in the advertisements and on the faulty product guarantee)

(62.3 %), Sweden (61.5 %) and Belgium (59.8 %) have the highest average knowledge of consumer rights, while those in Croatia (36.2 %), Lithuania (39.5 %) and Greece (40.1 %) have the lowest. In addition, retailers selling goods are generally more knowledgeable about illicit commercial practices than those providing services²³.

As is the case for consumers, retailers' knowledge is comparable across countries at composite indicator level. Differences can however be important if results are compared at the level of specific rights, in particular for faulty product guarantees, seeking payment in marketing material and on promoting products for children. Retailers in Finland have the highest percentage of correct answers on seeking payment in marketing material and on promoting products for children, but the lowest proportion of correct answers on faulty product guarantees. Conversely, retailers in Malta and Cyprus score among the worst on the questions on seeking payment in marketing material and on promoting products for children, but high on the question on faulty product guarantees.

Figure 7: Retailers' knowledge of consumer legislation, country results, 2016 (% of retailers who gave a correct answer)



Source: Survey on retailer attitudes towards cross-border trade and consumer protection, base: all respondents (n=10 437). Question on faulty product guarantee (Q5) exclude retailers who don't sell non-food products.

The functioning of legal and commercial guarantees for consumers in the EU

The Commission carried out an in-depth study²⁴ on the functioning of legal and commercial guarantees for consumers in the EU. The study examined among others to what extent sellers are aware of, and comply with, the requirements of relevant EU and national legislation. It found that across the EU-28 half of the consumers consider that sellers in their country inform them about the legal guarantee period for products. Among in-store mystery shoppers (who enquired about a product before purchasing)²⁵ 42 % found information displayed with the

²³ This comparison is based on the average incidence of correct answers to the four indicators related to commercial practices (excluding the one on faulty product guarantees).

²⁴ The study was published in December 2015 and is available at: http://ec.europa.eu/consumers/consumer_evidence/market_studies/guarantees/index_en.htm

product and/or were spontaneously informed by a sales person that the legal guarantee is free of charge and for a minimum period of two years.

Consumers had in general a good understanding of the situations covered by the legal guarantee, but just 35% knew the duration of the legal guarantee in their country. The study also found that the rules on burden of proof during the legal guarantee period are poorly understood²⁶ — by consumers and traders alike — and poorly applied.

This in-depth study informed the recently completed Fitness Check of the Consumer and Marketing law²⁷.

3.1.2. Trust in organisations

Consumers are more confident that their rights are respected and protected

Consumers who feel confident that their rights are respected and protected are likely to engage actively in markets. By respecting consumer rights, companies can help secure consumers' trust. Public authorities and consumer NGOs can do the same by taking action when necessary.

Across the EU-28, consumers generally trust organisations (72.2 %). The increase in 2016 of 8.2 percentage points compared to 2014 continues the upwards trend reported in previous Scoreboard editions. Trust is higher among consumers from EU-15 countries (74.6 %) compared to EU-13 (62.8 %).

Public authorities and consumer NGOs increasingly gain consumers trust

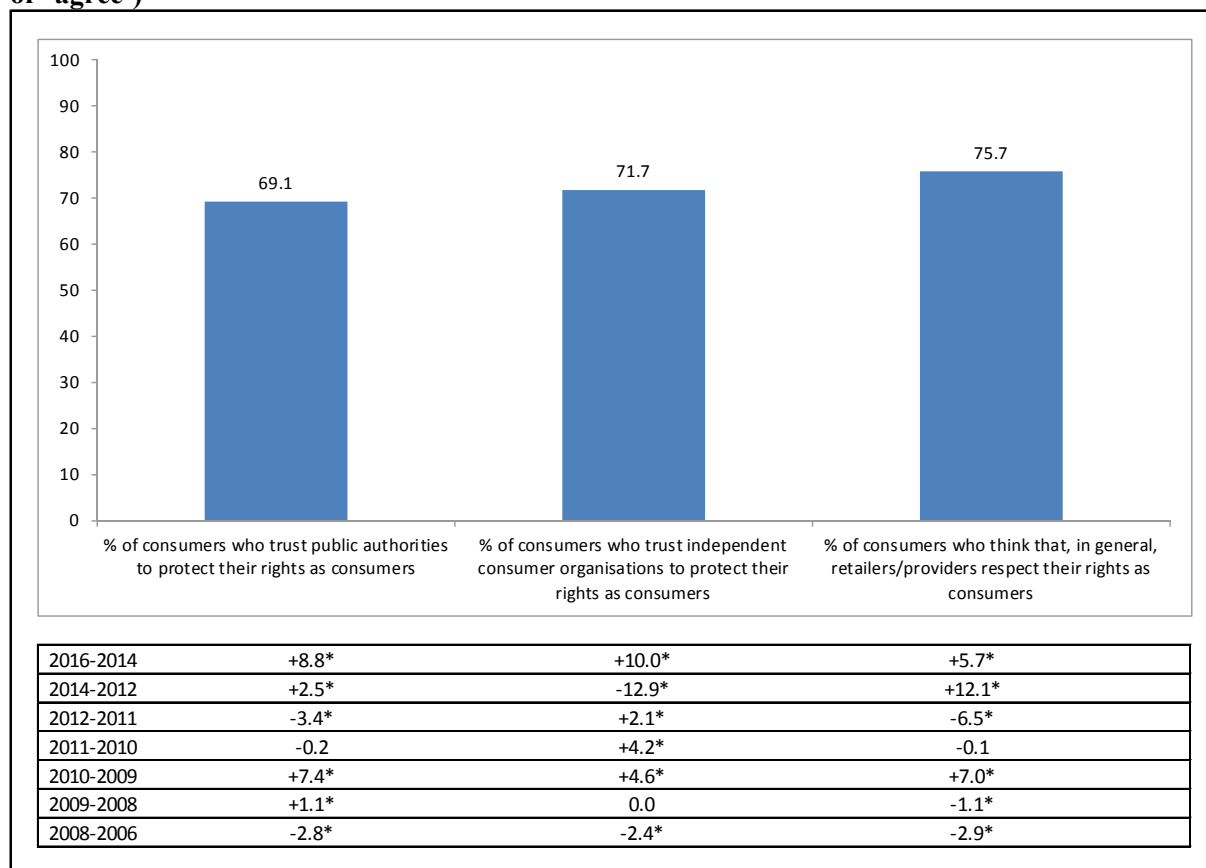
Most consumers trust retailers and providers, as 75.7 % of consumers declare they are confident that sellers respect their rights as consumers. This is an increase of 5.7 percentage points since 2014. However, higher increases in trust can be observed for public authorities (plus 8.8 points to reach 69.1 % of consumers) and consumer NGOs (plus 10 percentage points to reach 71.7 % of consumers).

²⁵ Mystery shopping is a tool used by market research companies, enforcement authorities or companies to gather specific information through 'secret shoppers/assessors'. The mystery shopping for the study on legal and commercial guarantees aimed at replicating real consumers' experiences when it comes to seeking and comparing information on legal and commercial guarantees, and executing their rights.

²⁶ The Directive on Consumer Sales and Guarantees (1999/44/EC) stipulates that unless proved otherwise, any lack of conformity which becomes apparent within six months of delivery of the goods is presumed to have existed at the time of delivery. This effectively places the burden of proof on the seller for the first 6 months of the legal guarantee period.

²⁷ http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=59332

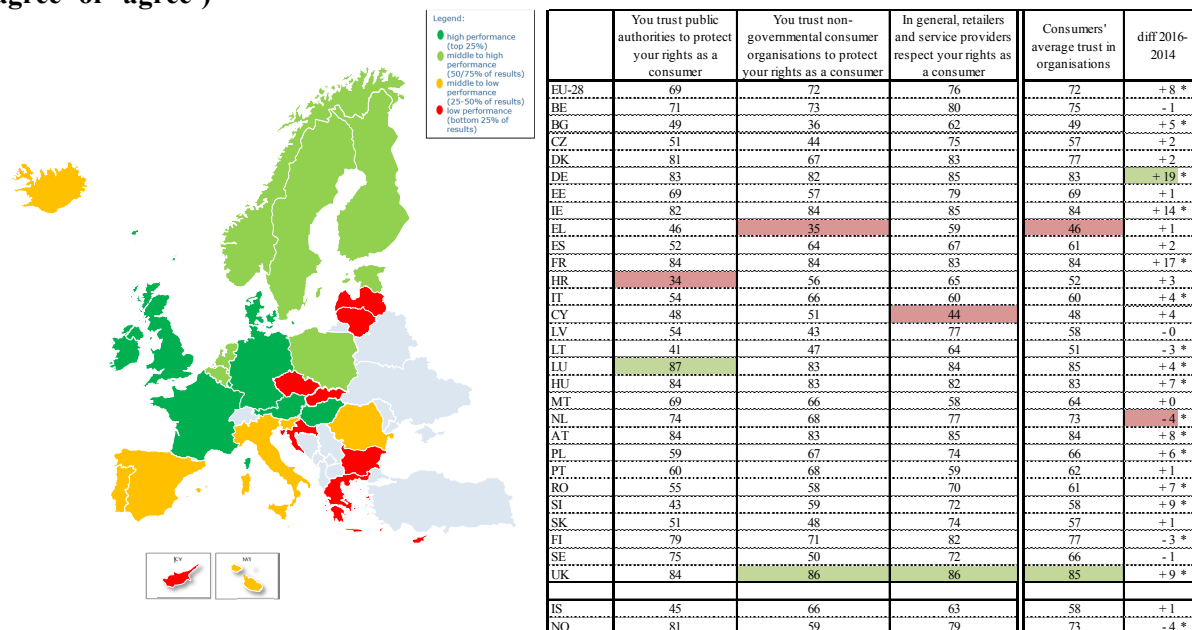
Figure 8: Consumer trust in organisations, EU-28, 2016 (% of consumers who ‘strongly agree’ or ‘agree’)



Source: Survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements. In (OUR COUNTRY)... base: all respondents (n=26 599) — data for 2008-2012 refer to EU27.

The average level of trust in the three organisations ranges from — at the top end — 85.3 % in the United Kingdom, 84.5 % in Luxembourg, and 84 % in Austria, to less than 50 % in Greece (46.4 %), Cyprus (47.6 %) and Bulgaria (49 %). Trust levels vary most for public authorities and consumer NGOs. Consumers’ confidence in public authorities is particularly poor in Croatia (33.8 %), which is 7.6 percentage points lower than Lithuania (41.4 %), the second lowest level. Trust in consumer NGOs is very low in Greece (34.5 %) and Bulgaria (36.3 %), while it is the highest in the United Kingdom (85.9 %).

Figure 9: Consumer trust in organisations, country results, 2016 (% of consumers who ‘strongly agree’ or ‘agree’)



Source: Survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements. In (OUR COUNTRY)... base: all respondents (n=26 599).

While trust levels vary the most by regions, perceived vulnerability also influences consumer confidence that their rights are being respected or protected. Those feeling more vulnerable tend to show lower levels of trust, as do people with better language skills, which –for the latter group — confirms the observations of 2014. Regular internet users (daily and weekly users) show higher levels of trust. Finally trust diminishes with age.

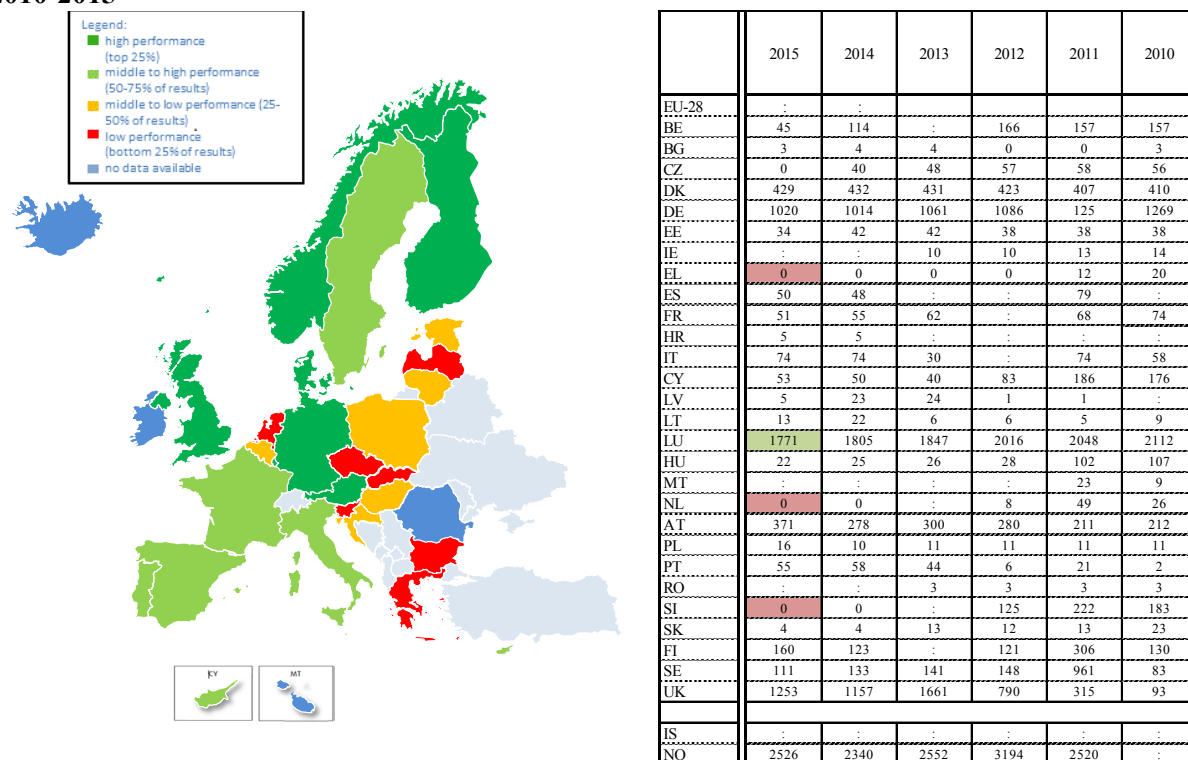
Trust is a driver for consumers to engage actively in markets. The strong correlation of the trust component with some of the World Bank Governance Indicators²⁸, in particular with the indicators on ‘rule of law’, ‘control of corruption’, ‘regulatory quality’, and ‘governmental effectiveness’ are indicative of the important role that governments can play in this context. In the same vein there is a strong (0.79) correlation between the ‘trust’ and the ‘compliance and enforcement’ components of the Consumer Conditions Scoreboard.

Funding of consumer NGOs is comparable to previous years

The available data indicate that public funding of consumer NGOs has on average remained stable over the years, but clear differences between Member States can be noted. Funding remains high in Luxembourg, the United Kingdom and Germany as well as in Norway. In Bulgaria, Slovakia, Latvia and Croatia funding is below €10 per 1000 in habitants, and in Greece, the Netherlands, Slovenia and the Czech Republic consumer organisations do not receive any government funding.

²⁸ <http://info.worldbank.org/governance/wgi/index.aspx#home>

Figure 10: National public funding of consumer organisations (in EUR per 1000 inhabitants), 2010-2015



Source: data collected from members of the Consumer Policy Network (countries in blue = no data available)

3.1.3. Trust in redress mechanisms

Consumer trust in redress mechanisms remains moderate but increases

As in previous Scoreboards, consumers perceive out-of-court bodies to be more effective than courts. Over half of consumers (52 %) agree that it is easy to settle disputes with retailers and service providers through out-of-court bodies, while 41.5 % think the same about courts. Consumers' trust in redress mechanisms, on average at 46.8 %, therefore remains moderate but has improved compared to 2014, increasing by 6.7 and 6.2 percentage points for out-of-court bodies and courts respectively.

A new regulatory framework²⁹ applies in the EU³⁰ since 2016 for alternative dispute resolution. It ensures that consumers and retailers have access to Alternative Dispute Resolution (ADR) entities to settle their contractual disputes in virtually all³¹ economic sectors in all Member States. It also ensures that these entities meet certain quality criteria.

Since mid-February 2016 the new Online Dispute Resolution (ODR) platform³² offers easy online access to these ADR entities for disputes over online transactions. More than 250

²⁹ Directive 2013/11/EU on consumer ADR and Regulation (EU) No 524/2013 on consumer ODR (OJ L165 d. 18.6.2013)

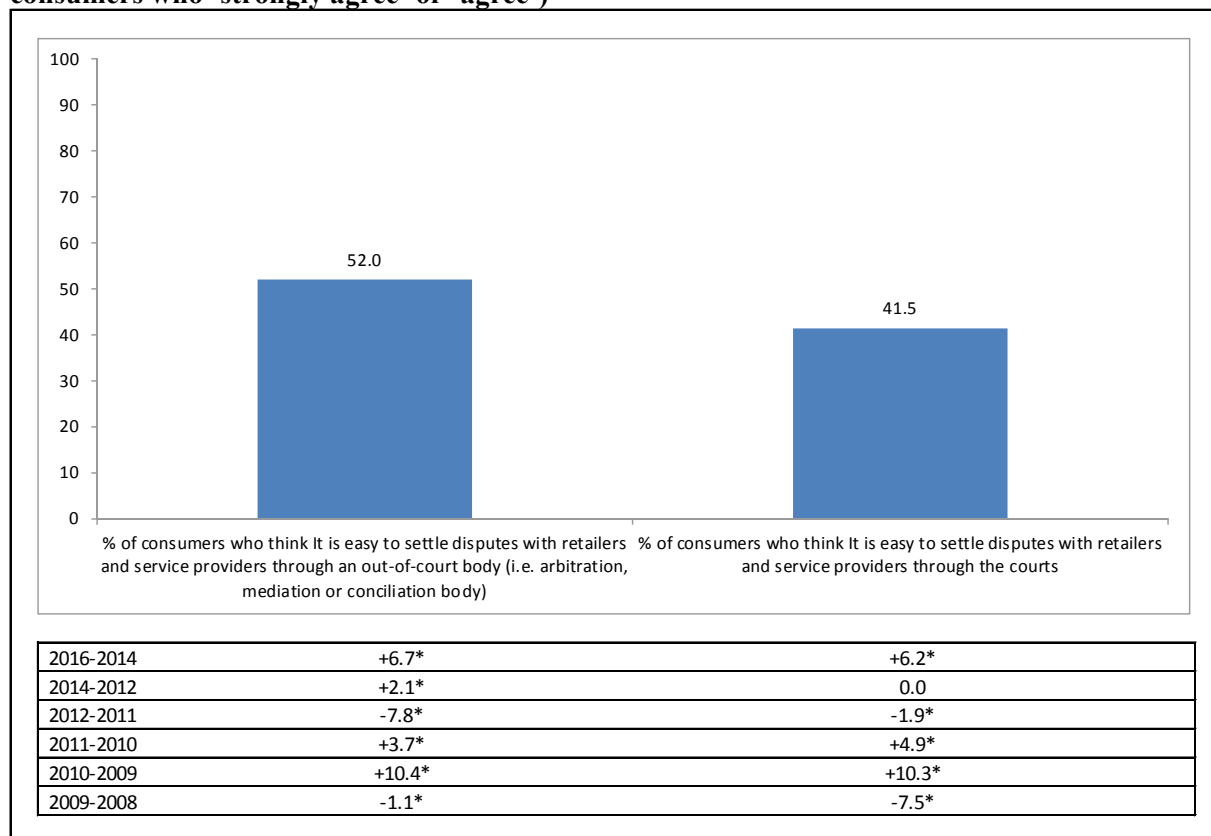
³⁰ The new regulatory framework will apply in the EEA in the course of 2017

³¹ Disputes in the fields of health and further and higher education are excluded

³² https://webgate.ec.europa.eu/odr/main/index.cfm?event=main_home_chooseLanguage

entities from 24 Member States were registered on the platform by the end of 2016, and this number keeps growing as more entities are notified. In its first year, over 24 000 consumer complaints were lodged on the platform. More than a third of the complaints concerned cross-border purchases within the EU.

Figure 11: Consumer trust in the effectiveness of redress mechanisms, EU-28, 2016 (% of consumers who ‘strongly agree’ or ‘agree’)

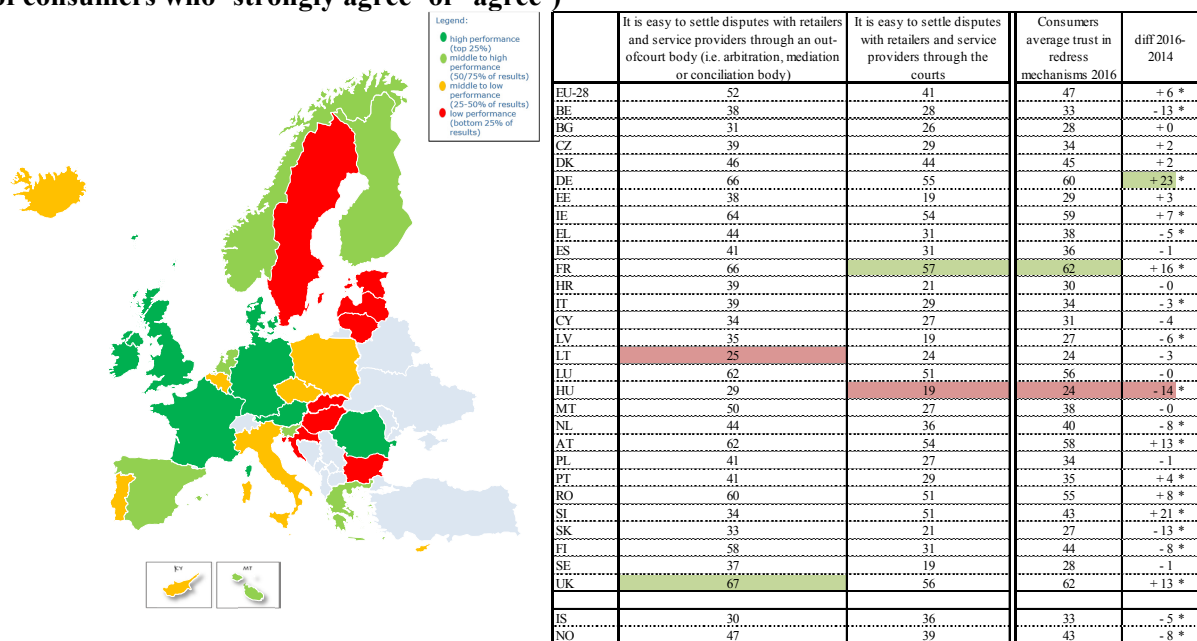


Source: Survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements. In (OUR COUNTRY)... base: all respondents (n=26 599) — data for 2008-2012 refer to EU27.

The highest average levels of trust in out-of-court bodies are found in the United Kingdom (67.2 %), France (66.1 %), and Germany (65.7 %). The most noticeable turnaround can be observed in Germany where trust improved by 26.6 points compared to 2014 levels while it had decreased by 6.6 percentage points between 2012 and 2014. The lowest levels of trust in these dispute resolution bodies are found in Lithuania (25.3 %) and Hungary (28.6 %); similar low trust levels can be observed in Iceland (29.8 %). The largest negative change is reported in Slovakia, where between 2012 and 2014 trust had increased by 9.5 percentage points but then decreased by 18.4 percentage points in 2016.

Trust in courts is high in France (57.3 %), the United Kingdom (56 %), and Germany (54.8 %) compared to other countries, while the lowest levels are found in Hungary (18.8 %), Latvia (18.9 %), and Sweden (19.2 %). Trust in courts increased most sharply in Slovenia (+37.3) and decreased most prominently in Belgium (-15.0).

Figure 12: Consumer trust in the effectiveness of redress mechanisms, country results, 2016 (% of consumers who 'strongly agree' or 'agree')



Source: Survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements. In (OUR COUNTRY)... base: all respondents (n=26 599).

Trust in redress mechanisms varies mostly by regions and, interestingly, in the western EU countries it tends to decline with higher numerical and language skills.

3.1.4. Trust in product safety

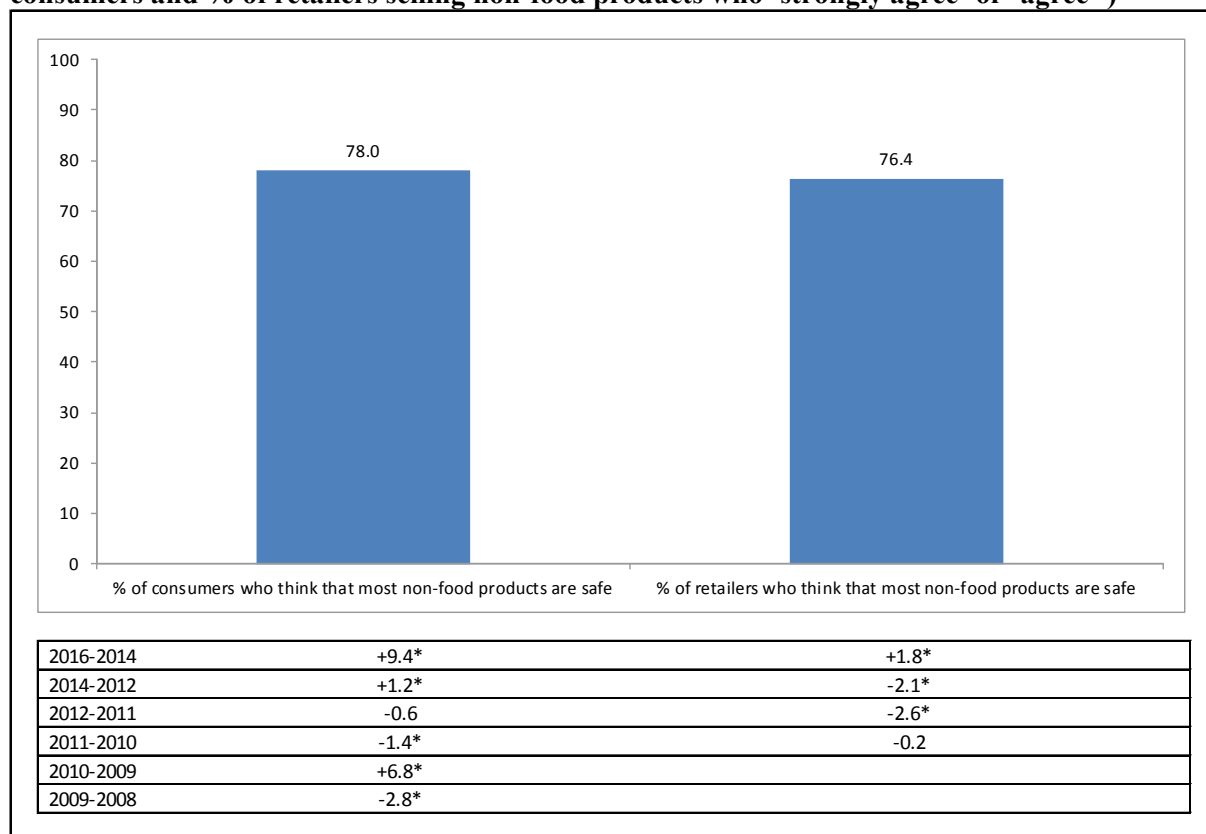
Consumer trust in product safety on the rise again

Product safety can be considered one key driver of consumer confidence. European legislation ensures a consistent high level of protection for the health and safety of consumers by means of strict common safety rules and standards for products circulating within the internal market.

Overall, 78 % of consumers and 76.4 % of retailers³³ in the EU-28 trust that non-food products on the market are safe. Trust in product safety is higher in EU-15 than in EU-13 countries. The level of trust in product safety has been overall quite stable over the past years and significantly higher among retailers. However, 2016 marks a reversal with an increase in trust among consumers by 9.4 percentage points in the EU-28, overtaking even the levels of trust shown by retailers. The high correlation found between perceptions about non-food product safety and the World Bank Governance Indicators on 'regulatory quality' (0.71) and 'rule of law' (0.7) points to governments being able to play an important role in increasing trust in product safety.

³³ Only retailers who sell non-food products were asked this question

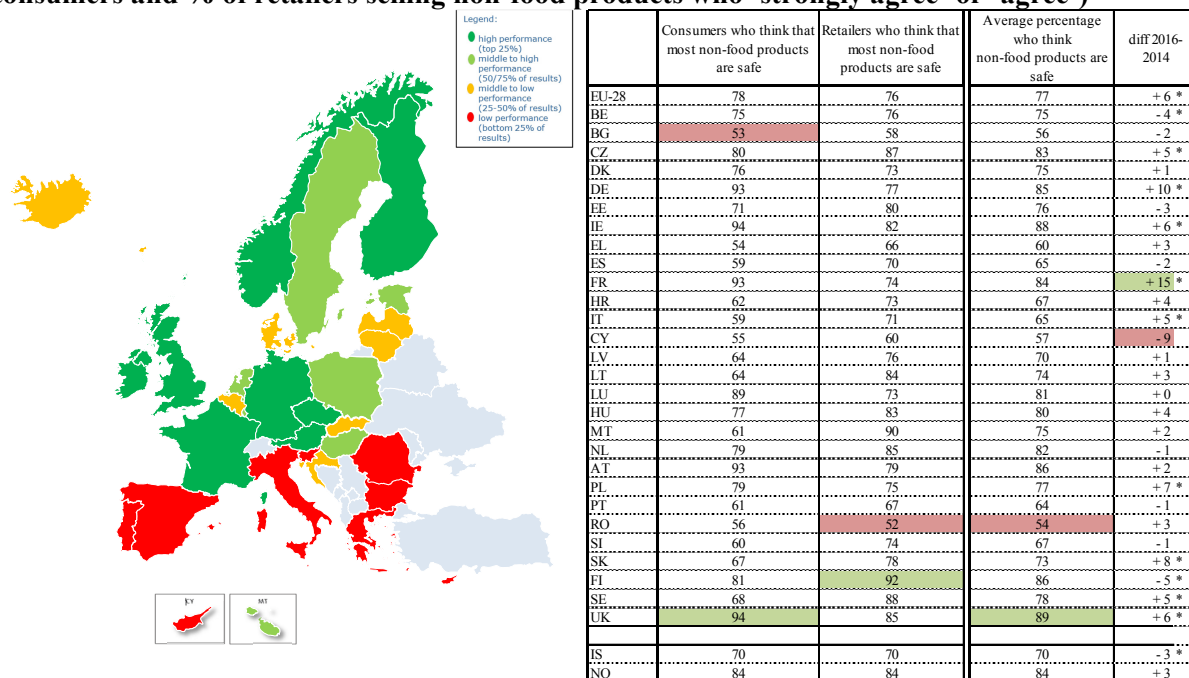
Figure 13: Consumer and retailer perceptions about non-food product safety, EU-28, 2016 (% of consumers and % of retailers selling non-food products who ‘strongly agree’ or ‘agree’)



Source: Surveys on consumer and retailer attitudes towards cross-border trade and consumer protection: Thinking about all non-food products currently available on the market in (OUR COUNTRY), do you think that...? base: all respondents and retailers that sell non-food products (n=26 599 and 4 526, respectively) —data for 2008-2012 refer to EU-27.

Trust varies strongly between Member States. The highest levels of consumer trust in product safety can be observed in the United Kingdom (94.4 %), Ireland (93.7 %) and France (93.5 %), while the lowest levels are found in Bulgaria (53.3 %), Greece (53.7 %) and Cyprus (54.9 %). On the retailers' side, 92 % of Finnish retailers believe that most non-food products are safe, followed by those in Malta (89.9 %) and Sweden (87.9 %). Retailer confidence in safe products is lowest in Romania (51.7 %), Bulgaria (58.2 %) and Cyprus (59.5 %).

Figure 14: Consumer and retailer trust in non-food product safety, country results, 2016 (% of consumers and % of retailers selling non-food products who 'strongly agree' or 'agree')



Source: Surveys on consumer and retailer attitudes towards cross-border trade and consumer protection: Thinking about all non-food products currently available on the market in (OUR COUNTRY), do you think that...? base: all respondents and retailers that sell non-food products (n=26 599 and 4 526, respectively).

There is a modest correlation (0.53) between the assessment of retailers and consumers in the different countries surveyed, a correlation that decreased compared to 2014. The largest difference between consumer and retailer trust can be found in Malta, where retailers have the second highest trust level in the EU, while consumer trust is the eighth lowest.

Trust levels in product safety vary mostly between countries, but other socio-demographic factors also have an influence. Consumers with higher language skills show lower trust levels, and so do consumers who perceive themselves as vulnerable related to their socio-demographic status or those in a more precarious financial situation. This last finding confirms results from 2014. Finally trust in product safety tends to decline with age.

3.1.5. Trust in environmental claims

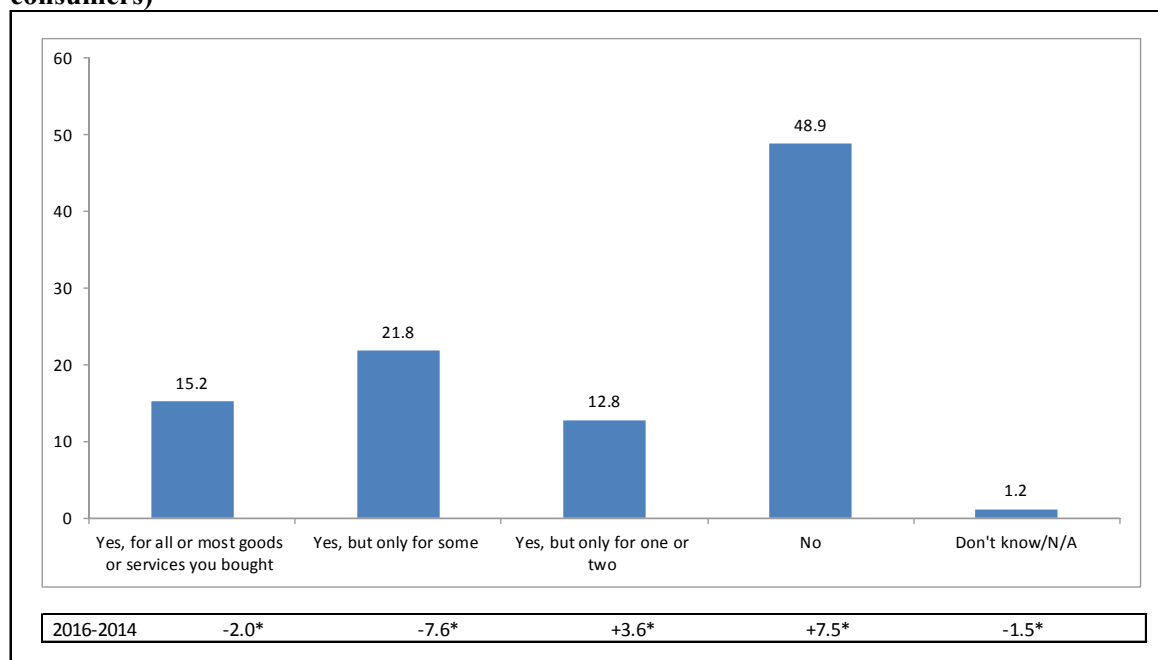
Consumers are less sensitive to claims on the environmental impact of products in their purchasing decisions

In the EU-28 only half (49.8 %) of the consumers report that claims about the environmental impact of goods and services influenced their purchasing decisions. This proportion is considerably lower in EU-15 (47.4 %, decreasing by 8.6 points from 2014) than in EU-13 (59.1 %, an increase by 3.7 points from 2014). It should be noted that this difference in consumer attitudes between EU-15 and EU-13 is recent. Until 2014, the scores on this indicator were close between EU-15 and EU-13 and had been increasing in sync since 2011. The 2016 result continues an uninterrupted trend of increasing environmental consciousness among EU-13 consumers since the monitoring of this indicator started in 2010.

A share of 15.2 % of consumers in 2016 say that environmental impact influenced most of their purchases in the past week while 21.8 % indicated this to be true for only some of their purchases and 12.8 % stated that environmental impact only mattered in one or two purchases

made the week before. Compared to 2014 the overall percentage has decreased by 6 percentage points.

Figure 15: Influence of environmental impact when choosing goods/services, EU-28, 2016 (% of consumers)



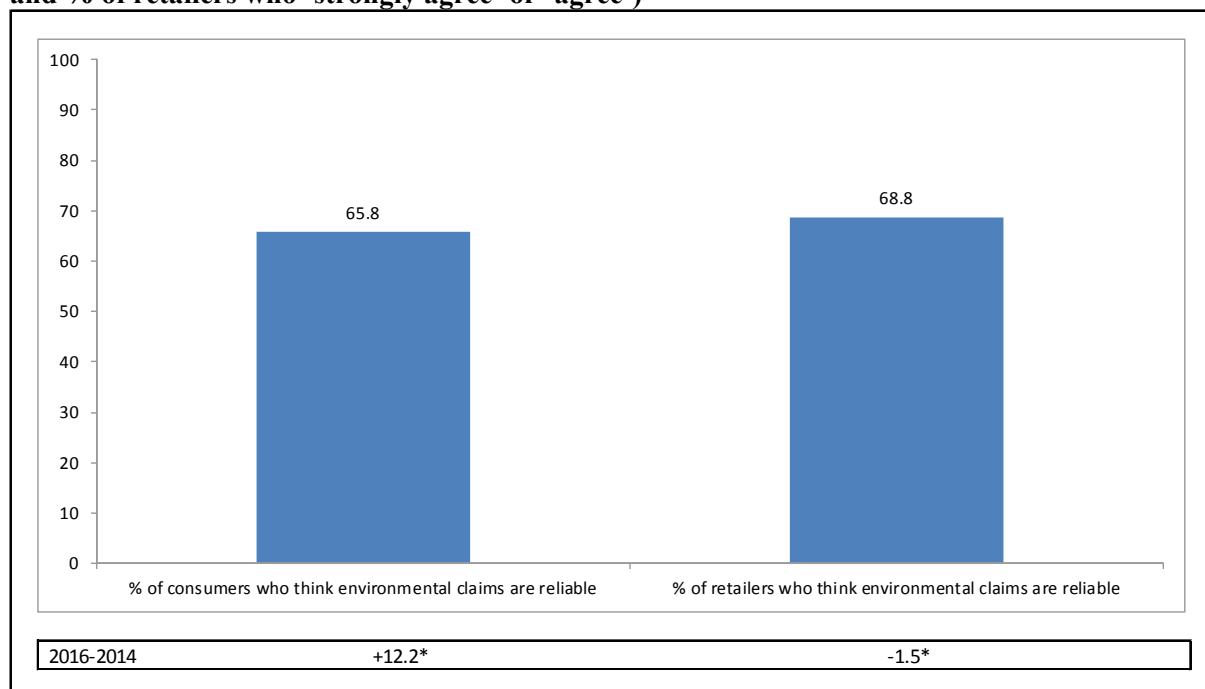
Source: Survey on consumer attitudes towards cross-border trade and consumer protection: Considering everything you have bought during the last two weeks, did the environmental impact of any goods or services also influence your choice? base: all respondents (n= 26 599).

While consumers' purchase behaviour is less influenced by environmental claims than in the past, consumer trust in these claims has increased by 12.2 percentage points to 65.8 %. Trust is higher in the EU-15 countries than in the EU-13. This level is mirrored by retailers' assessment of environmental claims: close to seven in ten retailers (68.8 %) agree that most of these claims are reliable, a slight decline compared to 2014 (-1.5).

The 2016 Commission guidance on the application of the Unfair Commercial Practices Directive³⁴ specifically sets out guiding principles to help traders to make environmental claims that are not misleading and thus increase consumer trust in those claims.

³⁴ SWD(2016)163 final, http://ec.europa.eu/justice/consumer-marketing/files/ucp_guidance_en.pdf

Figure 16: Consumer and retailer trust in environmental claims, EU-28, 2016 (% of consumers and % of retailers who ‘strongly agree’ or ‘agree’)



Source: Survey on retailer attitudes towards cross-border trade and consumer protection: Please tell me whether you strongly agree, agree, disagree, or strongly disagree with the following statement: Most environmental claims about goods or services in your sector in (OUR COUNTRY) are reliable, base: all respondents (n=10 437); and survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements? In (OUR COUNTRY) most environmental claims about goods or services are reliable. base: all respondents (n=26 599).

The highest level of consumer trust in environmental claims can be observed in Austria (82.5 %) closely followed by the United Kingdom (80.7 %) and France (79.7 %). At the other end of the range, Croatia (36.1 %) and Cyprus (41.6 %) show the lowest levels of trust. Trust in environmental claims increased most prominently in Germany (+37.7) and decreased most strongly in Cyprus (-8.8).

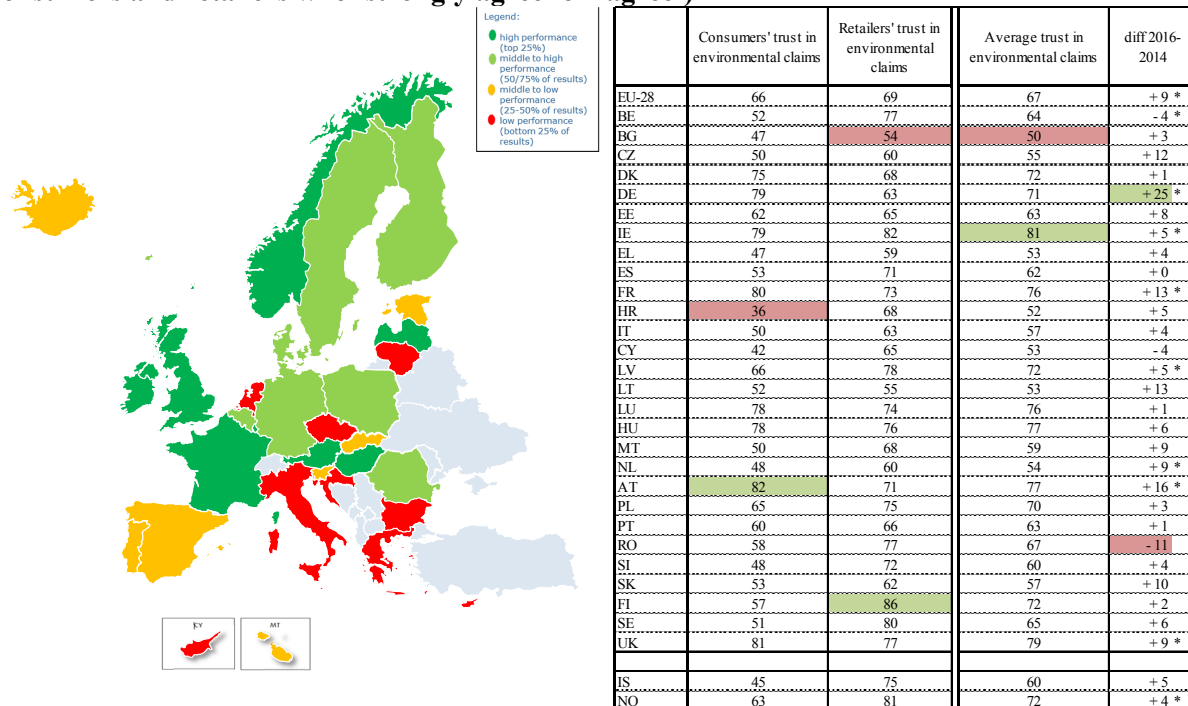
Among retailers, trust in environmental claims is the highest in Finland (86.1 %), Ireland (81.8 %) and Norway (81.2 %). Conversely, the lowest levels of trust are found in Bulgaria (53.7 %), Lithuania (54.5 %) and Greece (58.8 %).

These developments are interesting to look at in the context of the ‘Dieselgate’ scandal, which erupted in late 2015 and was widely reported in the media³⁵ at the time when the surveys for this Scoreboard were carried out. In a rather counter-intuitive development, consumer trust in environmental claims increased quite significantly, with a huge increase in Germany, which had scored particularly low on this indicator in 2014 (before the revelations on diesel car emissions). This suggests that public exposure of false environmental claims might actually reassure consumers about the credibility of the ‘green’ offers.

At the same time, consumers appear to be less influenced by environmental claims in their regular purchases, suggesting a relative decrease of the market share of 'green' products' in retail.

³⁵ As an example: <https://euobserver.com/dieselgate>.

Figure 17: Consumer and retailer trust in environmental claims, country results, 2016 (% of consumers and retailers who ‘strongly agree’ or ‘agree’)



Source: Survey on consumer attitudes towards cross-border trade and consumer protection: How strongly do you agree or disagree with each of the following statements? In (OUR COUNTRY) most environmental claims about goods or services are reliable, base: all respondents (n=26 599); and survey on retailer attitudes towards cross-border trade and consumer protection: Please tell me whether you strongly agree, agree, disagree, or strongly disagree with the following statement: Most environmental claims about goods or services in your sector in (OUR COUNTRY) are reliable, base: all respondents (n=10 437).

Again, trust in environmental claims varies mainly by countries, although other factors seem to have an impact as well. The following pattern is observed at EU level and it is particularly visible in the western region: consumers speaking more languages are less likely to trust environmental claims³⁶ while those who do not perceive themselves as vulnerable have higher trust in these claims, which is in line with findings on other trust indicators.

³⁶ Even considering only respondents whose mother tongue is the national or regional language spoken in the area where they live, this negative effect of the number of spoken languages on trust still holds.