Ecommerce Europe

Analysis of the survey "Barriers to Growth"











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Introduction

Dear Reader,

Ecommerce Europe launched the survey "Barriers to Growth" amongst its European-wide membership base in Q1 2015. With the survey and its other projects Ecommerce Europe provides European policy makers and companies with first-hand information about the obstacles online businesses still face when trying to sell goods and/or services in other EU Member States.

Today only 15% of consumers shop online from another European country. Online merchants have significant room for economic gain if barriers to cross-border e-commerce are removed. The only way we can achieve further growth is to work together towards solutions that will facilitate companies including SMEs to enter the market to the benefit of both the industry and consumers. For policy makers this means supporting market initiatives and working towards harmonized legislation while abolishing superfluous regulation, and only considering new regulatory structures as and if necessary. We have to make sure that we don't make things more complex for the online sector. Fundamental business freedoms should also apply in the digital world.

The results of the survey show that online merchants with cross-border ambitions are often held back by barriers such as legal uncertainty due to unclear or very different rules, taxation and payment systems that differ greatly, or high prices of delivery due to a lack of transparency in the market. Other difficult barriers to overcome when selling abroad prove to be related to (online) payments, competition issues, language, client relationships and marketing.

Different privacy rules for instance result in large additional legal and IT costs, since the conflicting national implementation and enforcement of consumer laws across Member States creates legal uncertainty. A lack of information, a limited choice on the parcel delivery market and long delivery times are the most common issues related to logistics for merchants and consumers. Lastly, the implementation and accounting costs of managing different VAT tariffs are enormous for merchants, especially for SMEs. Ecommerce Europe provides concrete recommendations on how to overcome these barriers to growth of e-commerce. We call for full harmonization and one set of rules for consumer rights, privacy and security. One of the recommendations Ecommerce Europe already takes action upon in this light is the launch of a European Trustmark scheme for online shops. Furthermore, we call for transparency and innovation on the European parcel delivery market through the launch of several initiatives, including the Ecommerce Europe Online e-Logistics Platform which will be rolled out in early 2016. To tackle the third biggest barrier for online merchants - issues with cross-border taxation and VAT - Ecommerce Europe proposes a three-step action plan to come to a more uniform European landscape. These and more solutions are elaborated upon briefly in this report. Ecommerce Europe looks forward to work with EU regulators, the industry and consumer associations on implementing its recommendations. The coming months we all need to work together on making cross-border online purchasing simpler and easier to understand for traders and consumers. To read more about our market and policy proposals including action points for all stakeholders in the e-commerce industry, I kindly refer you to the Ecommerce Europe Priority Paper (2015) and our other position papers.

Marlene ten Ham

Secretary General of Ecommerce Europe



About Ecommerce Europe

Ecommerce Europe is the association representing 25,000+ companies selling products and/or services online to consumers in Europe. Founded by leading national e-commerce associations, Ecommerce Europe is the voice of the e-commerce sector in Europe. Its mission is to stimulate cross-border e-commerce through lobbying for better or desired policy, by offering a European platform bringing the European e-commerce sector and other stakeholders together, and by providing in-depth research data about European markets.

Website: www.ecommerce-europe.eu

National associations that are members of Ecommerce Europe

Belgium Becommerce www.becommerce.be

 Czech Republic
 APEK
 www.apek.cz

 Denmark
 FDIH
 www.fdih.dk

 Finland
 Finnish Commerce Federation
 www.kauppa.fi

Finland Internet Industry Finland www.verkkoteollisuus.fi

France FEVAD www.fevad.com

Germany Händlerbund e.V. www.haendlerbund.de
Greece GRECA www.greekecommerce.gr

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The Netherlands Thuiswinkel.org www.thuiswinkel.org

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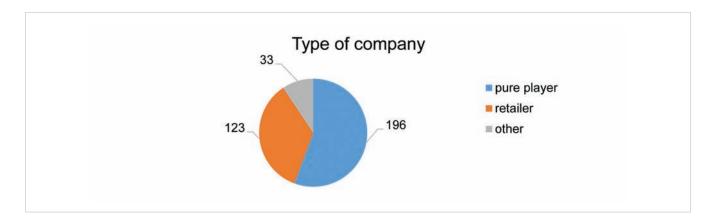
Chapter 1 - Respondents' company profiles

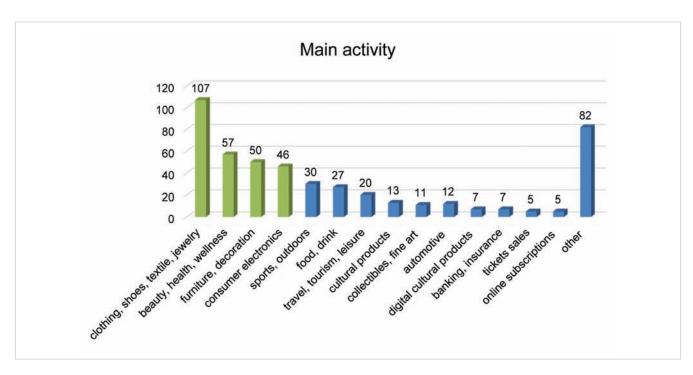
This chapter provides an overview of what kind of companies filled out the survey and on what their primary activities are. It also discusses if they sell cross-border and what their strategies are to do so, or - if they do not - what their general reasons are not to develop on an international level.

1.1 What kind of companies did fill in the survey?

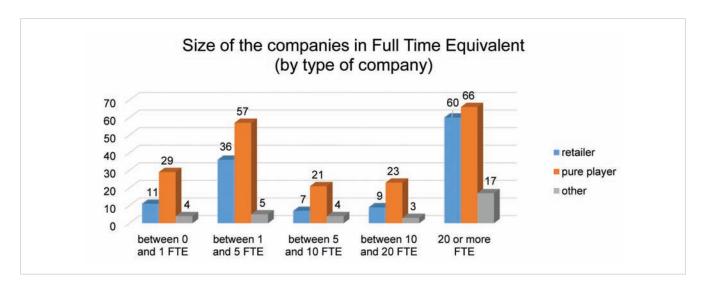
In total, Ecommerce Europe received 352 answers from companies settled in many different member states. Specifically:

- 1. 56% (196) of the companies are pure players, organizations for distance selling with more than 50% of their activities linked to e-commerce (online);
- 2. 35% (123) are retailers, organizations which developed one or more online shopping websites but whose main selling channel remains in-store sales (more than 50% offline);
- 3. The remaining 9% (33) consists of other business models, for example business-to-business (B2B) or those with a combination of more sales channels than mentioned above.

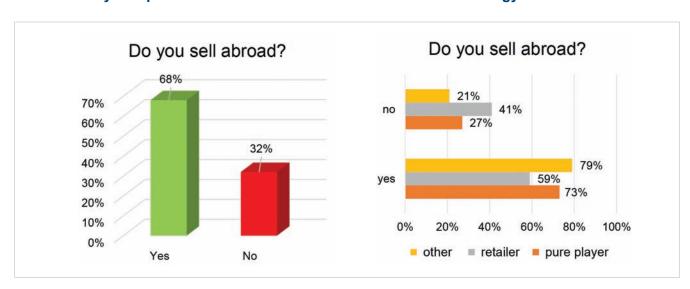




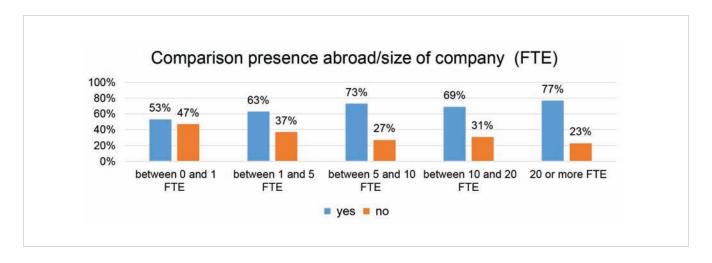




1.2 How many companies do sell cross-border and what is their strategy?

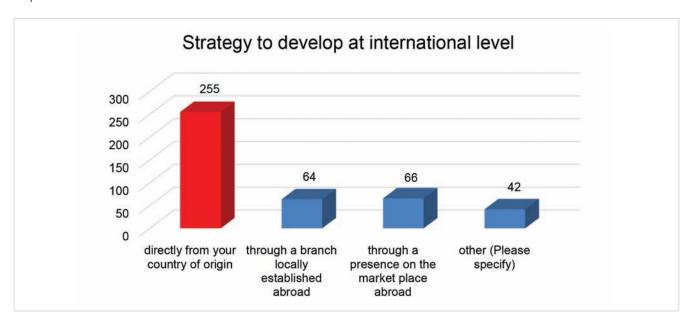


The results show that 68% of the respondents are already selling goods and/or services at the international level: 73% of retailers and 59% of pure players already sell abroad. Comparing this result to the dimensions of the companies, the large majority of those selling cross-border consist of bigger ones, with 20+ Full Time Equivalent (FTE).



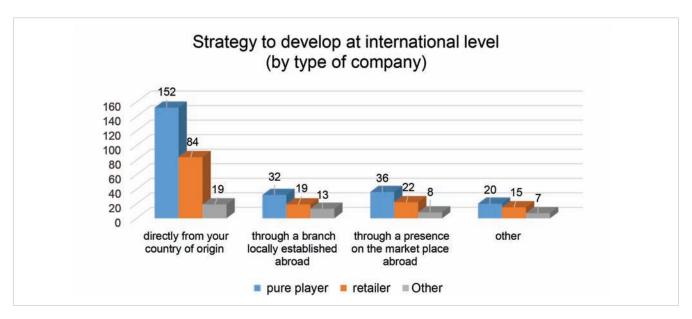


In addition, the results show that the clearly preferred strategy of companies to develop at the international level consists of selling to consumers abroad directly from the company's country of origin (see below). The strategies of selling through a branch locally implanted abroad or through a presence on the market place established abroad are significantly less popular amongst the respondents.



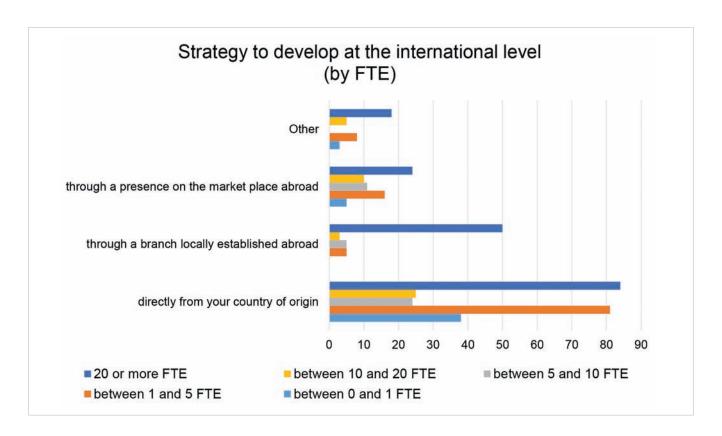
Note: some companies have selected more than one strategy for selling cross-border. This explains why the total of responses to this question is higher (427) than the actual number of companies selling cross-border (241).

The same trend can be found if we analyze the strategy to develop abroad on the basis of the type of company: the majority of pure players and retailers clearly sell cross-border directly from the company's country of origin, as indicated in the graph below.

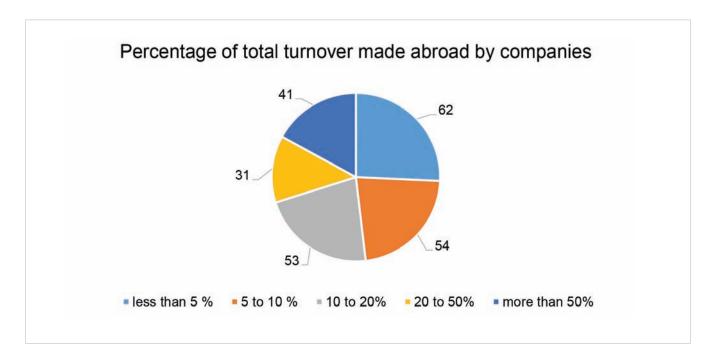


Comparing the results to the dimensions of the companies (in Full Time Equivalent - FTE), the analysis shows that the strategy of selling cross-border through a branch locally established abroad is used almost exclusively by bigger companies (20+ FTE). The majority (84) of smaller companies (1-5 FTE) prefer selling abroad directly from the country of origin, most likely for cost of investment reasons.





The following graph shows the percentage of total turnover made cross-border by the respondents. The majority of companies (62) make less than 5% of its turnover abroad. Nevertheless, 41 companies make more than 50% of their annual turnover in another Member State.

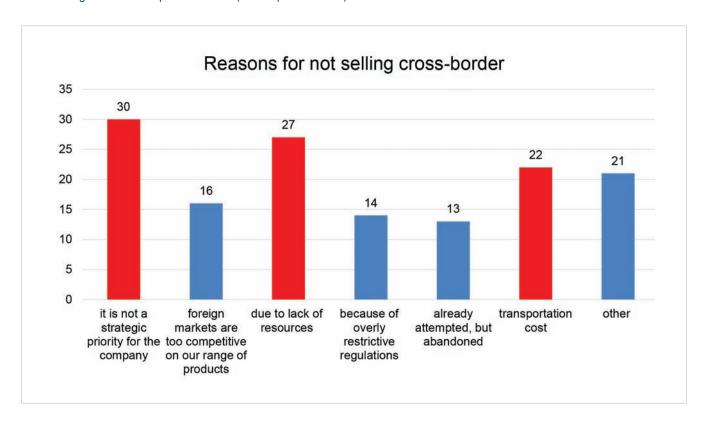




1.3 Reasons for not selling cross-border

Companies not selling cross-border listed as main reasons for not doing so:

- It is not a strategic priority for the company (30 companies 21%);
- Due to lack of resources (financial, human, etc.) to start selling abroad (27 companies 19%);
- The high level of transportation costs (22 companies 15%).



Note: some companies have selected more than one reason for not selling cross-border. This explains why the total of responses to this question is higher (143) than the actual number of companies not selling cross-border (111).

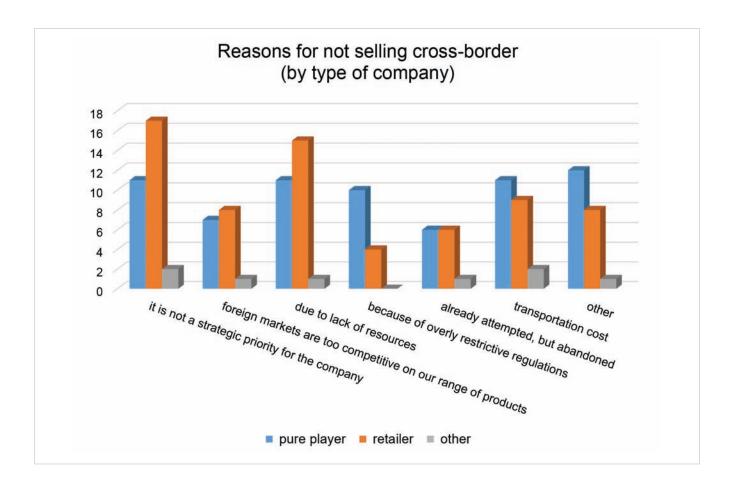
By analyzing the results on the basis of the type of company (see next graph), it is interesting to note that especially for retailers the most common answers for not selling cross-border are:

- · It is not a strategic priority for the company;
- Due to lack of resources (financial, human, etc.) to start selling abroad.

Pure players indicated the same reasons as retailers, but pure players also selected two extra reasons as the most common for not developing cross-border:

- · Overly restrictive regulations in other countries;
- The high level of transportation costs.







Chapter 2 - Online companies selling cross-border

This chapter discusses results from those companies which are already selling their goods and/or services abroad. The first part will analyze the TOP-3 barriers that online shops face daily when doing business abroad.

The second part of this chapter will discuss the other barriers identified by online merchants selling abroad. For each specific area, the analysis of the outcome is followed by the policy and market solutions Ecommerce Europe proposes to help e-commerce companies overcome the barriers.

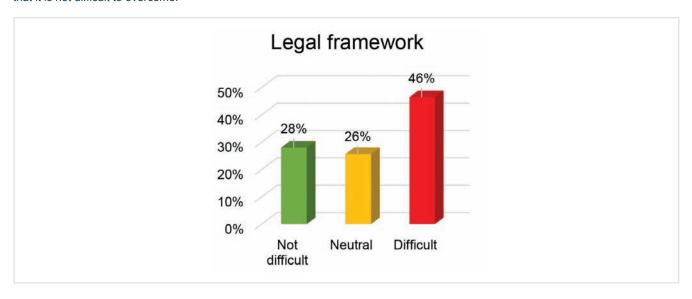
2.1 TOP-3 barriers to cross-border e-commerce in Europe

Online merchants identified three main barriers which they have to deal with when they sell cross-border. Almost half of the companies that answered the question on the level of difficulty encountered in specific sectors when selling abroad indicated that major barriers to cross-border selling are:

- a. Legal issues;
- b. Logistic and/or distribution;
- c. Differences amongst taxation systems, VAT and/or customs.

a. Legal issues

The legal framework has been indicated as one of the most difficult barriers to overcome for almost half of the companies selling cross-border (46%). Only 26% believe that the legal framework is a neutral barrier to the expansion abroad, and only 28% indicate that it is not difficult to overcome.



The legal framework is one of the most difficult barriers to overcome for 46% of the companies that sell cross-border. Dealing with 28 different sets of rules for data protection, privacy, consumer and contract law does turn out to be burdensome for online merchants. The fear of breaking national rules when selling goods and/or services abroad is an obstacle to the development of the European e-commerce market

When asked for concrete examples of barriers that persist linked to the legal fragmentation across the European Union, online merchants specifically mentioned:



- Differing privacy rules: Privacy laws are different between EU countries, which results in large additional costs (not only legal but also in making IT systems compliant) when selling cross-border;
- Handling returns from abroad: New rules recently introduced by certain online platforms oblige online merchants selling
 goods on these platforms to have a local return address in every country they are selling to, or alternatively to pay for the return
 costs if the package needs to be sent back somewhere else. For the average online merchant this is not affordable and they
 also cannot afford to bear the costs of returns that come from abroad;
- Differing and complicated consumer law: The current European consumer protection framework suffers from overlapping
 requirements and conflicting national implementations and enforcement. Differing consumer rights legislation is a significant
 trade barrier, as SMEs risk overwhelming the consumer while being prevented from providing a user-friendly, clean and simple
 experience;
- Energy labeling information requirements: The energy labeling obligation has not only to be presented in the offer but in all
 advertising presented to the user. This leads to the redundancy of information on the way to purchase and can be inappropriate
 for viewing on mobile devices.

Ecommerce Europe: proposed solutions

Both businesses and consumers need a single rule for a Single European Market. Ecommerce Europe therefore welcomes the European Commission' proposals contained in the Digital Single Market Strategy aiming to simplify rules for online cross-border purchases. Both merchants and consumers need more legal certainty through harmonization of existing legal frameworks.

More in detail, Ecommerce Europe proposes to:

Harmonize privacy and data protection rules while recognizing the need for innovation

Ecommerce Europe supports the European policy makers in their efforts to harmonize data protection rules and to review the e-Privacy Directive. However, Ecommerce Europe advocates for a balanced approach for data protection, which should protect the individual, without unreasonable costs and/or administrative burdens for online merchants, and especially for SMEs. The legislation should also recognize innovative techniques for information collection and analysis, such as profiling and the use of cookies - which stimulate business innovation and provide opportunities for merchants to optimize personalization and further tailor their businesses to new consumer demands. Moreover, it is crucial that in a revision of the e-Privacy Directive the important role is recognized that electronic communications and data driven marketing play in the business model of online merchants.

Fully harmonize the legal framework on consumer rights but avoid complicating rules further

The Consumer Rights Directive provides for an almost fully harmonized legal framework for the online Business-to-Consumer (B2C) sale of goods, services and digital content. However, the CRD does not cover all issues and uniformity on a national level is still lacking on important issues (legal guarantees, unfair contract terms, notification of the lack of conformity, remedies, product/service liability, etc.). Legal harmonization will simplify cross-border B2C trading and is the preferred regulatory tool for B2C contract law as the best way to improve cross-border e-commerce above other regulatory means like changing the Rome I regulation, introducing the traders' home country principle or establishing an optional EU system as in the previous Common European Sales Law. However, as the current applicable legal framework on consumer rights is already too complex to be understood by others than legal specialists, Ecommerce Europe calls for a simplification of the rules to enhance consumer experience.



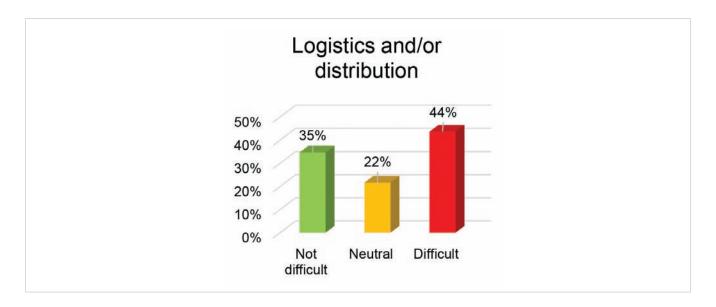
One-stop-shop

Ecommerce Europe has demanded for a long time that SMEs in particular need to be provided with knowledge about European and national laws. Ecommerce Europe therefore welcomes the online tool which the European Commission has recently launched as part of the Watify project. This is a good first step in the right direction and we ask the Commission to provide even more comprehensive information on rules for VAT and taxation, data protection and privacy, parcel delivery, consumer rights and dispute resolution, online payments and e-logistics.

b. Logistics and/or distribution

Almost half of the companies selling abroad answering this question (44%) believe that logistics and distribution represent a difficult barrier to tackle when doing business abroad. Only 22% has indicated logistics as a neutral barrier and 35% as not difficult to overcome.

As we have seen in Chapter 1, 15% of companies not selling at international level refrain from doing so because of excessive transportation costs. This is for instance the case for many merchants selling in Greece, a country with a difficult morphology due to its high number of islands.



When asked for concrete examples of barriers that persist linked to logistics and/or distribution across the European Union, online merchants specifically mentioned:

- Lack of information and limited choice: No information on differences in service and standards in different countries and no choice in last-mile providers;
- Delivery times: Too long delivery times in EU for non-express services;
- Quality of service: No track and trace in postal services;
- Pricing issues: Lack of transparency and competition in pricing;
- Differing customs/VAT administration: Customs and VAT administration is complicated as rules vary greatly;
- Difficulties with returns: Reverse logistics are especially problematic for small volumes and with postal services;
- · No standardized labelling: Lack of standardized labelling to provide more transparency on prices and service.



Ecommerce Europe: proposed solutions

Merchants and consumers need a European-wide delivery system in order to create more innovation and greater transparency in the logistics chain. Additionally, more options are needed, including different offers, alternative affordable delivery options, more flexibility, more information and transparency from delivery service providers.

Concerning parcel delivery, the sector needs an interoperable EU-wide delivery system as soon as possible. Ecommerce Europe welcomes the launch of complementary measures in the first half of 2016. In order to increase transparency there is a need for more information, better services and affordability, a decrease of costs of cross-border flows and an increase of reliability and quality of delivery services. By the creation of an online e-Logistics Platform, Ecommerce Europe takes up its role to further improve the functioning of the parcel delivery market for online merchants. This will have an enormous impact on transparency, cost decrease and quality improvement by listing all delivery suppliers active in e-commerce on the same website, with all necessary details, allowing merchants to quickly identity for free which operators are most suited to their needs.

More in detail, Ecommerce Europe proposes:

Ecommerce Europe's e-Logistics web platform

Ecommerce Europe takes up its role in stimulating growth by developing initiatives such as the creation of an e-Logistics platform. The Ecommerce Europe e-Logistics platform intends to be the most comprehensive source for delivery intelligence in Europe and lists all delivery suppliers active in e-commerce on the same website for the first time, with all necessary details allowing merchants to quickly identify for free which operators are most suited to their needs. The web platform will offer SMEs information on cross-border delivery, has a matchmaking and marketplace feature, and a feature allowing online merchants to combine volumes to negotiate better prices.

Other measures to improve the parcel delivery market

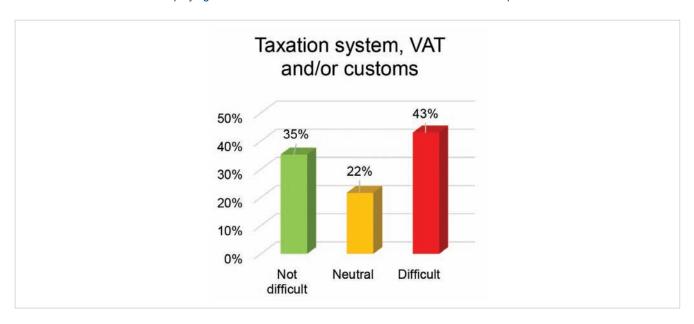
Besides the platform, Ecommerce Europe makes various recommendations to decrease costs and to increase reliability and quality of services. At the moment, there is no integrated European delivery system which meets all the consumers' specific needs as well as the need of the merchants managing cross-border deliveries and reveres logistics. Operators and service providers should work towards a well-connected and well-integrated common system.

New invoicing structures for multi-operator schemes with terminal fees and distance-based invoicing would significantly reduce cross-border delivery costs. Furthermore, better operability through promoting open standards in the development of labelling and in the creation of EDI files (Electronic Data Interchange) would decrease the implementation cost of a new courier and would allow for the merchant to seize opportunities and to change more rapidly to another carrier. Lastly a constructive dialogue between all parties in the e-commerce sector - which all have a shared interest in increasing the volumes being shipped - could progressively stimulate product development and solve the current gap between supply and demand in the delivery products sector.



c. Taxation systems, VAT and/or customs

Almost half of the companies that answered this question (43%) have indicated that different taxation systems, VAT rates and/or customs represent a difficult barrier to overcome when going cross-border. These differences across the European Union create a serious disturbance of the level playing field that is needed to foster cross-border trade and to complete the internal market.



The result was not unexpected as the new VAT rules that have come into force since 1 January 2015 are having a negative impact on small and medium enterprises specialized in the supply of electronic services. They are now faced with the need to adapt to 28 different tax regimes, an unreasonable and unmanageable administrative burden for many of them.

When asked for concrete examples of barriers that persist linked to taxation systems, VAT and/or customs, online merchants specifically mentioned:

- High administration costs: Enormous implementation costs as well as accounting costs to manage the different VAT tariffs, different thresholds, different filing systems for different countries (e.g. Isabel for Belgium, different treatment of shipment VAT, higher tariffs in Germany);
- Verification of country of delivery: Online merchants still experience problems in the practical implementation of the new
 legislation on VAT in their online-shops, e.g. the pricing and the verification of the country of delivery. The trader has to proof
 the residence of the consumer through two non-conflicting verifications. The monitoring of the country of delivery only will not
 be enough to show proof and therefore it might become necessary to collect and save (additional) data such as the IP-Address
 (for geo-localization problematic), the international area code of the telephone number and bank details;
- Verification of the consumer: Online merchants need to verify whether a customer is a businessman or a consumer, which complicates the process of calculation even more, especially in a high-volume business;
- Mixed goods and services: Uncertainty persists about the practical implementation of VAT rules when online merchants sell
 both electronic services and physical goods;
- Customs administration: Burdensome customs administration in international trade;
- Low customs relief thresholds: The current low customs relief thresholds 1) create barriers for Internet-enabled SMEs to access new markets; 2) significantly increase the end prices of goods. Their level is inconsistent with the recent increase in thresholds for merchandise in travelers' luggage (430€ compared to 150€). With the current system, experiences that act as a deterrent to participation in e-commerce can take place: for example, an outside-of-EU purchase can be retained by postal services due to missing invoices. While the seller provides an invoice copy, the purchase can take another 2-3 weeks to be delivered. In addition, the buyer will be asked to pay a large customs administration fee.



Ecommerce Europe: proposed solutions

Ecommerce Europe fully supports the proposals of the European Commission included in the Digital Single Market Strategy to reduce VAT-related burdens for companies when they decide to sell cross-border in the European Union. The Commission's main proposals are in line with those of Ecommerce Europe, and the association specifically proposes:

Harmonize VAT rates as much as possible

The European Union currently has 75 VAT rates and there is a difference of 10 percentage points between the Member States with the lowest VAT rate - Luxembourg (15%) - and the highest - Sweden and Denmark (25%). This is a serious disturbance of the level playing field that is needed to foster cross-border trade and to complete the internal market. In the long run a harmonized European VAT system would greatly stimulate the development of cross-border e-commerce.

Common European threshold for the destination principle

Complicated VAT registration in the different systems of many Member States is a great barrier to online merchants, especially for SMEs. Extending the destination principle to all goods and services sold online would bring clarity to the market and would foster fair competition. However, to avoid unreasonable burdens for SMEs, a common European threshold should be established for the destination principle, in order to ensure that smaller online merchants do not have to invest disproportionate resources in verifying the home base of the consumer and calculating and displaying individual prices.

Extend Mini-One-Stop-Shop to all goods and services sold online

Many merchants, especially SMEs, have little knowledge of the fiscal demands of extra-national and cross-border trade, limiting the potential of the Single Market. There should be a pan-European information point to deal with fiscal questions. The Mini-One-Stop-Shop for electronic services is already a good start, and could easily be expanded to all products and services sold online.

2.2 Other barriers to cross-border selling

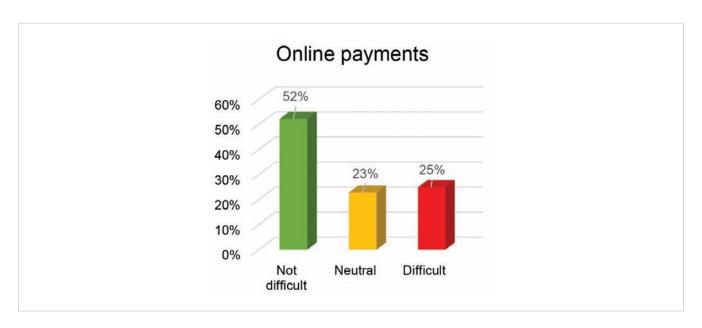
The analysis of the results also revealed that online merchants experience some other difficulties when selling abroad. In particular, merchants have indicated that the areas where they also experience difficulties are:

- a. Online payments;
- b. Relationships with the clients;
- c. Marketing and language.

a. Online payments

In the area of online payments 52% of companies that answered this question have indicated it does not represent a difficult barrier to overcome when selling cross-border. However, a quarter (25%) of merchants has indicated that online payment is a problematic area, and less than a quarter (23%) that this is a neutral barrier.





When asked for concrete examples of persisting barriers linked to online payments across the European Union, online merchants specifically mentioned:

- Outdated regulation: Prescriptive 20th century payments regulation that impedes the roll-out of innovative online payment methods;
- High costs: Burdensome interchange fees and processing fees of banks and third party payment providers especially for convenient and easy-to-use payment solutions;
- Identification of consumer: A lack of uniform electronic identification system forces consumers and merchants to go through burdensome processes for consumer authentication and identification;
- Complicated check out process: Conversion is lost because consumers leave the process prematurely when authorization and authentication requires too many steps (registration, two or multi-factor authentication, tokens, etc.). This becomes an even bigger problem for mobile shoppers; they tend to leave the process already after the first step.

Ecommerce Europe: proposed solutions

Ecommerce Europe believes that the recent work of the European policy makers on the MIF Regulation and the Payment Services Directive II is a good first step in the right direction to come to a truly European online payments market. Ecommerce Europe urges policy makers to swiftly conclude the creation of a pan-European framework for online payments which leaves room for innovation at a fair cost.

Facilitate interoperability of payment systems in the EU

European policy makers should facilitate interoperability of payment systems between all Member States and all online devices, especially considering the fast rise of mobile commerce, which is helping to drive overall e-commerce growth. In order to foster cross-border trade, interoperability between payment systems of Member States is essential. There should be an integral approach to the payment systems market in order to produce future-proof legislation.

A secure and innovative European payments market

Third-party Payment Providers (TPPs), one-click-buy, wallet solutions, and other innovations can accelerate product

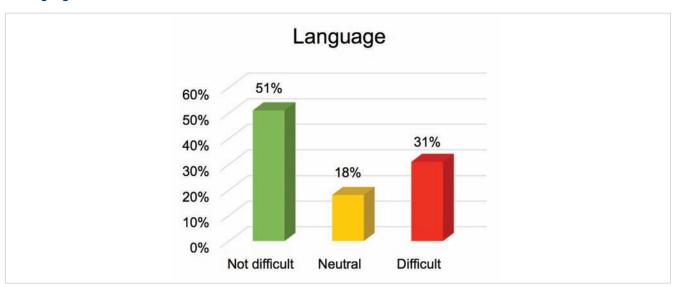


development and stimulate cross-border purchases as long as they adhere to the same security standards merchants provide. Innovations in online banking solutions should be stimulated as they can facilitate mobile payments and merge online, offline, cloud, and P2P payments. Ecommerce Europe urges policy makers to demand adequate communication by the issuing banks and third parties developing the services when this new 'class' of payments is introduced.

Introduce a risk based approach to securitization

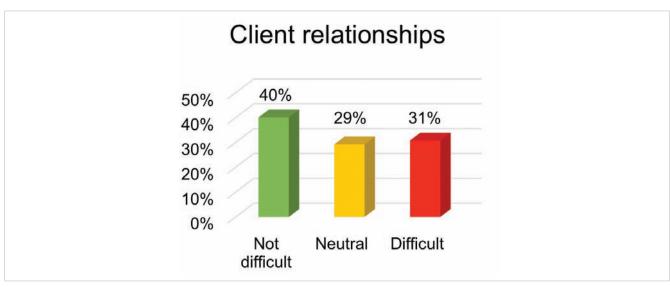
For online merchants, successful and interoperable e-payment innovations pay attention to three basic principles: reach, conversion, and cost. Too strong securitization and too high authentication requirements only pay attention to the risk for the banks and are detrimental to the merchant's reach and conversion. Merchants should be able to choose other ways of identifying the consumer in payment transactions, so that business models based upon a merchant - consumer trust relationship can be preserved.

b. Language



Around half of the companies selling cross-border have indicated that language differences across the European Union are not a difficult barrier to overcome. However still 31% believes it is a difficult barrier to tackle, while only 18% has indicated that language is a neutral barrier.

c. Client relationships





Building client relationships proves to be another obstacle to selling goods and/or services to consumers abroad. Although it is not a difficult barrier for 40% of online companies that answered the question, for 29% of the companies this is a neutral barrier, and 31% of online merchants indicate that this is a difficult obstacle.

d. Marketing



Developing a marketing strategy for selling goods and/or services abroad is not difficult for 35% of the companies that answered the question. 30% of merchants believes it constitutes a neutral barrier, while 34% believes it is difficult to do marketing for cross-border selling.

Chapter 3 - Trends in online cross-border selling

This chapter presents an overview of the development of cross-border sales in Europe in the past 2 years and the expected evolution of cross-border sales in the coming 2 years - including figures of the whole B2C e-commerce market in Europe in 2014.

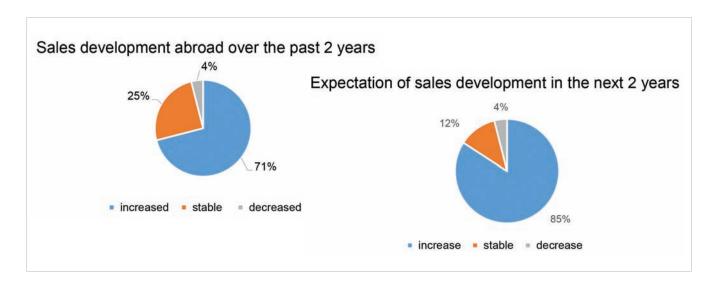
3.1 Optimistic evolution of cross-border sales in the coming years

Despite the barriers that companies selling products online still experience, the results of the survey showed that the sales of products and/or services abroad have increased in the last 2 years for 71% of online merchants. For 25% the level of sales stayed stable, while for only 4% the amount of cross-border sales has decreased.

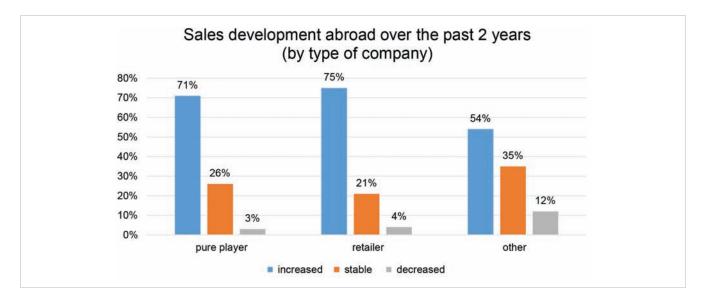
The e-commerce sector is one of the few European industries that has experienced a non-stop double-digit economic growth. For merchants, there are still plenty of opportunities for growth by expanding into new European markets. Breaking down barriers to cross-border e-commerce in particular could create millions of extra jobs by 2020.

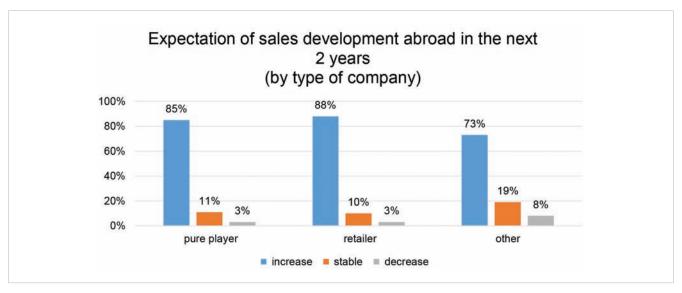
According to the results of the survey, the expectations of merchants for cross-border sales are rather high, as 85% of online merchants have indicated that they expect an increase in their sales abroad. A small 12% of merchants expected the cross-border sales to stay steady and for only 4% sales are expected to decrease in the next 2 years.





Similar trends apply for both retailers and pure players for the sales development abroad and for the sales expectations, with retailers having a slight advantage over pure players





EUrope 2014 Key B2C E-commerce of Goods & Services at a glance



Ecommerce Europe association data at a glance 2014







GOMISEC

Measurement Standard B2C E-Commerce Online Global

for e-commerce experts and invitees **Round Tables** Meetings in 8 European cities

* ECOMMERCE ★ EUROPE * member



VÍRKE eHANDEL S e-COMMERCE POLSKA 17+ leading e-commerce associations

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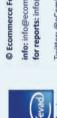


:5.000+ members











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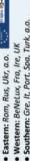
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