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Sent by e-mail to [Confidential]

The Hague, 21 juli 2026

Our reference : ACM/UIT/683434
Subject : Informal guidance regarding study into return costs of online stores

Dear Sir/Madam,

Thuiswinkel.org wishes to conduct a study into the effects of return costs on the number of product returns (hereafter: the Initiative). More knowledge about the behavioral effects of return costs in the clothing sector can contribute in reducing the number of product returns, and thereby in reducing the sector's impact on the environment. Various online clothing stores¹ will participate in the study.

You have indicated that the Initiative is compatible with the competition rules. You have asked the Netherlands Authority for Consumers and Markets (ACM) whether it can follow that conclusion.² ACM has informally assessed the Initiative in accordance with its Policy Rule regarding ACM's oversight over sustainability agreements (the Policy Rule).³ On the basis of the information provided by Thuiswinkel.org, ACM finds that this conclusion is plausible, and it currently does not see any risk of an appreciable restriction of competition resulting from the Initiative.

In the below sections, ACM will first provide a summary of the Initiative. After that, ACM will explain its informal assessment of the Initiative.

The Initiative

Background

With approximately 4 percent of global greenhouse-gas emissions, and a significant utilization rate of land and water, the clothing industry has a considerable impact on the environment.⁴ Part of that impact comes from the high number of returns from online clothing purchases. Returns lead to additional transport movements (in particular consumers that bring parcels to service locations), to storage and processing of the returned items (including repair, cleaning, and repackaging), and 1 to 3 percent of the returned clothes

¹ These may include stores with a wide online selection, including clothes, next to stores that specifically focus on the sale of clothes.

² Thuiswinkel.org's self-assessment of 1 May 2026 with reference ACM/IN/1114705.

³ ACM, 4 October 2023, [Policy Rule regarding ACM's oversight over sustainability agreements](#).

⁴ See [Policy Programme for Circular Textile 2025-2030 | Government.nl](#), p.5 on government.nl.

cannot be resold.⁵ The increase in online clothing purchases adds to this: clothing purchases have higher return rates than purchases of other products⁶, and the return rate for online purchases is up to three times higher than that for products that are sold in brick-and-mortar stores. With a return rate of 25 percent, the Netherlands has one of the highest return rates for clothes in Europe.⁷

Thuiswinkel.org is a Dutch trade association for the e-commerce sector. As a trade association, Thuiswinkel.org is committed to a sustainable, future-proof e-commerce sector and therefore wishes to help bring down the number of returns, including in the clothing sector. Charging consumers a return fee might lead to more-conscious purchases and fewer returns.⁸ There are indications for this line of thought, according to Thuiswinkel.org.⁹ Thuiswinkel.org wishes to study this in greater detail for the clothing sector, together with a select group of clothing stores as well as the Ministry of Economic Affairs and Climate (EZK).

Objective of the Initiative

Free returns is currently the policy of many online clothing stores. Thuiswinkel.org wishes to study what would happen if some stores introduced return costs. In addition, the study aims to also offer insight into possible knock-on effects on purchasing behavior and differences between online stores. The results are meant to offer online stores and lawmakers practical guidance for developing effective and proportional measures for reducing the return flows.

Structure of the study

An independent research agency will conduct the study. The study consists of three measurements: a baseline measurement, a before-measurement of the current return behavior (without return costs), and an after-measurement (after return costs have been introduced). There may be a control group consisting of one or more businesses that, during the same period, do not introduce return costs. The quantitative research is complemented by interviews with participating businesses and possibly by a survey among consumers. The study will, in any case, identify the following indicators: return rates¹⁰, the amount of the return fee charged, the average number of items per return, the type of return costs (per product, per parcel, or variable), and a conversion ratio.¹¹

According to Thuiswinkel.org, participating businesses do not make any arrangements with each other regarding the amount and type of return costs. Participating businesses can use different types of return costs, such as a fixed amount per product, per order, or a variable rate depending on the type of product or the customer's order and return behavior. For each participant, it will be coordinated with Thuiswinkel.org how and when exactly the participating businesses adjust their return costs.

Thuiswinkel.org expects the study to take a year in total (including the analysis of the data). The exact duration of the study will depend on the participating businesses, and the period in which the data are collected may vary per business. Businesses with high sales volumes will have collected sufficient data sooner than smaller businesses. Furthermore, some companies that already charge return costs could make use of historical data. Participating businesses will choose each for themselves, after talks with Thuiswinkel.org, the period in which the return policy is adjusted.

⁵ Thuiswinkel.org's self-assessment of 1 May 2026 with reference ACM/IN/1114705. See also: [Wat is de milieu-impact van het terugsturen van bestellingen? | Thuiswinkel.org](#) (in Dutch)

⁶ See [Hoeveel pakketjes gaan er retour? | Thuiswinkel.org](#) (in Dutch)

⁷ See [Policy Programme for Circular Textile 2025-2030 | Government.nl](#), p.19 at government.nl.

⁸ In addition to other measures, such as detailed product information and clear sizing.

⁹ Minutes of meeting with Thuiswinkel.org of 1 June 2026 with reference ACM/UIT/679613. Response of minister of EZK (23 May 2023) to motion filed by Dutch MP Van der Graaf (ChristianUnion, CU) "whether free returns can be made impossible". Patel et al. (2021) *The impact of free returns on online purchase behavior: Evidence from an intervention at an online retailer* in Journal of Operations Management. Emerce (24 February 2022): *Nederlander bestelt minder bij betaald retourneren*. Emerce (4 September 2018): *Hoe beïnvloedt je retourneerbeleid je retouren?*

¹⁰ The study specifically concerns return shipments. Parcels that are returned to the store itself do not fall under the study's scope.

¹¹ In addition, the following will also be studied, if possible and after consulting with the independent research agency: turnover trends, any changes in customer behavior (impulse purchases, customer loyalty), substitution effect (do customers order less, or do customers order the same but do they return less?), rebound to other online stores, and rebound to brick-and-mortar stores.

Participants

The Initiative focuses on businesses in the textile sector, as return rates are relatively high there. Thuiswinkel.org aims to have a diverse group of participating businesses in terms of size and return policy. Thuiswinkel.org expects that three to five businesses will take part in the study.

ACM's informal assessment

The Initiative is a collaboration between competitors. As such, the cartel prohibition is applicable. Also, there may be a potential cross-border effect. In that case, the Initiative is also subject to the European competition rules.¹²

ACM has assessed whether the Initiative is a sustainability agreement, and whether there is a risk of an appreciable restriction of competition. In that context, ACM relies on the information provided by Thuiswinkel.org, and has not carried out an investigation of its own.

Sustainability agreement

ACM agrees with Thuiswinkel.org that the initiative pursues a sustainability objective within the meaning of the Policy Rule. The objective of the Initiative is to examine if and how returns can be reduced using return costs. More knowledge about the behavioral effects of return costs in the clothing sector may ultimately help in bringing down the number of returns, and, by extension, reducing the sector's impact on the environment.

No appreciable restriction of competition

In its self-assessment, Thuiswinkel.org comes to the conclusion that the Initiative does not carry any appreciable risks for competition.¹³ On the basis of the information submitted by Thuiswinkel.org, ACM follows that conclusion. In that context, ACM considers the following circumstances to be important at this point:

- i. Participation in the Initiative is on a voluntary basis. The Initiative does set several obligations, which is that businesses (those that choose to do so), after talks with Thuiswinkel.org, adjust their return policies and do not change them for a certain period during the study. Also, the businesses will cooperate with the collection of the research data. These arrangements are needed in order to be able to carry out the study.
- ii. The arrangement whereby several businesses agree not to change their return policies for a certain period (not adjusting them before that period has ended) is of a temporary nature and concerns (a part of) the period in which the study is conducted. ACM assumes that the research period will not be longer than needed for collecting the required data. After the Initiative, participants decide themselves again whether or not they wish to adjust their return policies.
- iii. Each of the participants decides individually what policy it implements, including the amount and type of return costs, and decides individually, after talks with Thuiswinkel.org, on the exact period in which research data is collected at the company (in other words: when a possible change to the policy takes place).
- iv. The combined size of participants is limited, as a result of which the potential effect of the (possibly simultaneous) adjustment of these companies' policies is very small. It is currently not yet known exactly which businesses will participate. However, on the basis of the information from Thuiswinkel.org, it does not seem likely that the participants will represent more than 20 percent of online sales of clothes. This is considering the limited number of

¹² Article 101 of the Treaty on the Functioning of the European Union. See also section 9 of the [Guidelines on the applicability of Article 101](#) of the Treaty on the Functioning of the European Union to horizontal cooperation agreements, 17 July 2023, C/2023/4752. (hereafter: the Guidelines).

¹³ Thuiswinkel.org's self-assessment of 1 May 2026 with reference ACM/IN/1114705.

expected participants (3-5 businesses) compared with the high number of online clothing stores. Moreover, some participants will not adjust their return policies because only historical data will be used.

- v. No competition-sensitive information will be exchanged between participants. ACM takes the following into consideration:
 - a. The study will be carried out by an independent research agency that is responsible for the collection, processing, and analysis of the data. As a result, direct exchanges of information between competitors will not take place.
 - b. In order to prevent any indirect exchanges of competition-sensitive information also, all collected data will, after the analysis, be reported to the participants and further circulated at an aggregated level only. In that way, it will not be possible to trace back data to any business, according to Thuiswinkel.org. This will be true for any interim reports (of the research agency to the participants and to Thuiswinkel.org) as well as for the final report that will be published. The only exception to this is that a participant can access its *own* results.
 - c. Only Thuiswinkel.org and the research agency know who participates in the study. Participants and non-participants in the sector do not know which (other) companies participate in the study. Also, the exact period in which policy is changed may differ per business (within the research period of approximately one year). This ensures that businesses do not know which (other) companies temporarily adjust their return policies for the study and when this happens. This reduces the risk that businesses coordinate their policies (either wittingly or unwittingly). That is why all communication during the study will take place via the independent research agency, one-on-one with the participants. There is no joint consultation taking place between the participating companies.

Finally, ACM points out that Thuiswinkel.org should be cautious with regard to any conclusions that may be drawn on the basis of the report and any recommendations that follow from it. In its capacity as trade association, Thuiswinkel.org cannot, *in principle*, give its members any price recommendations, for example.¹⁴ In line with those rules, ACM also points out that, if Thuiswinkel.org wishes to make farther-reaching arrangements on the basis of study results, those results must be sufficiently robust and representative in order to substantiate the necessity and proportionality of such arrangements. It is up to Thuiswinkel.org itself to perform a competition-law assessment in order to determine in what way any farther-reaching arrangements would be possible. Should it have any questions, it can obviously contact ACM.

Conclusion

On the basis of the information of Thuiswinkel.org, ACM finds it plausible that, at the moment, the Initiative does not carry any risk of appreciably restricting competition. That is why ACM will not conduct a (further) investigation into the Initiative.

ACM points out that this assessment is an informal assessment. ACM assumes that the information that was submitted by Thuiswinkel.org is correct. ACM did not conduct an investigation of its own.

ACM may still decide to investigate the Initiative in greater detail at some point in the future, for example, if ACM receives a complaint about the Initiative. After such an investigation, it may turn out that the Initiative is, in fact, at odds with the competition rules. In that case, ACM will not impose a fine if Thuiswinkel.org informed ACM in good faith, and if Thuiswinkel.org cooperates with a subsequent adjustment process to bring the Initiative in line with said rules. It is a policy choice on ACM's part not to impose a fine in such a

¹⁴ ACM, [Guidelines regarding arrangements between competitors | ACM](#), marginal 28 and beyond.

situation. Other (competition) authorities are not bound by this policy choice or by the contents of this informal assessment.

Yours sincerely,

the Netherlands Authority for Consumers and Markets,

Mr. D.I. Bos
Director
Competition Department