



EMERGING TRENDS IN INTERNATIONAL CONSUMER PROTECTION: SUSTAINABLE CONSUMPTION LAWS AND ADR MECHANISMS IN THE EUROPEAN UNION

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ABSTRACT

The Sustainable Development Goals (SDGs) call for environmentally sustainable production and consumption in line with the green transition within the European Union (EU); however, the EU is yet to fully incorporate Alternative Dispute Resolution Mechanisms (ADR) in the resolution of environmental matters, let alone in providing redress for disgruntled consumers and traders. This paper attempts to analyse the effectiveness of the incorporation of ADR mechanisms in consumer protection disputes within the EU as an alternative to litigation, with a keen look at international emerging trends and international best practices.

KEYWORDS Alternative dispute resolution, sustainable development goals, sustainable consumption and production, European Union, environmental sustainability

1. Introduction

ADR is now a globally accepted means of dispute resolution (Egbunike-Umegbolu, 2024). In the United States of America (USA), ADR has been in use since the 20th century, and its effectiveness continues to be felt, with at least 90% of the cases submitted to ADR being successfully settled by 2006, and the number continuing to rise (Miller, 2006). The goal has been, and remains, to curb case backlog caused by lengthy court processes (Sander, 1985). The institutionalisation of ADR can be attributed to the aforementioned success in achieving speedy settlements (Nosyreva, 2001). The African continent also follows suit in its implementation of ADR as a means of providing access to justice for its populace (Ntuli, 2018).

EU regional laws and policies have incorporated the United Nations 2030 Agenda and the 17 Sustainable Development Goals (SDGs) in their provisions to aid the green transition towards sustainability (Erimia et al., 2015). The Member States strive to curb the negative effects of climate change by ensuring

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sustainable production and consumption, the use of eco-friendly products, effective waste management to reduce negative effects on the environment, and the effective utilization of available natural resources (Firoiu et al., 2025). Likewise, consumers within the EU now strive to purchase products that are environmentally sound (Pettoello-Mantovani & Olivieri, 2022).

It is important to note that sustainable consumption and production can only be achieved through mechanisms that reduce environmental degradation and foster effective waste and pollution management (Salzman, 1997). A report by the World Economic Forum in 2020 attributed at least 83% of environmental degradation to human activities, contrary to Goal 12 of the SDGs, which is meant to promote responsibility with regard to human activities of production and consumption for the sake of future generations (Arora & Mishra, 2023). Further, the SDGs are meant to be a guide towards climate change action plans that foster climate justice, economic development, and social development (Ladan, 2018).

Among the targets set out under the SDGs is the promotion of the rule of law and equitable access to justice for all people by 2030, both at the national and international levels of governance (Manuel & Manuel, 2018). As a principle, it fosters democracy, equitable development, and responsible stewardship (Logan, 2017). Moreover, the SDGs call for the promotion of peace and the establishment of robust institutions that promote justice for all (Alkhayer et al., 2022). Insofar as consumer protection disputes are concerned, Alternative Dispute Resolution Mechanisms (ADR) are preferred due to their cost efficiency, flexibility, and time efficiency in the resolution of consumer protection disputes (Juškys & Ulbaitė, 2012).

Further, ADR is seen as a tool that fosters confidence among consumers and traders within the internal marketplace (Creutzfeldt, 2016). ADR and Online Dispute Resolution (ODR) are intertwined and work in correlation with each other, with the latter being an extension of the former, meant to take advantage of the current digital age in offering consumer redress (Cortés, 2010).

2. Consumer Protection and the Sustainable Development Goals (SDGs) within the EU

Fairer and better market competition for consumers can only be attained through effective consumer protection rules that aim to safeguard consumers' rights, safety, and economic interests (Czarnecka & Zych, 2024). The European Union's digital transformation priorities for 2024, dubbed the Europe Fit for the Digital Age Agenda, are intended to introduce new technologies that foster new innovative business models which allow consumers and traders to trade easily through instant technologies. However, due diligence ought to be upheld to

ensure that illegal content is not freely circulating, while civil liabilities and conflicts are reduced (Magalhães & Calle, 2025).

The 2015 United Nations Guidelines for Consumer Protection provide for access to justice through the use of Alternative Dispute Resolution Mechanisms (ADRs), which ensure justice for vulnerable consumers, as they are less expensive compared to litigation (Benöhr, 2020). In the EU, Directive 2013/11/EU was meant to promote ADR for timely and fair justice for consumers in the Member States (Biard, 2019). Equally, Regulation (EU) No 524/2013 on ODR was enacted with the hope of accelerating the use of ODR in cross-border dispute resolution (Cortés, 2022).

There is an interrelationship between the attainment of the SDGs in the EU by 2030 and the implementation of policies that best address the issues of healthy living, consumption, and production among the Member States (Firoiu et al., 2025). Companies should thus strive to embrace eco-friendly consumption and production that boost sustainable economy, sustainable industrialization, and innovation in favour of the climate change policies enacted (Fonseca & Carvalho, 2019). From the aforementioned sentiments, it is clear that ecologically sound practices are the cornerstone of the SDGs, as they aid in environmental protection (Blind & Heß, 2023). This is not lost on the EU Member States, as demonstrated by the adoption of the European Green Deal (EGD), which is meant to encourage sustainable economic growth that provides for sustainable production and consumption (Reins & Wijns, 2025).

Moreover, Directive (EU) 2024/825 and Regulation (EU) 2024/1781 both advocate for informed green production choices while still protecting consumers from prejudicial production practices (Keirsbilck, 2024). The primary ultimate aim is the realisation of a carbon-neutral EU by 2050, in line with the zero-emissions agenda, which is informed by the endeavour to stop global warming (Ström, 2020). The EU legislature endeavours to ensure that products that are detrimental to the environment do not make their way into the EU market, and consumers are encouraged to make ecologically friendly choices when choosing their consumer products (De Almeida & Esposito, 2023). This is in line with Agenda 16 of the SDGs, which calls for the public participation of the citizenry; in the current study, it goes a long way towards the attainment of the zero-carbon-emissions agenda (Cappellaro et al., 2022).

The EGD equally propels the Member States towards the use of renewable energy, with the EU regarding corporate social responsibility as a tenet towards the realization of the SDGs, as Directive 2014/95/EU calls for sustainable business models that take into consideration the environmental impacts of companies' operations (Assanova et al., 2025). Moreover, the Clean Industrial

Deal (CID) Policy also brings to the surface the efforts by the EU Member States to ensure that decarbonization is attained gradually (Sabato & Grossi, 2025).

3. Judicial Standing on Consumer Protection Law within the EU

In the EU, national courts rarely initiate consumer protection legal disputes on their own motion; this means that a party has to bring a matter before the court in order to be heard (Mišćenić, 2019). At the national level, consumer protection law should be efficient, practical, and should facilitate the proper functioning of free movement in trade among the Member States (Cseres & Reyna, 2021).

Moreover, effective justice is tied to verdicts that guarantee the appeal of commercial investments within the EU for both local and foreign investors and ensure transparency in this regard (Yiatrou, 2023). As a reflection of substantive law, access to justice within the EU mandates that the challenges posed by cross-border trade are addressed through international best practice, especially among states that lack an effective and efficient legal framework for such trade (Howells et al., 2017).

Furthermore, the Court of Justice of the EU (CJEU) becomes a point of call insofar as the interpretation of the provisions and directives issued on consumer protection is concerned (Unberath & Johnston, 2007). This provides uniformity in consumer protection law among the Member States, as the CJEU is clear on the distinction that exists between the interpretation of law and the application of the law, the latter of which is left under the watchful eye of the national courts (Howells & Straetmans, 2017).

4. The Implementation of ADRs within the EU in Consumer Protection Disputes and the Challenges Encountered

Environmental dispute resolution is understood as the resolution of disagreements in a manner that fosters environmental, social, and economic sustainability in a transparent way, thereby enabling the parties involved to be held accountable for conduct that undermines environmental sustainability and, in turn, promoting sustainable practices (Gupta & Bajpai, 2023). Various states have adopted ADR for the resolution of green disputes, but this has yet to be fully realised among the EU Member States (Ansari et al., 2017). This remains the case even though the European Commission tabled a draft directive on the importance of mediation as a dispute-settlement tool before the European Parliament and the Council in 2004 (Abdullah, 2015). Furthermore, the Commission needs to develop a policy framework for redress in environmental

degradation claims relating to production and consumption within the EU (Hamřík, 2020).

ADR is primarily promoted within EU trade policies that encourage the attainment of the SDGs while also supporting the resolution of emerging disputes through ADR (Baroncini, 2025). Moreover, ADR directives within Europe call for the incorporation of ADR in consumer disputes in place of litigation; however, this is applicable only where the complainant is the consumer and consent is given by the trader (Loos, 2016). Directive 2008/52 provides for the stay of proceedings where ADR may be used as an alternative to litigation, although this does not impede the complainant's right to institute a claim if the mediation fails (Davies & Szyszczak, 2010).

Moreover, preventing a party from approaching the court as a remedy would run contrary to Article 6 of the European Convention on Human Rights, which guarantees the right to a fair trial for all individuals (*Halsey v Milton Keynes General NHS Trust*, 2004). The EU ADR framework on consumer disputes aims to promote redress for consumers, even in cross-border consumer disputes (Zdraveva, 2025). This is what Article 12, read together with Article 114 of the TFEU, strives to achieve, and with new policy advances comes the necessity for online dispute resolution mechanisms (ODR) (Senatore & di Prisco, 2022).

Despite the existence of operational ADR directives and ODR mechanisms, their utilization in consumer protection disputes remains inadequate due to lack of awareness and resistance from traders to subscribe to the ADR process. Additionally, there is a lack of uniformity among the Member States in the implementation of ADR directives and ODR mechanisms, as they are left to maintain their own individual ODR national contact points (Kaya & Sahin-Sengül, 2025).

Likewise, inconsistency in monitoring approaches across the EU leads to disorder in the organisation of initiatives due to the high number of National Competent Authorities, which are marked by highly divergent monitoring behaviours, poor rationalisation of ADR, and insufficient embedment of ADR within the civil justice system (Biard, 2018). Furthermore, the ADR Directive fails to consider instances where the complainant is the trader, and neither the aforementioned directive nor the Consumer Rights Directive provides for a mandatory requirement that the trader convey prior information on whether he or she intends to adhere to the ADR scheme (Loos, 2016).

Within the EU, ADR as a dispute resolution mechanism lacks visibility due to low levels of consumer awareness, as it is viewed as a tool that is more professionally focused than the public nature of litigation; thus, it is underfunded (Kawiński, 2009). Moreover, the risk of duplicated cost may be unavoidable in instances

where awards by an ADR body are challenged in court. The end result is usually costly and lengthy litigation proceedings that build up administrative costs in both the civil and ADR processes, both of which require adequate funding (Weber, 2015).

The European Commission (DG JUST), as a public regulatory body, ought to incorporate ADR into its policy framework as an avenue of redress for consumer protection disputes (Hodges, 2015). This is particularly justified by the fact that, as a civic body, it is clothed with the mandate of ensuring compliance with enacted consumer protection law, the certification of ADR bodies, and the facilitation of regulatory compensation herein (Zdraveva, 2025).

Jurisdictional uncertainty is a hindrance to the full realization of ADR when it comes to the enforcement of arbitral awards in cross-border consumer disputes, due to the conflict that may arise in cross-border enforcement and the subsisting national law systems already in place among different nations (Gillies et al., 2022). Further, a challenge may be experienced in the enforcement of ODR, given the public-policy nature of consumer protection laws among the Member States (Hanriot, 2015).

5. The International Element of Consumer Protection

In jurisdictional conflicts concerning consumer protection practices, states such as the USA apply the national law of the habitual residence that accords the consumer the greatest protection, provided that this is not contrary to public policy (Rühl, 2011). This contrasts with EU party-autonomy limitations in instances of insurance contracts, which restrict the applicable law to the habitual residence of the policyholder (Marques, 2014). This goes to show that the concept of consumer protection has now become an international concept that demands the protection of consumers from harm and the availability of redress where necessary (Scott, 2018).

The security of consumer rights ought to be clearly set out in legal norms through effective and efficient legislation and well-reasoned judicial precedent (Benöhr & Micklitz, 2018). Additionally, its human-rights nature within the EU can be attributed to its incorporation in the Charter of Fundamental Rights of the European Union as one of the Union's primary objectives. Consumer protection has gained traction in the modern economy by protecting consumers from harmful and hazardous business practices both in physical and digital markets (Howells & Weatherill, 2017).

The legal footing of ADR in consumer protection remedies has been demonstrated by the United Nations Trade and Development (UNCTAD), which is a strong advocate of the SDGs in trade, investment, finance, and technological

dealings and offers robust consumer protection legislation that calls for the incorporation of ADR as a channel for consumers to seek redress in disputes (Moreira, 2019). Moreover, the organization provides harmonized guidelines on consumer protection through the UN Guidelines for Consumer Protection while striving to deliver digital trading infrastructure and ODR mechanisms for dispute resolution meant to progress international trade and e-commerce (Gillies et al., 2022). Additionally, the UN Commission on International Trade Law is equally at the forefront of overseeing the implementation of ADR and ODR in international trade disputes (Awada, 2023).

It is clear that the internationalization of consumer protection was meant to aid in the establishment of a universally acceptable minimum standard of consumer protection law, thereby curbing the obstacles that may be experienced in cross-border trade transactions (Durovic, 2020).

6. Environmentally Sustainable Consumption Policies and Societal Involvement

One cannot purport to champion consumer protection without first addressing issues of environmental sustainability, as highlighted under the SDGs' objectives on responsible consumption and production and the ever-persisting measures that ought to be implemented to curb climate change (Amaral Junior et al., 2020). Stakeholder engagement is key when formulating policies that concern issues of production and consumption, as the citizenry is the most affected. Thus, the policies adopted ought to be socially focused and take into account the health and safety of minorities and vulnerable groups in any given society (Spaargaren, 2009). Moreover, the policies enacted need to accommodate the industrial revolution that is being experienced in the 21st century so as to aid environmental sustainability, social recognition, and economic growth (Cohen, 2001).

Sustainable consumption is a thread of social inclusivity that fosters environmental governance and takes into consideration environmental efficiency, apprehensions, and impacts (Wang, 2017). A green economy is accomplished through the use of renewable energy for industrial advancement to reach sustainable economic growth (Dernbach, 2011).

Though international law issues mandates on sustainable consumption policies among nations, it lacks the binding nature to compel states to abide by them and, in some instances, it conflicts with domestic policies, which are more production-driven and fail to consider the rights of consumers (Benöhr, 2023). This can be remedied through product-service strategies that address

environmental impacts to the satisfaction of consumer needs (Mont & Dalhammar, 2005).

Moreover, access to information via green labelling leads to the promotion of consumer awareness, aided by the availability of sustainable consumption labels on consumer products (Farber, 2012). This corresponds to the need for environmental guidelines to outline the environmental impacts and benefits of any product or undertaking to the public for their collective input, making it a comprehensive and inclusive decision-making process (John et al., 2016). The SDGs cannot be achieved without sustainable social consumption and a careful analysis of the effects that the production of consumer products has on the environment (Jackson, 2004).

7. Conclusion

From the foregoing, it is clear that ADR is a more suitable means of dispute settlement than litigation due to its low-cost nature and timely resolution of disputes. A renewed hope for the place of ADR within the EU is cemented by the adoption of Directive (EU) 2025/2647, which shines a light on the integration of ADR in digital markets. However, there is a need for public awareness regarding the incorporation of ADR in consumer protection disputes within the EU. Equally, a legal and institutional framework is needed for the realization of environmental sustainability and the settlement of environmental sustainability commercial disputes within the EU in line with the SDGs.

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