



Consultations on United National Guidelines on Consumer Protection (2012)

Call for contributions

UNCTAD is undertaking a consultation on the United Nations Guidelines on Consumer Protection. This task was mandated by the first Ad Hoc Expert Meeting on Consumer Protection, held in Geneva on 10 and 11 July 2012.

The current Guidelines were drafted by ECOSOC and adopted by the General Assembly in 1985 (Resolution A/C.2/54/L.24 9TH). These Guidelines remain a valid and relevant document for consumer protection policy and have been used to draft a significant number of national consumer protection laws. In order for these Guidelines to continue to provide an important framework, a number of areas have been identified for their improvement. Firstly, since there has not been any form of revision since 1999, their content does not reflect the issues covered in the most contemporary consumer protection laws and policies. Secondly, their scope of application does not correspond with the usual powers of modern consumer protection authorities. Finally, the Guidelines are not backed by a state-of-the-art compilation of the best practices and common trends in the field of consumer protection. This process aims to address these issues.

UNCTAD asks Member States and other international organizations to participate in this important project. It is important that this process recognizes and seeks to integrate the initiatives taken within the legislative processes of Member States, along with guidelines produced by the OECD, ICPEN and Consumers International, among others. The goal of the first and current phase is to collect information on the current state of consumer protection, through the completion of the attached matrix. The second phase is to compile and digest that information in order that a proposal for the revision of the United Nations Guidelines on Consumer Protection may be discussed at the 13th Intergovernmental Group of Experts (IGE), to be held in Geneva in July 2013.

The first step of this long-term endeavor is to compile information from the completion of the annexed Excel matrix. It is acknowledged that the matrix is a lengthy and exhaustive representation of the UNGCP. This is so gaps may be identified and to better reflect the revision of the Guidelines. A full response is not expected; instead please complete the matrix to the best of your knowledge. For this task you may find our instructions useful.

Instructions

1. STRUCTURE: The UN Guidelines on consumer protection are divided in four Parts (Part II has 8 Chapters). Each Excel worksheet in the matrix relates to one Part or Chapter and is organized as follows:

I. Objectives

II. General Principles

III. Guidelines

A. Physical Safety

B. Promotion and protection of consumers' economic interests

C. Standards for the safety and quality of consumer goods and services

D. Distribution facilities for essential consumer goods and services

E. Measures enabling consumers to obtain redress

F. Education and information programmes

G. Promotion of sustainable consumption

H. Measures relating to specific areas

I. *E-commerce

J. *Financial Services

IV. International Cooperation

A. *Modalities for multilateral cooperation

(*) These issues are not included in the current Guidelines, but the UNCTAD Secretariat believes they are strong candidates to be included in the revised Guidelines. If you believe that there are additional issues that need to be addressed, please do not hesitate to create an additional Excel worksheet.

2. MATRIX: In the Excel matrix provided, rows present each provision of the Guidelines (whose content is broken down to individual issues) and each column corresponds to a different question.

Example of row:

Guideline 21 establishes: "Consumers should be protected from such contractual abuses as one-sided standard contracts, exclusion of essential rights in contracts and unconscionable conditions of credit by sellers".

The resulting rows are:

21	Appropriate policies - Contractual abuses	
	Contractual abuses in general	
	One-sided standard contracts	
	Exclusion of essential rights	
	Unconscionable conditions of credit	
	Responsibility and obligations of seller	
	Competent authority	

Regarding the columns, there are different questions relating to each guideline we would like you to answer:

Incorporation of UNGCP: here we ask a binary question (YES/NO), whether you feel your legislation has incorporated the guideline in question.

Identification: short answer identifying the relevant authority/institution/department/report that is relevant in the field of the guideline in question (ideally with an URL link).

Laws/Regulations provisions: identification of the applicable Laws or Regulations and their relevant provision in the field of the guideline in question (ideally with an URL link). Only to be completed when applicable.

Policies: identification of the applicable policy in the field of the guideline in question (ideally with an URL link). Only to be completed when applicable.

Assessment/Impact: subjective assessment on the implementation of the national law/regulation/policy in the field of the guideline in question.

Examples: concrete examples you feel are relevant and that may constitute best practices in the field of the guideline in question. Only to be completed when applicable.

Comments: any further comments you would like to provide.

The resulting columns are as follows:

Incorporation of UNGCP	Identification	Laws/Regulations provisions	Policies	Assessment/Impact	Examples	Comments

The resulting combination of rows and columns:

Chapter B. of the UIGCP on CONSUMER ECONOMIC INTERESTS		Incorporation of UIGCP	Identification	Laws/Regulations provided	Policies	Assessment	Examples	Comments
15	Economic benefit to consumers							
	Satisfactory production and performance standards							
	Fair business practices							
	Informative marketing							
	Effective protection adverse to consumers economic interests							
	Effective protection adverse to consumer choice							

3. **METHODOLOGY:** we ask you to read the text of the current guidelines (attached pdf document) and reflect your national experience on each individual guideline (attached Excel document). If there are some guidelines that are not applicable to your legislation or that you feel are redundant or irrelevant, we would like to receive your opinion on this also. Finally, you will note that we have included some issues that are not in the current Guidelines (E-commerce, Financial Services, and Modalities for multilateral cooperation) but we feel they are strong candidates to be included in any form of updated Guidelines.

Please do not hesitate to contact the UNCTAD Secretariat with any questions or suggestions:

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