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E-Commerce working Group
Cross-Border Consumer Enforcement – Toolkit for Consumer Authorities and Legislators
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**Hypothetical Scenario**

Consumers complain about problems they are having with mobile phone handsets they are buying online. Complaints range from non-delivery, extra charges (for import, taxes, and unexpected third party charges, etc.), battery life and phones catching fire.

When you investigate you discover that the websites are all based in Country A, the goods are being delivered to a port in neighbouring Country B, and payments are being processed by a trader based in a small island in Country C.

What outcome would you want from your investigation? What Tools do you have?

Brief Discussion by UNCTAD E-Commerce Working Group

**Led by Argentina, Colombia, Kenya, Pakistan, United Kingdom and United States**
ICPEN

ICPEN may be able to help out. Network of 60 states. Range of activities. You should consider joining. But powers of members are not uniform.
Do you have the powers necessary to solve cross border problems?

• Are you equipped to deal with cross border consumer problems?
  • ICPEN members – different levels of powers
  • OECD recommendations 2003 & 2016 – Still being implemented

• Where could your agency start if you wanted to draft or revise consumer protection enforcement laws?
Cross Border Consumer Enforcement – Toolkit for Consumer Authorities AND Legislators

**Intelligence sharing**

- Do you have the power to share investigation intelligence with enforcers in countries A, B and C?
- Do the enforcers there have the obligation to keep the evidence secure?
- Can you co-ordinate your investigation with the enforcers in Country B to see if they are dealing with the same problems?
Cross Border Consumer Enforcement – Toolkit for Consumer Authorities & Legislators

- **Investigation power**
  - The enforcer in Country C cannot find out who the payments are going to, because
  - they can’t investigate to assist overseas enforcers, and
  - they can’t request data from payment processors
  - What minimum powers should all investigators have? When should they be able to use them?
Securing outcomes
The enforcer in Country A can’t act against the traders behind them or take down the websites or tackle, because:

- they can only enforce the law where their own consumers are affected
- they have no power to order the removal of websites

What minimum enforcement powers should all enforcers have? When should they be able to use them?
Cross Border Consumer Enforcement – Toolkit for Consumer Authorities and Legislators

**Conclusion**
Could you be confident you could stop this problem if it arose in your country?

Would you be able to help out if you were the enforcer in country A, B or C?

We need to build a tool to provide a roadmap for consumer authorities and legislators