Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED
25-27 March 2015

E-commerce @ OECD

By

Brigitte Acoca
Consumer Policy Analyst
Organisation for Economic Co-operation and Development

The views reflected are those of the author and do not necessarily reflect the views of UNCTAD
E-commerce @ OECD

Brigitte Acoca
Consumer Policy Analyst
OECD Committee on Consumer Policy (CCP)

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OECD Committee on Consumer Policy
Working Party on Consumer Product Safety

• Carry out research and analysis
• Develop policy recommendations and guidance
• Members
  • 34 OECD consumer authorities
• Non-members include
  • Brazil, Colombia, Latvia, Egypt, India and Peru
• Business and Industry Advisory Council; Consumers International
• Key work streams
  • E-commerce
  • Consumer economics
  • Product safety
Revision of OECD 1999 Guidelines for Consumer Protection in the Context of Electronic Commerce
OECD 1999 E-commerce Guidelines
(http://oecd.org/dataoecd/18/13/34023235.pdf)

• Consumers engaging in e-commerce should be afforded transparent and effective consumer protection that is no less than the level of protection afforded in other forms of commerce

• Consumers should benefit from
  o Fair business advertising and marketing practices
  o Clear and transparent information disclosures
  o Ways to confirm/cancel a transaction
  o Secure and easy-to-use payment mechanisms
  o Privacy
  o Education and awareness

• Industry-self regulation should be encouraged

• Members should co-operate to combat cross-border fraudulent, misleading and unfair commerce practices
Review and revision process (2009-2015)

- **Mobile and online payments**
  - Policy guidance (2014) (doi: 10.1787/5jz432cl1ns7-en)

- **Digital content products**

- **Participative e-commerce**
  - Report being prepared

Revised E-commerce Guidelines (end 2015)

Ministerial on the Digital Economy (April/May 2016, Cancun, Mexico)
International co-operation

• International Consumer Protection and Enforcement Network (ICPEN)
  – Mobile payments
  – Children online games and apps

• UNCTAD
  – Review of UN Consumer Protection Guidelines
  – 2015 Information Economy Report

• ISO
  – E-commerce standard (10008)
  – M-payments standard

• ASEAN
Focus on new and emerging e-commerce trends and challenges

- Wider product choices at lower prices or free
- Easier access to information
- Participative consumers
- New business models

- More complex, data-driven and service-based market
  - Inadequate disclosures to consumers
  - Legal uncertainty
  - Risks for children
  - Concerns over the collection, use and sharing of consumer data
  - Cross-border e-commerce under-developed
Focus on new issues - Selected Examples (I)

• Scope of revised Recommendation
  • B2C e-commerce: including non-monetary transactions?

• Fair advertising and commercial practices
  • How to distinguish online commercial advertising from endorsements used in advertising?
  • How to identify a commercial relationship between a company ranked on a price comparison website and the business operating the site?

•Disclosures
  • How much information, what information, when?
Focus on new issues - Selected Examples (II)

• Payments
  • Does the advertised price include all mandatory charges?
  • What redress do I have in the case where the product I bought with my pre-paid card does not work?

• Digital content
  • Can I copy, share, format-shift my product?
  • My kid purchased a product when playing an online game, thinking it was part of it – I did not know/consent to it; can I get redress?

• Other issues
  • Privacy, security, dispute resolution, education and digital competence
OECD Ministerial on the Digital Economy

Cancun, Mexico
June 2016
Cross-border online trade

• How to improve consumer rights and benefits in transborder e-commerce?

• How to address hindrances to transborder e-commerce (focus on SMEs)?
Consumers and the «Internet of Things»

- Already part of consumers’ daily life
  - 1.7 billion devices connected to the Internet

- Benefits include
  - Understanding consumption patterns
  - Saving money
  - Personalised experience

- Emerging issues being explored
  - Privacy and security
  - Interoperability, functionality, lifespan of devices
  - Dispute resolution
  - Education
Thank you

- Contact: Brigitte Acoca (brigitte.acoca@oecd.org)
- Visit: www.oecd.org/sti/consumer-policy