

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

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**Consumer Policy Analyst**  
**OECD Committee on Consumer Policy (CCP)**

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# OECD Committee on Consumer Policy

## Working Party on Consumer Product Safety

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- 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



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# **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
  - Fair business advertising and marketing practices
  - Clear and transparent information disclosures
  - Ways to confirm/cancel a transaction
  - Secure and easy-to-use payment mechanisms
  - Privacy
  - 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)

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- **Mobile and online payments**
  - Policy guidance (2014) (doi: [10.1787/5jz432cl1ns7-en](https://doi.org/10.1787/5jz432cl1ns7-en))
  - Report (2012) (doi: [10.1787/5k9490gwp7f3-en](https://doi.org/10.1787/5k9490gwp7f3-en))
- **Digital content products**
  - Policy guidance (2014) (doi: [10.1787/5jxvbrjq3gg6-en](https://doi.org/10.1787/5jxvbrjq3gg6-en))
  - Report (2013) (doi: [10.1787/5k49czlc7wd3-en](https://doi.org/10.1787/5k49czlc7wd3-en))
- **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

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- 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

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- 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)

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- 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)

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- 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



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# **OECD Ministerial on the Digital Economy**

**Cancun, Mexico  
June 2016**



# Cross-border online trade

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- 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



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# Thank you

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