





Syllabus

	UNCTAD MENA Programme Regional Workshop on
Title	Consumer Protection Policy
	Ms. Ana Candida Muniz Cipriano, Expert consumer protection law and policy, UNCTAD
	Ms. Nicole Nespoulous, Head of United, DGCCRF, France
	Mr. Arnau Izaguerri, Associate Legal Officer, UNCTAD
	Ms. Tamara Willems, Inspector-Jurist, GDEI, Belgium
	Mr. Josep Tous, Consumer product safety expert, UNCTAD
Trainers	Mr. Yasser Kosper, Gender expert, UNCTAD
Dates	14 – 17 October 2018
Workshop evaluation	Yes

1. Summary of the workshop

The regional workshop on consumer protection policy is organized as part of UNCTAD's MENA regional economic integration program through the adoption of competition and consumer protection policies, with the financial support of Swedish Government.

The main objective of this workshop is to present, discuss and validate the content of the UNCTAD MENA guides written on the topics of dispute resolution and redress, complaint handling, electronic commerce, product safety and risk assessment as well as the protection of the consumer from gender equality.

The workshop is aimed at consumer protection agencies, government bodies responsible for gender equality, consumer associations and representatives of business organizations with a multi-stakeholder scope.

The workshop will include theoretical presentations and practical sessions from national and international experts on each topic. Participants will receive the syllabus containing a bibliography to prepare before the workshop.

The workshop will take place in Room Waltz 2 of the Kempinski Summerland Hotel & Resort. Lunch will be served in room Candelabra from 12h30 to 14h and dinner (for international participants only) will be served from 20h to 23h also in Room Candelabra.

International participants have individual rooms booked in Kempinski Summerland Hotel & Resort for 5 nights (entry 13 departure 18 October 2018).







2. Objectives

The objectives of this workshop are the following:

a) Present the content of the guidelines on consumer protection on the topics of complaint handling dispute resolution and redress, electronic commerce, product safety, risk assessment and consumer protection and gender equality.

b) Share best practices among experts and UNCTAD MENA beneficiary countries on these issues.

c) Provide theoretical and practical tools for consumer protection agencies, government bodies responsible for gender equality, consumer associations and representatives of business organizations to cooperate in the implementation of consumer protection policies.

d) Enhance regional integration through consumer protection, by building capacities and common understandings and promoting informal cooperation among participants

Theorical and practical approach

The workshop will address the issues of the UNCTAD MENA guidelines on consumer on the topics of dispute resolution and redress, complaint handling, electronic commerce, product safety and risk assessment, as well as consumer protection and gender equality. The analysis of each of the guidelines will be introduced by international experts in each field, who will identify the characteristics and particularities that are fundamental to guarantee the success of consumer protection in a specific institutional context.

Sessions will be complemented with interactive discussions and cases studies, to which participants will provide solutions based on their experiences. They will highlight the current situation and provide input to how the content of the UNCTAD MENA guidelines may be adapted to better suit beneficiaries' needs. The workshop hours are distributed as follows:

Session	Sunday 14 October	Monday 15 October	Tuesday 16 October	Wednesday 17 October
Morning 9.00 - 12.30	Ana Candida Muniz Cipriano Arnau Izaguerri	Arnau Izaguerri Ana Candida Muniz Cipriano Nicole Nespoulous	Ana Candida Muniz Cipriano Josep Tous	Josep Tous Yasser Kosper
Afternoon De 14.00 – 16.30- 17.30	Ana Cândida Muniz Cipriano Nicole Nespoulous	Nicole Nespoulous Tamara Willems	Josep Tous	Yasser Kosper







CONTENT OF THE WORKSHOP			
Day and time	Торіс	Lessons learned and methodology	Methodology
Sunday 14/10/2018	CONSUMER COMPLAINT HANDLING		Please prepare Reading A and B
09:00 - 12:30	1. UNCTAD MENA Guidelines on Consume complaint handling	r Context of consumer complaints Who do consumers contact to file a	Theoretical framework provided by trainer
	Expert: Ana Candida Muniz Cipriano	 complaint? What is the consumer's knowledge and experience in out-of-court dispute resolution? Models for handling consumer complaints (a) Administrative procedures (b) Mediation by the civil society of consumer protection (c) What can a sector learn from other sectors with respect to complaint handling and out-of-court dispute resolution? Examples of handling complaints Country examples Regional examples International efforts 	 Exchange of experiences: please be ready to intervene on: How is the handling of consumer complaints organized in your country? What are the different bodies involved in handling consumer complaints? Do your supervisory authorities treat them directly or use them for surveillance? How many claims does your authority receive each year? What tools do you have? (dedicated telephone number,
	2. French and European experience <i>Expert: Nicole Nespoulous</i>	Short presentation of the DGCCRF The different ways of handling consumer complaints (a) National complaints - Professionals - Consumer associations - Alternative methods of complaint resolution - Simplified judicial procedures - Authority in charge of consumer protection	 website with possibility of online filing of a complaint?) What are the different ways that consumers can use to resolve thei complaints?







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		(b) Cross-border complaints	
		• At EU Level	
		- The EU Consumer Center (France)	
		- Simplified European judicial procedures	
		• At the international Level	
		(c) The treatment of complaints by a	
		supervisory authority – French experience	
		- Some figures	
		- Procedures for handling complaints	
		- The complaints barometer	
	CONSUMER DISPUTE RESOLUTION		
	AND REDRESS		
	1. Introduction to consumer dispute	International instruments	
	resolution and redress	Legal nature of dispute resolution and	
	Expert: Arnau Izaguerri	redress	
		Means for dispute resolution and redress:	
		(a) Courts	
		(b) Collective redress	
		(c) Public and regulatory enforcement	
		action	
		(d) Ombudspersons	
		(e) Alternative dispute resolution:	
		conciliation, mediation, arbitration	
		(f) Online dispute resolution	
		(g) Business customer care and	
		complaint functions	
		The international dimension	
	CONSUMER DISPUTE RESOLUTION		
Sunday 14/10/2018	AND REDRESS (continuation)		Please prepare Reading A and B
14:00 - 16:30	2. French and European experience	The main principles of the European	
	Expert: Nicole Nespoulous	Directive of 21 May 2013 on out-of-court	Theoretical framework provided by trainers







		settlement of consumer disputes	
		- The French consumer mediation system	Exchange of experiences: please be ready
		- Collective redress: group action	to intervene on:
			- What means do consumers have to
			solve their disputes with traders in
			your country?
			- What are the pros and cons of
			each means of dispute resolution?
			- Which means are more effective
			for consumers' interests?
			- How can current systems be
			improved in your country? And
			across-borders?
			- Does consumer mediation exist in
			your country? If so, how is it
			organized? Do you have collective
			actions?
Monday 15/10 2018	ELECTRONIC COMMERCE		Please prepare Reading A and C
09:00 - 12:30	1. Introduction to consumer protection in	The UN Guidelines for Consumer	
	electronic commerce	Protection	Theoretical framework provided by trainers
	Expert: Arnau Izaguerri	Recurrent consumer protection issues in	
		electronic commerce:	Exchange of experiences: please be ready
		- Pre-purchase: information	to intervene on:
		requirements, unfair commercial	- What are the main issues
		practices	consumers in your country face
		- Purchase: unfair contract terms,	when engaging in electronic
		online payment security, data	commerce?
		protection and privacy	- What is your country's
		- Post-purchase: dispute resolution	institutional structure to protect
		and redress, cross-border e-	online consumers?
		commerce, protection of children	- Do you have a dedicated e-
		and e-commerce	commerce unit? If so, number of
		Fostering consumer confidence in	agents, training followed?







	electronic commerce: - Appropriate legal framework	- How do you organize your surveillance/enforcement? Motu
		proprio control? Control upon
	- Good business practices	complaints? What are the powers
	- International cooperation	of your agents?
		- What challenges do you face when
		enforcing consumer protection in
		electronic commerce?
2. UNCTAD MENA Guides on consumer		- What are the legal requirements
protection in electronic commerce		before an e-commerce contract?
Expert: Ana Cândida Muniz Cipriano	The scope and extend of electronic	Are there unfair (prohibited)
	commerce	clauses in your country?
	Consumer trust in digital markets	
	OECD Guidelines	
	Other international guidelines	
3. Institutional Structure for Electronic		
Commerce		
Expert: Nicole Nespoulous & Tamara Willems	French and Belgium Experience	
	- The National Investigation Service	
	- Th e-commerce monitoring network	
	- Investigative powers - the consumer	
	"mystery"	
	- The investigations carried out	
	- Presentation by Belgium of the	
	organization of its services	
	European Experience Consumer Rights	
	the consumer	
	(b) content of information to provide	
	orotection in electronic commerce Expert: Ana Cândida Muniz Cipriano 9. Institutional Structure for Electronic Commerce	 Appropriate legal framework Consumer education Good business practices International cooperation







	ELECTRONIC COMMERCE (continuation	2	Please prepare Reading A and C
Monday 15/10/2018			
	4. Enforcement techniques in electronic	European experience - Consumer Rights	Theoretical framework provided by trainers
14:00 - 17:30	commerce	Directive 2011/83 / EU	
	Expert: Tamara Willems & Nicole Nespoulous		Exchange of experiences: please be ready
		(a) the obligation of prior information of	to intervene on:
		the consumer	
		- GTC and unfair terms - practical exercises	- What are the legal requirements
			before an e-commerce contract?
		(b) placing the order	Are there unfair (prohibited)
		The acceptance process - The payment	clauses in your country?
		obligation - The confirmation of the order	- What are the main features of the
			existing e-commerce provisions in
		(c) the sequences of the order	your country regarding the placing
		- exercise of the right of withdrawal -	of an Internet order and the
		exception to the right of withdrawal	follow-up given to this order?
		- warranties	
		- delivery	
		(d) Examples of investigation cases	
		- example of investigations (deceptive	
		practices - aggressive practices	
Tuesday 16/10/2018	CONSUMER PRODUCT SAFETY	Background - Consumer Product Safety	Please prepare Reading A and D
	1. Introduction to product safety	Cases	
09:00 - 12:30	Expert: Ana Cândida Muniz Cipriano	-Relevance and importance of the subject	Theoretical framework provided by trainers
		-Emergency	
		-Relationship with other specific and	Exchange of experiences: please be ready
		technical fields	to intervene on:
		-Existing models and methods for	- Which are the essential points that
		preventing and controlling safety-related	any legal framework has to touch?
		accidents	- How to adapt old legal framework
		-Prevention	to new one?







		-Product Recall - Recall	Transition time. Is it passager ?
			- Transition time. Is it necessary?
		cast	- How long does companies need to
		-Transparency	comply the new requirements?
		- Self-regulation	
		-International cooperation	
		-conclusions	
	2.Foundation of product safety policy	- Scope and Definitions	
	Expert: Josep Tous	– General safety requirement, conformity	
		assessment criteria and national standards	
		– Specific obligations and powers of	
		national authorities	
		– Coordination Committee and Scientific	
		Committee	
		– Exchange of information and rapid	
		intervention situations	
		– Exportation	
		– International cooperation	
		– Effective date	
Tuesday 16/10/2018			
140544y 10/10/2010	CONSUMER PRODUCT SAFETY		
14:00 - 15:00	(continuation)		Please prepare Reading A and D
14.00 15.00	3.Implementation of the product safety pol	iev	Theuse prepare Reading II and D
	Expert: Josep Tous	Product safety programme.	Theoretical framework provided by trainer
		- Define market surveillance activities	Theoretical framework provided by framer
		- Building a surveillance database.	Exchange of experiences: please be ready
		- Compliance and enforcement activities	to intervene on:
		- Organizational structure	 How can different authorities
		- Organizational structure - Compliance monitoring.	- How can different authorities work and collaborate in product
		- Compliance monitoring.	work and collaborate in product
		Compliance monitoring.Targeting approaches	work and collaborate in product safety?
		- Compliance monitoring.	work and collaborate in product







		- Consumer's education and information	authorities in market surveillance
		actions	tasks?
		- Educating economic operators	
		- International cooperation activities	
		Joint Market Surveillance Actions	
Wednesday 17/10/2018	CONSUMER PRODUCT SAFETY	A) Managing product safety	Please prepare Reading A and D
	(continuation)	1. Hazard identification and evaluating the	
09:00 - 11:00	3. Implementation of the product safety	magnitude	Theoretical framework provided by trainer
	policy (continuation)	-Collecting data: surveillance databases	
	Expert: Josep Tous	-Data from health and harms	Exchange of experiences: please be ready
		-Data from market Surveillance and market	to intervene on:
		Investigations	- Where can authority find useful
		-Coding data	data about incidents and accidents
		-Coding Data about Injuries and incidents	with consume products?
		2.Coding Data about economic harm.	- How to manage them? How to
		-Coding data about product.	calculate the level of risk of a
		-Analyzing data.	product?
		B) Product risk management	- How to decide that a product
		-product risk assessment	should be recalled?
		-Risk matrix. Risk Assessment file.	
		-risk treatment by	
		AUTHORITIES: Decide to take actions on	
		a product.	







Wednesday 17/10/2018	CONSUMER PROTECITON AND	1.Understanding gender in global	Please prepare Reading E
	GENDER EQUALITY	perspective	
11:30 - 12:30	Expert: Yasser Kosper	2.Gender and market dynamics value co-	Theoretical framework provided by trainer
14:00 - 16:00		creation	
		3. Trajectory of gender equality,	Exchange of experiences: please be ready
		intersectionality and vulnerability in	to intervene on:
		consumer behavior.	- Why do societies need gender
		4.Discourses of masculinity and femininity	sensitive consumer protection
		in shaping consumer behaviors	policies?
			- What are the elements of gender-
			sensitive consumer protection
			policies?
			- Who shall be consulted? And
			why?
			- The use of language in gender-
			sensitive consumer protection
			policies
			- The role of context between urba
			and rural marginalized groups
			- Dissemination and equal access t
			information







3. Evaluation of workshop

Participants will be requested to provide an evaluation on the overall workshop, especially on the methods and mechanisms that they will bring in their respective country.

4. Bibliography

Reading A

United Nations Guidelines for Consumer Protection (2015)
- Arabic:
https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_ar.p
df
- English:
https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_en.p
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- French:

https://unctad.org/fr/PublicationsLibrary/ditccplpmisc2016d1_fr.pdf

UNCTAD Manual on Consumer Protection (chapter II, IX, XI & XII) (2017)

English:

https://unctad.org/en/PublicationsLibrary/ditccplp2017d1_en.pdf

UNCTAD secretariat note on Dispute Resolution and Redress

- Arabic: <u>https://unctad.org/meetings/en/SessionalDocuments/cicplpd11_ar.pdf</u>
- English: <u>https://unctad.org/meetings/en/SessionalDocuments/cicplpd11_en.pdf</u>
- French: <u>https://unctad.org/meetings/fr/SessionalDocuments/cicplpd11_fr.pdf</u>

OECD Guidelines on consumer dispute resolution and redress

- English: <u>https://www.oecd.org/sti/consumer/38960101.pdf</u>







Reading B

<u>Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative</u> <u>dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive</u> <u>2009/22/EC (Directive on consumer ADR)</u>

- English: <u>https://publications.europa.eu/en/publication-detail/-/publication/2f3efba7-fb97-</u> <u>41b2-953a-69c6080dfbcc</u>

- French: https://publications.europa.eu/en/publication-detail/-/publication/2f3efba7-fb97-41b2-953a-69c6080dfbcc/language-fr

Report of activity of DFCCRF:

French: http://delais-paiement.fr/wp-content/uploads/2018/04/RAPPORT-dgccrf-2017.pdf

Practical information, Mediation, DGCCRF

– French:

https://www.economie.gouv.fr/files/files/directions_services/dgccrf/documentation/fiches_pratiques/fiches/mediation-0918.pdf

Consumer disputes in the European Union, what you need to know

- French:

https://www.economie.gouv.fr/files/files/directions_services/dgccrf/documentation/publications/depli ants/Fiche_litige_consoUE_062018.pdf

Reading C

UNCTAD secretariat note on Consumer protection in electronic commerce

- Arabic: <u>https://unctad.org/meetings/en/SessionalDocuments/cicplpd7_ar.pdf</u>
- English: <u>https://unctad.org/meetings/en/SessionalDocuments/cicplpd7_en.pdf</u>
- French: <u>https://unctad.org/meetings/fr/SessionalDocuments/cicplpd7_fr.pdf</u>

OECD Consumer protection in electronic commerce

English: https://www.oecd.org/sti/consumer/ECommerce-Recommendation-2016.pdf

French: https://www.oecd.org/fr/internet/consommateurs/ECommerce-Recommendation-

<u>2016-FR.pdf</u>

Vendors guidelines in e-commerce

- French:

https://www.economie.gouv.fr/files/files/directions_services/dgccrf/documentation/publications/depli ants/guide_vendeur_ecommerce.pdf

Online buyer's guidelines

French: http://cca.asso.fr/wp-content/uploads/2018/08/p.22-guide-acheteur-en-ligne.pdf

Internet sales (or e-commerce)

- French: <u>https://economie.fgov.be/fr/themes/ventes/formes-de-vente/ventes-distance/ventes-par-internet-ou-e</u>

Right of withdrawal when buying remotely:

- French: <u>https://economie.fgov.be/fr/themes/ventes/reglementation/delais-de-</u>retractation/droit-de-retractation-lors-de

The 7th myths of electronic commerce

- French: https://www.cecbelgique.be/brochures/detail/les-7-mythes-e-commerce







Online shopping

- French : <u>https://www.cecbelgique.be/-/media/files/brochures/fr/achatssurinternet.ashx?la=fr-be&hash=3E54D6B5F6F5C59EEC5185259E9AB2193C2565A2</u>

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Reading D

General Product Safety Directive 2001/95/EC (GPSD)

- English: <u>https://eur-lex.europa.eu/legal-</u>

content/EN/TXT/PDF/?uri=CELEX:32001L0095&from=EN

French: https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32001L0095&from=DE

New package of legislative and non-legislative measures to improve consumer product safety and to strengthen market surveillance

- English:

https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0075:FIN:en:PDF

<u>Commission Decision of 16 December 2009 laying down guidelines for the management of the</u> <u>Community Rapid Information System 'RAPEX' established under Article 12 and of the notification</u> <u>procedure established under Article 11 of Directive 2001/95/EC (the General Product Safety Directive)</u> (notified under document C(2009) 9843)

- English:

https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:022:0001:0064:EN:PDF

DECISION No 768/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC - English:

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008D0768&from=en







REGULATION (EC) No 764/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC

- English: <u>https://eur-lex.europa.eu/legal-</u> content/EN/TXT/HTML/?uri=CELEX:32008R0764&from=EN

<u>Conclusions of Customs 2013 Seminar "Preventing Imports of Dangerous Products",8 – 10 April 2008</u> - English:

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Reading E

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World Bank: Women, Business and Law (2018)

- English:

http://www.doingbusiness.org/content/dam/doingBusiness/media/Profiles/Regional/DB2018/MENA.pd f

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World Bank: Doing Business 2018

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Global Entrepreneurship Monitor: Female entrepreneurship (2016)

- English: https://www.babson.edu/Academics/centers/blank-center/globalresearch/gem/Documents/GEM%202016-2017%20Womens%20Report.pdf

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