Trade and Development Board
Trade and Development Commission
Intergovernmental Group of Experts
on Consumer Protection Law and Policy
Fourth session
Geneva, 8 and 9 July 2019

Report of the Intergovernmental Group of Experts
on Consumer Protection Law and Policy on its fourth session

Held at the Palais des Nations, Geneva, 8 and 9 July 2019
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I. Agreed conclusions adopted by the Intergovernmental Group of Experts on Consumer Protection Law and Policy at its fourth session

The Intergovernmental Group of Experts on Consumer Protection Law and Policy,

Recalling the resolution adopted by the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (Geneva, Switzerland, July 2015),

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: The 2030 Agenda for Sustainable Development”,

Recalling further General Assembly resolution 70/186 of 22 December 2015, entitled “Consumer protection”, adopting the revised United Nations guidelines for consumer protection,

Recalling the provisions related to consumer protection issues adopted by the fourteenth session of the United Nations Conference on Trade and Development (Nairobi, July 2016), including the provisions in paragraph 76 (x) of the Nairobi Maafikiano,

Recalling paragraph 69 of the Nairobi Maafikiano, which reaffirms that fair, sound and robust national competition and consumer protection laws and policies are also important, as is international cooperation, information exchange and capacity-building in these areas, particularly in light of the expansion of global markets, the increasing role of transnational companies, the need for enhanced transparency and accountability, the information and communications technology revolution and the emergence of electronic commerce (e-commerce),

Underlining that consumer protection law and policy is a key instrument in addressing unfair, fraudulent and deceptive commercial practices in a globalized and interdependent world, enhancing the transparency and accountability of businesses, mobilizing resources, empowering consumers, reducing poverty and promoting inclusive economic and social policies,

Recognizing that an effective enabling environment for consumer protection and development may include both national and international cooperation and enforcement to deal with unfair, fraudulent and deceptive cross-border commercial practices,

Believing that a robust legal and regulatory framework for consumer protection, including effective dispute resolution and redress mechanisms and the ability of consumer protection enforcement authorities to cooperate in obtaining redress, where available, across borders for consumers harmed by fraudulent and deceptive commercial practices, serves an important public interest, contributing to economic dynamism and consumer welfare,

Recognizing further the need to strengthen the work of UNCTAD on consumer protection law and policy so as to enhance its development role and benefits for consumers and businesses,

Recognizing that effective policies that prevent trade in hazardous consumer products and unfair or misleading commercial practices can improve consumer confidence and provide more favourable conditions for sustainable economic development,

Welcoming the contribution of Peru to the work of the Intergovernmental Group of Experts on Consumer Protection Law and Policy in the form of a virtual catalogue of international best practices on consumer protection and competition,

Noting the important written and oral contributions from consumer protection authorities and other participants that enriched the debate during its fourth session,

1 TD/RBP/CONF.8/11.
2 TD/519/Add.2.
Taking note with appreciation the documentation prepared by the UNCTAD secretariat for its fourth session,

1. Welcomes the efforts of member States and other stakeholders in implementing the United Nations guidelines for consumer protection and reaffirms the commitment of the Intergovernmental Group of Experts to provide an annual forum and modalities for multilateral consultations, discussions and exchange of views between member States on matters related to the guidelines;

2. Congratulates the Government of Indonesia for its voluntary peer review on consumer protection law and policy, looks forward to the successful implementation of its policy recommendations and encourages interested member States to volunteer for future peer reviews on consumer protection law and policy, including as peer reviewers, as implemented by consumer protection authorities;

3. Recognizes the important role of relevant stakeholders, as appropriate, particularly with regard to inclusive consumer protection policies; and welcomes the participation of consumer authorities, consumer associations, civil society, business and industry representatives and academia in the deliberations of the sessions of the Intergovernmental Group of Experts, and encourages these participants to present written papers and submissions in advance of the meetings of the Intergovernmental Group of Experts;

4. Recognizes the contribution of consumer protection policies to promoting sustainable consumption as addressed in this session of the Intergovernmental Group of Experts; the close relationship between sustainable consumption and Sustainable Development Goal 12 and the United Nations Guidelines for Consumer Protection, section H; encourages consumer protection authorities to promote consumer education and to provide business guidance in accordance with the shared responsibility for sustainable consumption and the recommended partnerships between member States, businesses, consumer and environmental organizations and other groups concerned as acknowledged by guidelines 50 to 52;

5. Underlines the direct and positive impact that the adoption of consumer policies by member States have on the achievement of the Sustainable Development Goals, in particular in reducing inequalities within and among countries and in strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development;

6. Invites the Inter-agency and Expert Group on Sustainable Development Goals Indicators to consider the addition of a new indicator, “Number of countries that have adopted consumer protection policies”, in relation to Goal 10, Reduce inequality within and among countries, target 4, Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality; and in relation to Goal 17, Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, target 14, Enhance policy coherence for sustainable development, using the UNCTAD world consumer protection map as the source of the indicator’s data;

7. Encourages the continuation of the information-gathering process on the legal and institutional framework for consumer protection, including in particular the development of the UNCTAD world consumer protection map, and invites all member States to participate in its completion and update;

8. Emphasizes the importance of regional cooperation in the enforcement of consumer protection law and policy; invites member States to strengthen their national legislative frameworks for bilateral, regional and international cooperation, in light of guidelines 79 to 94; and requests the UNCTAD secretariat to continue to explore, gather and promote best practices for international cooperation;

9. Invites member States to continue sharing experiences and best practices regarding the protection of vulnerable and disadvantaged consumers, including through the UNCTAD virtual catalogue on international best practices on consumer protection and competition;
10. Welcomes the initiatives carried out by individual member States, UNCTAD and other organizations and networks in building capacity and strengthening institutions in the area of consumer protection; and calls upon all interested parties to work together and identify and strengthen synergies;

11. Decides to renew the mandate of the Working Group on Consumer Protection in E-commerce established by the Intergovernmental Group of Experts on its second session to continue work on misleading and unfair practices, consumer education and business guidance and cross-border enforcement cooperation in light of guidelines 63 to 65 and to recommend policy options for addressing challenges faced by consumer protection authorities in this area, namely investigation and enforcement to tackle cross-border consumer challenges, and requests the Working Group to report to the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices in 2020;

12. Decides to renew the mandate of the Working Group on Consumer Product Safety to continue the work on strengthening consumer product safety frameworks at the national, regional and international levels to protect consumers from hazards to their health and safety, noting its efforts since its establishment by the Intergovernmental Group of Experts on Consumer Protection Law and Policy at its third session; and to recommend policy options for addressing challenges faced by consumer protection authorities in this area, and to report on its continued work to the Eighth United Nations Conference to Review All Aspects of the Set;

13. Requests the UNCTAD secretariat, in accordance with guideline 97 (b), to prepare reports and studies as background documentation for the Eighth United Nations Conference to Review All Aspects of the Set on the following topics:

(a) Strengthening consumer protection in the digital economy (in line with the focus and priorities of the Working Group on Consumer Protection in E-commerce);

(b) Implementation of the United Nations guidelines for consumer protection (as requested in resolution 70/186, in particular on the legal and institutional framework for consumer protection and work programme of the Intergovernmental Group of Experts on Consumer Protection Law and Policy 2016–2020);

(c) Voluntary peer review of consumer protection law and policy of Peru;

14. Requests the UNCTAD secretariat to facilitate consultations and the exchange of views of member States on the following topics for the Eighth United Nations Conference to Review All Aspects of the Set:

(a) International enforcement cooperation among consumer protection authorities in e-commerce;

(b) Improving consumer product safety around the world: Good data for good policy;

15. Requests the UNCTAD secretariat to present at the Eighth United Nations Conference to Review All Aspects of the Set an updated review of capacity-building and technical assistance in consumer protection law and policy;

16. Requests the UNCTAD secretariat to continue to build a list of contact persons of consumer protection authorities to facilitate cooperation under the United Nations guidelines for consumer protection, in accordance with guideline 87;

17. Notes with appreciation the voluntary financial and other contributions received from member States; invites member States to continue assisting UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities, financial or other resources; and requests the UNCTAD secretariat to pursue capacity-building and technical cooperation activities, including training, and, where possible, to focus such activities on maximizing their impact in all interested countries.

Closing plenary
9 July 2019
II. Chair’s summary

A. Opening plenary

1. The fourth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy was held at the Palais des Nations in Geneva, Switzerland, on 8 and 9 July 2019. Representatives of 74 countries, 7 intergovernmental organizations and 5 non-governmental organizations, including government ministers and heads of consumer protection agencies, attended the high-level discussions.

2. In her opening remarks the Director of the Division on International Trade and Commodities of UNCTAD said that consumer protection was an instrument that could be used to achieve the Sustainable Developments Goals, as all citizens benefited when their rights as consumers were protected in the market place, in particular access to non-hazardous products, adequate information to enable them to make informed choices according to individual wishes and needs, and dispute resolution and effective redress. The United Nations guidelines for consumer protection were the only global instrument with updated and practical recommendations in this field, calling upon Member States of the United Nations to develop, strengthen or maintain a strong consumer policy in line with international standards, while providing guidance in adapting national policies and institutions to current and emerging challenges affecting consumer welfare.

3. Cooperation across-borders was paramount for effective enforcement, especially in the digital era, and member States should “network the networks” and deepen international cooperation by using UNCTAD meetings to share best practices and exchange experiences relating to policymaking and the enforcement of consumer protection laws and policies among member States and other relevant networks such as the African Consumer Protection Dialogue, Association of Southeast Asian Nations (ASEAN), Global Privacy Enforcement Network, Ibero-American Forum of Consumer Protection Agencies, International Consumer Protection and Enforcement Network, and Organization for Economic Cooperation and Development (OECD). UNCTAD was delivering on its recent mandate as the focal point for consumer protection within the United Nations system by continuing to provide a forum for multilateral consultations, discussion and exchange of views on matters related to the guidelines, in particular their implementation and the experience arising therefrom.

4. For example, the UNCTAD world consumer protection map would allow for increased cooperation among governmental agencies. The Director said that consumer protection was an instrument that could be used to achieve the Sustainable Developments Goals. As consumers, citizens benefited when their rights of access to non-hazardous products, adequate information, dispute resolution and redress were met. Empowering consumers to be active required the participation of all stakeholders and citizens as consumers, policymakers, businesspersons and activists, and UNCTAD provided a platform to enable the empowerment of consumers.

5. During the general debate, various delegations presented recent developments in consumer protection at the national level. One delegate presented his country’s recent consumer product safety framework. Another presented the new regulations relating to electronic commerce (e-commerce), to ensure more privacy to consumers and greater access to dispute resolution.

6. In the keynote speech, a professor of private international law from the Federal University of Rio Grande do Sul in Porto Alegre, Brazil, discussed consumer protection perspectives in the twenty-first century. She identified current challenges for consumers in terms of sustainability, data protection, consumer health and safety. She said that more attention to be devoted to consumer protection in services, particularly in cross-border e-commerce. Emphasis should be placed on fighting new consumer vulnerabilities through partnerships between Governments, business and consumer groups and through strengthened cross-border cooperation.
7. In the ensuing discussion, member States and stakeholders presented some initiatives taken in connection with the implementation of the guidelines for consumer protection.

8. One expert commended UNCTAD for serving as an international forum on consumer protection issues. Germany was making efforts to tackle the challenges of the digital economy, including those related to artificial intelligence, algorithms and access to data as means of entering a new era, that of the trust economy, where consumers are asked to trust business, in particular with their data. The European Commission was preparing the European Union-wide Consumer Agenda 5.0, which included regulation proposals on privacy and platforms. Germany was keen to strengthen consumer product safety in the digital economy and to provide technological tools that empowered consumers and gave control to them, rather than to platforms. He encouraged the spread of corporate digital responsibility and emphasized the importance of placing consumer protection high on the political agenda, as in the context of the Group of 20, to enable the transition from the protection of consumers to that of citizens, through policymaking.

9. Another expert stressed the profound impact the United Nations guidelines for consumer protection had on his country’s consumer code (1990) and how his country was pursuing the implementation of revised version of the guidelines in various ways, at the national, regional and international levels. Brazil had launched various initiatives to enhance consumer protection in e-commerce and dispute resolution and redress, align regulations on product recalls with international best practices and employ behavioural insights. In his view, data protection was a basic consumer right, and consumer laws should also be applied when consumers made transactions using their data. Brazil was working on new data protection regulations, inspired by recent experience in the European Union. The Southern Common Market, commonly known as MERCOSUR, for example, had also taken initiatives to implement the guidelines chapter on international cooperation.

10. One expert stressed the importance of the digital economy, cross-border cooperation and the need to be selective when implementing the guidelines. E-commerce was one of the drivers of the revision of the guidelines, and mobile commerce had become ubiquitous in many ways. The Internet was growing at a rapid pace in developing countries. He welcomed the recommendations provided by the guidelines and related OECD recommendations. Cross-border cooperation was the next priority for consumer protection agencies in efforts to ensure stronger consumer protection across the world. Various pieces of national legislation and recent agreements with other foreign consumer protection agencies had been concluded by his country, as well as settlement agreements with businesses.

11. Several experts shared their experience in domestic and cross-border implementation of the guidelines. One expert presented her country’s initiative to empower alternative dispute resolution entities to resolve complaints regarding essential public services, which represented 80 per cent of complaints; as well as the initiatives to improve consumer education and enhance sustainable consumption. Two experts shared their proposals to improve consumer protection in digital markets, including the enforcement of consumer protection laws and coordination with other governmental authorities. Another commended UNCTAD for providing recommendations on e-commerce, which had served as an inspiration for regional proposals on this issue.

12. Three experts spoke in favour of the recommendations provided by the guidelines on international and cross-border cooperation and presented initiatives they were taking to implement the guidelines at the regional level. There was an important link between consumer protection and sustainable and responsible consumption, as a means of implementing the Sustainable Development Goals.

13. Another expert presented various regional initiatives aimed at protecting consumers who paid with data and at clarifying the responsibility of platforms and producers with consumers. Existing regional platforms for online dispute resolution and product recalls could serve as a model for other regions.

14. One expert said that consumers in his country were suffering as a result of the embargo placed on his country and that unsafe products were being dumped on its territory.
Contribution of consumer protection to sustainable consumption
(Agenda item 3 (a))

15. Introducing the agenda item, the Deputy Secretary-General of UNCTAD said that the international community should discuss the need for sustainable consumption and production as provided in Sustainable Development Goal 12 in view of climate emergencies, inequalities and impacts on the environment produced by the choices of production and consumption and the need to promote inclusive sustainability. Further, it was the duty of the UNCTAD secretariat to honour the mandate contained in the United Nations guidelines for consumer protection. Consumers were more than passive purchasers, and the choices they made could influence the direction of a country’s gross domestic product. Consumer actors ("consomm-acteurs") should be taking a leading role in matters that concerned them. Without information, there was no responsible consumption. To empower consumers, the relevant authorities must implement consumer protection law and policy. These legal instruments could be incentive-based, transparent and easy for consumers to observe. Consumers must be facilitated to access information on existing regulations and product standards, including quality and durability.

16. It was important to create a space for discussion, to encourage dialogue among all stakeholders, especially representatives of civil society, who had direct access to consumers and were a relevant channel for voicing their demands and identifying breaches of rules. Companies, too, needed to take part in the debate and make sure that production was sustainable and that consumers were aware of the consequences of their choices and the origin of the products they used.

17. Twenty-first-century challenges to consumers worldwide could only be solved by forging strong partnerships between developed and developing countries, promoting sustainable consumption and sharing experiences. The Deputy Secretary-General challenged participants to think of how the United Nations guidelines for consumer protection could be translated into the legislation of member States to contribute more effectively to the promotion of sustainable consumption. Being a consumer actor was about being responsible and cognizant of the social and environmental aspects of sustainable consumption.

18. The Chair said that countries in Latin America and other developing countries faced complex challenges in the field of sustainability that cut across several areas, such as child obesity in Argentina.

19. Introducing document TD/B/C.I/CPLP/17 on the contributions of consumer production to sustainable consumption, the secretariat said that sustainable consumption was a broad theme. It interplayed with other areas such as the United Nations mandates on the Sustainable Development Goals, the United Nations guidelines for consumer protection and national consumer protection laws. Agenda 21: Programme of Action for Sustainable Development and the United Nations guidelines for consumer protection, which in 1999 included sustainable consumption, pointed to the need to engage consumers and business to make choices that helped reduce the impacts on the environment, and all stakeholders were invited to contribute.

20. Three panel discussions were held to develop the agenda item. The first explored the state of play in promoting sustainable consumption at the global level and the role of consumer protection policy. The second considered consumer policy and sustainable consumption from the perspective of international organizations and the third presented the experiences of developing and developed countries regarding the contribution of consumer protection to sustainable consumption in those countries.

21. The first panel was composed of experts representing the following entities: the Consumer Protection Tribunal, South Africa; Quebec University, Canada; and Unisinos University, Brazil.

22. One expert described the key principles involved in engaging consumers on the use and disposal of goods and services, as well as the full life cycle of products. Sustainable consumption could be a practice adopted by choice or circumstance, depending on the situation. In some cases, especially in developing countries, consumers might not have the
luxury of choice. The issue of formal and informal markets affected consumer rights. Because of their financial situation, some consumers purchased unpackaged goods from small neighbourhood shops. There were differences in disclosure when comparing these markets, bringing in different paradigms of sustainability and social environment orientation.

23. Consideration of the role of consumer protection agencies provided an opportunity to look at existing legislation and consider how to expand definitions and reframe certain ones to accommodate the realities of today. Such new definitions could apply to product safety, hazardous products or the prohibition of unconscionable conduct to protect consumer health. Partnerships could also be a positive option, as sustainable production and consumption offered opportunities for global solidarity.

24. Another expert provided insights on how to deal with legal tools that contributed to the Sustainable Development Goals. However, the main debate on consumer policies went beyond such tools. Sustainable consumption went hand in hand with production. The consumer paradigm could not be changed without changing the producer paradigm. Based on the correlation between consumer protection tools and sustainable products, there was a need to integrate the impact on the environment with consumer information tools and legal tools.

25. Information was required as a complement to measures that could help regulate product obsolescence based on standards set by the International Organization for Standardization to ensure that products that were no longer useful would not be marketed by producers. Such measures would create a legal obligation for businesses by fixing the period of product durability and checking on the non-conformity of a product. In this regard, European Union law explored the feasibility of expected duration by fixed warranty according to product category.

26. One expert said that consumers were bombarded constantly with information and goods. She suggested that in this context, United Nations guideline for consumer protection 50 provided guidance on a number of issues: the need of consumers for information, their right to information, the duty of suppliers to ensure that appropriate information was provided, the advantages and disadvantages of goods that had an impact on consumers’ health and lives, hazardous goods and the need for consumers to be aware of the nature of the goods they were consuming. In addition, consumers should take steps to change their lifestyles by considering the following factors: food waste, solid waste, recycling, environmental and ecological labels, the life cycle of products, saving energy and water, taking part in debates, confronting the actions of other consumers, engaging in sustainable tourism and assuming pre- and post-consumption responsibility. Consumer education was not only about information; without awareness building, consumers would always choose the cheapest options.

27. The Deputy Secretary-General said that problems could be transformed into opportunities. For example, the Food and Agricultural Organization of the United Nations was exploring the opportunity for rural women, who generally did not have access to fertilisers and did not use pesticides because of their toxicity, to access organic markets, which enhanced their role in farming. In such situations, it was important to work on specific opportunities and focus on individual cases.

28. The second panel was composed of experts from the following organizations: Consumers International, United Kingdom; Economic Commission for Europe, Switzerland; and International Organization for Standardization, Switzerland.

29. One expert said that her organization had developed a new strategy to determine how technology was changing consumers’ lives. There was a need to consider the production factor along with the consumption factor and how to balance the two. Civil society could help gather knowledge about consumer needs and views and how they were actively changing habits and choosing sustainable products or products with a claim to sustainability. Consumers wished to see businesses take steps to promote sustainable production. The organization provided the following consumer services: information, testing and research; consumer support; advocacy; recalls and class actions in different
parts of the world. It was also a co-leader of a United Nations environmental programme working group dealing with problems such as air conditioning in partnership with experts.

30. Another expert said that her organization was a non-governmental organization with a global membership. The organization covered most systems and areas of technology and enjoyed consensus-based market relevance, providing solutions globally, recognizing the importance of consumers and looking out for their interests. The organization was also concerned with sustainability and mapping issues and had recently set up a task force to examine standards related to the Sustainable Development Goals, for example, Goal 6 on access to clean water and improving sanitation, Goal 7 on sustainable energy and Goal 12 on responsible consumption and production, environmental labels and sustainable procurement. The organization had 1,600 standards relating to food products.

31. One expert presented her organization’s work on sustainable consumption. According to recent statistics from the Food and Agriculture Organization of the United Nations, $1.6 billion worth of food was lost or wasted, $1.2 trillion in revenue was lost, 870 million people went hungry and food waste was responsible for 8 per cent of greenhouse gas emissions. The anomaly continued: consumers in rich countries wasted up to 222 million tons of food per year, almost as much as the net amount of food produced annually in sub-Saharan Africa (230 million tons). Per capita waste per year by consumer was 95–115 kg in Europe and North America, compared with 6–11 kg in sub-Saharan Africa and in South and South-East Asia.

32. While deliberate and unconscious actions of consumers that focused on purchasing sustainable products to balance consumption and reduce waste were encouraged, the crux of the matter was determining how to do so. There was need to use mixed strategies to ensure consumer compliance. Such strategies could include the following measures: action plans, tax incentives, legislation, encouraging donations, controls at various levels, sanctions, collaboration with non-governmental organizations and awareness-raising campaigns.

33. The work of one organization on food challenges included a review of quality standards and a discussion of losses incurred during trade. In addition, the organization had designed an online blockchain-supported marketplace and developed a food-recording methodology, a code of good practices and a comprehensive web resource on food and waste.

34. The third panel was composed of experts representing the following entities: Competition and Consumer Protection Authority, Zambia; Consumer Agency, Japan; National Consumer Service, Chile; and Federal Trade Commission, United States of America.

35. In Chile, an initiative known as “My green code” aimed to implement the United Nations guideline for consumer protection 50 and Sustainable Development Goal 12. The initiative reflected the impact of consumption choices and raised awareness of sustainable consumption patterns. According to a Chilean study, consumers were more interested in adopting sustainable consumption patterns: 32 per cent supported the initiative, and 32 per cent considered it to be the most important characteristic after price and quality. The initiative was available online and encompassed animal welfare, waste management, social welfare, energy, chemical management, biodiversity, water resource management and businesses. The initiative was based on information provided by consumers and businesses and currently featured 143 products of 33 companies and 51 brands.

36. In Japan, a basic consumer policy plan had been adopted. The plan focused on achieving the Sustainable Development Goals to ensure consumer safety, establish trusted labelling, ensure reliability and fair transactions, and create a society in which consumers played a key role in making choices and taking action. The plan also stressed the need for consumer redress and improved consumer policy. Japan aimed to change consumers’ attitudes by raising their awareness. Sustainable management was understood to be a mutual communication among consumers and businesses to build a fair market, based on the philosophy of sanpo-yoshi, whereby sellers should not only protect their own interests but seek customer satisfaction and make a contribution to society as well.
37. In the United States, the Federal Trade Commission’s experience in environmental marketing consisted of guides, cases, business guidance and consumer education drawn from the International Consumer Protection and Enforcement Network, OECD and UNCTAD. The Commission had enforcement experience in preventing deception in environmental marketing claims, such as renewable materials and energy, and certification and logos or seals. The latter were considered endorsements and required substantiation. One expert cited the emissions scandal case involving Volkswagen, whereby settlements of $10.03 billion had been made in 2016, and an additional $1.5 billion, in 2017.

38. In Zambia, various statutes and institutions were concerned with sustainable consumption and consumer protection. Regulatory bodies dealt with environmental management, biodiversity, water, fisheries, forestry and standards in cooperation with local authorities. The Competition and Consumer Protection Commission was a consumer protection advocate and dealt with sustainable consumption indirectly. In the areas of sustainable consumption and consumer protection, the Commission considered cases of misleading conduct, such as alleging that a product was organic when it was not; product labelling; consumer awareness and education programmes; and business guidance. As a result of consumer complaints, a case study had been conducted on the ban of flat plastic bags less than 30 microns thick, on the high prices of alternative carrier bags sold at supermarkets, price differences between supermarkets and sales of branded bags.

39. In response to the panel presentations, some experts pointed to the need for international cooperation. In this respect, the Transnational Alliance to Combat Illicit Trade, in collaboration with UNCTAD, would be hosting an event on illicit trade and the Sustainable Development Goals in Geneva on 18 July 2019 that delegates were encouraged to attend.

40. Two experts requested that UNCTAD continue offering capacity-building in sustainability, particularly in sustainable consumption, for developing countries and applauded the secretariat for its Middle East and North Africa region programme, which provided the State of Palestine with an opportunity to cooperate with other countries in the region.

41. Sustainability, in particular with regard to production processes and consumer attitudes, was a top priority in the European Union, where consultations had been held with young consumers to gather information on their needs. A guidance directive, developed with stakeholder participation, had been issued. Ecological design in the European Union was linked to sustainability by design, assuring consumers that safety and sustainability were covered.

42. In Egypt, the regulation of sustainable consumption was effected through the consumer protection website, which provided consumer information and redress procedures. The website also posted violations committed by service providers and other actors so that consumers could be aware of those violating the law.

43. Because of the high levels of food gone to waste – about one third of all food produced and distributed went to waste – one expert said that the issue should be addressed at the international level. A working group on food waste has been set up by the Ibero-American Forum of Consumer Protection Agencies. A new law on the alternative use of plastics had been approved, and a new provision on the efficiency of household appliances had been added to the existing law.

44. One expert stressed the importance of product safety and access to justice. Several others said that it was necessary to raise awareness about consumer protections, ensure compliance with product-labelling requirements and mobilize and educate children, including through consumer education in private school curricula and other programmes.

45. Although many steps were being taken by consumer agencies to inform active consumers of the best selection of goods and services, they were free to make their own choices. One expert wished to know how to promote the Sustainable Development Goals, in particular with regard to the role of consumer agencies.

46. A new dimension had been added to the litigation of cases on sustainability in Australia. For example, the Australian Competition and Consumer Commission had
recently lost a court case based on the current characteristics of a product and its biodegradability. Such misleading case resolution posed a challenge to the enforcement work of consumer agencies.

47. In India, the representative of a voluntary consumer organization had published a booklet on sustainability and the distribution system and offered to share its expertise with member States. The organization was an advocate of environmental protection, in particular, the use of reusable bags and cost reductions in transportation by saving fuel, and encouraged member States to follow suit.

48. One expert said that while consumer policy appeared to favour unlimited consumption, the new paradigm should emphasize consumer responsibility.

49. Another expert said that it was important to preserve the sustainable and environmentally friendly traditions of the people of India that were associated with a history of low-carbon footprints rather than being replaced by unsustainable modern practices and technologies.

**Review of capacity-building in and technical assistance on consumer protection law and policy**

(Agenda item 3 (b))

50. Introducing the agenda item, the secretariat presented document TD/B/C.I/CPLP/19, entitled “Review of capacity-building in and technical assistance on consumer protection law and policy”. The presentation was followed by a panel discussion.

51. The panel was composed of experts representing the Central African Economic and Monetary Community and the competition authority of the Dominican Republic, Proconsumidor.

52. One expert presented the recently adopted regional directive on consumer protection, which had been drafted and negotiated with the support of UNCTAD under a technical cooperation project of the Central African Economic and Monetary Community. The directive allowed for the harmonization of national legal frameworks, provided for consumer education in secondary and tertiary schools and called for the establishment of a regional rapid alert mechanism and national consumer protection councils, such as those in Cameroon. She requested that UNCTAD continue providing assistance in implementing the directive and sought the participation of development partners in the project.

53. Another expert shared the experience of the Competition and Consumer Protection Policies for Latin America programme of UNCTAD, also known by its acronym, COMPAL. The third edition of the programme had been completed in 2018. The programme boasted an implementation rate of 100 per cent of activities and 98 per cent of budget, 65 per cent of which was supported by the beneficiary countries themselves. The COMPAL programme was instrumental in upgrading the national capacities of its 17 Latin American member countries and stronger cooperation among them. As contained in the Santo Domingo Declaration (2018), the members of COMPAL unanimously called for the continuation of the programme, which would require the participation of a development partner to finance the remaining 35 per cent of the programme budget.

54. One expert shared his country’s experience in disseminating the results of the voluntary peer review of consumer protection law and policy of his country. The review involved hundreds of representatives of government authorities, the private sector, consumer groups and academia, which had led to a high implementation rate of peer review recommendations.

**Voluntary peer review of the consumer protection law and policy of Indonesia**

(Agenda item 3 (c))

55. Under this agenda item, the Intergovernmental Group of Experts carried out its second voluntary peer review on consumer protection law and policy, that of Indonesia. The delegation of Indonesia was headed by the Chair of the National Consumer Protection Agency of Indonesia. The peer reviewers were the National Consumer Secretariat of Brazil; the Ambassador and Permanent Representative of India; and the Adviser to the Director for
Consumers, Directorate General for Justice and Consumers of the European Commission. The session was chaired by the President of the Consumer Protection Agency of Peru.

56. The representative of Indonesia provided a broad outline of the consumer protection system in Indonesia, including the scope and main tenets of the legal framework for consumer protection, focusing on Law No. 8 on Consumer Protection (1999). He highlighted recent reform initiatives undertaken by relevant government agencies, including progress regarding a new e-commerce road map and work towards a government regulation on the collection and protection of personal data. The peer review exercise was expected to underpin ongoing efforts to amend or revise the existing consumer protection law, with a focus on addressing the implications of increased digitalization, as well as the need for cross-border cooperation in enforcement and advocacy. The large size and growth of the Indonesian economy and geographical expanse would need to be duly accounted for in generating viable recommendations on how to strengthen the existing consumer protection system.

57. Introducing the voluntary peer review of consumer protection law and policy of Indonesia (UNCTAD/DITC/CPLP/2019/13), officials of the German Agency for International Cooperation and UNCTAD outlined the country’s legal and institutional consumer protection framework and summarized key recommendations contained in the report. Indonesia had a comparatively long history of consumer protection; the first consumer association was established in 1973 and the general consumer protection law was enacted in 1999.

58. The implementation of actions related to consumer protection in Indonesia relied on a complex system of authorities, including various sectoral ministries, specialized agencies and sectoral regulators, as well as entities under the local governments. The National Consumer Protection Agency was an advisory body of the Government, whereas the Directorate-General of Consumer Protection and Trade Compliance, within the Ministry of Trade, was primarily in charge of implementing general consumer policies in Indonesia and enforcing Law No. 8 on Consumer Protection in coordination with other related ministries in charge of sectoral consumer protection issues. Further, the consumer dispute-settlement bodies, currently placed under the authority of the provincial governments, was tasked with mediating disputes between consumers and businesses in an out-of-court mechanism. With that setting in mind, not only were cross-sectoral efforts necessary to enhance certainty for businesses and consumers, the pronounced decentralization process also posed critical challenges to ensuring effective horizontal and vertical policy coherence.

59. The report identified the following key challenges: fragmented enforcement at the sectoral level, with varying degrees of effectiveness; limited formalized coordination mechanisms between responsible ministries and agencies with regard to policy formulation, enforcement, monitoring and redress, and lack of policy coherence; different approaches to dispute resolution and redress at the subnational level and lack of legal certainty or transparency, including procedural issues; and a weak culture of complaint among Indonesians, especially less affluent consumers.

60. That notwithstanding, the peer review offered a number of important opportunities: substantiating legislative and reform efforts through international benchmarking and recommendations regarding good practices – a timely development for the new Government; pioneering and generating experiences from the peer review process to feed into ASEAN forums, notably the ASEAN Committee on Consumer Protection, with a potential for replication in other countries and leveraging on existing drivers for change, that is to say, developments and dynamics in specific sectors and cases (public debates), and international trends such as the European Union General Data Protection Regulation.

61. The report suggested several recommendations, ranging from refining the scope of the application of Law No. 8 on Consumer Protection with sectoral provisions, to enhancing and expanding the mandate of the National Consumer Protection Agency and consumer dispute-settlement bodies to more effectively address consumer complaints at both the national and subnational levels.

3 The overview was contained in document TD/B/C.I/CPLP/18.
62. During the question-and-answer session that followed, the peer-reviewers – Brazil, India and the European Union – sought clarification from the representative of Indonesia about the current system and further details on existing consumer-redress mechanisms, in view of a highly decentralized governance system that posed certain challenges to consumers in accessing the courts and dispute-resolution bodies. Further clarification was also sought concerning regulations to guide the operations of such bodies. In reply, the representative of Indonesia said that reforms to strengthen these bodies were being considered in the upcoming amendment of the law and that the Government was benefitting from the good practices shared by other countries. To ensure a consistent approach, a decree by the Minister of Industry and Trade concerning the implementation of duties and authorities of consumer dispute-settlement bodies (2001) set out the competences and composition of such bodies.

63. One expert wished to know how Indonesia intended to address the implications of e-commerce, in particular those regarding online applications and unsolicited telemarketing calls. In reply, the representative of Indonesia said that in his country, there was no do-not-call registry similar to that of the United States, but that suggestions had been made for provisions to be incorporated in a future amendment of the law. The Government had established an online one-stop complaints portal, in line with its 2017 national strategy. In addition, work on formulating a comprehensive data protection regulation was under way. These measures would also be incorporated in the upcoming medium-term development plan 2019–2024, which would provide guidance on calibrating consumer protection activities across all responsible entities and stakeholders.

64. In response to another query, the representative of Indonesia said that Law No. 8 on Consumer Protection did not contain specific provisions on the protection of vulnerable consumers. The only specialized law in that context was one that ensured the general rights of persons with disabilities. Further, Law No. 8 was rarely used in litigation, as the civil code provided a stronger basis, in particular concerning cases dealing with compensation for immaterial harm caused to consumers.

65. With regard to the role and scope of action of consumer associations in Indonesia, the representative of Indonesia said that such associations helped provide inputs from the public to be considered by the Government. Consumer associations were also engaged in various activities such as market surveillance, for which the Ministry of Trade was mainly responsible. Further, continuous capacity-building efforts were made to build the competences not only of dispute-resolution bodies, but of consumer associations as well. While there was no specific obligation for businesses to settle complaints in house, a 2019 regulation of the Ministry of Trade on provisions for instructions on the use and guarantee of full services called for the provision of a complaints channel for consumers.

66. Indonesia benefited from the experience of the peer reviewers and other experts present at the current session of the Intergovernmental Group of Experts. One expert said that the consumer protection framework of Brazil had been developed using a systematic approach that resolved cases during the pre-litigation phase and that consumers enjoyed information privacy rights. Another expert said that the European Union had set up a system to handle cross-border consumer redress and the mechanisms to settle disputes that extended beyond a single jurisdiction. The network of consumer associations and alternative dispute-resolution bodies in the European Union was an effective cross-border mechanism. Yet another expert discussed the education of consumers in densely populated countries such as India and was keen to learn of good practices in reaching out to and empowering large numbers of consumers.

67. One expert said that his Government was interested in cooperating with Indonesia in consumer protection beyond existing bilateral ties and trade agreements. Other experts reaffirmed their interest and commitment in continuing the dialogue and cooperation initiated by the peer review. In response to a question from the representative of Indonesia, one expert said that a case study had been conducted on piloting activities that targeted young consumers in Japan and that the outcomes and lessons learned from this study would be gladly shared at a later stage. Considering the history of consumer protection and competition law around the world, a representative of civil society said that spirit of the law
has been informed by shifting the focus from a rationale that was primarily market based to one that was more consumer based.

68. The UNCTAD secretariat outlined a tailor-made technical assistance project for the implementation of the peer review recommendations and invited other authorities and development partners to assist Indonesia in improving policies, enhancing enforcement capacities and developing a consumer protection culture. The German Agency for International Cooperation reconfirmed its commitment to help with in-country consultations with relevant stakeholders in Indonesia and neighbouring countries, to channel advice and to take part in other activities in the coming years, within the framework of a regional project on consumer protection in ASEAN called “Protect”.

Report of the working groups on consumer protection in electronic commerce and consumer product safety
(Agenda item 3 (d))

Working Group on Consumer Protection in E-commerce

69. Introducing the agenda item, the secretariat said that the Working Group on Consumer Protection in E-commerce had held five virtual meetings to discuss misleading and unfair business practices, consumer education and business guidance, and international cooperation in cross-border cases.

70. The representatives of the competition authorities of two member States made a presentation on the proposal they had previously put forward in the Working Group to create a toolkit on cross-border consumer enforcement for consumer protection authorities and requested that UNCTAD circulate a questionnaire prepared by OECD to participants.

71. The representative of the Subworking Group on Misleading and Unfair Business Practices said that her country had conducted an analysis using the contributions made by the Working Group and had identified the most common misleading and unfair business practices in e-commerce, including challenges posed by online platforms (information disclosure and liability issues), social media (retail sales and influencers’ endorsement disclosures). Such practices included drip pricing, fake discounts, personalized pricing and marketing, non-delivery of products and delays in product delivery. As the analysis was based on inputs from a limited sample of countries, she invited other countries to report on the challenges they faced. She requested the extension of the working group’s mandate, based on the expanding work programme.

72. The representative of the Subworking Group on Consumer Education and Business Guidance presented a proposal to produce an online course based on one given by the Argentine School for Consumer Education and offered to share his country’s experiences with the Working Group. Another expert said that his country would launch a guide for influencers in September 2019.

Working Group on Consumer Product Safety

73. Presenting the results of the four teleconference meetings held by the Working Group on Consumer Product Safety, the secretariat noted that the purpose of the Working Group was to provide a forum for member States, representatives and interested stakeholders to exchange experiences on mechanisms that could be used to detect, minimize and address the risks to consumers’ health and safety caused by defective products.

74. Within the framework of the Working Group, member States had decided to work on a definition of product safety by sharing information on existing legal definitions, especially those adopted by the European Union and OECD. It had also decided to work on the classification of goods that would be considered by the Working Group, excluding food and pharmaceuticals, and to work on the classification of goods for children and vulnerable groups of consumers. Further, the Working Group had discussed the challenges faced by developing countries on the surveillance and early detection of unsafe products, such as the high levels of informality in developing country markets, the overlapping competences on consumer health and safety of many authorities that prevented them from taking early
action due to the lack of information on accidents and injuries caused by defective products, the need for improved legislation to restrict the entry of unsafe products that had been rejected from other countries, and the need for development to make recalls more effective and for new mechanisms of control and assessment.

75. The Working Group had agreed to provide information to the secretariat on the challenges faced by developing countries in relation to the surveillance and early detection of unsafe products and on the analysis and determination of possible policy options for consumer protection agencies and to work on a common schedule to deliver results for the fourth session of the Intergovernmental Group of Experts.

76. Within the Working Group, five proposals, had been made:

(a) To establish a single global rapid alert system on hazardous consumer products, linking existing networks: the OECD global portal on product recalls, the Rapid Information Exchange System of the European Union and the Rapid Alert System of the Organization of American States;

(b) To carry out a product safety regulatory mapping survey for circulation to members of the Working Group;

(c) To adopt a working definition of product safety based on the OECD definition as follows: “Consumer products, the category of products intended for and/or likely to be used by consumers. This category does not aim to cover food, drugs and medical devices, and these products should be subject to specific risk assessment and risk management in distinct regulatory frameworks.”;

(d) To develop an international instrument to prevent the dumping of hazardous consumer products;

(e) To hold a round-table session, as part of the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, on collecting and analysing injury data as a basis for devising an informed product safety policy.

77. The European Commission expressed interest in hosting a joint conference with UNCTAD during International Product Safety Week in October 2019. The Commission said that it might be possible to give member States of UNCTAD access to product safety tools to better develop national product safety policies.

78. Further, many delegations had expressed unanimous support for the proposal to request the Intergovernmental Group of Experts to extend the mandate of the Working Group for at least another year.

79. In the discussion that followed, several member States endorsed the proposals of the two working groups. Many delegations thanked the secretariat for setting up the Working Group on Product Safety, expressing support for its work and cooperation with member States in the area of product safety.

80. With regard to e-commerce, one expert said that the European Union had presented an initiative in June 2018 that could be of interest to member States and could become quickly operational. In that respect, four international e-commerce marketplaces had signed a product safety pledge committing their countries to review their normal legal obligations on product safety and to check global portals to remove dangerous products.

81. Recalling his organization’s proposal to set up a global online dispute-resolution mechanism to deal with consumer complaints, one expert said that such a mechanism would be cost effective, speedy and informal, and proposed that the secretariat set up a working group and road map on global online dispute resolution under the umbrella of the United Nations. Mindful of the resource constraints of the secretariat, he suggested that the work could be done in cooperation with interested consumer protection agencies.

82. Another expert said that it was difficult for some stakeholders, for example tobacco companies, to address the issue of sustainable consumption because of the nature of the product they manufactured. However, her company had made considerable investments aimed at improving products, protecting human health and expanding consumer choice.
Latest developments in legal and institutional frameworks and world consumer protection map
(Agenda item 3 (e))

83. The secretariat delivered a presentation on the world consumer protection map, which was designed to provide an updated and comprehensive picture of consumer protection worldwide, identify trends, benchmarks and challenges, and inform discussions on future work. More than 120 member States had already designated official contact points following United Nations guideline for consumer protection 87, and over 60 had provided information on consumer policies, institutions and laws that served as data for the map. Responses had been filtered according to various categories, allowing policymakers to better grasp today’s reality of consumer protection. As a result, it was expected that more countries would respond to the world consumer protection map surveys. The secretariat highlighted the positive contribution of consumer protection to achieving the Sustainable Development Goals, in particular Goals 10 and 17. The secretariat proposed to use the adoption of consumer protection policies as an indicator for Goals 10 and 17, and to use the world consumer protection map as the source of data.

Virtual catalogue of international best practices
(Agenda item 3 (f))

84. Introducing the agenda item, the secretariat expressed appreciation to the National Institute for the Defence of Competition and Protection of Intellectual Property of Peru for its generous and timely support in designing and preparing the database, and to the 11 member States that had participated in the pilot project of the virtual catalogue on international best practices in competition and consumer policies. The secretariat strongly encouraged other member States to join the project so that more data could be collected for the wider dissemination of international best practices, which would benefit the extended membership and stakeholders of the International Group of Experts.

85. In the discussion that followed, one expert wished to know what procedure UNCTAD would follow to change or add a Sustainable Development Goal indicator. The secretariat said that the decision would be taken by another United Nations body based on the quality of the proposal.

Update on the implementation of the actionable agreed conclusions of the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
(Agenda item 3 (g))

86. Introducing the agenda item, the secretariat said that operative clauses 8 to 15 of the agreed conclusions adopted by the Intergovernmental Group of Experts on Consumer Protection Law and Policy at its third session, as contained in document TD/B/C.1/CPLP/15, were actionable. Their content had been covered by the secretariat in its presentations of items 3 (a), (b), (d), (e) and (f) of the agenda (TD/B/C.1/CPLP/16 and paragraph 88 below), in documents TD/B/C.1/CPLP/17 and TD/B/C.1/CPLP/19, the latter outlining the experience of regional cooperation acquired through the COMPAL and Middle East and North Africa region programmes of UNCTAD and technical cooperation with the Central African Economic and Monetary Community.

III. Organizational matters

A. Election of officers
(Agenda item 1)

87. At its open plenary session on 8 July 2019, the Intergovernmental Group of Experts elected Mr. Fernando Blanco Muiño (Argentina) as its Chair, and Ms. Lee See Hook (Republic of Korea) as its Vice-Chair-cum-Rapporteur.
B. Adoption of the agenda and organization of work
   (Agenda item 2)

88. Also at its opening plenary, the Intergovernmental Group of Experts adopted the provisional agenda contained in document TD/B/C.1/CPLP/16, as follows:
   
1. Election of officers.
2. Adoption of the agenda and organization of work.
3. (a) Contribution of consumer protection to sustainable consumption;
    (b) Review of capacity-building in and technical assistance on consumer protection law and policy;
    (c) Voluntary peer review of the consumer protection law and policy of Indonesia;
    (d) Report of the working groups on consumer protection in electronic commerce and consumer product safety;
    (e) Latest developments in legal and institutional frameworks and world consumer protection map;
    (f) Virtual catalogue of international best practices;
    (g) Update on the implementation of the actionable agreed conclusions of the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.
5. Adoption of the report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

C. Provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices
   (Agenda item 4)

89. At its closing plenary session on 9 July 2019, the Intergovernmental Group of Experts approved the items relating to consumer protection law and policy to be included in the provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (annex I).

D. Adoption of the report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
   (Agenda item 5)

90. Also at its closing plenary session, the Intergovernmental Group of Experts authorized the Vice-Chair-cum-Rapporteur to finalize the report after the conclusion of the session.
Annex I

Items relating to consumer protection law and policy to be included in the provisional agenda for the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

2. Strengthening consumer protection in the digital economy.
3. International enforcement cooperation among consumer protection authorities in e-commerce.
4. Improving consumer product safety around the world: Good data for good policy.
5. Review of capacity-building and technical assistance.
6. Voluntary peer review of the consumer protection law and policy of Peru.
Annex II

Attendance*

1. Representatives of the following States members of the Conference attended the session:

Afghanistan
Algeria
Argentina
Australia
Belarus
Belgium
Benin
Bolivia (Plurinational State of)
Botswana
Brazil
Bulgaria
Burkina Faso
Cambodia
Chad
Chile
China
Colombia
Comoros
Congo
Costa Rica
Croatia
Côte d’Ivoire
Democratic Republic of the Congo
Dominican Republic
Egypt
El Salvador
France
Gambia
Germany
Greece
Guatemala
Hungary
India
Indonesia
Japan
Jordan
Kenya
Lao People’s Democratic Republic
Malawi
Malaysia
Morocco
Myanmar
Namibia
Netherlands
Nigeria
Norway
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Portugal
Qatar
Republic of Korea
Russian Federation
Saudi Arabia
Seychelles
South Africa
Spain
Sri Lanka
State of Palestine
Sweden
Switzerland
Syrian Arab Republic
Turkey
Ukraine
United Kingdom of Great Britain
and Northern Ireland
United States of America
Uzbekistan
Viet Nam
Yemen
Zambia
Zimbabwe

2. The following intergovernmental organizations were represented at the session:

Common Market for Eastern and Southern Africa
Commonwealth Secretariat
Economic and Monetary Community of Central African States
Eurasian Economic Commission
European Union
Organization of Islamic Cooperation
West African Economic and Monetary Union

* For the list of participants, see TD/B/C.I/CPLP/INF.4.
3. The following non-governmental organizations were represented at the session:

*General category*

- Consumer Unity and Trust Society International
- Consumers International
- Global Traders Conference
- International Law Association
- International Organization for Standardization

Corrigendum

Paragraph 19, first sentence

*For contributions read contribution*

*For production read protection*