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Geneva, 17–18 October 2016

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

Held at the Palais des Nations, Geneva, from 17 to 18 October 2016

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I. Agreed conclusions adopted by the Intergovernmental Group of Experts on Consumer Protection Law and Policy at its first 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),¹

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

Recalling further General Assembly resolution 70/186, “Consumer protection”, of 22 December 2015, containing 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,²

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 for addressing unfair commercial practices in a globalized and interdependent world, including by enhancing the transparency and accountability of businesses, resource mobilization, the empowerment of consumers and poverty reduction and by promoting inclusive economic and social policies,

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

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 business,

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

Taking note with appreciation the documentation prepared by the UNCTAD secretariat for its first session,

¹ TD/RBP/CONF.8/11.

² TD/519/Add.2.

1. *Welcomes* the adoption of the United Nations guidelines for consumer protection by the General Assembly.
2. *Decides* that it shall adopt the standard procedures and methods of work for other United Nations meetings, as detailed in the note by the UNCTAD secretariat entitled “Method of work and work programme, 2016–2020”.³
3. *Encourages* interested member States to volunteer for a peer review on consumer protection law and policy in accordance with available resources.
4. *Requests* the UNCTAD secretariat to integrate the suggestions made by participants during the first session of the Intergovernmental Group of Experts on the voluntary peer reviews on consumer protection law and policy when developing a framework for this purpose.
5. *Invites* all member States and their consumer protection authorities to assist UNCTAD on a voluntary basis by providing experts or other resources for future and follow-up activities in connection with voluntary peer reviews and the implementation of their recommendations.
6. *Emphasizes* the need to engage stakeholders in the implementation of the 2030 Agenda for Sustainable Development, in particular with regard to inclusive consumer protection policies; and welcomes the participation of consumer associations, civil society, business representatives and academia in the deliberations of the sessions of the Intergovernmental Group of Experts.
7. *Takes note with interest* of the importance of harnessing the collaborative economy to increase the welfare of consumers worldwide while minimizing its risks; invites member States to continue their efforts in charting international best practices in this area; and stresses the need to strengthen international cooperation, including informal collaboration, among agencies.
8. *Welcomes* the initiatives carried out thus far by individual member States, UNCTAD and other organizations and networks in building capacities and strengthening institutions in the area of consumer protection; and calls upon all interested parties to work together and identify and strengthen synergies, while avoiding duplication.
9. *Emphasizes* the importance of regional cooperation in the enforcement of consumer protection law and policy; and invites consumer protection authorities to strengthen their bilateral, regional and international cooperation.
10. *Requests* UNCTAD to promote and support cooperation between Governments and consumer protection authorities in accordance with the Nairobi Maafikiano (paragraph 76 (x)) and the United Nations guidelines for consumer protection (guidelines 79–94).
11. *Decides* that the work programme of the Intergovernmental Group of Experts for 2016–2020 regarding studies and research will consist of one horizontal issue and one vertical issue per session, which will be decided on an annual basis at each session.
12. *Requests* the UNCTAD secretariat to prepare reports and studies for the second session of the Intergovernmental Group of Experts on the following topics:
 - (a) Legal and institutional framework for consumer protection;
 - (b) E-commerce.

³ TD/B/C.I/CPLP/2.

13. *Requests* the UNCTAD secretariat to prepare, for the consideration of the second session of the Intergovernmental Group of Experts, an updated review of capacity-building and technical assistance, taking into account information to be received from member States.

14. *Requests* the UNCTAD secretariat to publish 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.

15. *Encourages* member States to pursue consultations towards a declaration by the General Assembly of 15 March as world consumers day.

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

*Closing plenary
19 October 2016*

II. Chair's summary

A. Opening plenary

1. The first session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy was held at the Palais des Nations in Geneva, on 17 and 18 October 2016. Representatives from 66 countries and 5 intergovernmental organizations, including the heads of competition and consumer protection authorities, attended the high-level discussions.

2. In his opening remarks, the Deputy Secretary-General of UNCTAD said that the meeting was a landmark occasion, and that UNCTAD was honoured to have been chosen as the international forum for discussions on consumer protection law and policy by member States. He stressed that consumer protection was not only a moral imperative but also good economics. The revision and implementation of the United Nations guidelines for consumer protection were a starting point, and UNCTAD was ready to assist developing countries in providing for a legal framework for consumer protection and its enforcement.

B. Launch of the United Nations guidelines for consumer protection and discussions on related matters

(Agenda item 3 (a))

High-level segment

3. The high-level segment focused on the adoption of the revised United Nations guidelines for consumer protection. Panellists reviewed the guidelines and discussed national experiences in implementing the directives. The panel was composed of the Minister of Economy, Costa Rica; the Minister of State for Consumer Affairs, Food and Public Distribution, India; the Director General for Competition, Consumption and Fraud Repression, France; a representative of the Office of the Federal Prosecutor for the Consumer, Mexico; the Head of the Federal Service for Surveillance on Consumer Rights Protection, Russian Federation; the Director General of the Competition Authority, Kenya;

the Deputy Director of the Office of International Affairs of the Federal Trade Commission, United States of America; and the Director General of Consumers International.

4. The Minister of Economy, Costa Rica, reported on the progress made in Costa Rica on consumer protection policy. He emphasized that financial services was an area in which costs affected everyone horizontally, and that partnerships helped improve regulation, especially with respect to issues related to consumer education programmes. The Minister stated that financial education should be given prominence, especially among young people, as many related problems were linked to a lack of financial education and to the number of poorly informed consumers.

5. The Minister of State for Consumer Affairs, Food and Public Distribution, India, stated that the Intergovernmental Group of Experts provided a forum that facilitated engagement and mutual understanding, as well as the development of appropriate strategies to improve consumer protection. The realization of consumer protection would contribute to achieving the Sustainable Development Goals related to access to food, improved health and economic growth. The Minister referred to emerging challenges in India, stating that the digital revolution and sustainable consumption needed priority attention. The next wave of Internet access needed to include more women and rural populations.

6. The Director General for Competition, Consumption and Fraud Repression, France, emphasized the following three key issues: collective pride with regard to the cooperative work involved in the revision of the guidelines for consumer protection; consumer security as a common challenge with regard to e-commerce, which required a common normative framework and an appropriate forum to resolve associated problems; and collective duty to determine a common vision for the future based on fundamental and conventional rights. For such a vision to become a reality, a set of principles that applied worldwide were required, and were already in place in the guidelines for consumer protection. The Director General stressed, therefore, that awareness of the guidelines needed to be enhanced among Governments, businesses and consumers and in academia. The Intergovernmental Group of Experts required an ambitious and rigorous work plan, to create dialogue between stakeholders and elaborate on a common set of minimum rules to reinforce consumer protection. Peer reviews could help countries learn from each other and reinforce the impact of consumer protection work.

7. The representative of the Office of the Federal Prosecutor for the Consumer, Mexico, reported on progress made in Mexico on the implementation of the guidelines for consumer protection and on improving the normative framework and enforcement.

8. The Head of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being, Russian Federation, reported on the Service's practice of preparing annual reports on consumer protection – circulated to State bodies and non-governmental organizations – that included the results of reviews on consumer protection. The reports provided the basis for deciding on priorities and improving the normative framework. With regard to a road map for the Intergovernmental Group of Experts, the Head encouraged maximum involvement by civil society, and stated that priority should be given to e-commerce, consumer education on financial services and sustainable consumption.

9. The Director General of the Competition Authority, Kenya, stated that the guidelines for consumer protection provided useful guidance on the implementation of consumer protection at all levels – national, regional and international. He reported on progress on statutes on consumer protection in Kenya and noted that the Consumer Protection Act was undergoing further amendments, with regard to altering the requirement to bring dispute resolution before the judiciary. The guidelines encouraged memorandums of understanding between consumer regulators and, in this regard, the Competition Authority had signed a memorandum of understanding with the Kenya Bureau of Standards. With regard to

e-commerce, the Director General referred to the relevance of certain consumer protection issues such as data protection and privacy, and with regard to cross-border consumer rights infractions, he expressed his appreciation for the support of the Federal Trade Commission of the United States to the African Consumer Protection Dialogue. Finally, he stated that the guidelines were timely, promoted enforcement coordination and minimized enforcement costs, in addition to promoting regional and international cooperation.

10. The Deputy Director of the Office of International Affairs of the Federal Trade Commission, United States, noted the significant progress on the normative framework provided by the guidelines. He emphasized that, with the revised guidelines and the new Intergovernmental Group of Experts, there was an opportunity to focus on implementation and experience. Challenges included difficulties in coordination within and across borders, and key areas requiring attention included e-commerce – which was changing the way experts thought of consumer protection – and international cooperation at the policy and legislative levels, as well as peer reviews, which enabled learning from previous good experiences and determining what could be done better.

11. The Director General of Consumers International stressed the role of international cooperation in the revision of the guidelines for consumer protection, and emphasized that, currently, there were two main challenges to be addressed. First, the speed of change as a result of technological developments – by 2020, 70 per cent of the global population would be using smartphones and three quarters of this growth was expected to occur in Africa and Asia. The Director General emphasized the worldwide aspect of such change – the online transportation network Uber Technologies, for example, was active in 60 countries and 400 cities. Such developments could not be dealt with by countries acting alone, and the Intergovernmental Group of Experts needed to develop tools that could be implemented more quickly. Second, with regard to the profile and relevance of consumer protection, the Director General underlined that building awareness was the way to pursue stronger consumer protection. Consumer protection could contribute to achieving the Sustainable Development Goals, including with regard to poverty reduction.

**Engaging stakeholders for the achievement of the Sustainable Development Goals:
Leaving no consumer behind**

12. The first round table was chaired by the Head of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being, Russian Federation, and the panel was composed of a representative of the National Directorate for Consumer Defence, Argentina; a representative of the Authority for Consumers and Markets, Netherlands; the Secretary-General of the Consumer Unity and Trust Society; and a representative of the Committee on International Protection of Consumers of the International Law Association. The discussion addressed four issues, namely, shared responsibility between Governments, consumer organizations and businesses in promoting consumer empowerment; best practices in consumer protection advocacy and business compliance; needs and priorities of vulnerable and disadvantaged consumers; and the importance of the energy, public utilities and tourism sectors in achieving empowerment.

13. With regard to the first issue, all panellists agreed on the importance of strategic alliances between government agencies, consumer and non-governmental organizations and businesses, to foster consumer empowerment, as well as of government agencies working together with organizations representing consumers at the political level. Self-regulation schemes (for businesses and consumers), alternative dispute resolutions and civil litigation needed to be further encouraged, to create bridges with the enforcement pillars of general consumer protection law and with strategic activities related to consumer empowerment.

14. With regard to the second issue, the panellists noted that chapter IV of the guidelines for consumer protection, on principles for good business practices, required full national-

level implementation. The representative of the National Directorate for Consumer Defence detailed the steps taken in Argentina to date in 2016 to implement the guidelines, in particular with regard to the adoption of good business practices, and noted that many stakeholders had been involved in this exercise, such as the congress, trade unions, workers groups and non-governmental organizations. In addition, the Directorate had advocated for self-regulation measures and a proactive supply-side approach by enacting a new code of good commercial practices that was shortly expected to enter into force. The participation of non-governmental organizations had been notable in reaching out to consumers.

15. With regard to the third issue, the Secretary-General of the Consumer Unity and Trust Society highlighted that there was no comprehensive legislation in place in many young consumer protection regimes to enforce consumer protection policy. Instead, there was a complex decentralized system of consumer protection rules, which created serious challenges to effectively protecting consumer rights at a national level. For instance, green consumption issues were, in most countries, handled by the environment authority, not the consumer protection authority. Civil society therefore needed to be more involved in the surveillance of businesses and government enforcement of consumer protection policy decentralized, in order to help achieve the Sustainable Development Goals in countries where primary needs such as food were at stake. In short, civil society played an important role in the cross-sectoral bridging of authorities.

16. With regard to the fourth issue, the representative of the Authority for Consumers and Markets, Netherlands, provided examples of consumer empowerment activities related to advising consumers of their rights and/or obligations, in particular in order for consumers to proactively serve as the “eyes and ears” of the Authority. For example, activities in the travel industry aimed at overcoming the constant use of the technique of drip pricing in the virtual marketplace. In the energy industry, advocacy programmes for consumers included encouragement to interchange suppliers more often, for example through campaigns featuring slogans such as “if you do nothing, you lose your money”.

17. The panellists also addressed another important topic, namely the international dimension of consumer protection, discussing a global action agenda to leave no consumer behind, in which all relevant international organizations and non-governmental organizations needed to be involved. The implementation of the Sustainable Development Goals required a global partnership and the Intergovernmental Group of Experts could play an important role in coordinating the capacity-building efforts of the international community to protect consumer rights globally. The adoption of international principles of consumer protection was proposed and the following five principles were cited: vulnerability; most favourable consumer protection; fairness; responsible lending; and active participation in regulation. Such principles were linked to the achievement of, among others, Goal 1 on poverty and Goal 2 on food security. In this regard, the Intergovernmental Group of Experts needed to negotiate, facilitate and conclude partnerships with consumer and non-governmental organizations, to address cross-border consumer protection enforcement. For example, with regard to tourism, there was a need to promote a new convention to protect international tourists. In addition, the Intergovernmental Group of Experts needed to carry out peer review processes that could identify the limitations of enforcement and propose ways to better address consumer concerns.

Challenges and perspectives for the emerging collaborative economy

18. The moderator for the second round table, the Minister of Economy, Costa Rica, outlined the challenges in finding a balance between applying existing legal frameworks to the emerging collaborative economy – which posed challenges to both consumers and businesses – and ensuring that innovation was not constrained. The panel was composed of the Director General for Competition, Consumption and Fraud Repression, France; a senior

policy analyst of the Organization for Economic Cooperation and Development; the Director General of the Competition and Consumer Protection Commission, Zambia; and the President of the Consumer Protection Authority, Panama.

19. The Director General for Competition, Consumption and Fraud Repression, France, recalled that the genesis of the rapid growth of the collaborative economy had been the financial crisis in 2008, which had led to increased unemployment and reduced consumer purchasing power. The use of new forms of selling and buying goods and services had increased, including e-commerce platforms on the Internet and via social media. Consumers, both collectively and as individuals, had increasingly become influencers through exchanges of information and opinions on Internet platforms. In France, collaborative economy activities had developed in such sectors as finance, transportation, food and clothing. The challenge for policymakers lay in defining the changes and fitting them into existing legal systems, for instance with regard to labour laws, taxation and effects on competition in the marketplace. The competition authority in France was conducting studies to better understand market-related changes and make recommendations on how law and policy should respond. Consumer-to-business transactions had evolved to consumer-to-consumer transactions, and consumers had thus become the suppliers of services. Finally, the issues of trust, accountability and responsibility in transactions were crucial for all actors as they worked towards a trustworthy collaborative economy.

20. The senior policy analyst of the Organization for Economic Cooperation and Development, with regard to the revision of the guidelines for consumer protection, commended UNCTAD for its work and noted that the revision had been a collaborative effort that had included contributions from the Organization for Economic Cooperation and Development. The Organization's guidelines for consumer protection in the context of e-commerce complemented the guidelines for consumer protection. An important change had occurred since the last revision of the latter in 1999, namely, while the scope of the previous edition had covered business-to-consumer transactions (as had the 2006 version of the Organization's guidelines for consumer protection in the context of e-commerce), the revision incorporated consumer-to-consumer aspects. The Organization's terminology referred to a peer consumer platform market. For example, large platforms such as the Airbnb online marketplace and Uber Technologies linked buyers and sellers, leading to peer-to-peer sales. The complex interactions between peer providers and peer consumers helped establish mechanisms to build trust, involving a reputational system for peer screening. In addition, standard laws could be applied. The phenomenal growth of e-commerce had led the Organization to revise its guidelines, and the new guidelines for consumer protection in the context of e-commerce, approved earlier in 2016, reflected emerging issues and certain aspects contained in the guidelines for consumer protection. While the number of e-commerce transactions in the developed world had risen sharply, future growth would take place in emerging economies. Consumer-to-consumer commercial operations stood out as a key area among the many challenges facing policymakers in dealing with emerging issues.

21. The Director General of the Competition and Consumer Protection Commission, Zambia, stated that the collaborative economy should not be ignored, even in developing countries such as Zambia. For example, the accelerated penetration of the use of mobile telephones in Zambia indicated that Internet-based shopping would only grow over time. The collaborative economy could be described as a driver of development. For example, Airbnb and Uber Technologies were used to facilitate travel, PayPal to facilitate monetary transactions and eBay and Facebook to, among others, share ideas on products and services. In Zambia, the main considerations were how to regulate the collaborative economy, especially with regard to cross-border purchases, and how to adapt existing businesses. Currently, Zambians purchased goods online by using systems based in other countries, and the challenge lay in addressing complaints that might arise in relation to such transactions.

Host platforms needed to recognize that users in other countries could access the platforms and that therefore their needs should also be factored in, requiring policy reorientation and international and cross-border collaboration in dealing with disputes arising from such transactions, including with regard to non-delivery, defects and misrepresentation of goods. Accountability and responsibility were required in a collaborative economy, which thus presented opportunities and challenges to be balanced.

22. The President of the Consumer Protection Authority, Panama, noted that there were 7–8 companies in the country providing transport services such as those provided by Uber Technologies. There was a lack of clear regulations and in most cases the laws did not apply to the transactions of these companies. In addition, redress for consumers was lacking and claims could not be processed. The Authority, recognizing that traditional methods might not fit such new services, had responded by establishing new regulations. The processes of Uber Technologies – which could monitor the number and location of cars in service and allow the market to set prices – could serve as lessons learned. The President emphasized that collaborative consumption thrived with improved services and brought benefits to consumers and that policymakers and consumer agencies should welcome such collaboration as long as consumer rights were upheld.

23. During the ensuing discussion, one delegate highlighted that the Intergovernmental Group of Experts was a good platform for consensus-building. Another delegate provided an example from India, which had established a committee to study Uber Technologies and determine whether their operations were in accordance with the rules of a competitive market, and noted that such data could be collected and shared, with exchanges of information at future sessions. Another delegate stated that e-commerce was the future for everyone – for example, in Nigeria, online payments by banking institutions were being examined – and global action was required to deal with cross-border issues. Finally, a representative of a non-governmental organization noted that the International Chamber of Commerce was producing a user guide of good business practices, in accordance with the guidelines for consumer protection.

Capacity-building in consumer protection: Trends and challenges

24. The secretariat, in its introduction to the third round table, noted that the guidelines for consumer protection requested the Intergovernmental Group of Experts “to provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies” (guideline 97). To facilitate discussion, the secretariat had prepared a note entitled “Review of capacity-building in and technical assistance on competition law and policy” (TD/B/C.I/CPLP/3), which noted that, prior to the mandate provided in General Assembly resolution 70/186, capacity-building on consumer protection policy provided by UNCTAD in developing countries had been carried out under the new global strategy on competition and consumer protection policies. The panel was composed of a representative of the Federal Trade Commission, United States; the Director of the Consumer Rights Protection Department of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being, Russian Federation; and the Acting Consumer Protection Director, Ministry of Economy and Trade, Lebanon. The discussion addressed three issues, namely, current needs in consumer protection capacity-building at the national and regional levels; learning experiences from the most successful existing consumer protection capacity-building initiatives; and the role UNCTAD could play in this area in the multilateral arena.

25. The representative of the Federal Trade Commission, United States, highlighted the changing dynamics in the economic environment, such as rapid technological changes, increasingly complex products, the growing role of services, greater awareness of the needs of disadvantaged consumers and increased public expectations for effective consumer

protection. The representative also highlighted the challenge of increased cross-border trade and the jurisdictional limitations faced by consumer protection authorities. Solutions to such challenges could be developed under the mandate for capacity-building of the Intergovernmental Group of Experts. Capacity-building issues, such as best practices, could be identified at local and regional levels; local issues included the implementation of law and policy reform and regional issues included cross-border collaboration, to share information, create synergies and maximize resources, as well as the training of specialized experts and sharing of investigative techniques. The representative emphasized the need for capacity-building to involve all staff and not remain limited to experts, in order to help amplify the reach of capacity-building in beneficiary countries. For example, UNCTAD capacity-building could be developed through stocktaking exercises on key issues at national and regional levels and through cooperation with both developed and developing countries in different regions.

26. The Director of the Consumer Rights Protection Department of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being, Russian Federation, detailed experiences of cooperation with regard to consumer protection among member States of the Commonwealth of Independent States, highlighting the following points: the Commonwealth had established an independent body, the Advisory Council for Consumer Protection Rights of Member States of the Commonwealth, to consider issues such as priority trends in consumer protection, improving financial literacy and the creation of a financial ombudsman's office; an analytical review of consumer protection in the member States of the Commonwealth had been prepared, to emphasize certain areas and direct the work of the competent authorities for consumer rights protection of member States of the Commonwealth, including an attempt to harmonize standards by preparing a model for such competent authorities that would be required as input for future integration processes; a recent decision of the member States of the Commonwealth regarded consumer protection issues and fair competition issues as historically linked, and the next step in improving the capacity of the Council was cooperating with other sectoral bodies through memorandums of understanding to coordinate positions and approaches; and work on financial services was important. The Director noted that consumer rights protection was essential for members of the Eurasian Economic Union, and that related provisions were included in the Treaty on the Eurasian Economic Union, on an equal basis with technical regulations and the application of sanitary, veterinary and phytosanitary measures.

27. The Acting Consumer Protection Director, Ministry of Economy and Trade, Lebanon, outlined steps in undertaking capacity-building, from legislation and planning to enforcement. Initially, the related laws, for example for e-commerce, needed to be amended at the same pace as those related to trade development, and quality and safety standards needed to be properly developed and enforced. Then, at the planning stage, there was a need to identify and analyse consumer market problems and challenges and to develop awareness and educational programmes for consumers, as well as to strengthen coordination by developing an integrated cooperation system in specific areas such as product safety and labelling, e-commerce and services related to telephones and the Internet, consumer credit and banking, health care and professionals. Training in effective consumer protection and in management and leadership skills was required, and UNCTAD could contribute by assisting in the development of an information exchange system in the Middle East and North African region, as well as a rapid alert system on dangerous products (product safety), and by assisting in the exchange of expertise through training sessions, seminars and study visits and in the harmonization of regulations and standards.

28. The secretariat detailed the global UNCTAD eTrade for All Initiative aimed at raising awareness of the unique opportunities of States, mobilizing available human and financial resources for the implementation of projects to address existing challenges and constraints, and strengthening coherence and synergies among partner activities in

developing countries. The growth of e-commerce had opened up opportunities, yet entailed challenges, and barriers to this growth included limited Internet use among businesses and consumers; lack of awareness among Governments and regulators; concerns about possible adverse effects; insufficient access to information and communications technology infrastructure; inadequate trade logistics and facilitation; lack of security and trust in online transactions; limited skills in performing e-commerce transactions; weak legal and regulatory frameworks; and a lack of trade finance. In this regard, several speakers highlighted national and regional capacity-building needs.

29. During the ensuing discussion, one delegate highlighted the benefits of the UNCTAD programme for Competition and Consumer Protection for Latin America (COMPAL) funded by the Government of Switzerland. A manual of good practices for consumer protection had been produced for Costa Rica, enabling traders to better relate to consumers, and a management manual assisted the optimal use of resources. COMPAL had helped educate companies about anti-competitive practices and mergers, establish e-learning tools for youth and facilitate training in schools and universities. Several participants underscored the important role that UNCTAD could play in awareness building. Finally, two delegates requested additional technical cooperation support by UNCTAD.

C. Method of work and work programme for the Intergovernmental Group of Experts on Consumer Protection Law and Policy for the period 2016–2020, including consultations and discussions regarding peer reviews on consumer protection law and policy, capacity-building and technical assistance on consumer protection law and policy

(Agenda item 3 (b))

Method of work and work programme

30. The first interactive discussion was chaired by a representative of the Competition Commission, Malaysia, who recalled the mandate of the Intergovernmental Group of Experts in the guidelines for consumer protection (guideline 97). To facilitate discussion, the secretariat had prepared a note entitled “Method of work and work programme, 2016–2020” (TD/B/C.I/CPLP/2), which noted that 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 would decide on the work programme for the Intergovernmental Group of Experts between 2020 and the following conference in 2025, which would consider the renewal of its mandate. The periodic review of the guidelines had been foreseen, and a report on implementation of the guidelines in 2016–2020 would be submitted to the conference in 2020.

31. With regard to studies and research, participants proposed that the Intergovernmental Group of Experts discuss two substantive issues at each session, divided into horizontal issues and vertical or sectoral issues. Capacity-building and technical assistance – long-term activities at the core of UNCTAD work on consumer protection – were also a function of the Intergovernmental Group of Experts, namely with regard to ongoing programmes in Ethiopia, in Association of Southeast Asian Nations member States and in the Middle East and North African region, along with COMPAL, funded by voluntary contributions from Australia, Luxembourg, Sweden, Switzerland and the Association of Southeast Asian Nations.

32. Several delegates noted that the work programme for the Intergovernmental Group of Experts should be defined for a maximum of two years, in order to allow for adjustments in the first phase of its work. Most of the delegates expressed a preference for 2–3 concrete

topics, among others, the collaborative economy, international cooperation, powers of consumer protection authorities, good practices (horizontal), electronic payments, financial services and product safety (namely food products and pharmaceuticals), along with alternative dispute resolution and tourism. A few delegates sought clarification on applying for capacity-building support, one delegate suggested developing e-learning platforms and one delegate proposed establishing a forum to study the guidelines for consumer protection. Another delegate stated that the needs of vulnerable consumers should be kept in mind in all the work to be carried out. With regard to a query on extrabudgetary voluntary contributions from member States versus the re-allocation of internal UNCTAD resources, the secretariat highlighted the significance of member State cooperation in terms of the secondment of experts, for example, as currently provided by Japan and the Republic of Korea. The scope of the work programme needed to be clearly defined, as not every issue suggested was within the remit of consumer protection authorities. The chair of the discussion concluded by requesting that the secretariat propose a work programme encompassing the ideas discussed.

Methodology for voluntary peer reviews on consumer protection law and policy

33. The second interactive discussion was chaired by a representative of the Competition Commission, Malaysia. The panel was composed of an adviser from the Australia Indonesia Partnership for Economic Governance; the Director of the Consumer Rights Protection Department of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being, Russian Federation; and the Deputy Director of the Office of International Affairs of the Federal Trade Commission, United States. The discussion addressed three issues, namely, key substantive features with regard to the approach, method of work, outcomes and stakeholder participation in conducting voluntary peer reviews on consumer protection law and policy; similarities to the established process for conducting voluntary peer reviews on competition law and policy; and whether any modifications should be made to the methodology for peer reviews on consumer protection.

34. With regard to the first issue, the panellists agreed on the importance of the peer review process, as it impacted the work of authorities in at least three dimensions, namely, providing an impulse for their work, learning from the best practices of others and creating consensus in the realm of enforcement activities. Peer reviews needed to consider not only laws and institutions but also regional arrangements that might affect the way countries implemented consumer protection policy. It was important to conduct preliminary field work to gather data on the system and level of consumer protection before a country or consumer protection authority embarked on a peer review exercise, and such a step would greatly assist in the successful implementation of a peer review since it could serve as a consumer diagnostic tool to identify the elements of consumer protection and detail problems, needs, challenges, resources and capacity.

35. With regard to the second issue, peer reviews on consumer protection could adopt from peer reviews on competition the imperative focus on development and consumer welfare. In addition, capacity-building activities and technical assistance mechanisms could be maintained, to ensure the adequate implementation of recommendations. With regard to differences between the two processes, the panellists emphasized that while a settled body of law and institutions that were to a great extent homogenous were in place for competition issues, consumer protection issues were specific to each State. For example, in Thailand, about 50 agencies oversaw consumer protection matters at the national level. Finally, the subject matter of peer reviews needed to draw on the guidelines for consumer protection and the *Manual on Consumer Protection* prepared by the secretariat.

36. With regard to the third issue, the panellists agreed that there was a need to maintain some flexibility as member States initiated peer review processes. A voluntary request to be

reviewed and the identification of interests could be considered a starting point, while obtaining funding and mobilizing resources might present some obstacles. The panellists agreed that a change in mindset and the scaling of reviews to a viable extent could help ease financial constraints. In conjunction with experts engaged by the secretariat, an advisory group of peers providing inputs and help in formulating queries could assist the successful outcome of the process, as well as in the follow-up of peer review recommendations.

37. The secretariat, based on experiences with peer reviews on competition, highlighted the selection criteria for peer reviews on consumer protection, including the experience and suitability of a consumer authority and sustainability. Peer review panels comprised 3–5 reviewers, an independent consultant and UNCTAD staff members; reviewers needed to be close – in terms of geographical location, culture and language, among other factors – to the country undergoing review. The process included consultations, assessments and post-assessment activities in relation to the implementation of recommendations. With regard to impacts, peer reviews resulted in the identification of strengths and weaknesses, paved the way for exchanges of best practices and collaborative learning and allowed for the engagement of relevant stakeholders. Peer reviews could also include a road map for implementing the recommendations.

38. During the ensuing discussion, participants highlighted the sharing of experiences and suggestions with regard to the creation of a global partnership on consumer protection, starting with a process that identified all relevant actors in the enforcement of consumer protection policy. One delegate suggested identifying a list of heads of consumer protection, to be circulated by the secretariat. With regard to the scope of peer reviews, that is, the specific areas to be reviewed, participants noted the diversity between countries and enforcers; setting up the format for the responsible agency was thus a prerequisite to the conduct of a peer review. The peer reviews on competition were a good stepping stone but not sufficient, and there was a need to determine the markedly different scope of peer reviews on consumer protection, as consumer protection authorities were a different set of institutions, and were not necessarily subject to public scrutiny at the international level. All participants agreed that solutions could be found in the guidelines for consumer protection. Finally, the following three-stage approach for successfully implementing peer reviews on consumer protection was suggested: focus on the review the reviewee would like to see; circulate a questionnaire (prepared by the secretariat) to all member States to enable them to carry out their own reviews; and conduct a peer review.

39. The representative of a non-governmental organization noted that comparing peer reviews on competition and consumer protection was difficult as many countries did not have a consumer protection policy, and only Japan and Sweden had peer review policies embedded in their consumer protection laws. In addition, peer reviews were challenging, as consumer protection involved several institutions and various laws in each State. Therefore, the representative stated that peer reviews should focus on certain areas such as redress or product safety. The latter covered a large number of areas; for example, the Consumer Unity and Trust Society had developed a consumer protection index that evaluated 25–30 areas in which consumers needed to be protected.

40. The representative of another non-governmental organization stated that peer review reports should be made available in order for consumers to see the results. Consumer protection went beyond the mandate or function of consumer protection authorities, and involved, among others, utilities, sectoral regulators and financial services regulators. Consistent data collection could assist the conduct of good comparisons.

41. The representative of a regional group suggested reducing the planning cycle to two years and that UNCTAD should carry out a mapping exercise to identify consumer institutions and their powers. Contact points in States could include non-governmental organizations and other institutions, and this would assist in determining the areas of focus

of the Intergovernmental Group of Experts. Work related to collecting and analysing data would require additional resources.

42. One delegate noted that the Intergovernmental Group of Experts should focus on the implementation of the guidelines for consumer protection; a comprehensive consumer protection policy was required, rather than a sectoral focus. Another delegate stated that the secretariat should prepare a set of questions and issues for self-evaluations by States. Yet another delegate stated that COMPAL showed that it was possible to work together as a group; that, with regard to peer reviews, there was a need to consider the many laws related to consumer protection; and that academia could play a major role in this regard, as comparative studies could be conducted by universities. Another delegate presented an example of a task force established in India to study the implementation of the guidelines for consumer protection – composed of five representatives from voluntary consumer organizations, two from businesses and two from a consumer protection authority – with each member requested to analyse the relevance for India of a specific chapter of the guidelines and determine whether a law or institution on that issue existed in the State. The delegate noted that States needed to determine which chapters were priorities for them.

43. Finally, several delegates expressed support for the recognition by the General Assembly of 15 March as world consumer rights day.

III. Organizational matters

A. Election of officers

(Agenda item 1)

44. At its opening plenary, on 18 October 2016, the Intergovernmental Group of Experts on Consumer Protection Law and Policy elected Mr. Atef Yacoub (Egypt) as its Chair and Ms. Anna Y. Popova (Russian Federation) as its Vice-Chair-cum-Rapporteur.

B. Adoption of the agenda and organization of work

(Agenda item 2)

45. Also at its opening plenary, the Intergovernmental Group of Experts adopted the provisional agenda contained in document TD/B/C.I/CPLP/1. The agenda was thus as follows:

1. Election of officers;
2. Adoption of the agenda and organization of work;
3. (a) Launch of the United Nations guidelines for consumer protection and discussions on related matters;
 - (b) Method of work and work programme for the Intergovernmental Group of Experts on Consumer Protection Law and Policy for the period 2016–2020, including consultations and discussions regarding peer reviews on consumer protection law and policy, capacity-building and technical assistance on consumer protection law and policy;
4. Provisional agenda for the second 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 second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

(Agenda item 4)

46. At its closing plenary, on 18 October 2016, the Intergovernmental Group of Experts approved the provisional agenda for its second session (annex I).

D. Adoption of the report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

(Agenda item 5)

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

Annex I

Provisional agenda for the second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

1. Election of officers;
2. Adoption of the agenda and organization of work;
3. Legal and institutional framework for consumer protection;
4. Electronic commerce;
5. Report of the implementation of the United Nations guidelines for consumer protection by member States and relevant stakeholders;
6. Review of capacity-building and technical assistance;
7. Provisional agenda for the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy;
8. Adoption of the report of the second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

Annex II

Attendance⁴

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

Algeria	Malaysia
Antigua and Barbuda	Mexico
Argentina	Morocco
Bahamas	Myanmar
Bhutan	Namibia
Bosnia and Herzegovina	Nepal
Botswana	Netherlands
Brazil	Nicaragua
Burkina Faso	Nigeria
Cambodia	Oman
Canada	Pakistan
China	Panama
Colombia	Paraguay
Congo	Peru
Costa Rica	Philippines
Cuba	Portugal
Côte d'Ivoire	Qatar
Dominican Republic	Republic of Korea
Ecuador	Russian Federation
Egypt	Saudi Arabia
Ethiopia	Senegal
France	Spain
Germany	Swaziland
Hungary	Sweden
India	Switzerland
Italy	Tunisia
Jordan	Turkey
Kenya	United Arab Emirates
Kuwait	United Republic of Tanzania
Lao People's Democratic Republic	United States of America
Lebanon	Uruguay
Luxembourg	Zambia
Madagascar	Zimbabwe

2. The following member of the Conference was represented at the session:

Holy See

3. The following non-member observer State was represented at the session:

State of Palestine

⁴ This attendance list contains participants. For the list of registered participants, see TD/B/C.I/CPLP/INF.1.

4. The following intergovernmental organizations were represented at the session:
 - Caribbean Community
 - European Union
 - League of Arab States
 - Organization for Economic Cooperation and Development
 - West African Economic and Monetary Union
 5. The following United Nations organs, bodies and programmes were represented at the session:
 - United Nations Human Settlements Programme
 6. The following specialized agencies and related organizations were represented at the session:
 - Food and Agriculture Organization of the United Nations
 - World Tourism Organization
 7. The following non-governmental organizations were represented at the session:
 - General category:*
 - Consumer Unity and Trust Society International
 - Consumers International
 - Global Traders Conference
 - International Chamber of Commerce
 - International Law Association
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