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Framework for voluntary peer reviews on consumer protection law and policy

Note by the UNCTAD secretariat

Executive summary

General Assembly resolution 70/186 mandates the Intergovernmental Group of Experts on Consumer Protection Law and Policy to conduct voluntary peer reviews on consumer protection law and policy. The purpose of voluntary peer reviews in this field is to provide an external and independent assessment of the effectiveness of consumer protection law and policy in a given country; to identify the challenges to be addressed and areas to be improved in the legal and institutional frameworks, thereby contributing to enhancing quality, efficiency and consumer protection regimes; to assess the consumer protection awareness of relevant stakeholders and their contributions in this area; to formulate and recommend appropriate measures, designed in consideration of the economic and developmental particularities of each country, to address these challenges; and, where appropriate, to assist countries in implementing the recommendations by developing a capacity-building project in consultation with the country concerned. Since voluntary peer reviews in the field of consumer protection are a new global exercise, this note explains their underlying rationale, proposes a methodology and explores different modalities for consideration by the Intergovernmental Group of Experts.



Introduction

1. On 22 December 2015, the General Assembly adopted resolution 70/186 on consumer protection, including the revised guidelines for consumer protection and the decision to establish the Intergovernmental Group of Experts on Consumer Protection Law and Policy, within the framework of an existing commission of the Trade and Development Board of UNCTAD, to provide the international institutional machinery for the guidelines.¹

2. Guideline 97 (c) states that the Intergovernmental Group of Experts will “conduct voluntary peer reviews on national consumer protection policies of Member States, as implemented by consumer protection authorities”.

3. The first session of the Intergovernmental Group of Experts was held on 17 and 18 October 2016. The Intergovernmental Group of Experts adopted its method of work and work programme until 2020, when 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 will be held. The Intergovernmental Group of Experts devoted one interactive discussion to the methodology for voluntary peer reviews on consumer protection law and policy. The discussion addressed three issues, namely, key substantive features with regard to the approach, method of work, outcomes and stakeholder participation in conducting peer reviews; 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. Experts highlighted the need to conduct extensive fieldwork to gather sufficient data before embarking on a peer review exercise; the need to take into account the breadth of consumer protection policies, which are usually broader than competition ones; and interest in keeping some flexibility in developing a methodology as member States initiate the peer review process. In its agreed conclusions, inter alia, the Intergovernmental Group of Experts:²

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.

4. This note proposes a framework for voluntary peer reviews on consumer protection law and policy. Chapter I develops the rationale for conducting such peer reviews. Chapter II proposes a methodology for peer reviews inspired by UNCTAD experiences in facilitating voluntary peer reviews on competition law and policy. Chapter III presents modalities for the implementation of peer reviews. Chapter IV proposes some questions for discussion at the second session of the Intergovernmental Group of Experts. The annex contains a proposed results framework and workplan for peer reviews.

I. Rationale

5. Voluntary peer reviews on consumer protection law and policy are a new global exercise. Although an analogous exercise has been carried out in the field of competition by UNCTAD and other international institutions for some years, no such process exists in the

¹ A/RES/70/186.

² TD/B/C.I/CPLP/4.

field of consumer protection. This chapter outlines the purpose and rationale for conducting peer reviews on policy and law enforcement, as well as the two most salient characteristics that ensure a successful outcome, namely ownership and impact.

6. The purposes of a peer review are as follows: to provide an external and independent assessment of the effectiveness of the policy and law enforcement in a given country; to identify the challenges to be addressed and areas to be improved in the legal and institutional framework, thereby contributing to enhancing the quality, efficiency and effectiveness of consumer protection law and enforcement; to assess the awareness, engagement and contributions to consumer protection of relevant stakeholders – consumer organizations, other non-governmental organizations, the business community, academia and media; to formulate and recommend appropriate measures, designed in consideration of the economic and developmental particularities of each country, to address the challenges; and, where appropriate, to assist countries in implementing the recommendations by developing a capacity-building project in consultation with the country concerned.

7. As UNCTAD has been providing technical assistance and capacity-building in the area of consumer protection for some years, it is especially appropriate that it is the international organization mandated to facilitate voluntary peer reviews on consumer protection law and policy. It is hoped that UNCTAD will further develop and extend its expertise through this exercise.

8. Peer reviews provide an opportunity for countries to learn from the experiences of other, peer authorities, to improve their legislative regimes and the effectiveness of their agencies. They are also important tools for countries to identify best practices at the international level and to cooperate with regional and international partners in this context. The interactive aspect of peer review discussions promotes knowledge and experience-sharing between authorities at the regional and international levels. Mutual understanding is encouraged, paving the way for informal cooperation.

9. Experts at the first session of the Intergovernmental Group of Experts agreed on the value of conducting peer reviews on consumer protection, as they would provide an impulse for the work of consumer protection authorities, “learning from the best practices of others and creating consensus in the realm of enforcement activities”.³

10. One of the main reasons for conducting a peer review is to support national efforts to advance consumer protection among all stakeholders, namely, the relevant ministry, the judiciary, the consumer protection authority, other public bodies responsible for consumer protection in specific fields and/or issues, sectoral regulators, consumer organizations, other non-governmental organizations, the business community, academia, media and society at large. In contrast with the field of competition law and policy, national consumer protection is frequently handled by a number of public bodies – some with a general horizontal scope of competencies and others with sector-specific or thematic responsibilities – and by private bodies, such as consumer organizations that may perform tasks in areas such as complaints handling and consumer advice and education, and business associations that may provide for dispute resolution through self-regulation initiatives. It is thus necessary, when conducting a peer review, to engage public and private institutions, as close interaction with all relevant stakeholders is paramount for a successful, comprehensive and detailed examination of the consumer protection environment.

11. Stakeholders will have different expectations regarding a peer review in their country. In broad terms, consumer protection authorities may aim for further attention and support and increased visibility for their work, with the assistance of the independent peer review assessment; attempt to secure more resources; and strive for policy coherence with other governmental actors. Consumer organizations may wish to increase their formal role and recognition in the consumer protection framework. The business community may seek to increase its knowledge of consumer protection law and policy and their effects, as well as to contribute substantively to potential policy revisions. Consumers may wish to benefit from an updated legislative and institutional framework yielding greater welfare. Finally,

³ TD/B/C.I/CPLP/4.

academia may be interested in offering programmes and curriculums better adjusted to students.

12. In order to realize their expectations, different stakeholders mainly need support in the following four areas: strengthening the policy and legal framework; strengthening institutional capacity; enhancing enforcement capacities; and raising awareness among consumers and businesses and consumer protection advocacy at the governmental level, as well as among other stakeholders, such as academia and media. Voluntary peer reviews on consumer protection law and policy should always address these areas.

13. High-impact advocacy among stakeholders is one of the most directly tangible benefits of peer reviews. The business community may perceive consumer protection as an administrative hurdle before integrating it into its business culture. Furthermore, consumer protection is often the responsibility of several public bodies, so coordination can be a challenge. It may not be an issue of highest priority for some Governments. Peer reviews are often an eye-opener for stakeholders, and raise the visibility of the consumer protection authority and the recognition of its work by other key players. They also contribute to enhancing the consumer protection culture. A peer review facilitated by UNCTAD provides invaluable support to consumer protection authorities pursuing reforms in this area, as stakeholders will generally be more receptive to conclusions and recommendations adopted by an expert independent assessment facilitated by an international organization such as the United Nations.

14. A major asset of conducting peer reviews on consumer protection through the Intergovernmental Group of Experts is the opportunity offered for exchanging experiences among countries. There are numerous regional and subregional initiatives addressing consumer protection, and UNCTAD provides the ideal platform for a global dialogue. The mandate “to provide an annual forum and modalities for multilateral consultations, discussion and exchange of views between Member States on matters related to the guidelines, in particular their implementation and the experience arising therefrom”⁴ is realized in discussions as part of the peer review process, at which challenges faced by the country undergoing review are shared and discussed. Furthermore, UNCTAD expertise with regard to trade, consumer protection, competition and development policies is a great advantage in addressing challenges in developing and implementing effective consumer protection law and policy and promoting a consumer protection culture.

15. The exchange of best practices during peer reviews supports two other objectives of the Intergovernmental Group of Experts, namely, consensus-building and international cooperation. The peer review process greatly contributes to identifying trends in market developments that are usually shared by a plurality of countries. The ensuing debates clarify the policy and enforcement options that have been most effective, crystalizing these in a benchmarking exercise, which can feed into the formal consensus-building exercises of the Intergovernmental Group of Experts.

16. With regard to international cooperation, the inclusive nature of the peer review process sends a positive signal to other agencies and development partners by showing the openness of the reviewed institution to cooperating with other authorities, as well as its commitment to improving its legal and institutional framework for more effective consumer protection law enforcement.

17. In this context, a peer review provides an opportunity for the country that has undergone review to benefit from UNCTAD capacity-building and technical assistance in implementing the review recommendations. A peer review also helps the authority that has undergone review to engage in international cooperation with other consumer protection authorities, thereby building its capacity and strengthening its enforcement efforts. This process eventually contributes to identifying and sharing best practices, and leads to the convergence of legislation and enforcement practice between different jurisdictions in the area. The country that has undergone review has full ownership of the process and therefore participates in the design and development of measures that take into consideration its particular circumstances and specific needs in the follow-up phase.

⁴ A/RES/70/186.

A. Ownership

18. UNCTAD peer reviews are conducted on a voluntary basis, in contrast to policy reviews in other areas, such as the Universal Periodic Review under the Human Rights Council (see <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>). The voluntary nature means that the country undergoing review participates in the design and development of measures that take into consideration its particular social, economic and political circumstances and specific needs, and retains ownership throughout the process, namely, in the selection of reviewers, decision on the scope of the review; designation of international consultant(s); verification of the report; dissemination of the results and recommendations; and follow up in implementation of the recommendations.

19. First, a country decides when to request a peer review, following a self-assessment on the selection criteria of experience, suitability and sustainability (see chapter II (A)). Once the request has been accepted, the country identifies the peer reviewers. A country undergoing review tends to choose peers with more advanced but similar legal and institutional experiences, particularly those that the country undergoing review perceives as an inspiration with regard to policy and enforcement improvements.

20. Second, the country undergoing review decides on the scope of the exercise, defining which sectors and aspects of national consumer protection law and policy – if not all – should be covered. Some delegates at the first session of the Intergovernmental Group of Experts showed concern over the potentially overwhelming nature of peer reviews on consumer protection, if all sectors and areas having an impact on consumer protection were reviewed. This may best be resolved by the country undergoing review, as it is best placed to grasp the complexities of national policymaking and its implementation and decide on the most effective and efficient way to conduct the review (see chapter II (D)).

21. Third, the UNCTAD secretariat proposes a pool of leading international experts, and the country undergoing review selects the independent consultant(s) who will conduct the fact-finding mission and write the report that will form the basis of the peer review.

22. Fourth, the country undergoing review participates in the drafting of the report by the independent consultant(s), along with the UNCTAD secretariat, which provides technical and administrative support. This includes liaising with relevant stakeholders and organizing the fact-finding mission, as well as providing comments on drafts of the report, especially to correct errors of fact or interpretation.

23. Fifth, after the peer review during a session of the Intergovernmental Group of Experts, the country that has undergone review continues to maintain ownership regarding the dissemination of the results at the national level, providing for discussions on the findings and recommendations and ways forward in implementing the recommendations. Since the recommendations stem from an external and independent assessment, their advocacy potential is multiplied. Relevant stakeholders in consumer protection matters are much more receptive and open to considering the recommendations since they are issued through the Intergovernmental Group of Experts, and the advocacy efforts of the country that has undergone review are thereby reinforced.

24. Finally, the country that has undergone review participates in the follow up of the recommendations by designing its implementation road map, if necessary with the assistance of the UNCTAD secretariat. When necessary, development partners are invited to join efforts in implementing a technical cooperation and capacity-building project.

25. Ensuring ownership by the country undergoing review is essential to the sustainability of a peer review. In many countries, peer reviews enhance stakeholder understanding and appreciation of the role of consumer protection policies in economic development. As consumer protection by definition actively involves several public bodies and private entities, it is important to ensure engagement, participation and dialogue with all stakeholders throughout the exercise. This is an important building block in securing the impact of the outcomes of the peer review process.

B. Impact

26. UNCTAD has over 11 years of experience in facilitating voluntary peer reviews on competition law and policy, enabling an assessment of its impact, which may be useful when designing voluntary peer reviews on consumer protection law and policy. By agreeing to share its work with others, a country that volunteers for a peer review facilitates a truthful and proactive self-assessment that helps pinpoint strengths and weaknesses in an environment that allows for external participation without creating an interrogative or hostile atmosphere. The open nature of the consultations phase promotes transparency, boosts the confidence of the stakeholders involved and signals an outward rather than inward orientation. The emphasis on an exchange of experience in the assessment phase means that the authority undergoing review (and other participants) stands to benefit from direct dialogue. With advice and encouragement, weaknesses may be addressed in a cost-effective manner, with the added advantage of collaborative learning.

27. The high level of expertise at UNCTAD with regard to trade, consumer protection, competition and development policies plays a positive role in highlighting consumer protection challenges in a wider policymaking context. This is of special interest when legislative changes in consumer protection have an impact on other policy areas, as it may prove necessary for the consumer protection agency to defend changes before other branches of Government.

28. One of the successes of the peer reviews has been the engagement by UNCTAD in assisting, when necessary, the country undergoing review in the implementation of the peer review recommendations. For the follow-up of the peer review process, UNCTAD develops a capacity-building project. For example, following the peer review on competition law and policy in Zimbabwe, a capacity-building project was implemented between June 2014 and September 2016.⁵ This project was funded by the European Union and significantly contributed to raising awareness of competition law and its benefits in Zimbabwe among Government institutions, parliamentarians, the business community, universities and consumers. It also enhanced the law enforcement capacities of the judiciary, competition officials and commissioners.

29. Another positive externality of the peer review process is its impact on international cooperation. The process allows the country undergoing review to participate in international relations not only with reviewers, but also with all delegates participating in the relevant session of the Intergovernmental Group of Experts. This is a unique occasion for all official stakeholders in the peer review process, namely consumer protection authorities, permanent missions to the United Nations Office at Geneva and development partners, to engage and to make resources meet needs.

30. Peer reviews have a significant impact on facilitating international cooperation between the agencies reviewed and development partners. Increased interest by development partners to co-finance or otherwise support peer review processes, including through facilitating the involvement of competition experts in the follow-up phase, constitutes a further dimension of the impact achieved to date by peer reviews.

31. UNCTAD has organized numerous training activities for local officials, regional and subregional cooperation activities and workshops for the staff of agencies, including round-table discussions on issues related to peer review recommendations. In the organization of such workshops, UNCTAD works closely with national agencies and stakeholders that have the most relevant experience in the field. Study tours are also an important element of capacity-building. They enable an enriching exchange of views on best practices between competition authorities and provide an opportunity for the agencies of developing countries to deepen their knowledge of policymaking and enforcement.

32. According to an external evaluation in 2015 of the voluntary peer reviews on competition law and policy, the reviews have been successful in many ways, namely, by

⁵ UNCTAD, 2012, *Voluntary Peer Review of Competition Law and Policy: A Tripartite Report on the United Republic of Tanzania – Zambia – Zimbabwe* (New York and Geneva, United Nations publication).

delivering high-quality and practical recommendations with clear road maps for members to follow, increasing the capacities and impacts of the work of agencies and raising awareness among other national and international stakeholders.⁶ In general, the surveyed authorities agreed that the peer review process had contributed per se, and continued to contribute to building the capacity of the agencies in implementing their mandates and understanding the strengths and weaknesses of national law and policy and its enforcement. Most countries noted that the follow-up activities of the peer review process, in terms of capacity-building and technical assistance, were one of its greatest strengths. With regard to the quality of assistance, the authorities indicated that one of the main reasons for approaching UNCTAD to request a peer review of their laws and policies was the high level of rigour and quality of the reviews overall, which they cited as very important for them. The reports had been used in amending legislation, advocacy and establishing new training agendas for staff. All respondents indicated that one of the main reasons for undertaking a peer review was the high level of the technical assistance provided.

33. Peer reviews raise awareness of the need to provide stakeholders – such as judicial bodies empowered with the scrutiny of breaches of competition law, ministries, private practitioners, academia and universities, journalists and media – with capacity-building and training activities. The peer review reports incentivize such exercises and make training activities available to some of these stakeholders.

34. UNCTAD experience in voluntary peer reviews on competition law and policy and its external recognition thus serve as an important asset in the launch of voluntary peer reviews on consumer protection law and policy. This is also relevant with regard to the methodology to be used.

II. Methodology

35. Guideline 97 (c) requests the Intergovernmental Group of Experts on Consumer Protection Law and Policy to conduct voluntary peer reviews on the national consumer protection policies of member States, as implemented by consumer protection authorities. The following sections outline a suggested methodology for voluntary peer reviews on consumer protection based on lessons learned from UNCTAD experiences in voluntary peer reviews on competition law and policy, incorporating consumer protection law and policy specificities, in particular with regard to selection criteria, peer reviewers, the peer review process, the scope of peer reviews and their funding.

A. Selection criteria

36. Peer reviews are voluntary, and interested consumer protection authorities are invited to direct their requests through their respective permanent missions to the United Nations Office at Geneva. Candidatures will be assessed on the following criteria:

- (a) Experience: Number of years in implementing consumer protection policies
- (b) Suitability: Opportunity for policy improvement, adjustment or reform
- (c) Sustainability: Appropriate capacities for implementing and monitoring the peer review recommendations and ensuing technical cooperation project, if applicable.

⁶ UNCTAD, 2015, *External Evaluation of UNCTAD Peer Reviews on Competition Policy* (New York and Geneva, United Nations publication).

In 2005, the Jamaica Fair Trading Commission and Kenya Monopolies and Prices Commission were the first agencies to undergo the peer review process. Since then, the following have undergone peer reviews on competition law and policy: Tunisia (2006); West African Economic and Monetary Union (2007); Costa Rica (2008); Indonesia (2009); Armenia (2010); Serbia (2011); Mongolia (2012); United Republic of Tanzania, Zambia and Zimbabwe tripartite review (2012); Nicaragua (2013); Pakistan (2013); Ukraine (2013); Namibia (2014); Philippines (2014); Seychelles (2014); Albania (2015), Fiji and Papua New Guinea bipartite review (2015); Uruguay (2016).

B. Peer reviewers

37. UNCTAD identifies and invites reviewers to constitute a panel of peer reviewers, usually consisting of three, but at times four or five, members. The panel, consisting of representatives from member State consumer protection authorities, is responsible for undertaking consultations and reviewing the findings and recommendations of the peer review report. Participation by peers – equal in ability, standing, rank or value – from member States at different levels of development brings together contemporaries who share a common interest in the relevant matters, and offers an additional and valuable contribution to the review process. UNCTAD provides secretarial and technical support for the organization of the peer review session during sessions of the Intergovernmental Group of Experts and, where applicable, for the design of implementation road maps.

C. Process

38. The various activities and approximate time frames for each phase of a peer review process are shown in box 1. Peer reviews start with consultations and culminate in a detailed draft report, which is prepared by one or more independent international consultants. The country undergoing review has the opportunity to assess the report for factual errors before it is finalized.

39. The second phase is an assessment, which is a formal interactive exchange between the panel of peer reviewers and the country undergoing review, based on the findings in the report. The role of the reviewers is advisory and focused on assisting the authority undergoing review to address weaknesses and identify solutions for problems. During an interactive discussion at a session of the Intergovernmental Group of Experts, officials from the authority undergoing review have the opportunity to clarify the findings and recommendations in the report. In addition, other member States may pose questions and provide insight on issues arising from the report, drawing from their own experiences. The strengths and weaknesses of a country's framework and policies are identified during the consultations and assessment, and the identification of strengths contributes to the general identification and exchange of good practices among member States. The assessment phase concludes with a discussion on the way forward and the consideration of strengths and areas and issues for possible improvement.

40. The post-assessment phase follows the identification of areas and issues for possible improvement. Based on these, and if required, UNCTAD prepares a technical cooperation and capacity-building project proposal for consideration by the country and potential development partners. UNCTAD thereby contributes to building the capacity of national agencies in implementing their mandates and exercising their functions.

41. Another important phase of the work by UNCTAD is related to the dissemination of the results of the peer review in the country that has undergone review. The final evaluation report is published by UNCTAD in both hard copy and online. In order to maximize the advocacy potential of the results and recommendations, UNCTAD and the country that has undergone review organize dissemination events for national stakeholders, in particular, members of the executive, legislative and judicial branches, sector regulators, businesses, consumer associations, academia and media.

Box 1

Peer review process

<i>Phase</i>	<i>Activities</i>	<i>Duration</i>	<i>Output</i>
Consultations	Identify and contract independent consultant(s) Prepare schedule of interviews and undertake fact-finding mission to country Prepare draft report and send to authority undergoing review to correct factual errors Finalize report	Up to six months	Review report

Assessment	Constitute panel of reviewers	Two months	Project proposal Report of proceedings
	Prepare capacity-building project proposal		
	Conduct formal interactive assessment		
	Present project proposal		
Post-assessment	Disseminate peer review findings to all relevant stakeholders in reviewed country	Varies	Project report
	Finalize capacity-building project proposal		
	Secure funding		
	Implement peer review recommendations		

D. Scope

42. The first session of the Intergovernmental Group of Experts discussed the scope of voluntary peer reviews on consumer protection law and policy.⁷ Delegates agreed that the guidelines for consumer protection should serve as the framework for peer reviews. While some delegates favoured a global approach to peer reviews, covering all areas contained in the guidelines, other delegates stated that such an exercise might be overwhelming for some countries. The guidelines for consumer protection contain recommendations covering most consumer protection aspects of public policy. While relevant to all member States, their implementation may differ depending on the social, economic and political needs of each country. As there is no one-size-fits-all implementation of the guidelines, neither can there be a one-scope-fits-all for peer reviews, and a high level of flexibility is therefore required in determining the reach of any particular peer review.

43. The most efficient and effective way to ensure that the scope of a peer review for a particular country is aligned with the country's needs and expectations is to permit the Government to take the lead in determining the extent, areas and institutions to be covered by the peer review. In particular, a country that requests a peer review should decide on the legal framework, authorities and sectors and activities to be covered by the review. Such leadership will also ensure the ownership and sustainability of the process and guarantee its long-term impact.

E. Funding

44. The funds needed for voluntary peer reviews on consumer protection law and policy comprise the cost of a fact-finding mission of at least five working days depending on the institutions covered (travel and accommodation for the international consultant and other mission participants), the fees of international consultant(s) who draft the peer review report (payment) and the costs associated with the participation of key representatives at the relevant session of the Intergovernmental Group of Experts (travel and accommodation in Geneva), as well as the dissemination of results in the country that has undergone review (rental of room facilities for dissemination events). This totals approximately \$30,000–40,000, although the estimated budget depends on the scope of the review undertaken.

45. In case of need, UNCTAD designs and develops a technical cooperation and capacity-building project proposal based on the peer review recommendations. The cost of such follow-up projects ranges from \$400,000 to \$600,000, depending on the actors involved and nature and scope of the peer review recommendations.

46. At present, there are no available funds from the UNCTAD regular budget to respond to requests for peer reviews or ensuing technical cooperation and capacity-building projects. Funds should therefore be mobilized either from a country undergoing review or from ad hoc development partners at the national, regional or international level.

⁷ TD/B/C.I/CPLP/4.

47. UNCTAD experience in voluntary peer reviews on competition law and policy shows that national authorities are often able to mobilize sufficient funds to cover the costs of peer reviews, especially if they can depend on high-level political support in formulating the request. During the peer review process, especially following the relevant session at the Intergovernmental Group of Experts, it is easier for development partners to contribute to the implementation of peer review recommendations (see box 2).

Box 2

Cooperation with development partners in implementing peer review recommendations

UNCTAD experience in voluntary peer reviews on competition law and policy shows that it is possible to enhance cooperation and co-financing with development partners in some countries, including in the follow-up phase of a peer review. Such cooperation takes different forms, including financial contributions to undertake recommended activities and the voluntary engagement of experts from other countries to take part in the preparation of peer review reports or participate as resource persons in workshops, seminars and training sessions organized in response to peer review recommendations.

In this context, some internationally well-known experts have offered their services on a pro bono basis and participated in the preparation of peer review reports, peer review panels or workshops and training seminars. For example, the State Secretariat for Economic Affairs of Switzerland funded some follow-up activities in Indonesia and Serbia, the German Agency for International Cooperation provided financial contributions to the peer reviews of Armenia and Indonesia and the Turkish International Cooperation and Development Agency contributed to the peer review of Mongolia and provided further technical assistance to the Authority for Fair Competition and Consumer Protection of Mongolia through training workshops and study tours. Most recently, the Japan International Cooperation Agency has been assisting the Authority for Fair Competition and Consumer Protection of Mongolia in implementing peer review recommendations, showing how peer reviews can create opportunities for cooperation between authorities and development partners.

III. Modalities

48. Delegates at the first session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy provided guidance on how to best implement voluntary peer reviews on consumer protection law and policy, and discussed possible modalities that could greatly contribute to the goal of peer learning and policy review (see box 3). In particular, the peer reviews might be preceded, complemented and reinforced by national self-reviews and tripartite and bipartite peer reviews.

Box 3

Modalities for voluntary peer reviews

There are different modalities possible for conducting voluntary peer reviews. For example, in 2012, UNCTAD implemented the first tripartite peer review on competition law and policy in three neighbouring countries, namely the United Republic of Tanzania, Zambia and Zimbabwe, using a more complex methodology. During this peer review, the countries did not perform a self-assessment, but instead conducted mutual evaluations among the three States (each authority analysed the situation in one of its two neighbours). This was complemented by a comparative report from an independent expert. The objectives of this new methodology focused on providing greater insights into the critical systems and, in addition, on seeking synergies and solutions across competition regimes related by their geographical proximity and trade and economic relations.

In 2014, UNCTAD introduced a new layer of diligence in the peer review of the Fiji and Papua New Guinea competition regimes. During this joint peer review of two neighbouring countries with a strong commercial and economic interrelationship, three analyses were performed. First, each authority conducted a self-assessment of its system.

Second, mutual evaluations were conducted. Third, two independent experts conduct a final evaluation for the two countries. This methodology allowed for the development of three perspectives of the correspondent national systems and provided a clearer vision of the aspects that should be corrected and improved in the competition regimes in both countries.

49. The self-assessment process is a voluntary exercise. The self-assessing country decides on the content and scope of the exercise, using some or all of the guidelines for consumer protection as its framework. Interested countries may carry out the self-assessment exercise independently or with assistance from the UNCTAD secretariat. The methodology used may resemble that of the voluntary peer reviews, should the country undergoing review consider it appropriate. A standard process for self-assessment may be developed by the Intergovernmental Group of Experts, with scope for national variation, and could precede potential peer reviews.

50. With this perspective of continuous improvement of the procedures for peer reviews, UNCTAD aims to set up flexible mechanisms that are adaptable to the circumstances of each country that voluntarily requests an assessment of its national or regional systems. The goal is to identify the strengths and weaknesses of each regime, to make a real impact on consumer protection by substantially improving the regulatory frameworks and practical implementation capacities of the relevant institutions in member States in the most efficient and effective way.

IV. Questions for discussion

51. Delegates at the second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy may wish to consider the following questions for discussion:

- (a) Should any improvement be considered when implementing the framework for voluntary peer reviews on consumer protection law and policy?
- (b) What should be the scope and methodology for self-assessments in consumer protection law and policy? Should they be separate from, or a part of, the peer review process?

Annex: Results framework and workplan for voluntary peer reviews on consumer protection law and policy

Results framework

<i>Activities</i>	<i>Outputs (short term)</i>	<i>Outcomes (medium term)</i>	<i>Impacts (long term)</i>	<i>Sustainable Development Goals: Targets of focus</i>
<p><i>Description</i></p> <ul style="list-style-type: none"> Carry out, if required, self-assessment in consumer protection law and policy Coordinate voluntary peer review on consumer protection law and policy Review and revise national consumer protection law and sector-specific or thematic legislation as secondary and/or implementing legislation (for example related to specific aspects of consumer protection law enforcement), if necessary Assess consumer protection policy framework Assess institutional framework, in consultation with consumer protection authority and other bodies if applicable Develop and deliver training to consumer protection authority staff, judiciary and consumer organizations Advocate for benefits of consumer protection law and policy and for reforms to consumer protection regime to government officials, 	<ul style="list-style-type: none"> Report of peer review, including findings and recommendations on how to improve consumer protection regime Revised consumer protection law and sector-specific or thematic legislation as secondary and/or implementing legislation, as well as consumer protection policy framework to be adopted by parliament and sector regulators Institutional framework Increased skills of consumer protection authority staff, judges and consumer organizations in consumer protection law enforcement Increased understanding of all stakeholders of importance of consumer protection for economic development, people's welfare and business environment 	<ul style="list-style-type: none"> Effective enforcement of consumer protection law Improved policy and legislative framework for consumer protection policy and law enforcement Improved institutional framework, coordination between different public and private bodies if applicable, and effectiveness of consumer protection authority Enhanced consumer protection culture 	<ul style="list-style-type: none"> Increased welfare of consumers, improved competitiveness of developing and least developed countries and countries with economies in transition, strengthened sustainable consumption 	<ul style="list-style-type: none"> 8.3: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services 12.1: Implement the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, all countries taking action, with developed countries taking the lead, taking into account the development and capabilities of developing countries <p>Indirect Sustainable Development Goals: 9, 10, 16 and 17</p> <p>Indicators:</p>

	<i>Activities</i>	<i>Outputs (short term)</i>	<i>Outcomes (medium term)</i>	<i>Impacts (long term)</i>	<i>Sustainable Development Goals: Targets of focus</i>
<i>Key assumptions</i>	parliamentarians, sector regulators, academia, business community, competition agencies, practitioners and judiciary, through dissemination of peer review findings				<ul style="list-style-type: none"> 8.3.1: Proportion of informal employment in non-agriculture employment, by sex 12.1.1: Number of countries with sustainable consumption and production (SCP) national action plans or SCP mainstreamed as a priority or a target into national policies
	<ul style="list-style-type: none"> Cooperation of national partners National ownership of the project Consumer protection authority staff allocated to assist UNCTAD Availability of qualified international and local consultants as required Participants receptive to new ideas or issues in consumer protection law and policy 	<ul style="list-style-type: none"> Consumer protection authority agrees with findings and recommendations Resources available to implement recommendations Legislative body is favourable to changes Trained staff and top managers stay in position long enough to implement changes 	<ul style="list-style-type: none"> Political will to implement recommendations Society receptive to consumer protection culture 	<ul style="list-style-type: none"> Stable and favourable political situation Economic and trade policies that encourage market access of new entrants 	
<i>Indicators of progress</i>	<ul style="list-style-type: none"> Percentage of planned activities completed on time and within budget Monthly and quarterly implementation rates Number of persons trained (disaggregated by type, level, gender and country) Number and type of advocacy tools used (for example radio and television), by country 	<ul style="list-style-type: none"> Percentage of persons trained who respond that their “understanding of consumer protection law and policy has improved” following UNCTAD assistance Number of countries assisted that convene advocacy meetings for policymakers and wider public on benefits of consumer protection law and policy 	<ul style="list-style-type: none"> Percentage of peer review recommendations implemented five years after report Revised and/or new laws, regulations and/or guidelines adopted Recommended changes made to structure of consumer protection authority or consumer protection system 	<ul style="list-style-type: none"> World Economic Forum Global Competitiveness Index (monitored for 10 years following project) Sustainable Development Goals reports 	

Workplan of key activities

A voluntary peer review on consumer protection law and policy takes 12–18 months to complete and a follow-up capacity-building programme to implement the recommendations usually takes a minimum of two years. Activities 9–14 are developed based on peer review recommendations and the needs of the country that has undergone review, and may therefore not be the same in every country.

The key activities of a follow-up capacity-building programme are as follows:

1. Organize fact-finding mission to collect data and information (may include prior self-assessment by member State concerned)
 2. Identify panel of peer reviewers
 3. Draft peer review report and recommendations
 4. Organize peer review round-table discussion and present report (printed and online) and recommendations at session of Intergovernmental Group of Experts on Consumer Protection Law and Policy
 5. Develop capacity-building project to implement peer review recommendations
 6. Present technical assistance project to potential donors at session of Intergovernmental Group of Experts on Consumer Protection Law and Policy
 7. Disseminate peer review findings and recommendations workshop(s) in country that has undergone review
 8. Conduct awareness-raising workshop following dissemination of peer review findings, including distribution of printed copies of report
 9. Revise relevant consumer protection policy framework
 10. Revise consumer protection legislation (horizontal, sectoral or thematic)
 11. Draft secondary and/or implementing legislation (regulations and guidelines)
 12. Develop institutional framework under consumer protection authority leadership
 13. Organize training workshops on consumer protection law enforcement for judiciary, consumer protection authority staff and consumer organizations
 14. Organize advocacy workshops on benefits of consumer protection law and policy for government officials, judiciary, parliamentarians, sector regulators, academia, business community and practitioners.
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