

国际消费者保护政策与法律研究中心
Centre for Policy & Law on Global Consumer Protection



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Wuhan University

Best Practice in Consumer Redress



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Geneva, 7 July 2013.

Objectives

- Comparative analysis of consumer redress
- Identification of elements of success
- Applicability to developing countries
- Practical approach to ADR/ODR Platform on cross-border consumer redress



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Present imbalance

- Consumer Protection Law twin functions:
- Conduct regulation
- Redress for consumers
- Conduct regulation takes precedence over redress:
- 2013: CI survey found that fines were imposed in 91% of countries in product safety cases but compensation only granted in 55%.



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Contrasting approaches

- US use of class action for compensation
- EU less use of class action
- EU consumer ADR/ODR recent emphasis – Directive on consumer ADR 21st May 2013 + regulation on ODR.
- New interest in ‘collective redress’ in EU
- China: current reform of CPL: emphasis on class action.



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Emerging approaches

- Financial services: EU: Ombudsman, ADR/ODR
- E-commerce: chargeback spreading from US to EU. Reinforces cooling-off period (right of withdrawal);
- Escrow: emerging in China;
- MERCOSUR: rights of tourists and visitors: proposal to develop global convention;

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Platform for cross-border redress

- Weakness – cross-border redress
- Becoming more serious with growth of e-commerce and mass travel & tourism
- Concept of platform: ODR system across frontiers
- Eg ECC net; cross-border action in EU: contact with counterparts, route for complaints, can trigger small claims; (not legal representation)

Project plan

- Investigate & select successful case studies
- Identify elements of success
- Compare and synthesis: national systems, cross-border redress platforms;
- Arrive at conclusions & recommendations at national and cross-border level;



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Conclusion

Questions & suggestions please



www.internationalconsumer.org

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