



The Report of the Working Group on Consumer Protection in E-Commerce to the IGE on Consumer Protection Law and Policy

June 2021

The Working Group on Consumer Protection in E-Commerce (WGE) held two online meetings since October 2020. The WGE has three sub-groups, each led by respective consumer agencies of the mentioned member States: (1) Misleading and unfair business practices, Colombia; (2) cross-border enforcement cooperation, the United Kingdom and United States; and (3) Consumer education and business guidance, Kenya.

In December 2020, UNCTAD asked members of the WGE for their ideas and suggestions on the specific topics to discuss in the working year 2020-2021 until the IGE on consumer protection 2021. UNCTAD received suggestions on topics for each sub-group area from members, compiled them and prepared a proposal of topics for discussion with WGE members.

In its first online meeting held on 20 April 2021, the group discussed UNCTAD's proposal of two topics selected for each sub-group area. Following a fruitful discussion, the members agreed to focus on the following topics in the current work cycle and to be continued in case the mandate of the WGE is extended during the IGE meeting in July 2021:

- (i) Sub-group on misleading and unfair practices: Misleading green claims in e-commerce.
- (ii) Sub-group on consumer education and business guidance: Raising consumer awareness on the use of their data in the digital markets with a special focus on "dark commercial patterns".
- (iii) Sub-group on cross-border enforcement cooperation: Mapping of different legal consumer protection systems across the world to identify similarities and differences, which could be essential in building a global cooperation mechanism in the future.

The WGE agreed that each sub-group leader(s) come up with a work plan to be discussed by WGE membership.

In the second online WGE meeting, which was held on 25 May 2021, the Competition and Markets Authority (CMA) of the United Kingdom and the United States Federal Trade Commission, supported by Sweden, presented their proposed work plan and draft questions to be included in the survey for the mapping study. WGE members agreed on the proposed work plan and decided to start working on collecting information. WGE members underlined the need to produce a simple and useful tool to be accessible to anyone interested. UNCTAD circulated the proposed questions once again to the WGE members to give them another opportunity to make comments on the questions or additional questions. The information collected in other fora, including the UNCTAD World Consumer Protection Map, will be used in the mapping study. The sub-group leaders have

discussed amongst themselves as well as with the UNCTAD secretariat how best to move forward on this work.

The draft work plan of the sub-group on consumer education and business guidance, which was prepared by the Competition Authority of Kenya, was circulated to WGE members for comments on 1 June 2021. Following the receipt of feedback from a few WGE members, the sub-group leader will revise the work plan and start collecting information on dark commercial patterns in case the mandate of the working group is extended by the IGE in its 19th session on 5-6 July 2021.