

Report of the informal Working Group on Consumer Protection in E-Commerce to the eighth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

The [seventh session of the Intergovernmental Group of Experts \(IGE\) on Consumer Protection Law and Policy](#) held on 3 and 4 July 2023, decided to renew the mandate of the informal Working Group on Consumer Protection in E-Commerce (WGE).

The WGE held five online meetings between October 2023 and June 2024 to discuss, agree on and implement the [work plan](#). Moreover, the Steering group¹ met on three occasions to coordinate the outcomes of this WGE. Prof. Christine Riefa from the University of Reading was appointed as the coordinator of the WGE. Notes, details and materials of work carried out are available on the [WGE webpage](#).

On 26 October 2023, members of the WGE were invited to propose and discuss topics for possible work areas. On 16 November 2023, the Steering group met to draft and coordinate the work plan which was adopted in mid-December.

The main scope of the work plan was Artificial Intelligence (AI), namely focusing on the risks for consumers and tools for enforcement and vulnerable consumers. The WGE gave special attention to avoiding overlaps with other organizations and to provide added value to the participants while exploring concrete outputs. For this, WGE focused on producing accessible outputs designed to assist national Consumer agencies, such as webinars, toolkits and other brief materials.

The activities listed in the agreed work plan were implemented as follows:

1. Webinars

The WGE hosted three webinars: two on AI and one on vulnerable consumers which focused on children as consumers.

i. [AI and consumer protection: Risks for consumers](#)

Led by India, this webinar highlighted practices and tools used by two member States ([India](#) and the [United States](#)) aimed at preventing consumer harm and discriminatory practices arising from AI. This event also showcased an initiative by a European consumer association [Euroconsumers](#) regarding their handling of consumer complaints data and its application in public enforcement actions. This session provided an informative look at how different regions are utilizing data and AI technologies to protect consumers and ensure fair treatment in the market. It discussed the necessity of fostering awareness and establishing robust regulatory frameworks to safeguard consumers from the adverse effects of rapid AI advancement.

The webinar attracted over 100 participants, indicating significant interest. To extend its reach and ensure that the information shared is accessible to an even broader audience, the [recording](#) of the event has been made available on the event page within the WGE website.

¹ The steering group continued to lead the WG's work. It comprised representatives from consumer protection authorities of several member States, including Argentina, Colombia, Kenya, Mexico, Peru, Poland, Rwanda, Sweden, United Kingdom and United States.

ii. [AI and consumer protection: Harnessing tech to better enforce consumer law](#)

Led by Poland, this webinar delved into the ways artificial intelligence can be leveraged to enforce consumer laws ([Prof. Riefa, Enftech](#)). It highlighted the potential of AI to detect dark patterns, which deceive or mislead consumers in e-commerce. Discussions included the use of AI by public bodies to address these illegal practices and protect consumer rights, along with presentations on various approaches and tools developed for identifying and combating dark patterns (Stuart Mills, Assistant Professor of Economics, University of Leeds). Additionally, achievements of specific projects dedicated to dark pattern detection were showcased (Paul [Seelinger, Project Coordinator, Dapde - German Research Institute for Public Administration](#)), illustrating the progress and impact of AI in enhancing consumer protection measures.

The webinar gathered over 140 participants. The [recording](#) is available on the WGE website's event page.

The work of the WGE in this area was also highlighted by UN Trade and Development [Secretary-General Rebeca Grynszpan during her address to the consumer movement on the World Consumer Rights Day on 14 March 2024](#).

iii. [Protection of vulnerable consumers on digital markets](#)

Led by Sweden, the third webinar focused on the protection of vulnerable consumers in digital markets and enhancing the effectiveness of consumer protection enforcement through research. The session explored strategies for disclosing commercial content to children on social media, considering research on advertising literacy ([Dr. van Reijmersdal, Amsterdam University](#)). It also examined how insights from studies on children's understanding of advertising could improve enforcement practices ([Sweden](#)). Additionally, the webinar included a presentation on actual enforcement cases ([Italy](#)).

Over 60 participants joined the discussions, again demonstrating a robust interest in the topic. To accommodate different time zones and extend the reach, the [recording](#) of the webinar has been made available on the event page.

2. Update on Report on cross-border practices and standardised e-mail addresses

Argentina, United Kingdom and the United States of America co-led the initiative to put together tools to facilitate cross-border exchanges and collaboration amongst consumer agencies, in the form of generic emails. Generic email will avoid request for collaborations to remain unanswered as a member of consumer agencies staff moves on. It enables agencies to always find the relevant member of staff even if they have not established personal links. This will facilitate and ensure continuity of contacts regarding cross-border enforcement. The Secretariat collected the generic e-mail and compiled a master list that is now available for consultation to all UNCTAD member States. The Secretariat extends thanks to all agencies which have provided a generic email. The Secretariat will continue to add to this list, with a yearly request (until further notice) to grow and hopefully complete the master list.

In addition, the United States of America also devoted resources to compiling a picture of legislation applicable and cross-border issues in African countries. This work on cross border enforcement started in 2022.²

3. Technical note on the use of AI by consumers and in consumer enforcement

This draft technical note seeks to provide a foundational understanding of the technology underlying artificial intelligence and its practical applications in electronic commerce. It identifies key risks and opportunities for consumers, as well as highlights the significant uses of AI in consumer law enforcement settings. Furthermore, the note explores the risks and opportunities that AI presents for enforcement agencies, aiming to enhance their effectiveness in safeguarding consumer rights.

4. Technical note on vulnerable consumers and e-commerce

This technical note addresses the harm children may experience as they engage in e-commerce and outlines steps that some consumer enforcement authorities have taken to mitigate these risks. Recognizing that the digitalization of consumer markets creates new challenges for vulnerable consumers, including children, the WGE emphasizes the need for innovative investigation and enforcement measures. This note seeks to define the concept of vulnerability in the context of e-commerce, focuses on children as a particularly vulnerable group in the digital age, and describes how a better understanding of consumer behaviour through research and cooperation with academia could strengthen the protection of children in digital markets, ultimately benefiting all consumers.

5. Way forward

In conclusion, the WGE agreed to request that its mandate be extended at the IGE on Consumer Protection Law and Policy.

The WGE proposes the following possible work areas and strategies for 2024-2025:

- To deepen the insights rising from the technical notes, the WGE proposes to:
 - Address risks posed by AI to consumers and develop principles or checklists for enforcement authorities and/or businesses.
 - Explore technology transfer among consumer protection agencies.
 - Continue working on vulnerable consumers, focusing on a different vulnerable group.
- The WGE will continue using webinars and technical notes while ensuring that contributions avoid overlapping with other international networks and organizations.

² WGE Report on Cross Border Cooperation (2022): https://unctad.org/system/files/information-document/ccpb_E-Commerce_Cross_Border_Report_Final_en.pdf