

Consumer law, Policy and Regulatory Actions

in response to and in the
aftermath of the COVID-19
pandemic

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Introduction: the points for today

- Emerging trends and challenges in the aftermath of the pandemic
 - The main challenges and possible actions to address them
 - International cooperation
- Final remarks

Emerging trends and challenges in the aftermath of the pandemic: the digitalisation of consumer markets

- Digitalisation of consumer markets has accelerated during the pandemic.
- Swedish e-commerce exploded in Q2 2020, and it has continued.
 - Q1 2021: 77% of the Swedes shopped online.
 - Q1 2021: 48% of the Swedes shopped online across the borders.



Emerging trends and challenges in the aftermath of the pandemic: the digitalisation of consumer markets

The Swedish Consumer Agency has identified four main challenges:

1. Digital exclusion
2. Digital vulnerability
3. Enforcement in the digital environment
4. International cooperation

1. Digital exclusion

- Digital exclusion is a significant barrier to well-functioning consumer markets.
- Important to ensure that no consumers are left behind.
- Different reasons to digital exclusion.



1. Digital exclusion

What can be done to ensure a digital market for all consumers?

- No quick fix available. Joint efforts by several actors needed; e.g. policy makers, organisations and public authorities.
- Actions to address the problem; for example legislation, lifelong learning activities and supportive actions.
- Consumer protection authorities could contribute by raising awareness about digital exclusion and educational activities towards consumers and businesses.



2. Digital vulnerability

- Digital environment makes it possible for businesses to collect consumer data.
- Knowledge is power; insights about consumers, including their vulnerabilities, are used to boost sales.
- Targeted advertisement
- Dark patterns

= All these practices creates a complex digital environment where, in principle, all consumers can be vulnerable at some point.

2. Digital vulnerability

How could we tackle these challenges?

- Again, no quick fix. Joint efforts by different actors and a number of actions could improve the situation:
- Legislation
- Consumer education
- Cross-sectorial cooperation
- More effective enforcement

3. Enforcement in the digital environment

The Swedish Consumer Agency has identified the following enforcement challenges:

- How should existing legislation be applied on new business models and marketing practices?
- Detection of infringements
- Infringements concerning several fields of law
- How to cooperate on a cross-border global basis?



3. Enforcement in the digital environment

The Swedish Consumer Agency has been focusing on the following activities to address some of the enforcement challenges:

- Capacity building exercises
- IT tools
- Develop and prioritise cross-sectorial and cross-border cooperation
- Explore new ways of tackling infringements



4. International cooperation

Key to ensure a high level of consumer protection.

- Main challenges:
 - No legal base supporting cross-border enforcement cooperation
 - Lack of resources
 - Lack of knowledge about different enforcement systems
 - Priorities
 - Language

4. International cooperation

What the Swedish Consumer Agency has done to contribute to international cooperation at global level:

- Keeping it as top-priority within the Agency
- Trying to actively participate where the Agency has knowledge and/or where we have a lot to learn. Important to prioritise.
- Raising awareness of the need to cooperate on a cross-border basis towards policy makers and other actors.

4. International cooperation

- What can be done to further foster international cross-border cooperation:
- Important to start with the basics; a good understanding of different consumer protection systems and a contact point in each country is a good start
- Learning from well-functioning regional enforcement cooperation mechanisms to identify the necessary powers and functions to ensure a smooth cooperation.
- Continue encouraging participation from authorities all over the world. UNCTAD has an important role to play here.
- Develop UNCTAD's platform and provide for more exchange and sharing of information, and supportive functions to facilitate and enhance cooperation.

Final remarks

- Let's focus our future work and efforts on the following:
 - Ensuring digital markets which are accessible to all consumers.
 - Ensuring fair digital markets where businesses do not take advantage of consumers' vulnerabilities and allow them to make well-founded transactional decisions.
 - Continuing the work towards international cross-border cooperation; starting with the basics.
 - Continuing developing UNCTAD's role and platform to further facilitate and enhance international cross-border cooperation.

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