

**Ad Hoc Expert Meeting on Consumer Protection: The  
interface between competition and consumer policies**

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**Session 5: Discussion on the need to  
revise the UN Guidelines for Consumer  
Protection**

**Presentation**

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The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.

# The need to revise the UN Guidelines for Consumer Protection ?

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## Motivation for revision of the Guidelines

Since the last revision of the Guidelines, some things have changed:

- The iPod had not yet been invented.
- We were not yet in the situation where more than 1 billion people have mobile phones but yet do not have bank accounts
- Facebook did not exist for another 5 years.



## And some things remain unchanged:

- About 1 billion people have unsatisfactory access to potable water and more than 2 billion have unsatisfactory access to proper sanitation
- With an estimated 925 million hungry people in the world, almost 1 in 7 people go hungry everyday



Thus, the UN Guidelines need to address:

- technological advances
- the Guidelines tend to refer to consumers who have 'economic/purchasing power' while extreme poverty excludes many people from accessing certain basic services- water (Sec H), energy = NON CONSUMERS
- CI's principle of 'access to basic needs' to be incorporated into Art 3 of the Guidelines which lists 'the legitimate needs'



## Technological advances

Amendments to existing parts of the guidelines:

- Post-purchase safety information/ manual to be online to serve second hand markets
- No to removing functions from game consoles, changing terms of use once products are bought
- Facilitating universal access to the Internet
- Enabling competition from generic drugs



## A new section on Consumers in the Digital Age

- Increasing the availability of knowledge based works
  - Public domain, open access, free government works
- Expanding fair use of works by consumers
  - Copyright exceptions, cutting digital locks
- Fairer enforcement practices
- Privacy, neutrality, diversity, standards.



## Priorities

- **Competition-** Many competition issues lie upstream from the retail consumer
- Competition policy interfaces with consumer welfare but competition policy needs to deal with matters on concentration of industry structures - eg European energy market
- International agreements that 'legalise' anti competitive practices need to be reviewed, eg export subsidies that allow agricultural dumping affecting food security





## Priorities

- 'Legitimate needs' indicate the important roles of consumer organisations. To facilitate these roles:
  - in policy formulation- consumer organisations participating in regulatory processes  
eg. public hearings ;  
consumer representation
  - in addressing grievances- consumer organisations handling consumer complaints;  
representations in the Board of dispute resolution system

there needs to be clear provisions in the  
Guidelines on government financial  
support for consumer organisations



# Conclusions

- Need to define 'consumer'
- Extending general principles ( Art 3) to include access to basic needs
- Introducing a new Article – Consumers in the digital age
- Upstream competition policies that impact negatively on consumers need to be reviewed
- Sectoral expansions: energy, financial services
- Clear provisions on government support for consumer organisations





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