
**Intergovernmental Group of Experts on Consumer Law and Policy
(IGE Consumer)**

4th SESSION

8-9 July 2019

Room XVII, Palais des Nations, Geneva

**E-Commerce Working Group - Cross-Border Consumer Enforcement –
Toolkit for Consumer Authorities and Legislators**

Contribution by:

Competition and Markets Authority

Federal Trade Commission of the United States of America

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.

E-Commerce Working Group Cross-Border Consumer Enforcement –Toolkit for Consumer Authorities and Legislators



E-Commerce Working Group
Sub-Committee on Cross Border Cooperation
UNCTAD IGE
Geneva, Switzerland
July 8, 2019



Cross Border Consumer Enforcement –Toolkit for Consumer Authorities and Legislators

Hypothetical Scenario

Consumers complain about problems they are having with mobile phone handsets they are buying online. Complaints range from non-delivery, extra charges (for import, taxes, and unexpected third party charges, etc.), battery life and phones catching fire.

When you investigate you discover that the websites are all based in Country A, the goods are being delivered to a port in neighbouring Country B, and payments are being processed by a trader based in a small island in Country C.

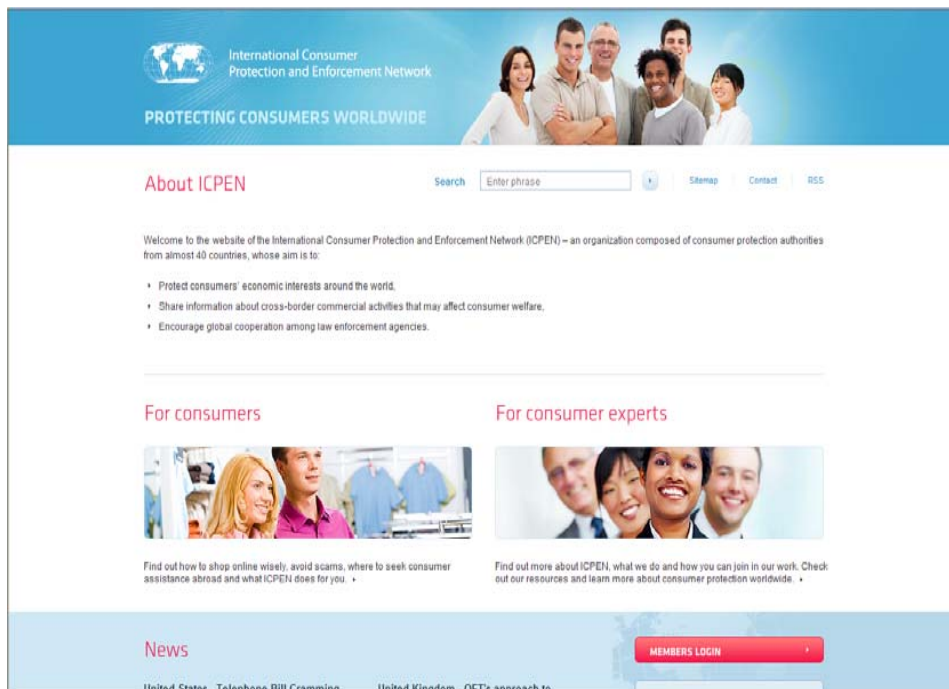
What outcome would you want from your investigation? What Tools do you have?

Brief Discussion by UNCTAD E-Commerce Working Group

Led by Argentina, Colombia, Kenya, Pakistan, United Kingdom and United States



International Consumer Protection and Enforcement Network (ICPEN)



The screenshot shows the homepage of the International Consumer Protection and Enforcement Network (ICPEN). The header features a blue banner with a globe icon, the text "International Consumer Protection and Enforcement Network", and "PROTECTING CONSUMERS WORLDWIDE". Below the banner is a search bar and navigation links for "Stamp", "Contact", and "RSS". The main content area includes a welcome message, a list of three bullet points, and two sections: "For consumers" and "For consumer experts", each with a corresponding image and a brief description. The footer contains a "News" section and a "MEMBERS LOGIN" button.

International Consumer Protection and Enforcement Network
PROTECTING CONSUMERS WORLDWIDE

About ICPEN

Welcome to the website of the International Consumer Protection and Enforcement Network (ICPEN) – an organization composed of consumer protection authorities from almost 40 countries, whose aim is to:

- Protect consumers' economic interests around the world.
- Share information about cross-border commercial activities that may affect consumer welfare.
- Encourage global cooperation among law enforcement agencies.

For consumers

For consumer experts

MEMBERS LOGIN

ICPEN

ICPEN may be able to help out. Network of 60 states. Range of activities. You should consider joining.

But powers of members are not uniform.

Do you have the powers necessary to solve cross border problems?

- Are you equipped to deal with cross border consumer problems?
 - ICPEN members – different levels of powers
 - OECD recommendations 2003 & 2016 – Still being implemented
- Where could your agency start if you wanted to draft or revise consumer protection enforcement laws?

Cross Border Consumer Enforcement –Toolkit for Consumer Authorities AND Legislators

Intelligence sharing

- Do you have the power to share investigation intelligence with enforcers in countries A, B and C?
- Do the enforcers there have the obligation to keep the evidence secure?
- Can you co-ordinate your investigation with the enforcers in Country B to see if they are dealing with the same problems?

Cross Border Consumer Enforcement –Toolkit for Consumer Authorities & Legislators

- **Investigation power**

- The enforcer in Country C cannot find out who the payments are going to, because
- they can't investigate to assist overseas enforcers, and
- they can't request data from payment processors
- What minimum powers should all investigators have? When should they be able to use them?

Cross Border Consumer Enforcement –Toolkit for Consumer Authorities and Legislators

Securing outcomes

The enforcer in Country A can't act against the traders behind them or take down the websites or tackle, because:

- they can only enforce the law where their own consumers are affected
- they have no power to order the removal of websites

What minimum enforcement powers should all enforcers have? When should they be able to use them?

Cross Border Consumer Enforcement –Toolkit for Consumer Authorities and Legislators

Conclusion

Could you be confident you could stop this problem if it arose in your country?

Would you be able to help out if you were the enforcer in country A, B or C?

We need to build a tool to provide a roadmap for consumer authorities and legislators