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**Celebrating 40 Years of the  
UNGCP with a Review Mandate  
Beyond E-Commerce, with AI, Data and Service Safety**

**Presentation**

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# Celebrating 40 Years of the UNGCP with a Review Mandate

BEYOND E-COMMERCE, WITH AI, DATA AND SERVICE  
SAFETY

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**II.** **The need of a new review mandate: beyond e-commerce**

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**B.** New consumer expectations and hazards with symbiotic digital products and services and 'data driven' marketing



# Introduction

## THE CASE OF BRAZIL

### **Federal Constitution of 1988**

**Art. 5, XXXII** – List of fundamental rights

**Art. 170, V** – Principle of the economic constitutional order

**Art. 48 ADCT** – Mandate to create a Consumer Protection Code

### **Consumer Defense Code and updates**

**1990** – Approval of the Brazilian Consumer Defense Code, inspired by the UNGCP

**2015** – Reform Bills 3514 and 3515 were inspired by the 1999 review (on environmental education and sustainable consumption) and introduced new fair credit rules, based on the revised 1999 UNGCP and the digital economy (2015).

**2021** – Law 14.181: responsible credit and over-indebtedness

**Mercosur legislation: e-commerce**

**UNGCP has:**

**Inspirational and global governance effects -**





# **Positive global impact and evolution of the UN Guidelines on Consumer Protection**

# A. Four-step evolution of the UN role in consumer protection

## A CALL FOR A NEW REVIEW OF THE UNGCP

01

**1980** – Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

**Focus:** Global competition, business practices, products, and physical safety

**1985 – UN Guidelines on Consumer Protection – Resolution 39/248 (set of general principles).**

02

**1992 – Eco92 in Rio de Janeiro**

**1999 – Reviewed UN Guidelines on Consumer Protection**

**Focus:** sustainable consumption; information (now: empowerment); products; global agenda; SDGs; global consensus





03

**2008 – Global financial crisis and the rise of the service economy**

**2015 – Core revision of the UNGCP**

Focus: e-commerce, financial services, public utilities, tourism, 'providers', 'especially vulnerable' (IV – principles for good business practices; legal framework; Intergovernmental Group of Experts; periodic review)

04

**2020 – COVID-19 pandemic and the expansion of the platform-based AI economy.** Focus: 'new harms' and risks 'beyond e-commerce' (Riefa, RDC 2020, p. 281)

**2025 – New tools for the digital –** National (UK), regional (EU DSA, DMA, AI Act), international legislation and principles (ICPT-UN Tourism, OECD, G20, Mercosur, etc.)

**2025 - National (UK), Regional (EU DSA, DMA, AI Act), international legislation and principles (ICPT UNTourism, OECD, G20, Mercosul)**  
'new harms' and risks 'beyond e-commerce' (Riefa 2020)

**2020- COVID-19 Pandemic: expansion of platform-based IA economy**

**2015 – Core Reviewed UNGCP – Focus:** E-commerce, financial services, public utilities, tourism, 'providers', 'special vulnerable' (IV-Principles for good business practices, Legal Machinery, Intergovernmental Group of Expert, periodically review)

**2008 – Global financial crisis and the rise of services economy**

**1999 – Reviewed UNGuidelines on Consumer Protection**

Focus: sustainable consumption, information (now: empowerment), products, global agenda, SGDs, global consensus

**1992 – Eco92 in Rio de Janeiro**

**1985- UN Guidelines on consumer protection – Res. 39/248 (set of general principles)**

1980 Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

**1980 – Focus:** Consumer welfare paradigm, business practices, products and physical safety



# B. Evolution of the role of the UN in consumer protection

## ACHIEVEMENTS OF THE REVIEW OF THE UNGCP

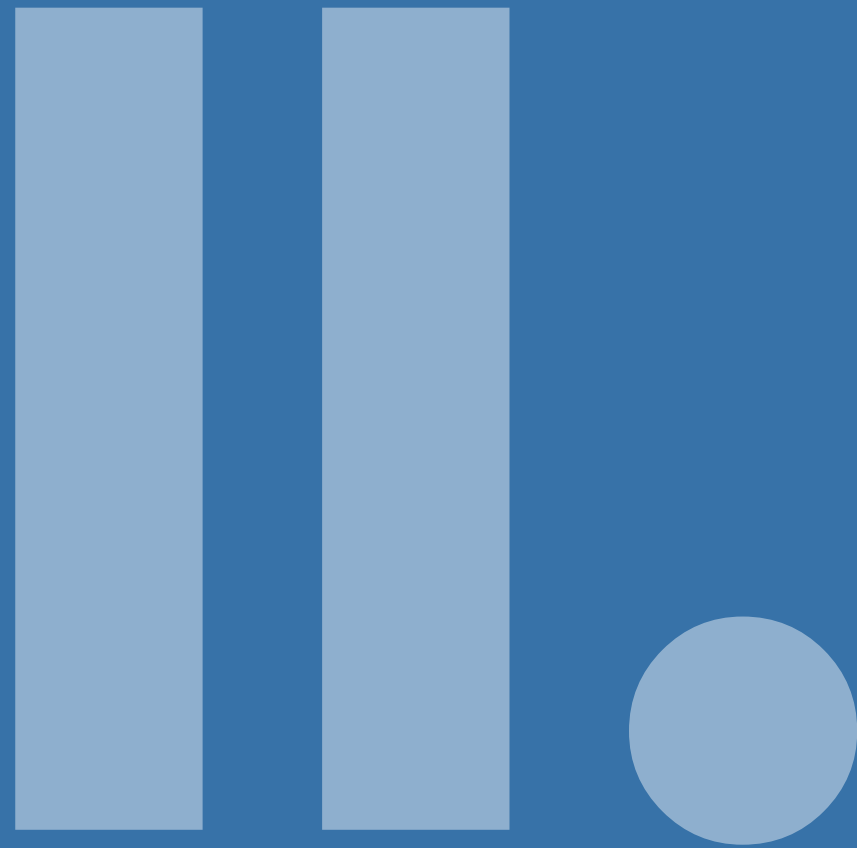
–**1985 – Implementation of the UNGCP**, international cooperation, and the beginning of technical assistance on consumer protection

–**1999 – International cooperation** and technical assistance on consumer protection

–**2015 – Int. Group of Experts–IGE** (annual forum, working groups, **World Map, synergies and international cooperation**). **Voluntary peer review of consumer protection law, capacity-building, and technical assistance on consumer protection.** To undertake and disseminate **periodic studies** and research. To promote **effective implementation**. To consider relevant studies. **Periodic review of the UNGCP (GL 97.I).**







# **The need of a new review mandate: beyond e-commerce**

# II.A. New digital Era with AI, data-driven, platform economy

## THE NEED TO EMPOWER CONSUMERS WITH NEW LEGISLATION

1. **Legislation to face the expansion of the use of the Internet as a consumption marketplace** (social media, influencers, profiling by data and conduct collection, addressable and direct marketing) **Ex: 2024 OECD Declaration on Protecting and Empowering Consumers in the Digital and Green Transition; ILA Lisbon Res. 7/2022 'Consumer Global Compact in the Digital Economy'**
2. **Legislation about new intermediaries, the liability of platforms and online service providers**, such as platforms, BigTechs, streaming services, e-commerce, e-tourism, e-health (distance medical services), etc. **Ex: 2023 Digital Services Act, Digital Markt Act (EU), ICPT UNTourism**
3. **Legislation about the principles applied and risks of the use of AI**, especially AI, robots, consumer 'assistants', chatbots, generative AI, and similar 'learning' technologies. **Ex: AI Act (EU), G20 AI Principles**





**4. Legislation about consumer over-indebtedness and the use of new online tools in the financial market**, such as FINTECHS, digital credit cards, and online credit, after COVID-19 for economic recovery with national, regional and international legislation beyond e-commerce. ***Ex: Brazil Law 14.181/2021 to reform the 1990 Consumer Code***

**5. Legislation to protect children and other vulnerable consumers online**, especially through games and betting, data collection and profiling, and the use of AI, prohibiting the manipulative and abusive use of these technologies. ***Ex: 2021 Declaration of G20 Digital Ministers – Leveraging Digitalisation for a Resilient, Strong, Sustainable and Inclusive Recovery; EU Proposals Digital Fairness Act (COM 2022/ 212 final); Addictive design of online services and consumer protection in the EU single market (C/2024/4164)***

**6. Other subjects:** E-Tourism, ODR, cross-border protection of consumers, International Code of the Protection of Tourists UNTourism, HCCH Practical Guide, 2017 Mercosur Agreement on consumer contracts, etc.




## II.B. New consumer expectations and hazards with 'symbiotic digital products and services' and 'data driven' marketing

**First Phase – The rise of new digital intermediaries ('gatekeepers'):** the platform and subscription economy (focus on services, servicization, new forms of dispute resolution) that control consumer transactions but are not traditionally liable or mentioned in the UNGCP..

### **Consequences:**

- Servicization (products as services, control of the payment and execution phases)
- Remuneration through loyalty and dependence
- Adhesion to policies and practices, no longer focused on formal 'contracts'





**Second Phase – Digital Generalization:** The COVID-19 pandemic highlighted the new importance and scale of digital services (social media, streaming platforms, online news media) and led to the generalization of e-commerce and e-banking across all societies and social classes.

**Consequences:**

- A 24-hour consumer marketplace ('Medusa'): "all is consumption" / "all is business"
- Remuneration through data and behavior profiling
- Data-driven economy and concentration of power in Big Tech companies

**Third Phase – AI and symbiosis:** The rise of artificial intelligence, combined with holistic data collection (personal data, online and offline behavior, such as geolocations, likes, and social media usage for geo-pricing, direct marketing, personalized offers, dark pattern design, manipulation schemes, and new types of fraud), has unveiled new agents in the global supply chain, such as 'designers', AI agents, and data providers that train AI systems.

**'Symbiotic Product and Services' (Marques/Miragem) are changing consumer expectations**

**Celebrating the  
contributions of 40 years  
of the UNGCP with a review  
mandate: suggestions**



UNGCP 2015	Review suggestion
<p><b>I.Objectives</b> 1.Taking into account the interests and needs of consumers in all Member States, particularly in developing ones, recognizing that consumers often face imbalances in economic terms, educational levels and bargaining power and bearing in mind that consumers should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection, these guidelines for consumer protection have the following objectives:</p> <p>...</p> <p>(h) To promote sustainable consumption (1999).</p>	<p><b>I.Objectives</b> 1.Taking into account the interests and needs of consumers in all Member States, particularly in developing ones, recognizing that consumers often face imbalances in economic terms, educational levels and bargaining power and bearing in mind that consumers should have the right of access to non-hazardous products <b>and services,...</b></p> <p>...</p> <p>(i) To promote <b>fairness by design in artificial intelligence and data use in the consumption market.</b></p>

### III. General principles

5. The legitimate needs which the guidelines are intended to meet are the following:

- (a) Access by consumers to essential goods and services;
- (b) The protection of vulnerable and disadvantaged consumers;
- (c) The protection of consumers from hazards to their health and safety;
- (d) The promotion and protection of the economic interests of consumers;
- (e) Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs;
- (f) Consumer education (1985), including education on the environmental, social and economic consequences of consumer choice (2015);
- (g) (j) A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce;
- (k) The protection of consumer privacy and the global free flow of information.

### III. General principles

5. The legitimate needs which the guidelines are intended to meet are the following:

...

- (b) The protection of vulnerable and disadvantaged consumers;

(c) The protection of consumers from hazards to their health and safety, **and from manipulation from the artificial intelligence or similar behaviours profiling tools;**

...

(f) Consumer education (1985), including **digital literacy and** education on the environmental, social and economic consequences of consumer choice (2015);

...

- (j) A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce (2015);

(k) The protection of consumer privacy and the global free flow of information **and of consumer data with trust. (OECD-G20 Principle nr. 2: Data free flow with trust)**



#### IV.Principles for good business practices

11.The principles that establish benchmarks for good business practices for conducting commercial activities with consumers are as follows:

(a) **Fair and equitable treatment...**

(b) **Commercial behaviour.** Businesses should not subject consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, abusive debt collection or other improper behaviour that may pose unnecessary risks or harm consumers. Businesses and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective;

...

(e) **Protection of privacy.** Businesses should protect consumers' privacy through a combination of appropriate control, security, transparency and consent mechanisms relating to the collection and use of their personal data;

#### IV.Principles for good business practices

11.The principles that establish benchmarks for good business practices for conducting **online and offline** commercial activities with consumers are as follows:

(b) **Commercial behaviour.** Businesses should not subject consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, **manipulative use of the artificial intelligence or data collection**, abusive debt collection or other improper behaviour that may pose unnecessary risks or harm consumers. Businesses and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective;

...

(e) **Protection of privacy and data security.** Businesses should protect consumers' privacy through a combination of appropriate control, security, transparency and consent mechanisms relating to the collection and use of their personal data, **especially against data breaches; (GL 14, h data security)**



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Thank you.  
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Annex with all suggestions

