

Ad Hoc Expert Group Meeting on Consumer Protection (11-12 July 2013)

Geneva, Palais des Nations, Salle XVIII

SUMMARY OF THE SUBSTANTIVE ISSUES

11 to 12 July 2013

1. The Ad-Hoc Expert Meeting on Consumer Protection was attended by more than 120 participants from over 55 Member States, intergovernmental and non-governmental organizations. Experts exchanged views on the following issues, as related to consumer protection: the Implementation Report on the United Nations Guidelines on Consumer Protection (UNGCP) as prepared by the Secretariat, financial services, e-commerce, other issues to be included in a revised UNGCP and the framework for the revision process work plan.
2. The Secretariat stated that the current meeting is a continuation of the work of the 1st Ad-hoc Expert Group Meeting, held in July 2012, and outlined that the mandate of the current Ad-Hoc Expert Group Meeting originated from the decision of the Sixth Review conference, held in 2010, directing the Secretariat to hold two expert group meetings. The report of this ad hoc meeting will be submitted, along with that of the previous meeting, to the Seventh Review Conference to be held in 2015. The statement mentioned that the process of the discussions would link up the interface between competition and consumer policies report and other emerging issues of interest to Member States.
3. The Secretariat referred to the findings of the Implementation Report of the UNGCP and highlighted that the work of UNCTAD on consumer protection is guided by the UNGCP. The agenda is organised and structured on the findings of the Implementation Report, mainly the discussions on e-commerce, financial services and other emerging issues. The report is based on over fifty five responses from Member States and relevant stakeholders, and this occasion was a unique opportunity to share and discuss all issues raised therein. Taking stock of the work of other international organisations in this regard and any additional observations and comments was also important and useful to the discussions.

A. Implementation Report of the Secretariat on the UNGCP (1985-2013)

4. The first ad-hoc expert group meeting stated the need to review the UNGCP. The Secretariat subsequently prepared a report on the ways in which the UNGCP have been implemented during the period between its adoption in 1985 and the present. The Secretariat undertook a consultation process with Member States and other relevant stakeholders (through the circulation of an extensive questionnaire). A draft report of the findings was circulated in February 2013, which received the twenty additional comments. The final Implementation Report was published on 29 April 2013. With the permission of respondents, contributions to this report have been made available on UNCTAD's webpage. The process of consultations included regional meetings (ICPEN, OECD, the Third International Consumer Protection Forum in the Dominican Republic and the First Kazakhstan Forum). Regarding the way forward, the consolidated report of the discussions will be submitted to and further discussed in the 7th Review Conference of the UN Set on Competition in 2015. The Implementation Report finds that the UNGCP have been widely implemented by Member States since 1985, and shows that all areas still remain valid and useful. There are new challenges such as e-commerce and financial services, as well as other issues such as data protection, false advertisement and cross-border consumer protection matters that merit further discussion. E-commerce and Financial Services are topics on which the OECD has been working on in recent years. Other areas of interest for consideration include energy, cross-border trade, transport and universal access to essential services.

5. Many delegations praised the Implementation Report and the work of UNCTAD in evaluating the UNGCP and the proposals therein. Delegates supported the inclusion of e-commerce and financial services as key areas on which the future revision of the guidelines should be focused, at the same time expounding on specific areas of focus within these broad categories. Some of the areas mentioned were universal access to financial services and financial education, expansion of e-commerce to cover data protection and vulnerable consumers, including farmers.
6. Several delegations supported the idea of including more areas in the revision of the UNGCP; including data protection (either stand-alone or as part of e-commerce), health, public services, protection of vulnerable consumers such as farmers, consumer rights as human rights, interaction between consumer and competition policies and other policies, misleading advertisement and tourism. Other delegations noted that some of these issues were already broadly covered in the UNGCP, and cautioned UNCTAD against moving outside of areas that fall outside the interface between competition and consumer protection or that were already under review or the subject of negotiations by specialized agencies or other international bodies.
7. Broader issues to be explored were also suggested by several experts as the discussions to review UNGCP unfolded. These included: UNGCP periodic review mechanisms, collective mechanisms for public interests, promoting protection of economic and non-economic interests (moral and spiritual damages, regional issues), the link between consumer protection and poverty (especially its link to the informal sector), promoting development of inclusive policies, on-line dispute resolution, linking consumer protection policies to sectorial policies, security of consumers, misleading advertising in cross-border trade and the virtual market of tomorrow.
8. However, one expert supported the focus on the areas of e-commerce and financial services and the work of the OECD (particularly the review being carried out of the OECD 1999 e-commerce guidelines and the G20 High Level Principles on Financial Consumer Protection). Caution towards addressing data protection-related issues was advised as this issue area is currently addressed in other international fora. Conversely, another expert argued that data protection should be included in the UNGCP from the perspective of data protection against companies and standard contracts paying attention to consumer interests; thus, concentrating on the area of business-to-consumer.
9. Some delegates informed the meeting of legislative developments and other initiatives in their jurisdictions; new consumer protection, data protection, and privacy laws being enacted in several countries. The issue of cooperation between authorities was raised and the example of the bilateral agreement between two Latin American countries to deal with cross-border activities for the benefit of consumers was presented.
10. An observer organisation stated that they had not been formally consulted during the consultative process, although they had invited their members (more than 240 organisations from 120 countries) to make proposal for amendments to the UNGCP and had received over 100 proposals. The responses identified, in addition to financial services and e-commerce, further issues, including access to knowledge, the need to include vulnerable consumers, water, energy, pharmaceuticals, health and responsible marketing and a proposal for UN recognition of a world consumer protection day on 15 March. A proposal was also forwarded to nominate a full-drafting committee with a clear mandate to assist in preparing the UNGCP text in order to continue with this work
11. Another observer organisation reminded participants that any guideline is soft-law and as such, is not legally binding for Member States. The world has changed dramatically since 1985 and the summit of 1991, and the concept of environment consumption was added in a timely manner. This organisation supported the revision of the UNGCP to capture new areas of consumer concern, such as data protection.
12. Another observer organisation complemented the Secretariat's report and supported the inclusion of e-commerce and financial services as proposed therein. If the UN would decide to add more issues, they would assist in commenting on the study, especially in the area of advertising (self-regulations codes). While acknowledging that "paragraph 28 of the report which says; "Business only complies with the law if

heavy sanctions exist”, the organisation recalled that there is a large majority of companies that comply with the law outside of this assumption. The Secretariat report text might need to be more balanced in that respect.

13. The Secretariat responded to the complaint of insufficient consultations and informed that consultations had indeed taken place between the two organisations. The questionnaire has been sent to the relevant organisation in November 2012, their contributions were received in January 2013 and comments made in February 2013. Inputs from UNCTAD for the world consumer protection day report were provided, among other activities.

B. New issues: E-commerce

14. Mr. George Tirant, CEO of the Consumer Agency of Seychelles, provided a presentation on E-commerce and its impact on consumers in developing countries. The presentation described of types of E-commerce (B2B, B2C, G2C) and impacts at the cross-border dimension, the benefits of e-commerce to businesses (easy and speedy communications; business expansion opportunity; lower cost; increase advertising possibilities) and to consumers (convenience; increased choices; informed choices; and cheaper products). Mr. Tirant also highlighted the risks of E-commerce such as scams; payment risk; fulfillment risk; deceptive business practices; security risks; privacy; system and data integrity, adding that consumers were exposed to all risks. As such, consumer should be protected against (1) false representations (2) unsolicited goods, emails etc. (3) bait advertising (4) misleading and deceptive conduct (5) pyramid selling (6) referral selling. In addition, consumers’ issues such as disclosure of information; consumer redress; education of consumers in online transactions and the consent of the consumer in e-commerce transactions should be taken into account in the mainstream debate. One of the challenges mentioned was low levels of consumer internet access in Africa, as well as the enactment of E-commerce laws, particularly on-line payments in cross-border issues. In this regard, legal problems may arise regarding applicable law and effective consumer redress. In this connection, the Chile-Peru bilateral cooperation agreement was mentioned, covering the lack of dispute settlement and consumer choice. Mr. Tenant finalized his presentation by highlighting the key role international bodies should play to address cross-border consumer protection issues through international consultation, regional and international information exchanges between judicial and law enforcement agencies. Another topic should be the development of harmonized provisions of consumer protection law for e-commerce across various jurisdictions.
15. Mr. Peter Avery, head of the Consumer unit at the OECD, presented the OECD 1999 e-commerce guidelines as well as subsequent instruments on cross-border fraud (2003) and dispute resolution and redress (2007). He first outlined the growing trend of involving non-OECD members in the work of the Committee on Consumer Policy. Mr. Avery noted that data protection had become, in recent years, a key consumer policy issue; he added that privacy issues were an important topic being addressed in other parts of the OECD. Reference was made to the OECD’s 1999 e-commerce guidelines as a blue print that served as basis for the development of Directive 2000/31/EC on e-commerce in 2000. He reported that some Asian countries were developing laws and regulations based on the OECD 1999 e-commerce guidelines and that in 2009, the OECD launched a review of the guidelines, focusing on the following issue areas: (1) mobile online payments; (2) digital content products; and (3) participative e-commerce, with some emphasis on vulnerable consumers. Mr. Avery noted that work in these three areas was being developed in close cooperation with the ICPEN. Finally, Mr. Avery indicated that in 2016, an OECD Ministerial meeting on the Internet economy would be organized to address a number of key emerging business-to-consumer e-commerce issues.
16. An open and interactive discussion followed.

17. All participative experts supported the inclusion of E-commerce in the UNGCP and appreciated UNCTAD's work in providing a discussion forum. Some delegates reported that many consumer laws include e-commerce chapters, protecting consumers from risks and challenges highlighted by the presenters. Accordingly, several delegations outlined the necessity of including E-commerce in the UNGCP. First, there is a need to foster consumer trust and confidence in E-commerce. The work of Latin American countries to promote best practices was discussed, including enactments of Consumer Codes, self-regulation mechanisms and complementary regulations. Second, increased consumer rights protection in electronic transactions, the need to include return of payments in fraud cases, the protection of children and the related need to devise secure online payments mechanisms. Accordingly, a delegate mentioned a national experience of adopting preventive and precautionary measures, including blocking websites in which there is evidence of infringing consumer rights or problems of authenticity of the owners (innovation and step forward in this area). Third, there is a need to include cross-border measures between internal and domestic laws of affected countries such as the experience of the bilateral cooperation agreement between two Latin American countries mentioned by one delegate. Other issues for the discussion were also raised: need to assess consumer harm in redress issues, jurisdictional issues (place of business of the seller, even within the country), cooling-off period (to go back in e-transactions), online dispute settlement, legal responsibility of the seller (website being the only trading platform), clarified legal responsibility when unfair locking devices by IP owners are being imposed when adding a digital product, the need to ensure the quality of consumer information and consent of the consumer facing digital communications and marketing practices.
18. One expert noted that both presentations underscored that the core issues consumers face in e-commerce are very similar whether they are in countries such as the Seychelles or OECD countries. She noted that this is likely to increase as more consumers become connected to the Internet through mobile devices and noted that the core consumer issues, such as misleading and unfair practices online, information disclosures, and dispute resolution and redress are addressed in the OECD E-commerce Guidelines, which have served as a basis for many national laws by countries inside and outside the OECD.
19. Some delegates suggest the importance of including data protection in the topic of E-commerce. A different view was taken by another delegate whereby data protection should not be covered by the UNGCP as this topic is currently under negotiation in other international fora. In this connection, another delegate mentioned that private data protection and online fraud are issues very broad and relate to unfair business practices. Hence, it should not be left outside the scope of the UNGCP.
20. An expert mentioned the measures adopted by their national authority on E-commerce and misleading advertising where a team is exclusively devoted to E-commerce, in response to the great number of complaints. She stressed that cross-border cooperation is a crucial issue at the European and international level, particularly concerning E-commerce websites given the globalised nature of transactions. She also mentioned the work of ICPEN. Another delegate mentioned the rising digital divide between consumers having more access than others to conclude transactions and contracts.
21. The importance of protecting vulnerable consumers from defective products and international frauds of the banking system was highlighted. International experiences, therefore, are crucial as E-commerce is often a self-regulated market, where there are potential abuses towards the vulnerable consumers. He added that there should be a cross-border criterion to harmonize the approaches being discussed. In addition, Altagracia Paulino, Vice Chair of Ad-Hoc Expert Group, mentioned the importance of the UN Guidelines, which served as inspiration to the drafting of consumer laws around the world. She stressed the importance of sharing experiences and the need to take advantage of this, together with the new areas outlined.
22. The input of the Ibero-American Forum of Consumer Protection Agencies (FIAGC) for the inclusion of E-commerce in the UNGCP was presented. The main points raised were: (i) the inclusion of security measures in e-commerce transactions (ii); inclusion of personal data protection; (iii) establishing compulsory mechanisms to include transparency with respect to contract data; (iv) incorporating user-friendly online dispute settlement; (v) avoiding a lack of compliance of participants and linked to standards;

(vi) lessons from positive self-regulated conduct; (vii) comprehensive and timely information to consumers; (viii) to guarantee the obligations of consumers; and (ix) to encourage citizens and government authorities participation.

23. Another delegate spoke of the relationship between competition and consumer protection in terms of pricing and price adjustment for consumers in natural disasters to avoid speculation on basic goods. In this case, there could be a need to justify price adjustments for consumers and this could constitute a grey area that should be handled properly by consumer and competition authorities. In this connection, an observer mentioned a recent case in China concerning multinational companies fixing prices in the milk market that is harmful to consumers.
24. Finally, three observer organisations provided comments detailing: proposals on E-commerce; mechanisms on cross-border dispute resolutions; guidelines for multinational companies and suggesting UNCTAD address B2C and C2C global transactions, given its universal membership in comparison with OECD and ICPEN. Further, one observer highlighted the consumer benefits of e-commerce where companies received the trust of millions of consumers, aside from the risks and challenges described by presenters. Another remark praised OECD's inclusion of the business community's view in their consultations. A final suggestion was made on avoiding prescriptive language in the UNGCP, rather a "suggestion wording" to cover digital world changes in the coming years.

C. New issues: Financial Services

25. Under the title "Financial Services and the UN Guidelines on Consumer Protection", Ms. Altagracia Paulino, Executive Director of the Consumer Protection Agency of the Dominican Republic (*Proconsumidor*), delivered an introductory presentation to the session "New Issues: Financial Services." Ms. Paulino made reference to the need to incorporate the issue of financial services to the UNGCP, highlighting the fact that the users of these services have been most affected by the financial crises. She affirmed that the recent crisis that began in 2007 was generated by the lack of regulation and by weak enforcement of the few existing regulations, provoking impoverishment and the return to poverty levels of middle class sectors.
26. Ms. Paulino stressed that it is unfair to condemn future generations to suffer the same consequences of the financial system when we have the tools to create change now, and said that the United Nations provides an opportunity to foster and promote corrective actions. She gave an overview of economic theories which explain the evolution of the recent financial crisis and its possible causes, concluding that there was a link between banks, real estate developers and politicians, which generated a false and unsustainable economic environment. She affirmed that when this situation collapsed governments addressed the situation by giving away taxpayer money. She stated that the neoliberal system of self-regulation has failed and there is a pressing need for more effective regulatory measures.
27. Ms. Paulino said it is necessary for governments to: ensure transparency, with fair and equitable financial services; to ensure access to credit for all sectors of society without discrimination; eliminate credit contracts containing unfair terms; punish those guilty of bank crises; establish new regulatory rules with user involvement; and create agencies specialized in the protection of financial service users. Finally, she proposed the creation of a permanent UN observatory with the objective to prevent consumers paying for the outcome of future crises; and that the UNCTAD Secretariat could serve as a link for frequent monitoring of compliance with the UN Guidelines on the Consumer Protection.
28. Under the title "The G20/OECD High-Level Principles on Financial Consumer Protection", Mr. Mike Chapman, Senior Policy Expert of the OECD, provided the background to the development of the G20 High-Level Principles on Financial Consumer Protection. Mandated at the G20 Finance Ministers and Central Bank Governors meeting in February 2011, work to develop the Principles was undertaken by the

Task Force on Financial Consumer Protection of the OECD Committee on Financial Markets (CMF) and endorsed by the G20 Leaders at the Cannes Summit in November, 2011. He pointed out that under the Mexican G20 Presidency; an Action Plan of the G20/OECD Task Force to Develop Effective Approaches to Support the Implementation of the G20 High-Level Principles was endorsed by the G20 Leaders at the Los Cabos Summit in June 2012. The High-Level Principles were then adopted by the OECD Council as a Recommendation in July 2012. Under the Russian G20 Presidency, the G20 Finance Ministers and Central Bank Governors meeting in Moscow, February 2013, stated that they look forward to an update report on the work undertaken by the G20/OECD Task Force to support the implementation of the Principles by the time of the G20 Leaders St. Petersburg Summit, September 2013.

29. Mr. Chapman briefly outlined the G20 High-Level Principles on financial consumer protection; Legal, Regulatory and Supervisory Framework; the role of Oversight Bodies; the Equitable and Fair Treatment of Consumers; Disclosure and Transparency; Financial Education and Awareness; Responsible Business Conduct of Financial Services Providers and Authorised Agents; Protection of Consumer Assets against Fraud and Misuse; Protection of Consumer Data and Privacy; Complaints Handling and Redress and Competition.
30. Mr. Chapman noted that the development of Effective Approaches to support the implementation of the G20 High-Level Principles is of interest to both developed and emerging economies. They span across all financial services sectors – including banking and credit; securities; investment; insurance and pensions, and are designed to assist regulators, supervisors, policy makers and financial services providers enhance financial consumer protection, while taking into account specific jurisdictional circumstances. He then illustrated the type of content within the Effective Approaches by providing examples of an underlying assumption, of a common approach and of an emerging approach related to the High-Level Principle on Responsible Business Conduct of Financial Services Providers and Authorised Agents.
31. Mr. Chapman explained the work of the G20/OECD Task Force on Financial Consumer Protection, the role of Task Force Vice Chairs and sub groups for the first set of three principles that aimed at identifying and presenting a range of effective approaches: common approaches those applied already in a broader range of jurisdictions and emerging approaches that are more innovative and implemented in a few jurisdictions. He noted that the effective approaches are illustrative and will be presented principle by principle.
32. For the "key messages" of his presentation, Mr. Chapman highlighted the role of financial consumer protection to ensure trust and confidence in the financial system; and to facilitate access to appropriate and affordable financial products and services. Also, he noted that the G20 High Level Principles are interconnected and work best when supported/complemented by relevant financial inclusion and financial education strategies. Finally, he added that the Effective Approaches themselves should not be considered in isolation but used and drawn upon as an integrated resource. In conclusion, Mr. Chapman mentioned the need for a holistic policy approach, that the G20/OECD High-Level Principles are the only international instrument on Financial Consumer Protection, to avoid unnecessary duplication, where ever possible, and to take advantage of work already undertaken by the G20, OECD and other international organisations.
33. After the interventions by Ms Paulino and Mr Chapman the floor was open for an interactive debate.
34. One expert made a call to remember that the object of the discussion is to review the UN Guidelines on Consumer Protection. He recalled the crisis in Asia ten years before and made reference to the IMF proposals for the region. Another delegation stressed the need to move forward, supporting the UNGCP and adapting its content to the different national realities.
35. It was also stressed that the group must carefully identify what the problems consumers have in order to include them in the revision. It was further suggested that, given the complexities of the subject, it is important to include financial services issues and the relevance of information and education policies, and to study the needs of each country to assess the necessary reforms.

36. A delegate speaking on behalf of most Latin American countries mentioned the need for information in consumers' rights, institutional strengthening of financial consumer protection, specialized dispute settlement mechanisms, policies of inclusion and universal access to financial services, the need to ensure equal access without discrimination to financial service, and financial policies education from an early age and responsible business conduct.
37. Mr. Chapman was asked whether the OECD could elaborate on remedies and the nature of governmental actions designed to prevent and punish wrongdoers, such as civil or criminal provisions. Mr. Chapman replied that, while the subject had been object of discussion, the G20/OECD Task Force had not yet come to any firm conclusion as to the role of civil/criminal sanctions.
38. It was highlighted that the review of the Guidelines should reflect the processes that are being developed by the countries. A delegate outlined his nation's experience of these issues in its regulation of the central bank and the creation of a support network for to advise and inform consumers, who suspect fraud allegations and harmful practices. All these important efforts that develop at the national level should be incorporated in the revision.
39. The need to consider including new or young consumers in the financial system was stressed, along with the importance of transparency and disclosure in financial services and that establishing financial literacy requires institutions working together and will take time.
40. Another expert agreed that the topic of financial services be incorporated in the Guidelines, as it is the area which generates more social conflict. She proposed three major categories. Firstly, transparency and clear information. In her nation, there is a regulation, recognized by the World Bank as an advanced solution, which requires financial institutions to provide consumers with a summary sheet of the financial contracts. Secondly, that emphasis should be put on financial education to the extent that the information transmitted is understood by the consumer. Lastly, that besides the conflict resolution mechanisms that the state provides, there should be a mechanism for a first-level complaint resolution. In this regard, her nation has worked together with the financial institutions and has installed a centre for the mediation of complaints and the results have been very fruitful so far: 70% of the complaints were resolved in favor of the consumer in an average duration of seven days.
41. A representative from an observer organization welcomed the inclusion of financial services in the Guidelines, having made proposals for possible amendments. The delegate said the OECD program is an excellent checklist for action and, in that sense, merits the support of UNCTAD. He further suggested that a cross-reference in the guidelines to the G20 High-Level Principles could be added. However, he warned that the G20 High-Level Principles should not simply be transposed, since the wording is too weak and some issues, such as deposit guarantees, are not included. Another observer stressed his support for this proposal and the fact that there is lack of information and transparency in this area and that some of the G20 High-Level Principles are valuable but not sufficient.

D. New issues: Other Issues

42. Ms. Connie Lau, former Chief Executive of the Hong Kong Consumer Council, presented the importance and current issues concerning the UNGCP under the title: "Review of the UN Guidelines for Consumer Protection". She underlined the importance of finding consensus on the term consumer protection and on principles of its application. Examples of such a consensus at work are the current Guidelines which at most will need minor revision to include current issues.
43. She proposed that a major feature of the revision of the Guidelines should be such that it reflects a wider, more holistic as well as more comprehensive approach. Narrow Guidelines could potentially constrain future progress. A number of delegates expressed support for this idea in the subsequent discussions.

44. Current issues include financial consumer protection and e-commerce. However, there are further new challenges to be faced. One of them is abusive advertising. There are preexisting principles but not all relevant aspects are covered, for example unethical marketing tactics that do not match the legal definition of advertising or unfair service contracts. Additionally, the subject of advertising, such as children or other vulnerable groups, is also a concern. Regarding health issues, Ms. Lau mentions the question of the addition of tobacco advertisement to the Guidelines, due to its legal but improper nature.
45. A further new issue raised was the energy sector: the trade-off between service availability and environmental sustainability, as well as health concerns which pose a major challenge. On the issue of cross border trade, the UNGCP contain certain references. One issue that goes beyond the mandate of UNCTAD but which raises particular interest among Member States is data protection. Ms. Lau stated that consumer information has become a commodity that is being traded and often consumers are not even aware of this.
46. In any case, there is the need of further examination of the need to protect consumers' cross border transactions, information exchange on national policies, and the level of cooperation in the implementation of consumer protection policies. Mrs. Lau stresses that with a published revision the work will not be finished. As the business changes, Guidelines should constantly be actualized while some fundamental principles remain constant.
47. Following the presentation of Ms. Lau, the debate was opened up to the floor.
48. On the topic of abusive advertisement, introduced by Ms. Lau, an expert expressed the view that there is a self-regulation mechanism in many countries, often in the form of consumer associations. However, this does not mean that there is no need for governmental regulation. Ms. Lau restated that the issue of abusive advertisement should be included in the UNGCP because it is unethical behavior.
49. On the question on how far the UNGCP should go in addressing new issues, delegates argued that those issues merit discussion and even inclusion even if some of them fall outside the mandate of UNCTAD, even if there are other bodies that may be responsible for certain topics. More specifically, several experts as well as an observer organization requested data protection not to be excluded from the UNGCP. They stressed that private consumer data should not be traded as a commodity. Ms. Lau confirmed that even though data protection is not within the UNCTAD mandate, discussions could be held on the inclusion of this issue in the UNGCP.
50. One expert expressed concerns on the issue of tobacco regulation and more generally that addressing too many issues at the same time would extend the length of discussions indefinitely. Thus, the focus should only be on the most important four or five topics, these being comprehensibly articulated in order to enable comparisons.
51. One expert expressed the collective view of the majority of Latin-American countries highlighting the formal recognition of consumer rights as human rights, as economic, social and cultural rights were already strongly recognized by the international community. This issue was also latterly raised by an observer

organization. He also suggested the use of imperative vocabulary in the Guidelines, as well as the elimination of optional terms. He also emphasized the need for more frequent revision of the Guidelines in order to update the document to match contemporary issues and practices, stressing the opinion of modifying the entire document and not solely incorporating an index with new issues. The control of abusive contractor conditions (definition of terms, delimitation of abusive conditions, accounting for consumer understanding), collective redress mechanisms and data protection. Further, the importance of the integration the promotion and protection of the consumer wellness and the inclusion of vulnerable consumers were highlighted.

52. According to some experts there are still topics that have not yet gained much attention, despite of their relevance. Such an example brought up is the focus on certain products, such as pharmaceutical products which are closely related to the right to life and to health. Further, this topic is not only relevant for consumer protection but also for the discussion on competition law and policy, due to problems such as the abuse of market power of pharmaceutical companies, which leads to high prices, and in some places difficulties to access products. A further suggestion was made for the inclusion of transnational tourism; that is should be subject to consumer protection. Methods to realize and facilitate such protection have been made, e.g. the standardized multilingual forms that facilitate consumer complaints. Furthermore, it was pointed out that within some countries in Latin America this system is already operational.

An observer organization raised the idea of the establishment a specific UN Commission on Consumer Protection, which could serve as a platform for the exchange of best practices, a suggestion that was also expressed by other delegates. Furthermore, it was pointed out that despite the existence of good Guidelines, an adequate mechanism to monitor implementation is still missing. This was proposed as a discussion topic at the next meeting for the revision of the Guidelines and that further, UNCTAD would regularly monitor implementation under the newly formed Commission. One expert questioned how such a monitoring mechanism would work given that the UNGP are voluntary in nature. Following some discussion on the treatment of violations and the imposition of sanctions, the delegate of the observer organization explained that the mechanism would take inspiration from successful implementations and experience sharing, not policing. One delegation expressed interest in being subject to active monitoring, as per this proposal. In response, the UNCTAD Secretariat underlined the importance of an international platform for sharing best practices. Developing a set of criteria for monitoring could be very useful to reinforce best practices. However, it was cautioned that due to financial constraints the creation of a new UN Commission could turn out to be very difficult. Several experts cautioned against expanding UNCTAD's mandate in this area. Accordingly, the Secretariat proposed the development of peer reviews among intergovernmental experts, to share experiences and to follow up on the implementation of the UNGCP. Further, as it has been shown in the IGE, peer reviews are useful not only for the subject of the review but also for countries possessing, or approaching, similar consumer protection frameworks. Accordingly, a delegate stressed the interest in a follow-up committee and underlined an interest in the extension of the COMPAL Programme by UNCTAD to other countries.

E. Future Workplan

53. The Secretariat made a presentation on the schedule and flow of the work on the interface between competition and consumer protection. The mandate for the Ad Hoc Expert Group Meetings (EGM) on Consumer Policies was derived from the agreed conclusions of the 6th UN Review conference in 2010. In its agreed conclusion, the conference requested UNCTAD Secretariat to hold two Ad Hoc EGMs on the interface between competition and consumer policies and present its report to the 7th UN Review

Conference, scheduled for 2015. The 14th session of the Intergovernmental Group of Experts Meeting on Competition Law and Policy (2014) will serve as a preparatory meeting to the 7th UN Review Conference.

54. UNCTAD plans to report to the UN Review Conference on the work carried out during the two expert meetings, which took place in 2012 and 2013. The UNCTAD report to the UN Review Conference will include a summary of the two Ad Hoc EGM meetings, as well as any issues which the IGE 2014 might propose of the consideration of the UN Review Conference.
55. During the preparatory process for the UN Review Conference (from now until 2015), the Secretariat will consult and seek input from Member States and observer organizations on the work programme of the Conference to be decided upon during the next IGE in 2014. The Secretariat will invite Member States and observer organizations to voluntarily nominate experts who can assist in the preparation of the UNCTAD Report to that Conference to be members of a working group (s). Four groups will be formed to assist the secretariat in preparing a report to the 7th UN Review Conference, scheduled for 2015. Several delegates volunteered to participate in these groups as follows:
 - a. **Financial services and consumer protection** : Brazil, Bulgaria, Chile, CARICOM, Dominican Rep, France, Guyana, Germany, Malaysia, Namibia, Philippines, Peru, USA, CI, and Professor, Sri, Ram Khanna, Delhi School of Economics.
 - b. **E-Commerce and Consumer Protection**: Brazil, Benin, Bulgaria, Chile, CARICOM, Dominican rep, Korea, Rep of, Malaysia, Morocco, Oman, Peru, PNG, Seychelles, Turkey, USA, CI, and ICC.
 - c. **Implementation of the UN Guidelines for Consumer Protection**: Benin, Brazil, Botswana, Burkina Faso, Chile, Dominican Rep, Chile, Gabon, Malaysia, Nigeria, PNG, Peru, Seychelles and CI.
 - d. **Cluster issues**: The composition of the fourth group is pending consultations on a narrower set of issues to be reviewed by this group.
56. In response to the Secretariat summary of the discussions of the first day of the ad hoc meeting on the interface between competition and consumer policies, the experts were more or less in agreement that e-commerce and financial services should be an integral part of the work on the review of the UNGCP. On this point, some delegates pointed out that a holistic approach should be adopted to ensure that the issues already covered by the guidelines should be not be repeated, but expounded on.
57. On e-commerce, many experts supported the idea of establishing a working group to undertake the work on consumer protection towards the 7th review conference. The idea of building upon the OECD's work on e-commerce, specifically on the 1999 OECD E-commerce Guidelines, was applauded by experts. Other ideas that were put across were on the cross-cutting nature of the e-commerce, inclusion of digital products and services to broaden the issue, the need to explore whether data protection should be a separate topic from e-commerce, identification of sanctions on fraudulent practices, consumer safety on internet sites, dispute resolution mechanism on international online transactions in tourism and other areas, introduction of ISO standards confirmatory in e-commerce.
58. In order to comprehensively review the proposals made by the experts, the following countries and organizations provisionally volunteered to be members of the Working Group on e-commerce: Brazil, USA, Bulgaria, France, Malaysia, Benin, Morocco, Egypt, Papua New Guinea, Chile, Oman, Turkey, Korea, Seychelles, CARICOM, Consumers International and International Chamber of Commerce.
59. On financial services, supported the idea building upon the G20/OECD work on financial consumer protection, specifically on the 2011 G20 High-Level Principles on Financial Consumer Protection. A number of experts raised the issue of remittances and the important role they play in improving lives in developing countries and the need to examine the fees charged by money transfer companies. Other issues emphasized by experts included: the need to link financial services to the issue of financial crises, borrowing and credit including responsible lending, savings and risk management, bank deposit guarantees,

classification of consumers into different categories (such as the excluded, the distressed, or the bankrupt), over-indebtedness, mortgages and securities, mobile payments and redress mechanisms.

60. Further some experts also put forward additional issues as follows; the need for information campaigns, possible existence of anti-competitive practices in bank rescue packages by governments, fraud and cheating in lotto schemes, safe and unsafe financial products and their delivery to consumer through advertisements, regulatory capture of government institutions by the financial companies, tied services to mortgages, including life insurance requirement and debit card limits to consumers set by retailers.
61. Regarding the cluster of topics for discussion under the grouping of 'other issues', the Secretariat presented a proposed list: Data protection, Cross-border trade, Tourism, Collective proceedings and class actions, Principle of integration with other governmental policies, Public and universal services, Energy, Transport, Real Estate, Access to knowledge and abusive advertising.
62. The reactions of the delegates to the length of the "other issues" list presented were mixed. Some delegates expressed the view, that such a list is too long to be fully discussed and implemented. A list that includes too many items could slow down the process because governmental agreement and coordination with other national authorities will be needed first. One delegation added the concern, that some of the items shown on the list were not connected to the intersection of competition and consumer protection law. It therefore cautioned that this would likely impede swift revision of the UNGCP. On the other side, some experts and an observer organization argued, that there is the need to have a list that allows adding items to the guidelines that goes beyond e-commerce and financial issues. One reason for this need is that countries with a younger history of consumer protection agencies face different challenges than those of countries with mature agencies. Thus, there should be no artificial constrains when revising the Guidelines. The world has changed, it was argued, and if the Guidelines were being written for the first time today, all these issues would be included. The Secretariat added the note that most of the items under the presented list could either be accommodated under the existing general principles of the Guidelines or under other sectors that already exist in the Guidelines. Therefore, the actual list of items to be added would be shorter.
63. On the language of the list of other issues, delegates expressed the desire to use more general language. The articulation should be based on broader terms.
64. An early comment by one delegate was that there are priorities of additional issues and placed the issue of data protection at the forefront. The delegate explained that there are already regulations on the national and regional level in place but the issue of data protection needs to be addressed on an international level to be fruitful because data flows go beyond national and regional borders. Therefore, international common principles need to be established. The fact, that businesses have a better knowledge about the local population than the government is concerning, the delegate expressed. The view that data protection is to be given high priority was confirmed by many delegates.
65. Another issue that was identified as a priority was cross border commerce.

66. One delegation proposed further specific points to be added to the list, including consumer protection from non-economic damages such as moral damages as well as the use of abusive clauses in financial systems. Furthermore, consumer rights should be given the status of human rights in the preamble of the Guidelines, as it was already proposed the day before. The delegate expressed the importance of peer reviews for Guidelines and mentioned that meetings need to take place more than twice a year to obtain a working mechanism. Also, a careful description of the terms vulnerable and disadvantaged consumers is needed and special attention is to be given to illiterate consumers.
67. An observer organization mentioned that they were missing the issue of abusive advertisement on the list.
68. In a final speech, the Secretariat suggested a Working Group on the two issues that were identified to be the most pressing ones, data protection and cross-border commerce. However, some delegates opposed Working Group on other issues because it is very unlikely that an international consensus can be found on these areas. The Secretariat's proposal to the experts was therefore to do consultations at the national level first and then provide the UNCTAD Secretariat with concrete proposals.
69. To begin a debate on monitoring, assessment and evaluation, the Secretariat summarized the discussion on the first day of the Ad Hoc Meeting mentioning the idea of the establishment of a specific UN Commission on Consumer Protection. He highlighted the economic benefits of the Peer Reviews as a way of exchanging best practices.
70. One delegate supported the idea of creating a Commission and expressed concerns regarding the existence of other international organizations already undertaking consumer protection work. The connection in between consumer protection and competition was stressed by the delegate as well as the need to assure that firms are not choosing less regulated countries.
71. Many delegates supported the idea of creating a Commission and highlighted the necessity of changing experiences. A representative from an observing organization welcomed the idea of creating a Commission and recommended to use peer reviews as an instrument. Other delegates questioned whether there were resources for this, and raised concerns about whether it would fall within UNCTAD's mandate.
72. The Secretariat mentioned the difficulties of setting a permanent organ and suggested the idea of creating Working Groups formed by volunteering delegations. He also stated that the UNCTAD mandate is strict in this area and other organizations are responsible for some of areas discussed previously.

