

United Nations

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United Nations Conference on Trade and Development

Draft Resolution for consideration by the General Assembly

Consumer Protection

NOTE:

- The Draft Resolution for consideration by the General Assembly was prepared by the UNCTAD secretariat and is based on the discussions of the three Ad Hoc Expert Group Meetings on Consumer Protection (2012, 2013 and 2015) and particularly on the findings of the Modalities for the Revision of the United Nations Guidelines for Consumer Protection (UNGCP) of 2014, available in English, Spanish and French. The UNCTAD secretariat acknowledges the valuable contributions of Member States, international organizations, academia, private sector and civil society. All relevant documentation is available in our website: <http://unctad.org/en/pages/MeetingDetails.aspx?meetingid=642>
- The present version of the Draft Resolution reflects the comments and suggestions received during the Ad Hoc Expert Group Meeting on Consumer Protection of 22 and 23 January 2015 and written contributions received thereafter
- The Draft Resolution contains:
 - A perambulatory section
 - An operative section
 - An Annex: containing the proposed revision of UNGCP. The expansion of the UNGCP is indicated in bold.
- Only new additions to the UNGCP are open for comments and suggestions
- Delegates are kindly requested to provide comments on all parts of the resolution on:
 - Substantive issues to be addressed
 - Editorial and stylistic issues
- All comments should be sent to: Arnau Izaguerri (arnau.izaguerri@unctad.org) and Graham Mott (graham.mott@unctad.org) by **16 February 2015**
- A revised Draft Resolution will be circulated by **27 February 2015**
- A one-afternoon informal meeting on 25 March (date to be confirmed) will be convened in Geneva on the margins of UNCTADs 'Expert Meeting on Cyberlaws and Regulations for Enhancing E-commerce, Including Case Studies and Lessons Learned' of 25 to 27 March 2015. Delegates, observers and academia are kindly invited to save the date.

Draft Resolution for consideration by the General Assembly

Consumer Protection

The General Assembly,

Recalling Economic and Social Council resolution 1981/62 of 23 July 1981, in which the Council requested the Secretary-General to continue consultations on consumer protection with a view to elaborating a set of general Guidelines for consumer protection, taking particularly into account the needs of the developing countries.

Recalling further General Assembly resolution 38/147 of 19 December 1983,

Noting Economic and Social Council resolution 1984/6 of 26 July 1984, A/RES/39/248 of 16 April 1985 and Economic and Social Council resolution of 1999, E/1999/INF/2/Add.2, resolution 1999/7;

Recalling the General Assembly Resolution..... on the Sixth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules on Competition;

Recalling further the objectives formulated in the United Nations Millennium Declaration, notably the Millennium Development Goals, the reaffirmation they received in the 2005 World Summit Outcome and the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals in 2010, in particular in the pursuit of development and the eradication of poverty; and their upcoming revision into the Sustainable Development Goals;

Noting that this year marks the thirtieth anniversary of the adoption of the United Nations Guidelines for Consumer Protection as a thematic issue and acknowledges the enduring need for Member States to strengthen further the protection of consumers. The General Assembly remains committed to addressing the impact of development in markets and technology on consumers;

Pointing out that although significant progress has been achieved, with respect to the protection of consumers, at the normative level since the adoption of the Guidelines 1985, this progress has not been consistently translated into more effective and better-coordinated protection efforts in all countries and in all areas of commerce;

Reaffirming the Guidelines as a valuable set of principles for setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems, and for assisting interested Member States in formulating and enforcing domestic and regional laws, rules and regulations that are suitable to their own economic and social circumstances;

Bearing in mind that consumer protection should be an integral part of the legal, regulatory and supervisory framework, and that the authority for consumer protection enforcement authorities to obtain redress for consumers can be particularly helpful in addressing complex cross-border disputes involving fraudulent and deceptive commercial practices;

Recognizing that, certain principles set forth in this resolution may be relevant to mechanisms for consumer protection, dispute resolution and redress for consumers affected by breaches of laws in other policy areas and may therefore serve as the basis for future work in these areas;

Recognizing that, Member countries have a common interest in promoting and protecting the fundamental values of privacy, individual liberties and the global free flow of information;

Bearing in mind that certain special features of electronic commerce certain special features of digital commerce, such as the ease, speed and discretion with which businesses and consumers can communicate may pose some challenges, and therefore it is important for consumers and businesses to be informed and aware of their rights and obligations in the digital marketplace;

Recognizing that consumer confidence and trust in a well-functioning market for financial services promotes financial stability, growth, efficiency and innovation over the long term and that traditional regulatory and supervisory frameworks adopted by oversight bodies contribute to the protection of consumers;

Recognizing that, the recent financial crisis place a renewed focus on consumer protection and calls for an effective enforcement in the financial sector, that should address the adoption of new guidelines for handling complaints and provide stronger supervision of the financial market;

Recognizing the importance of combating substandard, spurious falsely-labeled falsified or counterfeit products that pose threat to consumers' health and safety. The harm associated with the trade in counterfeit goods is significant. Counterfeit products can pose health and safety risks to consumers, resulting in decreased consumer confidence in the marketplace, lost tax revenue for the Member States and lost income for businesses who suffer from such infringement;

The General Assembly Plenary,

On the proposal of the Seventh United Nations Conference to Review the Set:

- 1. Decides to adopt the revised guidelines for consumer protection annexed to the present resolution thereto of which it forms an integral part;**
- 2. Requests the Secretary-General to disseminate the guidelines to Member States and other interested parties;**
- 3. Requests all organizations of the United Nations system that elaborate guidelines and related documents on specific areas relevant to consumer protection to distribute them to the appropriate bodies of individual States;**
- 4. Recommends that, Member States implement this resolution and the guidelines as set out in the Annex;**
- 5. Instructs the United Nations Conference on Trade and Development secretariat to exchange information on progress and experiences regarding the implementation of this resolution, review that information, and report to the General Assembly this subject on the occasion of the Eight UN Conference to Review the Set;**
- 6. Further requests the United Nations Conference on Trade and Development to promote the revised United Nations Principles for Consumer Protection and to encourage the interested member states to create awareness of the many ways in which, Member States, business and civil society can promote consumer protection in the provision of public and private goods;**
- 7. Decides to establish an intergovernmental Group of Experts on Consumer Policy within the Framework of an existing Trade and Development Board Commission of UNCTAD;**
- 8. Decides that the necessary resources should be made available to the United Nations Conference on Trade and Development to carry out the tasks embodied in the revised Guidelines;**
- 9. Requests the Secretary-General to continue to promote effective implementation of the Principles for Consumer Protection by member states and business.**

Annex

GUIDELINES FOR CONSUMER PROTECTION

I. Objectives

1. Taking into account the interests and needs of consumers in all countries, particularly those in developing countries; 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:

- (a) To assist countries in achieving or maintaining adequate protection for their population as consumers;
- (b) To facilitate production and distribution patterns responsive to the needs and desires of consumers;
- (c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers;
- (d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers;
- (e) To facilitate the development of independent consumer groups;
- (f) To further international co-operation in the field of consumer protection;
- (g) To encourage the development of market conditions which provide consumers with greater choice at lower prices.
- (h) To promote sustainable consumption.

II. Scope of application

2. These Guidelines apply to business-to-consumer transactions and to the provision of goods and services by public entities. For the purpose of these Guidelines consumer protection includes Member States laws, regulations and rules, as well as private sector standards and recommendations, that protect consumer rights and interests, or otherwise promote consumer welfare in commerce.

3. Further defining a "consumer" as a natural person, who is acting as the final user of the good or services provided.

III. General principles

4. Member States should develop, strengthen or maintain a strong consumer protection policy, taking into account the guidelines set out below and relevant international agreements. In so doing, each Member States must set its own priorities for the protection of consumers in accordance with the economic, social and environmental circumstances of the country, and the needs of its population, and bearing in mind the costs and benefits of proposed measures.

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

- (a) The protection of consumers from hazards to their health and safety;
- (b) The promotion and protection of the economic interests of consumers;
- (c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;
- (d) Consumer education, including education on the environmental, social and economic consequences of consumer choice ;
- (e) Availability of effective consumer redress;
- (f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them;
- (g) The promotion of sustainable consumption patterns;
- (h) The protection of consumers accessing financial services;**
- (i) The protection of consumers using electronic and mobile commerce;**
- (j) The protection of consumers' fundamental values of privacy, individual liberties and the global free flow of information;**

6. Unsustainable patterns of production and consumption, particularly in industrialized countries, are the major cause of the continued deterioration of the global environment. All countries should strive to promote sustainable consumption patterns; developed countries should take the lead in achieving sustainable consumption patterns; developing countries should seek to achieve sustainable consumption patterns in their development process, having due regard to the principle of common but differentiated responsibilities. The special situation and needs of developing countries in this regard should be fully taken into account.

7. Policies for promoting sustainable consumption should take into account the goals of eradicating poverty, satisfying the basic human needs of all members of society, and reducing inequality within and between countries.

8. Member States should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population and people living in poverty.

9. All enterprises should obey the relevant laws and regulations of the countries in which they do business. They should also conform to the appropriate provisions of international standards for consumer protection to which the competent authorities of the country in question have agreed. (Hereinafter references to international standards in the guidelines should be viewed in the context of this paragraph.)

10. The potential positive role of universities and public and private enterprises in research should be considered when developing consumer protection policies.

IV. Principles for Good Business Practices

11. The principles that establish benchmarks for good business practice for conducting online and off-line commercial activities with consumers are as follows:

(a) Fair and equitable treatment

Businesses should deal fairly and honestly with consumers at all stages of their relationship, so that it is an integral part of the business culture. Businesses should avoid practices that cause consumer detriment, particularly with respect to vulnerable and disadvantaged groups of all genders.

(b) Commercial Behaviour

Business should not subject consumers to illegal, unethical, discriminatory, or deceptive business practices, such as abusive marketing tactics, abusive debt collection practices, or other improper behaviour that may harm consumers.

(c) Disclosure and transparency

Businesses should provide complete and accurate information to consumers about terms, conditions, applicable fees and final costs of goods and services, sufficient to enable consumers to make informed decisions. They should also orient consumers as appropriate. Businesses should update information about goods and services provided to consumers, so that the goods and services are clear and concise, easy to understand, accurate, and not misleading. Business should ensure easy access to this information and not impose unnecessary inconvenience, especially to the key terms and conditions, regardless of the technological means used.

(d) Education and awareness

Businesses should, as appropriate, develop programmes and appropriate mechanisms to assist

consumers to develop the knowledge and skills to appropriately understand risks, including financial risks and opportunities, make informed choices, and know how to access assistance when needed.

(e) Protection of privacy

Businesses engaged in online and off-line commerce should protect personal information through appropriate control and security mechanisms and should take steps not to disclose information without client knowledge and consent. These mechanisms should define the purposes for which data may be collected, processed, held, used and disclosed (especially to third parties) .

(f) Complaints handling

Business should make available complaints handling that provide consumers with fair, easy to use, speedy and effective dispute resolution without unnecessary cost or burden.

(g) Conflict of interest

Businesses and their authorized agents should have working in the interests of consumers and being responsible for upholding consumer protection as objectives.

(h) Cooperation with consumer protection enforcement authorities

Businesses should cooperate with Member States' consumer protection enforcement authorities in resolving consumer complaints.

V. Guidelines

12. The following guidelines should apply both to home-produced goods and services and to imports.

13. In applying any procedures or regulations for consumer protection, due regard should be given to ensuring that they do not become barriers to international trade and that they are consistent with international trade obligations.

A. Physical safety

14. Member States should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, national or international standards, voluntary standards and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

15. Appropriate policies should ensure that goods produced by manufacturers are safe for either intended or normally foreseeable use. Those responsible for bringing goods to the market, in particular suppliers, exporters, importers, retailers and the like (hereinafter referred to as "distributors"), should ensure that while in their care these goods are not rendered unsafe through

improper handling or storage and that while in their care they do not become hazardous through improper handling or storage. Consumers should be instructed in the proper use of goods and should be informed of the risks involved in intended or normally foreseeable use. Vital safety information should be conveyed to consumers by internationally understandable symbols wherever possible.

16. Appropriate policies should ensure that if manufacturers or distributors become aware of unforeseen hazards after products are placed on the market, they should notify the relevant authorities and, as appropriate, the public without delay. Member States should also consider ways of ensuring that consumers are properly informed of such hazards.

17. Member States should, where appropriate, adopt policies under which, if a product is found to be seriously defective and/or to constitute a substantial and severe hazard even when properly used, manufacturers and/or distributors should recall it and replace or modify it, or substitute another product for it; if it is not possible to do this within a reasonable period of time, the consumer should be adequately compensated.

B. Promotion and protection of consumers' economic interests

18. Member States policies should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market place.

19. Member States should intensify their efforts to prevent practices which are damaging to the economic interests of consumers through ensuring that manufacturers, distributors and others involved in the provision of goods and services adhere to established laws and mandatory standards. Consumer organizations should be encouraged to monitor adverse practices, such as the adulteration of foods, false or misleading claims in marketing and service frauds.

20. Member States should develop, strengthen or maintain, as the case may be, measures relating to the control of restrictive and other abusive business practices which may be harmful to Consumers, including means for the enforcement of such measures. In this connection, Member States should be guided by their commitment to the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly in resolution 35/63 of 5 December 1980.

21. Member States should adopt or maintain policies that make clear the responsibility of the producer to ensure that goods meet reasonable demands of durability, utility and reliability, and are suited to the purpose for which they are intended, and that the seller should see that these requirements are met. Similar policies should apply to the provision of services.

22. Member States should encourage fair and effective competition in order to provide consumers with the greatest range of choice among products and services at the lowest cost.

23. Member States should, where appropriate, see to it that manufacturers and/or retailers ensure

adequate availability of reliable after-sales service and spare parts.

24. Consumers should be protected from such contractual abuses as one-sided standard contracts, exclusion of essential rights in contracts and unconscionable conditions of credit by sellers.

25. Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements. This requires the provision of the information necessary to enable consumers to take informed and independent decisions, as well as measures to ensure that the information provided is accurate.

26. Member States should encourage all concerned to participate in the free flow of accurate information on all aspects of consumer products.

27. Consumer access to accurate information about the environmental impact of products and services should be encouraged through such means as product profiles, environmental reports by industry, information centres for consumers, voluntary and transparent eco-labeling programmes and product information hotlines.

28. Member States, in close collaboration with manufacturers, distributors and consumer organizations, should take measures regarding misleading environmental claims or information in advertising and other marketing activities. The development of appropriate advertising codes and standards for the regulation and verification of environmental claims should be encouraged.

29. Member States should, within their own national context, encourage the formulation and implementation by business, in cooperation with consumer organizations, of codes of marketing and other business practices to ensure adequate consumer protection. Voluntary agreements may also be established jointly by business, consumer organizations and other interested parties. These codes should receive adequate publicity.

30. Member States should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

C. Standards for the safety and quality of consumer goods and services

31. Member States should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity. National standards and regulations for product safety and quality should be reviewed from time to time, in order to ensure that they conform, where possible, to generally accepted international standards.

32. Where a standard lower than the generally accepted international standard is being applied because of local economic conditions, every effort should be made to raise that standard as soon as possible.

33. Member States should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential consumer goods and services.

D. Distribution facilities for essential consumer goods and services

34. Member States should, where appropriate, consider:

(a) Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas. Such policies could include assistance for the creation of adequate storage and retail facilities in rural centres, incentives for consumer self-help and better control of the conditions under which essential goods and services are provided in rural areas;

(b) Encouraging the establishment of consumer co-operatives and related trading activities, as well as information about them, especially in rural areas.

E. Measures enabling consumers to obtain redress

35. Member States should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

36. Member States should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

37. Information on available redress and other dispute-resolving procedures should be made available to consumers.

F. Dispute resolution and redress mechanisms

38. Member States should, as appropriate, encourage the development of fair, effective and transparent mechanisms to address consumer complaints arising from business-to-consumer transactions, through administrative, judicial and alternative dispute resolution, including for cross-border cases.

39. Member States should consider how to ensure effective redress for victimized consumers in cases involving fraudulent, deceptive or misleading advertising commercial practices.

40. Member States should consider participating in multilateral and bilateral arrangements to improve international judicial and interagency co-operation in the recovery of foreign assets and the enforcement of judgments in appropriate cross-border cases.

41. Member States should ensure that collective resolution procedures are transparent, efficient, speedy, affordable, and fair to both consumers and businesses, including those pertaining to bankruptcy cases.

42. Member States should encourage businesses to adhere to domestic and international

standards, developed through open and transparent multi-stakeholder processes, pertaining to internal complaints handling, alternative dispute resolution services, and customer satisfaction codes.

43. Member States should encourage businesses and industry groups to provide consumers with voluntary mechanisms to informally, and at the earliest possible stages, resolve disputes and obtain redress, or compensation as appropriate.

G. Dispute Avoidance and Awareness of Resolution Mechanism

44. Member States should co-operate with businesses, industry groups, and consumer groups in furthering consumer and business understanding of how to avoid disputes, of dispute resolution and redress mechanisms available to consumers, and of where consumers can file complaints. In designing education and awareness initiatives on this topic, special consideration should be given to the needs of disadvantaged or vulnerable consumers.

45. Member States should work towards improving awareness of and access to dispute resolution and redress mechanisms, including alternative dispute resolution, and enhancing the effectiveness of such consumer remedies in cross-border disputes.

H. Domestic Frameworks for consumer protection

46. Member States should ensure that their frameworks for consumer protection are not used to protect domestic businesses from competition or applied unfairly.

47. Member States should work towards establishing or encouraging as appropriate;

- fair business, advertising and marketing practices;
- clear and timely information about an business's identity, its legal name and the name under which it trades, its principal geographic address, e-mail address or other means of contact, its telephone number and its government registration or license numbers;
- clear and timely information about the goods or services offered by businesses and the terms and conditions of the relevant transaction
- a transparent process for the confirmation of transactions;
- secure payment mechanisms;
- fair, and affordable dispute resolution and redress;
- privacy and data security; and
- and consumer and business education.

48. Member States should review and build upon their existing consumer protection laws and enforcement frameworks to ensure that consumers are provided with effective protection against fraudulent, misleading, and unfair commercial practices without unnecessary cost or

burden. In designing laws and enforcement mechanisms, as well as education and awareness initiatives, special consideration should be given to the needs of disadvantaged or vulnerable consumers.

I. Adequate resources for enforcement

49. Member States should work towards ensuring that consumer protection enforcement authorities have the necessary human and financial resources to promote effective compliance and to obtain or facilitate redress for consumers.

J. Education and information programmes

50. Member States should develop or encourage the development of general consumer education and information programmes, including information on the environmental impacts of consumer choices and behaviour and the possible implications, including benefits and costs, of changes in consumption, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels. Consumer groups, business and other relevant organizations of civil society should be involved in these educational efforts.

51. Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects.

52. Consumer education and information programmes should cover such important aspects of consumer protection as the following:

- (a) Health, nutrition, prevention of food-borne diseases and food adulteration;
- (b) Product hazards;
- (c) Product labelling;
- (d) Relevant legislation, how to obtain redress, and agencies and organizations for consumer protection;
- (e) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities;
- (f) Environmental protection; and
- (g) Efficient use of materials, energy and water;

53. Member States should encourage consumer organizations and other interested groups,

including the media, to undertake education and information programmes, including on the environmental impacts of consumption patterns and on the possible implications, including benefits and costs, of changes in consumption, particularly for the benefit of low-income consumer groups in rural and urban areas.

54. Business should, where appropriate, undertake or participate in factual and relevant consumer education and information programmes.

55. Bearing in mind the need to reach rural consumers and illiterate consumers, Member States should, as appropriate, develop or encourage the development of consumer information programmes in the mass media, or through other delivery channels that reach such consumers.

56. Member States should organize or encourage training programmes for educators, mass media professionals and consumer advisers, to enable them to participate in carrying out consumer information and education programmes.

K. Promotion of sustainable consumption

57. Sustainable consumption includes meeting the needs of present and future generations for goods and services in ways that are economically, socially and environmentally sustainable.

58. Responsibility for sustainable consumption is shared by all members and organizations of society, with informed consumers, Member States, business, labour organizations, and consumer and environmental organizations playing particularly important roles. Informed consumers have an essential role in promoting consumption that is environmentally, economically and socially sustainable, including through the effects of their choices on producers. Member States should promote the development and implementation of policies for sustainable consumption and the integration of those policies with other public policies. Member States policy-making should be conducted in consultation with business, consumer and environmental organizations, and other concerned groups. Business has a responsibility for promoting sustainable consumption through the design, production and distribution of goods and services. Consumer and environmental organizations have a responsibility for promoting public participation and debate on sustainable consumption, for informing consumers, and for working with Member States and business towards sustainable consumption.

59. Member States, in partnership with business and relevant organizations of civil society, should develop and implement strategies that promote sustainable consumption through a mix of policies that could include regulations; economic and social instruments; sectoral policies in such areas as land use, transport, energy and housing; information programmes to raise awareness of the impact of consumption patterns; removal of subsidies that promote unsustainable patterns of consumption and production; and promotion of sector-specific environmental-management best practices.

60. Member States should encourage the design, development and use of products and services that are safe and energy and resource efficient, considering their full life-cycle impacts. Member States should encourage recycling programmes that encourage consumers to both recycle wastes and purchase recycled products.

61. Member States should promote the development and use of national and international

environmental health and safety standards for products and services; such standards should not result in disguised barriers to trade.

62. Member States should encourage impartial environmental testing of products.

63. Member States should safely manage environmentally harmful uses of substances and encourage the development of environmentally sound alternatives for such uses. New potentially hazardous substances should be evaluated on a scientific basis for their long-term environmental impact prior to distribution.

64. Member States should promote awareness of the health-related benefits of sustainable consumption and production patterns, bearing in mind both direct effects on individual health and collective effects through environmental protection.

65. Member States, in partnership with the private sector and other relevant organizations, should encourage the transformation of unsustainable consumption patterns through the development and use of new environmentally sound products and services and new technologies, including information and communication technologies that can meet consumer needs while reducing pollution and depletion of natural resources.

66. Member States are encouraged to create or strengthen effective regulatory mechanisms for the protection of consumers, including aspects of sustainable consumption.

67. Member States should consider a range of economic instruments, such as fiscal instruments and internalization of environmental costs, to promote sustainable consumption, taking into account social needs, the need for disincentives for unsustainable practices and incentives for more sustainable practices, while avoiding potential negative effects for market access, in particular for developing countries.

68. Member States, in cooperation with business and other relevant groups, should develop indicators, methodologies and databases for measuring progress towards sustainable consumption at all levels. This information should be publicly available.

69. Member States and international agencies should take the lead in introducing sustainable practices in their own operations, in particular through their procurement policies. Member States procurement, as appropriate, should encourage development and use of environmentally sound products and services.

70. Member States and other relevant organizations should promote research on consumer behavior related to environmental damage in order to identify ways to make consumption patterns more sustainable

L. E-commerce

71. Member States should promote the new and substantial benefits that e-commerce offers to consumers, including convenience, access to a wide range of products and services, and the ability to gather and compare information about such products and services. E-commerce has also become increasingly relevant to consumers worldwide with computers, mobile phones, and connected devices transforming the consumer market place.

72. Member States should harness the opportunities offered by e-commerce, including mobile commerce, to help facilitate economic development and growth based on emerging network technologies. Member States should work towards enhancing consumer confidence in e-commerce by the continued development of transparent and effective consumer protection mechanisms, ensuring a level of protection that is not less than that afforded in other forms of commerce.

73. Member States should, where appropriate, review existing consumer protection laws and frameworks to accommodate the special features of e-commerce, and ensure that consumers and businesses are informed and aware of their rights and obligations in the digital marketplace;

74. Member States should promote the offer of digital content products in terms no less favorable than for other forms of content. Licences should allow consumers to time, space and format shift digital content products, taking into account applicable national laws and international treaties, in particular those that allow for “fair use” and “private use”.

75. Member States may wish to examine the relevant international guidelines and standards on e-commerce and their revisions thereon, and, where appropriate, adapt them to their economic and social circumstances so they can adhere to them, as well as collaborate with other Member States in their implementation across borders. In so doing, Member States may wish to study the *OECD Guidelines for Consumer Protection in the Context of Electronic Commerce*.

M. Financial Services

76. Member States should adopt measures to reinforce and integrate consumer policies concerning financial inclusion, financial education and the protection of consumers in accessing financial services;

77. Member States should provide consumers with access to remedies that do not impose a cost, delay, or burden disproportionate to the economic value at stake and at the same time do not impose excessive or disproportionate burdens on society and business.

78. Member States should put in place effective and appropriate financial consumer protection regimes, and consult all relevant stakeholders in the policy making process.

79. Member States may wish to examine relevant international guidelines and standards on financial services and their revisions thereon, and, where appropriate, adapt them to their economic and social circumstances so they can adhere to them. In so doing, Member States may wish to study the *OECD G20 High-Level Principles on Financial Consumer Protection*

80. Member States should work towards establishing or encouraging, as appropriate;

- **financial consumer protection regulatory and enforcement frameworks;**
- **oversight bodies with necessary authority and resources to carry out their mission;**
- **appropriate controls and insurance mechanisms to protect consumer assets, including deposits;**
- **improved financial education strategies that promote financial literacy;**
- **fair treatment and proper disclosure, ensuring that financial institutions are also responsible and accountable for the actions of their authorized agents. Financial services providers should have a written policy on conflict of interest, to help detect potential conflicts of interest. When the possibility of a conflict of interest arises between the provider and the third party, this should be disclosed to the consumer;**
- **responsible business conduct by financial services providers and authorized agents, including responsible lending and the sale of products that are suitable to the consumer's needs and means;**
- **objective and adequate advice, at all stages of consumer interaction;**
- **appropriate control to protect consumer data, including from fraud and abuse;**
- **competitive financial services markets;**
- **adequate complaints-handling and redress mechanisms and policies that address, when relevant, sectoral and international specificities, technological developments and the special needs of vulnerable groups;**
- **a regulatory framework that promotes cost efficiency and transparency for remittances.**

N. Measures relating to specific areas

81. In advancing consumer interests, particularly in developing countries, Member States should, where appropriate, give priority to areas of essential concern for the health of the consumer, such as food, water and pharmaceuticals. Policies should be adopted or maintained for product quality control, adequate and secure distribution facilities, standardized international labeling and information, as well as education and research programmes in these areas. Member States guidelines in regard to specific areas should be developed in the context of the provisions of this document.

82. Food. When formulating national policies and plans with regard to food, Member States should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the Food and Agriculture Organization of the United Nations and the World Health Organization Codex Alimentarius or, in their absence, other generally accepted international food standards. Member States should maintain, develop or improve food safety

measures, including, inter alia, safety criteria, food standards and dietary requirements and effective monitoring, inspection and evaluation mechanisms.

83. Member States should promote sustainable agricultural policies and practices, conservation of biodiversity, and protection of soil and water, taking into account traditional knowledge.

84. **Water.** Member States should, within the goals and targets set for the International Drinking Water Supply and Sanitation Decade, formulate, maintain or strengthen national policies to improve the supply, distribution and quality of water for drinking. Due regard should be paid to the choice of appropriate levels of service, quality and technology, the need for education programmes and the importance of community participation.

85. Member States should assign high priority to the formulation and implementation of policies and programmes concerning the multiple uses of water, taking into account the importance of water for sustainable development in general and its finite character as a resource.

86. **Pharmaceuticals.** Member States should develop or maintain adequate standards, provisions and appropriate regulatory systems for ensuring the quality and appropriate use of pharmaceuticals through integrated national drug policies which could address, inter alia, procurement, distribution, production, licensing arrangements, registration systems and the availability of reliable information on pharmaceuticals. In so doing, Member States should take special account of the work and recommendations of the World Health Organization on pharmaceuticals. For relevant products, the use of that organization's Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce and other international information systems on pharmaceuticals should be encouraged. Measures should also be taken, as appropriate, to promote the use of international non-proprietary names (INNs) for drugs, drawing on the work done by the World Health Organization.

87. In addition to the priority areas indicated above, Member States should adopt appropriate measures in other areas, such as pesticides and chemicals in regard, where relevant, to their use, production and storage, taking into account such relevant health and environmental information as Member States may require producers to provide and include in the labelling of products.

88. Energy. Member States should ensure universal access to clean energy as well as formulate, maintain or strengthen national policies to improve the supply, distribution and quality of affordable energy in retail consumer markets. Due regard should be paid to the choice of appropriate levels of service, quality and technology, the need for education programmes and the importance of community participation.

89. Public utilities. Member States should ensure universal access to public utilities as well as formulate, maintain or strengthen national policies to improve rules and statutes dealing with provision of service, consumer information, security deposits and advance payment for service, late payment fees, termination and restoration of service, establishment of payment plans, and resolution of disputes between customers and utility companies.

90. Tourism. Member States should formulate, maintain or strengthen national policies to improve consumer protection in the provision and marketing of goods and services related to tourism, travel and timeshares. Member States should, in particular, address the cross-border

challenges raised by such activity, and in doing so should cooperate with the relevant stakeholders in the tourism-travel sector. Businesses have an obligation to provide tourists[visitors] with objective and honest information concerning their destinations and on the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature, price and quality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part.

VI. International co-operation

91. Member States should, especially in a regional or sub-regional context:

(a) Develop, review, maintain or strengthen, as appropriate, mechanisms for the exchange of information on national policies and measures in the field of consumer protection;

(b) Co-operate or encourage co-operation in the implementation of consumer protection policies to achieve greater results within existing resources. Examples of such co-operation could be collaboration in the setting up or joint use of testing facilities, common testing procedures, exchange of consumer information and education programmes, joint training programmes and joint elaboration of regulations;

(c) Co-operate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality. Such co-operation could include joint procurement of essential goods, exchange of information on different procurement possibilities and agreements on regional product specification

92. Member States should develop or strengthen information links regarding products which have been banned, withdrawn or severely restricted in order to enable other importing countries to protect themselves adequately against the harmful effects of such products.

93. Member States should work to ensure that the quality of products, and information relating to such products, does not vary from country to country in a way that would have detrimental effects on consumers.

94. Member States may wish to examine relevant international guidelines and standards on protecting consumer from fraudulent and deceptive cross-border commercial practices, in considering what legal authority to provide to their consumer enforcement agencies, and where appropriate adapt them to their economic and social circumstances. In so doing, Member States may wish to study the OECD 2003 Guidelines for protecting consumer from fraudulent and deceptive cross-border commercial practices.

95. Member States should improve their ability to co-operate in combating fraudulent and deceptive cross-border commercial practices, recognizing that co-operation on particular investigations or cases under these Guidelines remains within the discretion of the consumer protection enforcement agency being asked to co-operate.

- 96. Consumer protection enforcement agencies should co-ordinate investigations and enforcement activities to avoid interference with the investigations and enforcement activities of consumer protection enforcement agencies taking place in other Member countries.**
- 97. Consumer protection enforcement agencies should make every effort to resolve disagreements regarding co-operation that may arise.**
- 98. Member countries and their consumer protection enforcement agencies should make use of existing international networks and enter into appropriate bilateral or multilateral arrangements or other initiatives to implement these Guidelines.**
- 99. Member countries should enable their consumer protection policy agencies, in consultation with consumer protection enforcement agencies, to take a leading role in developing the framework for combating fraudulent and deceptive commercial practices set forth in these Guidelines.**
- 100. Member countries should designate a consumer protection enforcement agency or a consumer protection policy agency to act as a contact point to facilitate co-operation under these Guidelines. These designations are intended to complement and not replace other means of co-operation. Such designations should be notified to the Secretary-General.**
- 101. Member States should provide their consumer enforcement agencies with the authority to investigate, pursue, obtain and share relevant information and evidence, particularly on matters related to cross-border fraudulent and deceptive commercial practices affecting consumers. This authority should extend cooperation to appropriate foreign counterparts.**
102. To promote sustainable consumption, Member States, international bodies and business should work together to develop, transfer and disseminate environmentally sound technologies, including through appropriate financial support from developed countries, and to devise new and innovative mechanisms for financing their transfer among all countries, in particular to and among developing countries and countries with economies in transition.
103. Member States and international organizations, as appropriate, should promote and facilitate capacity-building in the area of sustainable consumption, particularly in developing countries and countries with economies in transition. In particular, Member States should also facilitate Cooperation among consumer groups and other relevant organizations of civil society, with the aim of strengthening capacity in this area.
104. Member States and international bodies, as appropriate, should promote programmes relating to consumer education and information.
105. Member States should work to ensure that policies and measures for consumer protection are implemented with due regard to their not becoming barriers to international trade, and that they are consistent with international trade obligations.

VII. International institutional machinery

(i) Institutional arrangements

106. An Intergovernmental Group of Experts on Consumer Law and Policy operating within the framework of an existing Trade and Development Commission of UNCTAD will provide the institutional machinery.

107. Member States should take appropriate steps at the national or regional levels to meet their commitments to the Guidelines for Consumer Protection;

(ii) Functions of the Intergovernmental Group of Experts Consumer Law and Policy

108. The Intergovernmental Group of Experts on Consumer Law and Policy shall have the following functions:

(a) To provide a yearly forum and modalities for multilateral consultations, discussion and exchange of views between Member States on matters related to the Guidelines for Consumer protection, in particular its operation and the experience arising therefrom;

(b) To periodically undertake and disseminate studies and research on consumer protection related to the Guidelines for Consumer Protection, with a view to increasing the exchange of experience and giving greater effectiveness to the Guidelines for Consumer Protection;

(c) To conduct voluntary peer reviews of national consumer policies of interested countries;

(d) To collect and disseminate information on matters relating to the Guidelines for Consumer Protection, overall attainment of its goals and to the appropriate steps Member States have taken at the national or regional levels to promote an effective implementation of its objectives and principles;

(e) To provide capacity building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies;

(f) To invite and consider relevant studies, documentation and reports from relevant organizations of the United Nations system, the OECD and other International organizations and networks, holding regular annual interagency meetings to exchange information on work programs, topics for consultations and identify work sharing projects as well as cooperation in the provision of technical assistance;

(h) To make appropriate reports and recommendations to Member States on matters within its competence, including the application and implementation of the Guidelines;

(i) To conduct a periodic review of the Guidelines every five years upon consensus;

(j) To establish such procedures and method of work as may be necessary to carry out its mandate.