



United Nations Conference on Trade and Development

Distr.: General
29 April 2013

Original: English

Trade and Development Board
Commission on Trade and Development
Intergovernmental Group of Experts on Competition Law and Policy

Thirteenth session

Geneva, 8–12 July 2013

Item 3(a) of the provisional agenda

Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law on Competition and studies related to the provisions of the Set of Principles and Rules

Implementation report on the United Nations Guidelines on Consumer Protection (1985–2013)

Note by the UNCTAD secretariat

Executive summary

The United Nations Conference on Trade and Development (UNCTAD) is undertaking the revision of the United Nations Guidelines on Consumer Protection. This task was mandated by the first Ad Hoc Expert Meeting on Consumer Protection, held in Geneva on 10 and 11 July 2012.

The Guidelines were originally drafted by the Economic and Social Council and adopted by the General Assembly in 1985 (see A/RES/39/248, annex) and then expanded by the Economic and Social Council in 1999 (see E/1999/INF/2/Add.2, resolution 1999/7, annex). From the beginning of the current Guidelines, due consideration was given to the existing work on consumer protection issues, produced by organizations such as the Organization for Economic Cooperation and Development (OECD), the Organization of American States (OAS), the United Nations Industrial Development Organization and the United Nations Commission on International Trade Law (UNCITRAL), and prevailing norms and best practices were incorporated into the original document. As this assessment reflects, the Guidelines remain a valid and relevant document for consumer protection policy and have inspired a significant number of national consumer protection laws. In order for these Guidelines to continue to provide a relevant framework, a number of areas have been identified for improvement. UNCTAD asked Member States, international organizations and other relevant stakeholders¹ to participate in this important project, by informing on the legislative processes of Member States and on contemporary guidelines produced by organizations such as the International Consumer Protection and Enforcement Network (ICPEN), OECD, OAS, the United Nations Commission on International Trade Law and Consumers International. The 58 responses to the calls for contributions and comments on an initial draft of this document form the basis of the present report.²

I. Commentaries on the United Nations Guidelines on Consumer Protection in existing legislations of Member States

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 cooperation 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.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

1. In general, Member States have adopted the core objectives of the United Nations Guidelines on Consumer Protection. In many cases,³ consumer protection has been constitutionally enshrined and some countries have recognized consumer rights as human rights.⁴ All countries have a consumer protection law; the right of access to non-hazardous products and the right to just, equitable and sustainable economic and social development and environmental protection are contained either in consumer protection laws or other national sectoral norms.

2. Regarding individual objectives of chapter I of the Guidelines, all countries have a legal framework aimed at adequate consumer protection but may focus on different objectives and have varying levels of institutional development. While the goal of curbing abusive practices is unanimously recognized, sustainable consumption is seldom included in national consumer protection legislations.⁵ Frequently, objectives to facilitate adequate production and distribution patterns, to encourage high levels of ethical conduct for producers and distributors and to facilitate the development of independent consumer groups are addressed indirectly, through individual or ad hoc governmental policies.⁶ Interestingly, the development of market conditions is either directly addressed by consumer protection laws or reserved for competition laws.⁷ Most consumer protection

agencies hold powers over international cooperation,⁸ although this is rarely recognized as an individual objective in national legal systems.

3. Some intergovernmental organizations have also embraced the objectives of the Guidelines and developed tools to help their member States achieve them. ICPEN and OECD have drafted policy instruments and guidelines in relation to all core principles of the Guidelines. Further, OECD carries out research, promotes information-sharing and develops policy principles⁹ through its Committee on Consumer Policy.¹⁰ At the inter-American level, OAS member States have recognized some principles through the Charter of the OAS and several General Assembly resolutions.¹¹ Similarly, the European Commission has developed a comprehensive policy framework for consumer protection, as contained in the European Consumer Agenda,¹² especially concerning consumer safety, universal service and consumer rights,¹³ the facilitation of independent consumer groups and the development of market conditions within its single market.

4. Finally, Consumers International suggests inclusion of consumer participation in cultural, civic and educational affairs, with reference to the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

II. General Principles

2. Governments should develop or maintain a strong consumer protection policy, taking into account the guidelines set out below and relevant international agreements. In so doing, each Government should 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, bearing in mind the costs and benefits of proposed measures.

3. 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 impacts 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.

4. 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.

5. 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.

6. Governments 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.

7. 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.)

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

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

5. All UNCTAD member States carry out consumer protection policies through governmental agencies, largely adhering to the principles of the current Guidelines, as contained in paragraph 2. Consumer protection agencies hold mandates to address most legitimate needs contained in the Guidelines (para. 3). In many countries, however, powers to oversee some listed legitimate needs are shared with other executive agencies¹⁴ or reserved exclusively for other sectoral authorities.¹⁵ It is common for the promotion of sustainable consumption patterns (para. 3(g)) to be excluded from an agency's mandate and instead reserved for other authorities.¹⁶

6. It is important to note that most consumer protection agencies are competent on issues of health and safety protection, promotion and protection of consumer's economic interests, access to adequate information, consumer education, consumer redress and the right to association. OECD has also contributed to the development and maintenance of strong consumer protection policies by its member (and non-member) States through the work of a number of bodies, such as its Committee on Consumer Policy and subcommittees, which have contemplated the legitimate needs of the Guidelines, including the issues of sustainable consumption and infrastructure.¹⁷

7. Most national consumer protection policies address the promotion of sustainable consumption patterns of paragraph 4 of the Guidelines in an indirect manner, through information and educational campaigns.¹⁸ With the exception of Peru,¹⁹ the adoption of goals for poverty eradication and satisfying basic human needs (Guidelines, para. 5) is limited among national consumer protection legislation and policies, enshrined instead in other areas of law.²⁰ Most agencies consider themselves to have adequate infrastructures for the purposes of developing, implementing and monitoring consumer protection policies (Guidelines, para. 6) and a number express priorities for rural populations or the poor.²¹ Bulgaria suggests referring to "vulnerable consumers" to be linked, among others aspects, to age, physical or mental ability, poverty or social exclusion. All national legislations contemplate the obligation of enterprises to conform practices to consumer protection norms (Guidelines, para. 7).

8. One emerging issue identified by Mexico is the lack of uniform application of international consumer standards to multinational enterprises. With regard to this issue, 44 countries²² have subscribed to the OECD Declaration and Decisions on International Investment and Multinational Enterprises.²³ This declaration has led to the adoption of the OECD Guidelines for Multinational Enterprises,²⁴ which promotes the recommendation that responsible business conduct for national enterprises be observed wherever they operate. Botswana cites increased consumer case complexity due to multinational enterprises, which leads to delays in finding solutions.²⁵ Few countries²⁶ recognize the positive role of universities and public and private enterprises in research and

policymaking. Instead most countries reserve input into the policy development process for governmental authorities.²⁷ Some agencies hold informal agreements with national universities.²⁸

9. Concerning legitimate needs, Consumers International suggests the inclusion of technological neutrality, access to essential goods and services and consumer privacy and data protection. It is further suggested that the issue of data protection should be an integral element of any new guidelines concerning e-commerce.

III. Guidelines

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

10. 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.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

10. The general heading in chapter III, paragraphs 9 and 10, of the Guidelines have been widely adopted. In some cases, consumer protection agencies are responsible for monitoring the uniform application of the Guidelines vis-à-vis national and imported products.²⁹ In some other cases, these powers are shared between consumer protection agencies and other governmental authorities.³⁰ Concerning the avoidance of trade barriers, many respondents reference the World Trade Organization obligations,³¹ which are commonly fulfilled by governmental authorities other than consumer protection agencies.³² Some countries call for increased inter-agency cooperation to avoid inconsistencies.³³

A. Physical Safety

11. Governments 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.

12. 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.

13. 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. Governments should also consider ways of ensuring that consumers are properly informed of such hazards.

14. Governments 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.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

11. Most UNCTAD members States have adopted laws and regulations regarding product safety (Guidelines, para. 11), which are usually contained in consumer protection laws and/or sectoral laws³⁴ and cover issues ranging from work conditions³⁵ to nuclear products.³⁶ This legislative framework usually engages consumer protection agencies along with other relevant sectoral authorities.³⁷ In some countries, such as Canada,³⁸ this topic is entirely assigned to the health authority while others, such as the United States of America,³⁹ have created an autonomous body for consumer product safety. Some jurisdictions, such as the European Union,⁴⁰ Peru and Portugal, have implemented records to ensure that products are safe for intended or foreseeable use.

12. All countries have adopted policies to ensure that distributors guarantee the safety of their products (Guidelines, para. 12). Most consumer protection agencies have conducted consumer safety educational programmes and have powers to monitor the application of safety regulations.⁴¹ Costa Rica has specific regulations on labelling for safety purposes⁴² in line with Central American Technical Regulations.⁴³ Bulgaria suggests applying the precautionary principle to the protection of consumer's safety. Also, Consumers International suggests the inclusion of mutual comprehensibility of safety information, available online.

13. On the issue of hazard notification (Guidelines, para. 13), most national legislations bestow monitoring and communication powers on consumer protection agencies and other relevant authorities. In all legislations, distributors are responsible for notifying Governments and the public when products under their care become hazardous. The means of public communication are varied, comprising announcements in official and private media.⁴⁴ The European Union has established a rapid alert system for dangerous consumer products – except food, pharmaceutical and medical devices, which are covered by other mechanisms.⁴⁵

14. Most national legislations include obligations to recall hazardous products by manufacturers and/or distributors (Guidelines, para. 14).⁴⁶ Normally, consumer protection agencies are responsible for monitoring such obligations, although some reserve compensation procedures to the judicial branch⁴⁷ or alternative dispute settlement mechanisms.⁴⁸

15. An increasingly global economy and fast-changing trade characteristics have made international cooperation fundamental for the prevention of unsafe and hazardous consumer goods entering national markets and/or their detection and recall if they have entered. In this regard, OECD has promoted international efforts related to all provisions in paragraphs 11 to 14 of the Guidelines, recently creating a Working Party on Consumer Product Safety.⁴⁹ Further, OAS member States, allied with the Pan-American Health Organization, established the first specialized hemispheric forum on consumer product safety.⁵⁰ Within this framework, Latin American countries are moving towards the design and implementation of national systems on consumer product safety by coordination among consumer protection agencies, metrology and quality institutes and health authorities.⁵¹

B. Promotion and protection of consumer's economic interests

15. Government 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.

16. Governments 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.

17. Governments 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, Governments 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.

18. Governments 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.

19. Governments 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.

20. Governments should, where appropriate, see to it that manufacturers and/or retailers ensure adequate availability of reliable after-sales service and spare parts.

21. 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.

22. 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.

23. Governments should encourage all concerned to participate in the free flow of accurate information on all aspects of consumer products.

24. 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-labelling programmes and product information hotlines.

25. Governments, 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.

26. Governments 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.

27. Governments should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

16. The core mandate of today's consumer protection agencies comprises the pursuit of consumers' economic interests, especially ensuring fair business practices, informative marketing and protection against abusive practices (Guidelines, para. 15). In many countries these responsibilities are shared with competition authorities.⁵² Further, as per paragraph 16 of the Guidelines, there are various initiatives encouraging good business practices and prosecuting adverse ones,⁵³ notably those reported by the United States,⁵⁴ which may involve consumer organizations.⁵⁵ There are various means of encouraging consumer organizations to play a monitoring role, such as cooperation agreements,⁵⁶ counselling⁵⁷ and prizes.⁵⁸ OECD contributes to promoting and protecting consumers' economic interests in OECD member States and non-member States through the Committee on Consumer Policy, the Financial Markets Committee, the Investment Committee and the Competition Committee,⁵⁹ related to paragraphs 15, 19, 22 and 24–26 of the Guidelines.

17. Most national legislations bestow powers to control restrictive and other abusive business practices (Guidelines, para. 17)⁶⁰ and to encourage fair and effective competition (Guidelines, para. 19)⁶¹ upon competition authorities,⁶² thus falling outside the mandate of consumer protection agencies.⁶³ In some instances, powers over consumer protection and competition are bestowed upon the same agency.⁶⁴ In very few cases, functionally separate consumer protection agencies hold powers over these issues.⁶⁵

18. Almost all national legislations have laws and policies specifying the responsibility of producers and sellers regarding product quality and durability (Guidelines, para. 18) and the availability of after-sales service and spare parts (Guidelines, para. 20). The scope of obligations varies from joint⁶⁶ to subsidiary liability,⁶⁷ particularly concerning product and service guarantees.⁶⁸

19. One of the main objectives of consumer protection agencies is to prosecute contractual abuses (Guidelines, para. 21).⁶⁹ In this sense one-sided standard contracts are usually regulated.⁷⁰ For example, Mexico produced a model contract for suppliers and distributors to adopt⁷¹ and mandates registering all one-sided standard contracts relating to telecommunications,⁷² while Costa Rica⁷³ and Switzerland⁷⁴ enumerate requirements for financial standard contracts. The Dominican Republic asks providers to submit all one-sided standard contracts before enforcement is granted.⁷⁵ Poland has produced guidelines for standard contracts applied in transactions with consumers in the telecommunications industry. Usually, exclusions of essential rights in contracts are forbidden,⁷⁶ and unconscionable conditions of credit are addressed in consumer protection law or sectoral regulations.⁷⁷

20. Most countries have regulated the content of paragraph 22 of the Guidelines⁷⁸ on marketing and sales practices.⁷⁹ Most national legislations pursue the non-discrimination principle,⁸⁰ which aims to enable informed and independent consumer decisions through the free flow of accurate information (Guidelines, para. 23).⁸¹ A number of countries lack specific provisions concerning the environmental impact of products (Guidelines, para. 24);⁸² others generally reserve supervision for environmental ministries.^{83, 84} Misleading claims (Guidelines, para. 25), even those not directly related the environment, are commonly monitored by consumer protection agencies.⁸⁵ Some agencies have produced advertisement guidelines,⁸⁶ while others maintain monitoring through specialized observatories⁸⁷ to verify advertised commercial claims. Further, some self-regulation codes⁸⁸ and agreements⁸⁹ have been promoted by consumer protection agencies and adopted

by the private sector (Guidelines, para. 26). In Switzerland, self-regulation has been entirely privately initiated, yielding very satisfactory results.⁹⁰

21. Concerning weights and measures (Guidelines, para. 27),⁹¹ most countries have adopted relevant legislation.⁹² In many countries, responsibility falls on specialized or standards agencies.⁹³ Mexico has established a multi-stakeholder body⁹⁴ integrating 15 public entities and over 2,800 private ones. Further, OAS member States have created the Inter-American Metrology System in order to promote regional cooperation in metrology and achieve implementation of a global measurement system within continental America.

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

28. Governments 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.

29. 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.

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

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

22. The safety and quality of consumer goods and services has been a major concern for consumer protection legislations. Most countries have integrated the recommendations of paragraphs 28–30 of the Guidelines⁹⁵ through laws and regulations. In many cases, consumer protection agencies share these responsibilities with other authorities such as standard/normalization organizations and ministries of the environment and/or health.⁹⁶ Mexico⁹⁷ and Colombia⁹⁸ have launched multi-stakeholder organizations to oversee the safety and quality of consumer goods. The agencies for consumer product safety of Canada, Mexico and the United States now cooperate on selected joint information and education campaigns for consumers. Recent examples include selecting safe toys and poison prevention. The authorities of the United States for product safety also cooperate with non-contiguous jurisdictions on joint outreach to consumers, recently with Australia and Brazil. Some countries refer to international standards emanating from the European Union (Directorate-General for Health and Consumers),⁹⁹ the Food and Agriculture Organization of the United Nations and the World Health Organization (Codex Alimentarius),¹⁰⁰ the International Organization for Standardization,¹⁰¹ OECD¹⁰² and the World Trade Organization.

D. Distribution facilities for essential consumer goods and services

31. Governments 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 cooperatives and related trading activities, as well as information about them, especially in rural areas.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

23. Some members have adopted policies relating to the efficient distribution of goods and services to consumers¹⁰³ (Guidelines, para. 31).¹⁰⁴ Most countries have various governmental agencies holding powers on these issues.¹⁰⁵ In Botswana, the Ministry of Trade and Industry intends to revive the dissolved Unit of Essential Supplies and there exists the Department of Cooperatives Development. In 2012, Mexico¹⁰⁶ destroyed 16 million hens due to severe acute respiratory syndrome, leading to a significant price increase. This caused a debate on promoting safety and quality of essential consumer goods while avoiding protectionist measures (Guidelines, para. 10), calling for further inter-agency cooperation to ensure coherent policies. Interestingly, a number of agencies are mandated to encourage the establishment of consumer cooperatives.¹⁰⁷

24. Consumers International highlights distinctions between urban and rural consumers and, in light of the growth of peri-urban settlements, seeks to acknowledge that, whilst not remote, contemporary urban consumers are also vulnerable. Bulgaria believes it necessary to provide accrued protection to services of general economic interest, such as housing, social welfare, energy supply, telecommunications and water supply.

E. Measures enabling consumers to obtain redress

32. Governments 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.

33. Governments 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.

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

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

25. All respondents have established administrative and judicial measures for consumers, and in some cases consumer organizations, to obtain redress¹⁰⁸ (Guidelines, para. 32).¹⁰⁹ Experience has shown that businesses will only comply with compulsory consumer protection rules if there is a high likelihood that sanctions will be imposed for breaches of consumer protection primary rules, or if the direct and indirect cost of sanctions would be commercially significant. In this sense, the threat of significant sanctions appears crucial for encouraging compliance with consumer protection laws. Consumer protection authorities are concerned not only with the enforcement of consumer protection laws through sanctions but also with consumer welfare. Thus, sanctions can be accompanied with redress measures, such as corrective or complementary measures. Corrective measures are those aimed at compensating consumers and ensuring reparations for any unlawful damages.¹¹⁰ Complementary measures cover those aimed at ensuring general consumer interests, such as health or the environment.

26. Measures aiming at ensuring consumer redress can be adopted through administrative, judicial or alternative dispute-settlement procedures depending on each jurisdiction. Interestingly, ICPEN advocates for a multilateral platform that combines administrative and alternative dispute settlement resolution (www.econsumer.gov). While most consumer protection laws bestow powers of corrective and complementary measures upon consumer protection agencies, compensation is usually reserved for judicial branches.¹¹¹

27. Most national legislations contemplate some alternative mechanisms of dispute settlement such as conciliation, mediation or arbitration¹¹² (Guidelines, para. 33).¹¹³ Depending on the country, these mechanisms can be voluntary¹¹⁴ or mandatory.¹¹⁵ Costa Rica highlights how private mechanisms allow for more expeditious consumer redress, even when overseen by national consumer protection agencies. Regarding the publicity of redress mechanisms (Guidelines, para. 34), consumer protection agencies use the usual communication channels.¹¹⁶

F. Education and information programmes

35. Governments 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.

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

37. 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.

38. Governments 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.

39. Business should, where appropriate, undertake or participate in factual and relevant

consumer education and information programmes.

40. Bearing in mind the need to reach rural consumers and illiterate consumers, Governments should, as appropriate, develop or encourage the development of consumer information programmes in the mass media.

41. Governments 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.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

28. Conducting educational and information consumer programmes is a core responsibility of consumer protection agencies.¹¹⁷ Most UNCTAD member States have adopted such programmes with the aim of creating discerning consumers. There is a multitude of interesting initiatives comprising information websites,¹¹⁸ online courses,¹¹⁹ online counselling (United Kingdom),¹²⁰ workshops (Dominican Republic,¹²¹ El Salvador¹²²) and even consumer education in the curricula of ministries of education¹²³ (Guidelines, para. 36). Notably, the United States has an extensive educational programme covering all mentioned areas, especially active across social media (Facebook, Twitter, Youtube and blogging). Some countries have specialized units to carry out these roles.¹²⁴ Each country has set different priorities, most of which are found among recommendations in paragraph 37 of the Guidelines.¹²⁵ However, there are few examples of education and information campaigns undertaken by consumer organizations,¹²⁶ businesses¹²⁷ and media¹²⁸ (Guidelines, para. 38).¹²⁹ There are some successful experiences of mass media information programmes (Guidelines, para. 40),¹³⁰ namely in Costa Rica,¹³¹ the Dominican Republic,¹³² India,¹³³ Israel¹³⁴ and Poland.¹³⁵ Some consumer protection agencies have also adopted paragraph 41 of the Guidelines, especially training educators¹³⁶ and media.¹³⁷

G. Promotion of sustainable consumption

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

43. Responsibility for sustainable consumption is shared by all members and organizations of society, with informed consumers, Government, 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. Governments should promote the development and implementation of policies for sustainable consumption and the integration of those policies with other public policies. Government 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 Government and business towards sustainable consumption. Consumer education should, where appropriate, become an integral part of the basic curriculum of the educational system, preferably as a component of existing subjects.

44. Governments, 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.

45. Governments 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. Governments should encourage recycling programmes that encourage consumers to both recycle wastes and purchase recycled products.

46. Governments 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.

47. Governments should encourage impartial environmental testing of products.

48. Governments 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.

49. Governments 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.

50. Governments, 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.

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

52. Governments 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.

53. Governments, 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.

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

55. Governments and other relevant organizations should promote research on consumer behaviour related to environmental damage in order to identify ways to make consumption patterns more sustainable.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

29. The United Nations Guidelines on Consumer Protection have very extensive recommendations relating to sustainable consumption. Although this issue is a core objective of many governmental policies, in most cases it falls outside the mandate of consumer protection agencies. With the exceptions of El Salvador,¹³⁸ Mexico¹³⁹ and the

United States,¹⁴⁰ most national legislations reserve powers concerning sustainable consumption for environment ministries¹⁴¹ or an array of institutions.¹⁴² The European Union has been specifically active in this field through various initiatives, inter alia, Eco-label, European Eco-Management and Audit Scheme, Green Public Procurement, Eco-design, Energy Labelling, Multi-stakeholder Dialogue on Environmental Claims, Product Environmental Footprint and Organization Environmental Footprint methodologies, car labelling directive, Retail Forum for Sustainability, Food Sustainable Consumption and Production Round Table, organic farming and activities against food waste.¹⁴³ The United States has Guides for the Use of Environmental Marketing Claims.¹⁴⁴

H. Measures relating to specific areas

56. In advancing consumer interests, particularly in developing countries, Governments 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 labelling and information, as well as education and research programmes in these areas. Government guidelines in regard to specific areas should be developed in the context of the provisions of this document.

57. Food. When formulating national policies and plans with regard to food, Governments 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. Governments 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.

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

59. Water. Governments 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.

60. Governments 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.

61. Pharmaceuticals. Governments 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, Governments 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 nonproprietary names (INNs) for drugs, drawing on the work done by the World Health

Organization.

62. In addition to the priority areas indicated above, Governments 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 Governments may require producers to provide and include in the labelling of products.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

30. As mentioned in paragraph 56 of the current Guidelines, there are three¹⁴⁵ areas of specific concern: food, water¹⁴⁶ and pharmaceuticals.¹⁴⁷ These issues have been addressed by many consumer protection agencies, albeit in an indirect manner since other governmental authorities usually hold powers.¹⁴⁸ For example, in the area of food (Guidelines, para. 57¹⁴⁹ and para. 58), Colombia has implemented a programme on healthy diet through various means (labelling, advertising, food regulations, educational programmes) and Malaysia promotes organic food production¹⁵⁰ and biodiversity.¹⁵¹ Concerning paragraph 61 of the Guidelines, Switzerland reports on a sophisticated system allowing for an effective regulatory and policy framework on pharmaceuticals while respecting intellectual property.¹⁵² Regarding paragraph 62 of the Guidelines, the United Kingdom of Great Britain and Northern Ireland reports on comprehensive regulations for pesticides within the framework of the European Union.¹⁵³

IV. International Cooperation

63. Governments should, especially in a regional or subregional 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) Cooperate or encourage cooperation in the implementation of consumer protection policies to achieve greater results within existing resources. Examples of such cooperation 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) Cooperate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality. Such cooperation could include joint procurement of essential goods, exchange of information on different procurement possibilities and agreements on regional product specifications.

64. Governments 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.

65. Governments 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.

66. To promote sustainable consumption, Governments, 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.

67. Governments 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, Governments should also facilitate cooperation among consumer groups and other relevant organizations of civil society, with the aim of strengthening capacity in this area.

68. Governments and international bodies, as appropriate, should promote programmes relating to consumer education and information.

69. Governments 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.

Source: E/1999/INF/2/Add.2, resolution 1999/7, annex.

31. The Guidelines contain extensive recommendations of possible avenues for international cooperation, through bilateral, regional and multilateral means. There are several bilateral cooperation agreements, such as Chile–Peru,¹⁵⁴ Chile–European Union, the Dominican Republic–Panama and Mexico–United States, usually comprising exchanges of information and capacity-building activities. At the regional level, there are various initiatives: the Committee on Consumer Protection of the Association of Southeast Asian Nations (Asia); the Andean Community,¹⁵⁵ the Competition and Consumer Protection for Latin America Programme, the Central American Council on Consumer Protection, the Latin American Forum of Government Consumer Protection Agencies, the OAS¹⁵⁶ and the Southern Common Market (America); Africomp, African Consumer Dialogue, the Southern African Customs Union and the Southern African Development Community, (Africa); the European Union Council on Consumer Protection Cooperation and the European Commission (Europe).¹⁵⁷ On a multilateral level, some UNCTAD member States are part of the Asia–Pacific Economic Cooperation forum, Consumers International, ICPEN and OECD.¹⁵⁸ In particular, OECD reports that its Committee on Consumer Policy holds semi-annual meetings and organizes international, multi-stakeholder workshops on specific issues in which stakeholders from non-member economies (Colombia, Egypt and India) actively and regularly participate. ICPEN has a similar institutional architecture, complemented by parallel and coordinated law enforcement actions (Internet sweeps and intelligence gathering) throughout the year.

32. In this context, UNCTAD has been mandated to carry out various cooperation activities, including (a) exploring the interface between competition and consumer protection issues; (b) reviewing and advising member States on consumer protection laws and policies; (c) conducting training and capacity-building activities on consumer protection issues for member States; and (d) supporting regional and multilateral initiatives. Since the first Ad Hoc Expert Meeting on Consumer Protection (July 2012), UNCTAD has undertaken the organization of international policy discussions (II International Consumer Forum in Lima, Seminar on Competition and Consumer Protection Law and Policy in Doha), law and policy reviews and revisions (Bhutan, El Salvador, the Lao People's Democratic Republic, Nicaragua, Saint Lucia, Seychelles), trainings (Kenya) and country-specific activities within the Competition and Consumer Protection for Latin America Programme (sustainable consumption campaign in Bolivia; institutional legal memory on competition law and consumer protection, study on e-commerce, media strategy on competition and consumer protection issues, and consumer protection seal of quality, “Señor Consumidor”, in Colombia; automatic system for market monitoring, seminar on safe products in Costa Rica; II Consumer Association Forum in the Dominican Republic; Competitive Funds for Consumer Associations, Consumer Rights and Consumer Education

Forum, and Consumer Protection Law Diploma in El Salvador; seminar on competition and consumer protection in Honduras; manual on consumer enforcement proceedings, formalization of cooperatives, Report on the regulation of retail sales and manual on good business practices, and wholesale price observatory in Nicaragua; educational programmes on consumer protection, online course on consumer protection, capacity-building for regional offices of the National Institute for the Defense of Competition and Protection of Intellectual Property and manual for labelling in Peru).

III. New issues

33. As discussed during the first Ad Hoc Expert Meeting on Consumer Protection, there are two main emerging issues in the field of consumer protection not covered in the current Guidelines: e-commerce and financial services. There is consensus on the need to address these issues in the current revision. These emerging issues have been divided in the present report as follows: proposed section I, chapter III, on e-commerce and proposed section J, chapter III, on financial services. Concerning these issues, UNCTAD would like to draw on work by UNCITRAL and OECD, as it may prove useful for the discussion hereinafter.

Proposed section I: E-commerce

34. Unsurprisingly, the issue of e-commerce has focused the attention of consumer protection agencies over the last few years. Legislations addressing this issue vary significantly among countries. While countries such as El Salvador,¹⁵⁹ Mexico¹⁶⁰ and Peru¹⁶¹ rely on general civil law legislation to cover e-commerce issues, Chile,¹⁶² Colombia,¹⁶³ France,¹⁶⁴ the Russian Federation¹⁶⁵ and the United States,¹⁶⁶ among others, have special provisions contained in consumer protection laws, whereas others have drafted specific legislation.¹⁶⁷ E-commerce is also dealt with various bodies of law, such as credit card sales,¹⁶⁸ competition law, distance sales,¹⁶⁹ telecommunications¹⁷⁰ and unfair competition.¹⁷¹ Morocco has enacted laws relating to personal and electronic data exchange,¹⁷² while the United States has released various reports on applications of consumer protection law to online advertising,¹⁷³ mobile applications for children¹⁷⁴ and consumer privacy protection.¹⁷⁵ Some countries, such as Chile and Mexico,¹⁷⁶ have promoted the adoption of self-regulation, which may go beyond mandatory regulations in such issues as privacy and data accessibility. Some countries have issued sectoral guidelines.¹⁷⁷ A common characteristic of consumer rights in the context of e-commerce is the inalienable right to repurchase/rescission.¹⁷⁸ The actions taken by consumer protection agencies relating to e-commerce comprise educational programmes,¹⁷⁹ opinion polls,¹⁸⁰ research studies¹⁸¹ and sweeps.¹⁸²

35. On the means of consumer redress for e-commerce, most national legislations allow for ordinary judicial proceedings.¹⁸³ Of the administrative measures that can be taken in this regard, it is noteworthy that Colombia foresees the possibility of imposing significant provisional measures (blocking access to webpages for an initial 30-day period while investigations proceed).¹⁸⁴ Regarding alternative dispute settlement mechanisms, some innovative initiatives have been undertaken. Chile promotes collective mediation for e-commerce claims.¹⁸⁵ Since 2008, Mexico has launched “Concilianet”, an online conciliation facility (with 4,000 claims, of which 95 per cent reached conciliations). Consumers are usually entitled to obtain redress for economic damages and sometimes even moral damage (Chile). Some countries allow for arbitration proceedings on this issue.¹⁸⁶

36. The responses received demonstrate consensus on the need to establish and enforce international standards, including neutral networks, and enhance international cooperation.

Further, international rules are required not only for electronic trade, but also remote trade (especially in relation to law applicable to cross-border transactions).

37. OECD has worked extensively on e-commerce, in particular through the Guidelines for Consumer Protection in the Context of Electronic Commerce of 1999.¹⁸⁷ The general principles contained therein relate to transparent and effective protection (section I), fair business, advertising and marketing practices (section II), online disclosures (section III) – which also include information about the business, goods or services and transactions – as well as confirmation process (section IV) and payments (section V). Dispute resolution and redress and privacy issues are dealt with in sections VI and VII, respectively, while consumer education and awareness are contained in section VIII. These OECD Guidelines also contain sections on implementation and global cooperation. Additional guidance has been developed on mobile commerce (OECD Policy Guidance for Addressing Emerging Consumer Protection and Empowerment Issues in Mobile Commerce),¹⁸⁸ online identity theft (OECD Policy Guidance on Online Identity Theft)¹⁸⁹ and communication services (OECD Policy Guidance for Protecting and Empowering Consumers in Communication Services).¹⁹⁰ Finally, the importance of special challenges that e-commerce poses for consumers is included in chapter 8 of the OECD Guidelines for Multinational Enterprises¹⁹¹ (paragraph 8).

38. The UNCITRAL Model Law on Electronic Signatures (2001) provides a set of basic common rules governing certain duties of the parties involved in the authentication and signature process that may have an impact on individual liability. Problems that arise in this particular area derive to a very large extent from inconsistency in technical standards or incompatibility of equipment or software, resulting in lack of international interoperability.

Proposed section J: Financial services

39. The exponential growth in access to financial services by the world population has spurred consumer protection agencies to invest considerable efforts and resources to address consumer concerns. Most countries have laws and regulations relating to consumer protection and financial services, either in consumer protection laws¹⁹² or (more importantly) in specialized laws.¹⁹³ Some countries have responded to the changing landscape for financial services by enacting new legislation that incorporates consumer protection.¹⁹⁴ There are a growing number of national regulations on this issue,¹⁹⁵ with very detailed rights and obligations for service providers and consumers.

40. Many countries have established specialized bodies either within the given consumer protection agency (Chile,¹⁹⁶ Colombia,¹⁹⁷ Costa Rica)¹⁹⁸ or independently (the Dominican Republic,¹⁹⁹ Hungary,²⁰⁰ India,²⁰¹ Indonesia,²⁰² Mexico,²⁰³ Poland,²⁰⁴ the United Kingdom²⁰⁵ and the United States).²⁰⁶ In all cases, consumer protection agencies have performed various roles, such as producing quality seals,²⁰⁷ mandating financial institutions to provide an in-house “consumer ombudsperson”,²⁰⁸ providing a financial ombudsperson,²⁰⁹ education campaigns (even by financial institutions)²¹⁰ and advisory services.²¹¹ Most consumer protection agencies provide alternative dispute settlement mechanisms²¹² (mediation, conciliation and arbitration).

41. Consumers International suggests a focus on access, competition and systemic stability, and that new guidelines should address universal service (including specific services such as remittances), deposit protection to prevent systemic collapse, competition policy and its application to financial services in terms of structural distortions and State aids, and facilitating switching by consumers.

42. OECD has four recommendations of the Council on this issue. The 1977 recommendation of the Council on consumer credit,²¹³ which covers issues of consumer

information, respect for human rights, protection of consumer's economic interests and means of redress and sanctions. Further work in this area includes the 2005 recommendation of the Council on principles and good practices for financial education and awareness,²¹⁴ containing principles and a collection of good practices. These recommendations were expanded in the 2009 Recommendation of the Council on Good Practices on Financial Education and Awareness Relating to Credit²¹⁵ and the 2012 Recommendation of the Council on High-Level Principles on Financial Consumer Protection.²¹⁶ The overall OECD framework for recommendations of the Council covers a wide range of issues related to consumer protection in financial services, which have proved valuable to UNCTAD member States.

IV. Conclusion

43. Since 1985, the United Nations Guidelines on Consumer Protection have been widely implemented by Member States of the United Nations. National contributions to this revision process show that all areas of the current Guidelines remain valid and useful. Whereas the Guidelines cover a wide range of issues, some new challenges to consumer protection have been identified: e-commerce and financial services. Additional issues such as data protection, abusive advertisement, energy and cross-border trade will merit wider consultations.

Annex

[English/French/Spanish only]

Endnotes

- ¹ Several non-governmental organizations/civil society organizations have provided comments on their respective national legislation: China (Dr. Quinlan Wu, School of Contemporary Chinese Studies, University of Nottingham), Fiji (Pacific Islands Legal Information Institute), India (Consumer Unity and Trust Society International, University of Delhi), Japan (Shodanren) and Portugal (Associação Portuguesa para a Defesa do Consumidor), the Russia Federation (Confederation of Consumer Societies).
- ² All references to Member States and countries refer to respondents to these calls.
- ³ For example, El Salvador (Constitución de la República de El Salvador, artículo 101), Egypt (Constitution, article 14), Poland (Constitution of the Republic of Poland, article 76) and Switzerland (Federal Constitution of the Swiss Confederation, articles 2, 23, 97).
- ⁴ Amparo directo, D.C. 82/2012. Quejosa: Procuraduría federal del consumidor. Acuerdo del Séptimo Tribunal Colegiado en Materia Civil del Primer Circuito, 29 de marzo de 2012, página 156 y ss. See http://www.consumidor.gob.mx/wordpress/wp-content/uploads/2012/04/SENTENCIA_AMPARO_MEXICANA.pdf.
- ⁵ Not present in Chile, Colombia, Costa Rica, India, Indonesia, Malaysia, Portugal and the United Republic of Tanzania; not developed in Botswana, the Dominican Republic, Egypt and Mexico; present in Bhutan (Consumer Protection Act 2012, sections 4 (g) and 89 (i) and (j)), Hungary (Act LVII of 1996, article 43/A), Peru (Código del Consumidor, artículo VI.9) and the United States (Federal Trade Commission, Title 16, Commercial Practices Guide and other United States statutes).
- ⁶ For example, Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), article 36 for facilitating adequate production patterns), Mexico (Código de Autorregulación de Publicidad de Alimentos y Bebidas no Alcohólicas dirigida al Público Infantil for encouraging ethical conduct, Consejo Consultivo del Consumo, uniting over 14 consumer associations), Morocco (Law No. 06-99 on Freedom of Prices and Competition), Portugal (Lei n.º 24/96, of 31 July) and the United Republic of Tanzania (five different Acts cover these issues). Exceptions include Indonesia (Law No. 8/1999 concerning consumer protection, articles 3, 7, 8–17, 29–30 and 44).
- ⁷ For example, Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), sección II), the Dominican Republic (Ley General de Defensa de la Competencia, No.42-08, artículo 1), El Salvador (Ley de Competencia), Hungary (Act LVII of 1996, article 43/A), Malaysia (Competition Act 2010), Mexico (Ley Federal de la Competencia Económica), the United Republic of Tanzania (Fair Competition Act, 2003).
- ⁸ For example, the Dominican Republic (Ley General de Protección de los Derechos del Consumidor o Usuario, No. 358-05, artículo 19(h) and (i)), El Salvador (Ley de Protección al Consumidor, artículo 90), Mexico (Ley Federal de Protección al Consumidor, artículo 24), Poland (Competition Policy for 2011–2013).
- ⁹ See <http://www.oecd.org/sti/consumerpolicy/>.
- ¹⁰ Established in 1969.
- ¹¹ Charter of the Organization of American States (OAS), article 39b; OAS General Assembly resolutions AG/RES. 2065 (XXXV-O/05), AG/RES. 2494 (XXXIX-O/09), AG/RES. 2549 (XL-O/10), AG/RES. 2682 (XLI-O/11) and AG/RES. 2712 (XLII-O/12).
- ¹² See http://ec.europa.eu/consumers/strategy/docs/consumer_agenda_2012_en.pdf.
- ¹³ European Union directive (2002/22/EC).
- ¹⁴ For example, on the protection of health and safety (Guidelines, para 3(a)), Mexico bestows shared powers on the consumer agency (Procuraduría Federal del Consumidor, Profeco) and the Federal Commission for the Protection Against Sanitary Risk (Cofepris); along the same lines, in Morocco there are various governmental agencies holding powers on these issues, such as the National Board

- of Food Safety for food products, the Ministry of Industry, Trade and New Technologies for industrial products and the Ministry of Health for drugs.
- ¹⁵ Countries with consumer protection agencies that may singly oversee needs contained in paragraph 3 of the Guidelines include Egypt (consumer protection agencies law, articles 2, 6–9 and 23), Peru (Código de Protección y Defensa del Consumidor) and Poland (with the exception of sustainable consumption).
- ¹⁶ For example, Colombia (Ministerio de Ambiente), Costa Rica (Ministerio de Ambiente y Energía), the Dominican Republic (Ministerio de Medio Ambiente y Recursos Naturales), India (Bureau of Energy Efficiency), Morocco (Ministry of Energy, Mines, Water and Environment), Poland (Chief Inspector for Environmental Protection, Ministry of Economy, National Reference Centre for Sustainable Production and Consumption), the United Republic of Tanzania (National Environment Management Council). On the other hand, El Salvador (Defensoría del Consumidor).
- ¹⁷ These issues were addressed in the Organization for Economic Cooperation and Development (OECD) Consumer Policy Toolkit which is being used increasingly in OECD and non-member countries to formulate consumer policies (www.oecd.org/sti/consumerpolicy/consumerpolicytoolkit.htm) and in many studies on consumer education, consumer redress, environmental claims and multinational enterprises.
- ¹⁸ For example, Botswana (Education Section within the Consumer Protection Office), Colombia (Política Nacional de Producción y Consumo Sostenible), Costa Rica (Controlador del Ambiente and Tribunal Ambiental Administrativo), El Salvador (Jóvenes Consumistas and Alfabetización sobre Consumo Sostenible projects) and Mexico (Ley Federal de Protección al Consumidor, artículo 8).
- ¹⁹ Código de Protección y Defensa del Consumidor, artículos VI.4 and VI.12.
- ²⁰ For example, the Egyptian Constitution, India (Planning Commission of India), Mexico (Ley General de Desarrollo Social).
- ²¹ For example, Bhutan, Botswana, Costa Rica, El Salvador, Morocco, Peru and the United Republic of Tanzania contemplate these priorities, while Colombia and Mexico do not.
- ²² All 35 OECD members, as well as Argentina, Brazil, Colombia, Egypt, Latvia, Lithuania, Morocco, Peru, Romania and Tunisia.
- ²³ See <http://www.oecd.org/daf/internationalinvestment/investmentpolicy/oecddeclarationoninternationalinvestmentandmultinationalenterprises.htm>.
- ²⁴ See <http://www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/48004323.pdf>.
- ²⁵ A lack of staff training may further inhibit case handling concerning multinational enterprises.
- ²⁶ Botswana, El Salvador, Morocco, Portugal and the United Republic of Tanzania recognize a role for collaboration with universities.
- ²⁷ For example, Colombia, the Dominican Republic, Mexico.
- ²⁸ For example, Costa Rica, Malaysia.
- ²⁹ For example, Botswana (Consumer Protection Office), Colombia (Superintendencia de Industria y Comercio), Costa Rica (Dirección de Apoyo al Consumidor), Malaysia (Ministry of Domestic Trade, Cooperatives and Consumerism), the United Republic of Tanzania (Fair Competition Commission).
- ³⁰ For example, Bhutan (Office of Consumer Protection and Bhutan Agriculture and Food Regulatory Authority), the Dominican Republic (ProConsumidor and Ministerio de Industria y Comercio), the European Union (South African National Civic Organization), El Salvador (Defensoría del Consumidor, Ministerio de Salud and Consejo Nacional de Calidad), Egypt (Consumer Protection Agency and Internal Trade Supply Police), Fiji (Department of Trade and Standards – Ministry of Industry and Trade), Indonesia (Ministry of Trade), Malaysia (Ministry of Health, Ministry of Domestic Trade, Cooperatives and Consumerism), Mexico (Profeco and Secretaría de Economía).
- ³¹ Related language is contained in the OECD Recommendation of the Council concerning Risk Management and Cost-Benefit Analysis in the Product Safety Field (<http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=181&Lang=en&Book=False>) as well as in the preamble of the e-commerce guidelines (www.oecd.org/sti/consumerpolicy/34023811.pdf).
- ³² For example, Botswana (Department of International Trade), Costa Rica (Dirección de Defensa Comercial del Ministerio de Economía, Industria y Comercio), the Dominican Republic (Ministerio de Industria y Comercio), Hungary (Hungarian Competition Authority), Mexico (Secretaría de

Economía), Morocco (Ministry of Industry, Trade and New Technologies, in collaboration with customs authorities; the Department of Foreign Trade is in charge of paragraph 10 of the Guidelines which ensures that the World Trade Organization principles are respected); on the contrary, Switzerland (State Secretariat for Economic Affairs).

³³ For example, Mexico (Ley Federal de Protección al Consumidor, artículo 1).

³⁴ For example, Bhutan (Food Act, Road Safety and Transport Authority Act), Botswana (Public Health Act), Chile (Ley de protección al consumidor (Ley 19496): artículo 3° d) párrafo V y artículos 44 a 49; Ley 20.096; Ley 19.300; Ley 18.302), China (People's Republic of China Law of Product Safety, enacted in 1994 and amended in 2000, Food Safety Law 2009), Costa Rica (Ley N° 8279, artículo 29; Ley N° 8228, artículo 05; Ley N° 8279, artículo 46), the Dominican Republic (Ley General de Protección de los Derechos del Consumidor o Usuario No. 358-05, artículo 33; Resolución No. 04-2007 and Resolución No. 07-2007), El Salvador (Normas Salvadoreñas Obligatorias, Ley de Medicamentos), Fiji (Food Safety Act 2003, Land Transport Act 1998, Sale of Goods Act), France (article L.221, Code de la consommation), India (Consumer Protection Act 1986; Bureau of Indian Standards Act; The Food Safety and Standards Act), Israel (Standards Law, 1953, <http://www.moital.gov.il/NR/exeres/7F8F59C5-56FC-454D-B95A-FB094813B733.htm>), Malaysia (Food Act 1983 and Regulations 1985, Standards of Malaysia Act 2012), Mexico (Ley Federal sobre metrología y normalización), Morocco (Law 24-09, Law 28-07), Peru (Ley N° 29571, artículos 25 a 29; Ley N° 28405, Ley de rotulado de productos industriales manufacturados; Ley N° 28376, Ley que prohíbe y sanciona la fabricación, importación, distribución y comercialización de juguetes y útiles de escritorio tóxicos o peligrosos), Poland (Act of General Product Safety 2003), the United Republic of Tanzania (Industrial and Consumer Chemicals Act, Environment Management Act), the United Kingdom (General Product Safety Regulations, <http://www.legislation.gov.uk/ukSI/2005/1803/contents/made>; Sale of Goods Act 1979, <http://www.legislation.gov.uk/ukpga/1979/54/contents>; Fireworks Regulations 2004, <http://www.legislation.gov.uk/ukSI/2004/1836/contents/made>; Cosmetic Products (Safety) Regulations 2008, <http://www.legislation.gov.uk/ukSI/2008/1284/contents/made>; Toys (Safety) Regulations 1995, <http://www.legislation.gov.uk/ukSI/1995/204/contents/made>), Switzerland (Loi fédérale du 12 juin 2009 sur la sécurité des produits).

³⁵ Dominican Republic (Resolución No. 04-2007).

³⁶ Chile (Ley 18.302).

³⁷ For example, Bhutan (Bhutan Agriculture and Food Regulatory Authority, Bhutan Standards Bureau, Road Safety and Transport Authority, Drug Regulatory Authority), Botswana (Botswana Bureau of Standards, Ministry of Health), Chile (Instituto de Salud Pública), Costa Rica (Ministerio de Salud y Ministerio de Agricultura y Ganadería (Servicio Nacional de Salud Animal)), the Dominican Republic (Instituto de Salud Pública), France (Commission de la Sécurité des Consommateurs), El Salvador (Organismo Salvadoreño de Reglamentación Técnica, Organismo Salvadoreño de Normalización), Egypt (Organization of Standardization and Quality), Fiji (Ministry of Health, Land Transport Authority), Israel (Commissioner of Standardization, Ministry of Transport), Malaysia (Department of Standards, Ministry of Health), Poland (Polish Standardization Committee), Morocco (National Board of Food Safety and the Division of Market Surveillance), the United Kingdom (Trading Standards Institute), Switzerland (Office fédéral de la santé publique, Office fédéral des transports, Office fédéral de l'énergie, Office fédéral de la communication, Office fédéral des constructions et de la logistique, Swissmedic – Institut suisse des produits thérapeutiques, Office fédéral de la police, Office fédéral des routes).

³⁸ Health Canada holds the mandate to manage the health risks and safety hazards associated with consumer products.

³⁹ Consumer Product Safety Commission.

⁴⁰ For the European Union, see Consumer Conditions Scoreboard at http://ec.europa.eu/consumers/consumer_research/editions/cms7_en.htm.

⁴¹ For example, Bhutan, Chile, Colombia, Costa Rica, El Salvador, Mexico, Peru and Poland. Reglamento 27008-MEIC-MOPT, artículo 4.

⁴³ As referenced by El Salvador (incorporated in the Ley de Protección al Consumidor, artículo 58).

⁴⁴ For example, the Dominican Republic (<http://www.noticiassc.com/2012/03/pro-consumidor-alerta-por-consumo.html> / <http://noticialibre.com/?p=74712>); El Salvador has used mass media; and Egypt cites Facebook as a resource.

- ⁴⁵ As reported by Poland, Portugal and the United Kingdom.
- ⁴⁶ Exceptions include India.
- ⁴⁷ For example, Chile, Colombia.
- ⁴⁸ For example, Bhutan (Dispute Settlement Body, Consumer Protection Act 2010, sections 6 and 7), the Dominican Republic, Indonesia (Ministry of Trade).
- ⁴⁹ Examples of OECD work on this area can be seen in several OECD Recommendations of the Council: i.e. Recommendation of the Council concerning Safety Measures Taken in the Interest of Children; Recommendation of the Council concerning Risk Management and Cost-Benefit Analysis in the Product Safety Field; Recommendation of the Council on the OECD Notification System on Consumer Safety Measures; Recommendation of the Council concerning the Establishment of Data Collection Systems Related to Injuries Involving Consumer Products; Recommendation of the Council concerning Recall Procedures for Unsafe Products Sold to the Public and in chapter 8 of the OECD Guidelines for Multinational Enterprises (all available at www.oecd.org). Also, the multi-lingual GlobalRecalls data portal has been recently established by the OECD for sharing information on products recalls with the public (<http://globalrecalls.oecd.org/>).
- ⁵⁰ The OAS Consumer Safety and Health Network's objective is to contribute to the construction of market surveillance systems on consumer product safety in OAS member States. For that purpose, the OAS contributes to strengthening the institutional capacity at the national and regional levels through the organization of training activities and the promotion of the exchange of good practices. The Consumer Safety and Health Network's web portal contains alerts on unsafe consumer products with an advanced search tool (www.oas.org/rcss). OAS member States have set themselves the objective of advancing towards the design and creation of an Inter-American Rapid Alerts System on consumer product safety (OAS General Assembly resolution AG/RES. 2682 (XLI-O/11)).
- ⁵¹ For example, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador and Peru are advancing towards the implementation of their integrated systems on consumer product safety, while Brazil has already officially launched its Consumer Safety and Health Network – Brazil, in a joint effort between the Ministry of Justice, the Ministry of Development, Industry and Foreign Trade and the Ministry of Health.
- ⁵² For example, Botswana, the Dominican Republic, Egypt, El Salvador, France, Hungary, India, Malaysia.
- ⁵³ For example, Costa Rica (Manual de Buenas Prácticas de Protección al Consumidor), El Salvador (monitoring labelling), the European Union (Directive 2005/29/EC), the United Kingdom (mandatory standards for manufacturers and distributors on good business practices).
- ⁵⁴ Commercial Practices Guide covering mail or telephone order merchandise, care labelling of textile wearing apparel and certain piece goods, cooling-off periods for door-to-door sales, contact lens rules, advertising as to sizes of viewable pictures shown by television sets, retail food store advertising and marketing practices, pre-notification of negative option plans, telemarketing sales, telemarketing sales and the Postal Reorganization Act (1970).
- ⁵⁵ For example, Bhutan (Consumer Protection Act 2012, section 4 (f)), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor, artículos 34 y 43), the Dominican Republic (Reglamento de Asociaciones de Consumidores, artículo 3), El Salvador (Ley de Protección al Consumidor, artículo 163), Hungary (Act LVII of 1996, article 43/A), Indonesia (Law No. 8/1999 concerning consumer protection, articles 30 and 44), the Russian Federation (Law on Protection of the Rights of Consumers, article 45), Switzerland (Loi fédérale de la concurrence déloyale, article 10).
- ⁵⁶ The Dominican Republic (cooperation agreements between ProConsumidor and consumer organizations).
- ⁵⁷ Costa Rica (general counselling to consumer organizations), El Salvador (counselling to consumer organizations on legalization).
- ⁵⁸ Chile (US\$1 million per annum in prizes), Costa Rica (Comisión para Promover la Competencia).
- ⁵⁹ Most OECD policy instruments include provisions supporting fair business practices and contain provisions supporting effective consumer protection. The need for clear disclosure and the prohibition of misleading advertising are frequently referred to in OECD policy instruments, including the OECD Guidelines for Multinational Enterprises, the 1999 OECD Guidelines for Consumer Protection in the Context of Electronic Commerce and in *Environmental Claims: Findings and Conclusions of the OECD Committee on Consumer Policy*. The issues related to the information on environmental impact are covered in the OECD Guidelines for Multinational Enterprises and in *Environmental*

Claims: Findings and Conclusions of the OECD Committee on Consumer Policy
(www.oecd.org/sti/consumerpolicy/48127506.pdf).

- ⁶⁰ Consumers International suggests inclusion of the structural dimension of competition policy and the need to address upstream issues.
- ⁶¹ Consumers International suggests reference to the anti-competitive effects of certain international agreements including those reached by governments, e.g. the World Trade Organization agriculture and intellectual property agreements.
- ⁶² Poland (the Office of Competition and Consumer Protection runs an educational campaign entitled “Entrepreneur, don’t collude!” to raise awareness through a series of radio broadcasts, films and press articles).
- ⁶³ For example, Chile (Tribunal de Defensa de la Libre Competencia), Egypt (Competition Protection and Monopoly Prevention Law), France (Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes), Hungary (Act LVII of 1996, article 7), Malaysia (Competition Act 2010).
- ⁶⁴ For example, Colombia (Superintendencia de Industria y Comercio), the Dominican Republic (ProCompetencia), El Salvador (Superintendencia de Competencia), Peru (Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual), Poland (Office of Competition and Consumer Protection), Switzerland (State Secretariat for Economic Affairs – Competition Commission) and the United States (Federal Trade Commission).
- ⁶⁵ For example, Bhutan (Office of Consumer Protection), Mexico (Procuraduría Federal del Consumidor, Profeco), the United Kingdom (Office of Fair Trading).
- ⁶⁶ For example, Chile (Ley 19.496 de Protección de los Derechos de los Consumidores).
- ⁶⁷ For example, Costa Rica (Ley 7472, artículo 35).
- ⁶⁸ For example, Chile (Ley 18223 on spare parts), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor, artículos 34 y 43), El Salvador (Ley de Protección al Consumidor, artículos 22, 33, 35 y 36).
- ⁶⁹ Consumers International suggests inclusion of admonition of complex wording in contracts, amendment without notification, due diligence requirements of lenders and “technological locking” of digital products as an abuse of consumer rights.
- ⁷⁰ For example, Bhutan (Consumer Protection Act 2012, section 4), Chile (Ley 19.496 de Protección de los Derechos de los Consumidores), Colombia, (Ley 1480, part VII, chapter II), Costa Rica (Reglamento de Tarjetas de Crédito y Débito N° 35867, chapter II), Egypt (Consumer Protection Law, article 10), the European Union (Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services as amended by Directive 2009/136/EC (“Citizens’ Rights Directive”)), Indonesia (Law No. 8/1999 concerning consumer protection, article 18), Morocco (Law N° 31-08: Title III), Mexico (Ley Federal de Protección al Consumidor, artículos 1, 10, 85–90 *bis*), Peru ((Código de Protección y Defensa del Consumidor Ley N° 29571, artículo 1. 1.1 c); Título II, capítulo II, artículos 49° a 52°; artículos 56 a 62).
- ⁷¹ See <http://rcal.profeco.gob.mx/>.
- ⁷² Mexico (Norma Oficial Mexicana NOM-184-SCFI-2012).
- ⁷³ Reglamento de Tarjetas de Crédito y Débito (Decreto N°35867-MEIC), capítulo II.
- ⁷⁴ Federal Act against Unfair Competition, article 3 al. 1 k, l, m, n.
- ⁷⁵ The Dominican Republic (Ley General de Protección de los Derechos del Consumidor o Usuario, No.358-05, párrafo I de artículos 81 y 98).
- ⁷⁶ For example, Chile (Ley 19.496 de Protección de los Derechos de los Consumidores), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor, artículo 42), Egypt (Consumer Protection Law, articles 2 and 10), the European Union (Directive 93/13/EEC), Indonesia (Law No. 8/1999 concerning Consumer Protection, article 18), Malaysia (National Consumer Policy), Mexico (Ley Federal de Protección al Consumidor, artículos 1, 10, 85 a 90 *bis*), Morocco (Law N° 31-08: Title III), Peru ((Ley N° 29571, artículo 1. 1.1 c); Título II, capítulo II, artículos 49 a 52; artículos 56 a 62), Poland (Civil Code, Act on Competition and Consumer Protection 2007).
- ⁷⁷ For example, Chile (Ley 19.496 de Protección de los Derechos de los Consumidores), Colombia (Ley 1480, artículo 55), Egypt (Consumer Protection Law, articles 2 and 10), Mexico (Ley Federal de Protección al Consumidor, artículos 66 a 72 y la Ley para la Transparencia y Ordenamiento de los Servicios Financieros, chapter III, although it does not regulate interest rates), Poland (Civil Code, Act on Competition and Consumer Protection 2007).

- ⁷⁸ Consumers International suggests recognition for sales staff remuneration structures not conflicting with customers' interests and for information to allow real comparability. Furthermore, to reference the need for restraint in food, beverage and tobacco marketing for health promotion, especially regarding children.
- ⁷⁹ For example, Bhutan (Consumer Protection Act 2012, section 4 and chapter 3), Chile (Ley 19.496 de Protección de los Derechos de los Consumidores, parte II, artículo 3), Colombia (Ley 1480 de 2011, artículo 1.2 y partes V y VI), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), artículos 32, 33 y 34), the Dominican Republic (Ley General de Protección de los Derechos del Consumidor o Usuario, No.358-05, artículo 88), Egypt (Consumer Protection Law, Articles 2, 3, 4 and 5), El Salvador (Ley de Protección al Consumidor, artículos 16, 30, 58), Indonesia (Law No. 8/1999 concerning Consumer Protection, article 10-16), Malaysia (Price Control and Anti-profiteering Act 2011), Mexico (Ley Federal de Protección al Consumidor, artículos 1, 2, 6, 7, 7 *bis*, 9, 10, 12, 15, 42, 43, 51, 56 a 59 y 66 a 72), Morocco (Law N°.31-08: Title III, IV, V, VI), Peru (Ley N° 29571, artículos 12° al 17), Poland (Civil Code, Act on Competition and Consumer Protection 2007), Portugal (Law 24/96, Decree-Law 57/2008, Decree-Law 67/2003), Switzerland (Federal Act against Unfair Competition, article 2).
- ⁸⁰ For example, Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), artículos 32, 33 y 34), El Salvador (Ley de Protección al Consumidor, artículo 4), Egypt (Consumer Protection Law, article 6), the European Union (Directive 2005/29/EC), Morocco (Law N°.31-08: Title II), Portugal (Law 24/96).
- ⁸¹ Consumers International suggests reference to information on interoperability including technical measures that may inhibit use.
- ⁸² For example, Chile, Colombia, the Dominican Republic, Hungary, Malaysia, Mexico.
- ⁸³ China (Ministry of Environmental Protection), Costa Rica (Ministerio del Ambiente y Energía), Egypt (Ministry of the Environment), El Salvador (Ministerio de Medio Ambiente y Recursos Naturales), Indonesia, Israel (Ministry of Environmental Protection), the Russian Federation (Ministry of Natural Resources and Environment).
- ⁸⁴ Otherwise, see Bhutan (Consumer Protection Act 2012, section 89), the United Kingdom (<http://www.defra.gov.uk/environment/economy/products-consumers/influencing-behaviour/>; <http://archive.defra.gov.uk/environment/business/marketing/glc/documents/shoppers-guide.pdf>).
- ⁸⁵ For example, Bhutan (Consumer Protection Act 2012, chapter 3), Chile (Ley N° 19.496, parte III, párrafo 1, Información y Publicidad, artículos 28 y 28A), Colombia (Ley 1480 de 2011, artículo 29), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), artículos 32, 34 y 37), the Dominican Republic (Ley General de Protección de los Derechos del Consumidor o Usuario, No.358-05, artículo 88), Egypt (Consumer Protection Law, article 6), El Salvador (Ley de Protección al Consumidor, artículo 3; Observatory of Misleading Advertising), Mexico (Ley Federal de Protección al Consumidor: artículos 1, 7, 17, 32, 33, 34, 35, 37, 38, 40, 42, 44, 45, 46, 48, 49, 76 *bis*), the United States (Film and Television Action Committee, Title 16, Commercial Practices Guide, Comprehensive Smokeless Tobacco Health Education Act of 1986, 15 United States Code 4401-4408, Fair Packaging and Labelling Act, Fur Products Labelling Act, Telecommunications Act of 1996, Practices Act, Petroleum Marketing, Telephone Disclosure and Dispute Resolution Act of 1992, Textile Fibre Products Identification Act, Violent Crime Control and Law Enforcement Act of 1994, Wool Products Labelling Act).
- ⁸⁶ For example, Malaysia, Mexico, Costa Rica (Código de Buenas Prácticas de Protección al Consumidor).
- ⁸⁷ For example, El Salvador, the United Kingdom (Advertising Standards Authority), the United States.
- ⁸⁸ For example, Colombia (Código de Autorregulación Publicitaria), Costa Rica (Código de Buenas Prácticas de Protección al Consumidor), the European Union (Code of European Union online rights, Digital Agenda for Europe (Action 16), <http://ec.europa.eu/digital-agenda/en/code-eu-online-rights>), Mexico (Código de Autorregulación de Publicidad de Alimentos y Bebidas no Alcohólicas dirigida al Público Infantil, Código de Ética del Consejo de Autorregulación y Ética Publicitaria and Código de Autorregulación y Ética Publicitaria de Productos Cosméticos de la Cámara Nacional de la Industria de Productos Cosméticos, the United Kingdom (United Kingdom Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing and United Kingdom Code of Broadcast Advertising).
- ⁸⁹ For example, Mexico (Agreement with Asociación Mexicana de Internet).

- ⁹⁰ Although Swiss law does not mandate private codes of marketing or other business practices, the marketing sector has formulated its own, which is based on the Federal Act against Unfair Competition. If a business violates this code, then a consumer can file a complaint at a private commission which will decide whether the code or the “directive” has been violated. This commission is the executive body of Swiss foundation for fair business practices (<http://www.lauterkeit.ch/komm1F.htm>) whose members are the most important private organizations and associations of the marketing branch in Switzerland.
- ⁹¹ Consumers International suggests a generic reference to technological neutrality to the effect that all transactions have the same basic protections for consumers.
- ⁹² For example, Botswana (Weights and Measures Act), Colombia (Ley 1480 de 2011, artículo 68), China (Metrology Law 1985, State Council Order on Applying Uniform Metrology Unit 1984), the Dominican Republic (Ley 3925 de 17 septiembre de 1954 sobre pesas y medidas, Reglamento para la ejecución de la Ley 3925 sobre pesas y medidas y La Ley General de Protección de los Derechos del Consumidor o Usuario, No.358-05, artículo 51), El Salvador (Ley de Protección al Consumidor, artículo 58(j), the European Union (Communication on the application of Directive 2005/29/EC), Indonesia (Law No. 2/1981 concerning Legal Metrology, Law No. 8/1999 concerning Consumer Protection, article 8), Malaysia (Weight and Measures Act 1972, Weights and Measures Regulation 1981, Specification for Weights or Measures or Instrument for Weighing or Measuring Order 1981), Mexico (Ley Federal de Protección al Consumidor), Peru (Ley N° 23560, en el que se establece el Sistema Legal de Unidades de Medida del Perú), the United Republic of Tanzania (Weights and Measures Act), the United Kingdom (Weights and Measures Act 1985 and the Weights and Measures (Packaged Goods) Regulations 2006).
- ⁹³ For example, Bhutan (Bhutan Standards Bureau), Botswana (Bureau of Standards), China (General Administration of Quality Supervision, Inspection and Quarantine), Costa Rica (Laboratorio Costarricense de Metrología), Dominican Republic (Dirección General de Normas y Sistemas de Calidad), Egypt (General Authority for Standards and Quality), El Salvador (Centro de Investigaciones de Metrología), Fiji (Department of National Trade Measurement and Standards), India (Controller of Legal Metrology), Mexico (Centro Nacional de Metrología, Comisión Nacional de Normalización), Morocco (Ministry of Industry, Trade and New Technologies, Division of Metrology).
- ⁹⁴ Sistema Mexicano de Metrología, Normalización y Evaluación de la Conformidad.
- ⁹⁵ Consumers International suggests inclusion of a reference to independent testing.
- ⁹⁶ Chile, Egypt, Fiji, Israel, Morocco (National Office of Sanitary Security).
- ⁹⁷ El Sistema Mexicano de Metrología, Normalización y Evaluación de la Conformidad, párrafo 15.
- ⁹⁸ Consejo Nacional de Política Económica y Social.
- ⁹⁹ See http://ec.europa.eu/consumers/safety/projects/market_surveillance_enforcement_en.htm.
- ¹⁰⁰ El Salvador.
- ¹⁰¹ India, Malaysia.
- ¹⁰² Chile.
- ¹⁰³ Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472) artículos 33(e) y 36), the European Union (Directive (2002/22/EC) on universal service and users’ rights relating to electronic communications networks and services as amended by Directive 2009/136/EC (“Citizens’ Rights Directive”) http://ec.europa.eu/information_society/policy/ecomm/doc/136univserv.pdf), El Salvador (Ley de Protección al Consumidor, artículo 58, línea C), India (Targeted Public Distribution System, <http://dfpd.nic.in/?q=node/999>), Mexico (Ley Federal de Protección al Consumidor, artículos 8, 24 128 *ter*).
- ¹⁰⁴ Consumers International suggests referencing the involvement of consumer representatives in the regulation of essential services.
- ¹⁰⁵ Bhutan (Department of Trade and Ministry of Economic Affairs), Chile (Superintendencia de Servicios Sanitarios y Agua Potable (www.siss.cl), superintendencia de Electricidad y Combustibles (www.sec.cl), Subsecretaría de Telecomunicaciones (www.subtel.gob.cl/)), Costa Rica (Dirección de Apoyo al Consumidor del Ministerio de Economía, Industria y Comercio, y otros Ministerios y entidades del sector público como el Ministerio de Agricultura y Ganadería, el Consejo Nacional de Producción), Hungary (Ministry for Rural Development), Morocco (National Board of Food Safety), the Russian Federation (Ministry of Health and Social Development), the United Republic of

Tanzania (Tanzania Food And Drugs Authority, Surface and Marine Transport Regulatory Authority, Energy Water Utilities Regulatory Authority, Tanzania Communications Regulatory Authority, Urban and Rural Water Authorities).

- ¹⁰⁶ As reported by Bernardo R. Altamirano, former President of Profeco, and currently member of the UNCTAD Advisory Group of Experts on Consumer Protection.
- ¹⁰⁷ El Salvador (Ley de Protección al Consumidor, artículos 161, 162), Malaysia (Cooperatives Societies Act 1993).
- ¹⁰⁸ For example, Chile (Ley 19.496 de Protección de los derechos de los consumidores), Colombia (Ley 1480 de 2011, artículo 3.1.5), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), artículos 35 y 53), Egypt (Consumer Protection Law, articles 2 and 3), France (Code la Consommation, articles L.421-1 et ss.), India (Consumer Protection Act 1986, Insurance Regulatory and Development Authority Act 1999, Electricity Act 2003, Banking Regulation Act, 1949), Indonesia (Law No. 2/1981 concerning Legal Metrology, Law No. 8/1999 concerning Consumer Protection, articles 4, 7, 49, 52 and 63), Malaysia (Consumer Protection Act 1999), Morocco (Law N°. 31-08: Title VIII), Poland (Act on Competition and Consumer Protection 2007, Consumer Policy for 2010–2013), the United Republic of Tanzania (Fair Competition Act and Civil Procedure Act), the United States (Federal Trade Commission, Title 16, Commercial Practices Guide and other statutes).
- ¹⁰⁹ Consumers International suggests a reference to the possibility of collective legal action on consumer grievances.
- ¹¹⁰ OECD contribution on the issues of dispute resolution and redress has been of significance. See (a) OECD Recommendation of the Council on Consumer Dispute Resolution and Redress; (b) the 1999 Guidelines for Consumer Protection in the Context of Electronic Commerce (part two, section VI); (c) the 2003 OECD Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices Across Borders, section VI; and (d) part VI B of 1999 OECD Guidelines for Consumer Protection in the Context of Electronic Commerce (all available at www.oecd.org).
- ¹¹¹ On the contrary, Colombia has administrative powers over compensation.
- ¹¹² For example, Chile (Ley 19.496 de Protección de los derechos de los consumidores, Ley 20.555 sobre el Servicio Nacional del Consumidor, Económico y Financiero), Colombia (Ley 1480 de 2011, artículo 4; Ley 640 de 2011, artículo 34), Costa Rica (Ley de Promoción de la Competencia y Defensa Efectiva del Consumidor (Ley N°7472), artículo 55), El Salvador (Ley de Protección al Consumidor, artículo 111, 115 y 119), the European Union (European Union Directive (2002/22/EC) on universal service and users' rights relating to electronic communications networks and services as amended by Directive 2009/136/EC ("Citizens' Rights Directive") http://ec.europa.eu/information_society/policy/ecom/doc/136univserv.pdf), the Dominican Republic (Reglamento para la Conciliación y el Arbitraje de Consumo, artículo 1), Egypt (Commercial Arbitration Law), India (Banking Ombudsman Scheme in 1995, section 35A of the Banking Regulation Act, 1949), Mexico (Ley Federal de Protección al Consumidor, artículos 11 a 116 (conciliación), 117 a 122 (arbitration)), Poland (Act on Competition and Consumer Protection 2007).
- ¹¹³ Consumers International suggests encouragement of the use of consumer organizations in dispute resolution.
- ¹¹⁴ For example, Chile (Ley 20.555 sobre el Servicio Nacional del Consumidor, Económico y Financiero (SERNAC)), Indonesian Insurance Mediation Bureau.
- ¹¹⁵ For example, Colombia (Ley 1480 de 2011, artículos 4, 43; Ley 640, artículo 34), Mexico (Ley Federal de Protección al Consumidor).
- ¹¹⁶ For example, China (Consumer Rights Protection Association), France (<http://www.economie.gouv.fr/dgccrf/Recourir-a-la-mediation-ou-a-la-conciliation>), Morocco (Consumer fund supports 50+ consumer associations), Poland (Office of Competition and Consumer Protection campaign "Why fight like cats and dogs?" – promoting consumer arbitration courts).
- ¹¹⁷ OECD has carried on several education-related and information activities. The need for consumer education and information programmes as well as the issue of the promotion of sustainable consumption are referred to principally in the 2009 OECD Instrument *Consumer Education: Policy Recommendations of the Committee on Consumer Policy*; they are also addressed in the 2007 OECD Recommendation on Consumer Dispute Resolution and Redress, section II A 6, among other instruments. OECD policy instruments in the consumer area sometimes contain provisions addressing the needs of vulnerable consumers with respect to education.

- ¹¹⁸ For example, Mexico (as reported by Bernardo R. Altamirano, former President of Profeco, and currently member of the UNCTAD Advisory Group of Experts on Consumer Protection; see www.consumidor.gob.mx) and Switzerland (<http://www.i-point.admin.ch>).
- ¹¹⁹ For example, Chile; see <http://www.sernac.cl/sernac2011/sernaceduca/>.
- ¹²⁰ See Consumers Advice at http://www.adviceguide.org.uk/england/consumer_e.htm.
- ¹²¹ Curso Básico sobre Consumo.
- ¹²² Defensorías móviles.
- ¹²³ For example, Botswana, Chile, Costa Rica, El Salvador, Malaysia, Mexico and Switzerland.
- ¹²⁴ Hungary (Hungarian Competition Authority).
- ¹²⁵ Consumers International suggests a reference to basic financial education.
- ¹²⁶ For example, Costa Rica (through the Red de Organizaciones de Consumidores for rural populations), Malaysia (Federation of Malaysian Consumers Associations).
- ¹²⁷ For example, Costa Rica (along with the financial sector on “Fútbol Financiero” and “Jóvenes Banqueros”).
- ¹²⁸ Every year, Office of Competition and Consumer Protection grants Libertas and Auxilium awards to honour journalists for their articles, radio and television programmes dealing with competition and consumer protection.
- ¹²⁹ Consumers International suggests recommending that governments both encourage and be open to ideas from consumer associations.
- ¹³⁰ Consumers International suggests a reference to the need for Internet access as an educational and awareness tool.
- ¹³¹ Channel 13 programme, “Consejos financieros para el consumidor”.
- ¹³² Television programme, “Con el consumidor”.
- ¹³³ Jago Grahak Jago Programme.
- ¹³⁴ “Let’s Think Green” campaign.
- ¹³⁵ For example, the educational campaigns “Entrepreneur, don’t collude!” and “You can...”
- ¹³⁶ For example, Costa Rica (guides for the course “Educación para la vida” of the Ministry of Education), the Dominican Republic (Strategic Plan 2013–2016), Poland (Information and education campaign “My consumer ABC”), the United Republic of Tanzania (Training of Trainers on consumer protection issues).
- ¹³⁷ El Salvador (Ley de Protección al Consumidor, artículo 4 (k)).
- ¹³⁸ Particularly with regard to the health-related benefits of sustainable consumption.
- ¹³⁹ Ley Federal de Protección al Consumidor, artículos 8 *bis*, 24, especially on educational programmes.
- ¹⁴⁰ Federal Trade Commission, Title 16, Commercial Practices Guide and other United States statutes, covering, inter alia, automotive fuel rating, labelling for biodiesel fuel and energy efficiency of various products.
- ¹⁴¹ Chile (Ministerio de Medio Ambiente), Colombia (Ministerio de Ambiente), Costa Rica (Ministerio del Ambiente y Energía), El Salvador (Defensoría del Consumidor y Ministerio de Medio Ambiente y Recursos Naturales), the Dominican Republic (Ministerio de Medio Ambiente y Recursos Naturales), Fiji (Department of Environment), Hungary (Ministry for Rural Development), Indonesia (Ministry of Environment and Local Government), Japan (Ministry of Environment), Switzerland (Federal Office for the Environment) and the United Kingdom (Department for the Environment, Food and Rural Affairs).
- ¹⁴² Egypt (Ministry of Environment, Authority of Standardization and Quality, consumer protection agency, Ministry of Internal Trade and Industry, and the Cabinet), Israel (Ministry of Environmental Protection, Ministry of Agriculture, Ministry of Industry, Trade and Labour), Malaysia (Department of the Environment, Ministry of Natural Resources and Environment, Ministry of Energy, Green Technology and Water), the United Republic of Tanzania (Fair Competition Commission, Local Government Authorities, Tanzania Bureau Standard, Energy Water Utilities Regulatory Authority, Surface and Marine Transport Regulatory Authority, Tanzania Communications Regulatory Authority, Tanzania Civil Aviation Authority, Bank of Tanzania, National Environment Management Council, non-governmental organizations).
- ¹⁴³ See http://ec.europa.eu/environment/eussd/escp_en.htm;
http://ec.europa.eu/consumers/events/ecs_2012/workshops1_en.htm;
http://ec.europa.eu/environment/resource_efficiency/index_en.htm;
http://ec.europa.eu/energy/efficiency/labelling/labelling_en.htm;

- http://ec.europa.eu/environment/industry/retail/index_en.htm;
<http://ec.europa.eu/environment/ecolabel/>; http://ec.europa.eu/enterprise/policies/sustainable-business/ecodesign/index_en.htm;
http://ec.europa.eu/consumers/rights/docs/Guidance_UCP_Directive_en.pdf;
http://ec.europa.eu/environment/eussd/product_footprint.htm;
http://ec.europa.eu/environment/emas/index_en.htm; www.food-scp.eu/;
http://ec.europa.eu/food/food/sustainability/index_en.htm.
- ¹⁴⁴ Federal Trade Commission, Title 16, Commercial Practices Guide, 16 C.F.C., chapter I, subchapter B – Chides and Trade Practices Rules, Part 260 and Energy Policy Act of 1992 and of 2005.
- ¹⁴⁵ Consumers International suggests the inclusion of energy, with reference to universal service, consumer participation, subsidising connectivity and appropriate technology.
- ¹⁴⁶ Consumers International suggests a reference to sanitation and to shifting subsidy towards connectivity rather than consumption in paragraph 59 of the United Nations Guidelines on Consumer Protection.
- ¹⁴⁷ Consumers International suggests a reference to the promotion of generic competition and to the objectives of the Doha Declaration on the Trade-Related Aspects of Intellectual Property Rights Agreement and Public Health.
- ¹⁴⁸ For example, Egypt (Ministry of Irrigation, Authority of Water Regulation, Ministry of Internal Trade and Supply, Ministry of Health, and the Cabinet), Hungary (Hungarian Food Safety Office, National Institute for Quality and Organisational Development in Healthcare and Medicines, Ministry for Rural Development), Malaysia (Ministry of Agriculture, Ministry of Energy, Green Technology and Water, Ministry of Health), Morocco (National Board of Food Safety, Minister of Energy, Mines, Water and Environment, Ministry of Health), Switzerland (Federal Office of Public Health, Federal Office of National Economic Supply, Federal Office for Agriculture), the United Republic of Tanzania (National Environment Management Council, ministries, departments and agencies, Energy Water Utilities Regulatory Authority, Drilling and Dam Construction Agency, Tanzania Bureau of Standards, Government Chemist and Laboratory Agency, local governments).
- ¹⁴⁹ Consumers International suggests a reference to the damaging consequences of subsidised exports in agriculture, concerns about current low food stocks and high food prices, and the need for sustainable food production.
- ¹⁵⁰ Malaysia Organic Scheme.
- ¹⁵¹ National Strategies and Action Plan on Agricultural Biodiversity.
- ¹⁵² Therapeutic Products Act, articles 3, 9, 11, 28 and 30; and Patents Act, whose leading authorities are: Swissmedic and Swiss Federal Institute of Intellectual Property.
- ¹⁵³ The key drivers for pesticides policy currently are the implementation of 1107/2009 and 2009/128/EC (see column F), and the Farming Regulation Task Force recommendations. European Union Regulation 1107/2009 replaced Directive 91/414/EEC in June 2011. European Union Directive 2009/128/EC legislates for the first time at the European Union level on the use phase of pesticides. It includes provisions for measures to reduce the risks and impacts of pesticide use, training certification for users, distributors and advisers, sales requirements, inspection of all pesticide application equipment, prohibition on aerial application, specific measures to protect water, integrated pest management and harmonized risk indicators.
- ¹⁵⁴ <http://www.sernac.cl/265502/>.
- ¹⁵⁵ Mesa Andina de Trabajo para la Promoción y Protección de los Derechos de los Consumidores.
- ¹⁵⁶ Consumer Safety and Health Network.
- ¹⁵⁷ In particular, information exchange through the Rapid Alert System (http://ec.europa.eu/consumers/safety/rapex/index_en.htm; <http://globalrecalls.oecd.org/>).
- ¹⁵⁸ Committee on Consumer Policy.
- ¹⁵⁹ Código de Comercio.
- ¹⁶⁰ Código Civil, Second Book, Part Two, “Del comercio electrónico”, Código Federal de Procedimientos Civiles, artículo 210-A, Ley Federal de Protección al Consumidor, artículos 1, 10, 53, y 76 bis.
- ¹⁶¹ Código Civil, artículos 141, 141-A y 1374.
- ¹⁶² Ley N° 19.496, artículos 3 bis, 12 A, 28 B, 32 y 50 A. See <http://www.leychile.cl/Navegar?idNorma=61438&buscar=19.496>.
- ¹⁶³ Ley 1480 de 2011, Título VII, chapters V and VI.

- ¹⁶⁴ Code de la consommation, articles 121-16 et ss.
- ¹⁶⁵ Law on Consumers Rights Protection, article 26.1.
- ¹⁶⁶ Federal Trade Commission, Title 16, Commercial Practices Guide, 16 C.F.R., chapter I, subchapter B, Guides and Trade Practice Rules, Part 316.
- ¹⁶⁷ Malaysia (Electronic Commerce Act 2006), Peru (Ley N° 27269, Ley de Firmas y Certificados Digitales), Poland (Act of 18 July 2002 on providing services by electronic means.), the United States (Children's Online Privacy Protection Act, 15, United States Code 6501-6506).
- ¹⁶⁸ El Salvador (Ley del Sistema de Tarjeta de Crédito, artículos 25, 35).
- ¹⁶⁹ Colombia (Ley 1480 de 2011, Título VII, chapter V).
- ¹⁷⁰ The Dominican Republic (Ley General de las Telecomunicaciones, No. 153-98), the United Republic of Tanzania (Mobile Payments Regulation 2012).
- ¹⁷¹ Switzerland (Loi fédérale contre la concurrence déloyale, article 3.2).
- ¹⁷² Morocco (Law No. 09-08, Law No. 53-05).
- ¹⁷³ Federal Trade Commission Staff Working Paper, "Dot com Disclosure: Information about Online Advertising" (May 2000), available at <http://www.ftc.gov/opa/2000/05/dotcom.shtm>.
- ¹⁷⁴ Federal Trade Commission Staff Report, "Mobile Apps for Kids: Disclosures Still Not Making the Grade" (December 2012), available at <http://www.ftc.gov/os/2012/12/121210mobilekidsappreport.pdf>.
- ¹⁷⁵ Federal Trade Commission Report, "Protection Consumer Privacy in an Era of Rapid Change" (March 2012), available at <http://www.ftc.gov/os/2012/02/120326privacyreport.pdf>.
- ¹⁷⁶ Chile (Código de Buenas Prácticas para el Comercio Electrónico, de la Cámara de Comercio de Santiago A.G.), Mexico (Código de Ética y la Asociación Mexicana de Internet, http://www.amipci.org.mx/pics/doctos/codigo_etica.pdf).
- ¹⁷⁷ India (Reserve Bank of India: Internet Banking in India – Guidelines).
- ¹⁷⁸ Chile, Colombia.
- ¹⁷⁹ Chile, European Union (European Trustmarks Stakeholders Platform); Poland (the President of the Office of Competition and Consumer Protection financed an information campaign, "Safe shopping on the Internet" in 2011, conducted by the Polish Consumer Federation; in 2012, the Office of Competition and Consumer Protection published the brochure, "Shopping on the Internet").
- ¹⁸⁰ The European Union, Consumer Conditions Scoreboard, the latest edition of which (May 2012) is available at http://ec.europa.eu/consumers/consumer_research/editions/cms7_en.htm.
- ¹⁸¹ Chile.
- ¹⁸² Chile, the United States, International Consumer Protection Network (ICPEN).
- ¹⁸³ Chile, Colombia, Costa Rica, El Salvador, France, Mexico, Poland.
- ¹⁸⁴ Ley 1480, artículo 54.
- ¹⁸⁵ Ley N° 19.496, artículo 58 (f).
- ¹⁸⁶ Chile, El Salvador (Ley de Protección al Consumidor, artículo 119), France (Code de la consommation, Livre III), Mexico (Ley Federal de Protección al Consumidor, artículos 117 a 122), Poland (European Commission Recommendations 98/257/CE and 2001/310/CE). On the contrary, France.
- ¹⁸⁷ Available at www.oecd.org/sti/consumerpolicy/34023811.pdf.
- ¹⁸⁸ Available at www.oecd.org/sti/consumerpolicy/40879177.pdf.
- ¹⁸⁹ Available at www.oecd.org/sti/consumerpolicy/40879136.pdf.
- ¹⁹⁰ Available at www.oecd.org/sti/consumerpolicy/40878993.pdf.
- ¹⁹¹ Available at www.oecd.org/daf/internationalinvestment/guidelinesformultinationalenterprises/48004323.pdf.
- ¹⁹² Chile (Ley Número 20.555), El Salvador (Ley de Protección al Consumidor (artículo 12-22)), Hungary (Act XLVII of 2008, article 10 (2) and (3)), Mexico (Ley Federal de Protección al Consumidor), the Russian Federation (Law on Consumers Rights Protection, Art.26.1), United Republic of Tanzania (Fair Competition Act 2003), the United States (Federal Trade Commission, Title 16, Commercial Practices Guide, 16 C.F.R., chapter I, subchapter B, Guides and Trade Practice Rules, Part 313).
- ¹⁹³ Colombia (Ley 1328 de 2009, Protección al consumidor en el sistema financiero, asegurador y del mercado de valores, Ley 1480 de 2011, artículo 45, Protección al Consumidor en adquisición de productos y servicios a través de financiación, Ley 1266 de 2008 sobre protección de datos personales respecto de información financiera y crediticia), Costa Rica (Ley Orgánica del Sistema Bancaria

Nacional), the Dominican Republic (Ley No.183-02 Código Monetario y Financiero de la República Dominicana), El Salvador (Ley del Sistema de Tarjetas de Crédito, Ley de Bancos (artículos 56, 64, 65, 66 y 73), Ley de Sociedades de Seguro (Art. 99) (http://www.ssf.gob.sv/index.php?option=com_content&view=article&id=216:ley-soc-seg&catid=108:reg-soc-seg&Itemid=121), Ley de Asociaciones de Cooperativas de Ahorro y Crédito (<https://www.ssf.gob.sv/descargas/Leyes/Leyes%20Financieras/Ley%20General%20de%20Asociaciones%20Cooperativas.pdf>), Ley de Regulación de los Servicios de información sobre el Historial de Crédito de las Personas Ley del Mercado Bursátil (https://www.bves.com.sv/marco/anexos/ley_decreto/Ley%20del%20Mercado%20de%20Valores.pdf)), Mexico (Ley de Protección y Defensa a los Usuarios de Servicios Financieros, Ley para la Transparencia y Ordenamiento de los Servicios Financieros), Peru (Ley N° 28587, Ley complementaria a la Ley de protección al consumidor en materia de servicios financieros, Resolución SBS N° 8181-2012, Reglamento de Transparencia de Información y Contratación con Usuarios del Sistema Financiero, Resolución SBS N° 264-2008, Reglamento de Tarjetas de Crédito), Poland (Act of 12 May 2011 on consumer credit, Act of 19 August 2011 on payment services), Portugal (Decree-Law 133/2009).

¹⁹⁴ Indonesia (Law No. 21/2011 concerning the Financial Service Authority, <http://bapepam.go.id/bapepamlk/others/UU-21-2011-OJK.pdf>), the United Republic of Tanzania (Bank of Tanzania Act 2006, Banking and Financial Institutions Act 2006.), the United Kingdom (Financial Services Act 2012, <http://www.legislation.gov.uk/ukpga/2012/21/contents/enacted>), the United States (Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, College Scholarship Fraud Prevention Act of 2000, Consumer Leasing Act, Credit Card Accountability Responsibility and Disclosure Act, Credit Repair Organizations Act, Dodd-Frank Wall Street Reform and Consumer Protection Act (Titles X and XIV), Electronic Fund Transfer Act, Equal Credit Opportunity Act, Fair and Accurate Credit Transactions Act of 2003, Fair Credit and Charge Card Disclosure Act, Fair Credit Billing Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, Federal Deposit Insurance Corporation Improvement Act of 1991, Gramm-Leach-Bliley Act, Home Equity Loan Consumer Protection Act, Home Ownership and Equity Protection Act, Magnuson Moss Warranty-Federal Trade Commission Improvements Act, Mortgage-Related Provisions of Omnibus Appropriations Act of 2009, Truth in Lending Act, Unlawful Internet Gambling Enforcement Act, Safe Web Act).

¹⁹⁵ Chile (Decreto 41 de 2012, Ministerio de Economía, <http://www.leychile.cl/Navegar?idNorma=1041742&buscar=sello+sernac>; Decreto 42 de 2012, Ministerio de Economía, <http://www.leychile.cl/Navegar?idNorma=1041743&buscar=sello+sernac>; Decreto 43 de 2012, Ministerio de Economía, <http://www.leychile.cl/Navegar?idNorma=1041744&buscar=sello+sernac>; Decreto 44 de 2012, Ministerio de Economía, <http://www.leychile.cl/Navegar?idNorma=1041745&buscar=sello+sernac>), Costa Rica (Reglamento de Tarjetas de Crédito y Débito (Decreto N°35867-MEIC), Indonesia (Bank Indonesia Regulation No. 7/6/2005 concerning Transparency in bank product information and use of customer personal data, http://www.bi.go.id/NR/ronlyres/BB45356B-5C65-4E57-94B7-D50482D9C732/13123/pbi7605_eng.pdf; Bank of Indonesia Regulation No. 7/7/PBI/2005 concerning Resolution of Customer Complaints, <http://www.bi.go.id/NR/ronlyres/FA589889-D303-4419-92E5-A821229D2C1B/13125/pbi7705.pdf>).

¹⁹⁶ SERNAC Financiero.

¹⁹⁷ Superintendencia Financiera de Colombia.

¹⁹⁸ Superintendencia de Entidades Financieras, Dirección de Apoyo al Consumidor.

¹⁹⁹ Superintendencia de Bancos y la Junta Monetaria Nacional.

²⁰⁰ Hungarian Financial Supervisory Authority.

²⁰¹ Securities and Exchange Board of India, Pension Fund Regulatory and Development Authority.

²⁰² Financial Services Authority.

²⁰³ Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros.

²⁰⁴ Financial Supervision Commission; however, the President of the Office of Competition and Consumer Protection also protects consumers in the financial services sector the same way as in all other market sectors.

²⁰⁵ From April 2013, the Financial Services Authority will be replaced by the Financial Conduct Authority and the Prudential Regulation Authority, the former having a consumer protection remit in

relation to the Financial Services Industry. Responsibility for the consumer credit market currently resides with the Office of Fair Trading but the Government has announced its intention to transfer this to the Financial Conduct Authority.

²⁰⁶ Bureau of Consumer Financial Protection within the Federal Reserve Board.

²⁰⁷ Chile (sello SERNAC).

²⁰⁸ Colombia (las entidades financieras vigiladas deberán contar con un Defensor del Consumidor Financiero, orientado a la protección especial de los consumidores financieros, a fin de resolver en forma objetiva y gratuita para los consumidores las quejas que estos le presenten, actuar como conciliador entre los consumidores financieros y la respectiva entidad y efectuar recomendaciones a la entidad vigilada relacionadas con los servicios y la atención al consumidor financiero. Las decisiones que adopte el Defensor del Consumidor Financiero serán obligatorias cuando los consumidores y las entidades así lo acuerden de manera previa y expresa. Igualmente, serán obligatorias para las entidades vigiladas las decisiones del Defensor del Consumidor Financiero, cuando las entidades así lo hayan previsto en sus reglamentos).

²⁰⁹ United Kingdom (<http://financial-ombudsman.org.uk/about/index.html>).

²¹⁰ Colombia (las entidades financieras tienen la obligación de desarrollar programas y campañas de educación financiera a sus clientes sobre los diferentes productos y servicios que prestan, obligaciones y derechos de estos y los costos de los productos y servicios que prestan, mercados y tipo de entidades vigiladas, así como de los diferentes mecanismos establecidos para la protección de sus derechos, según las instrucciones que para el efecto imparta la Superintendencia Financiera de Colombia); Mexico (de conformidad con el artículo 5° de la Ley de Protección y Defensa al Usuario de Servicios Financieros, la Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros tiene la atribución de realizar programas educativos en materia financiera, cuyo contenido se puede conocer en <http://www.condusef.gob.mx/index.php/material-educativo>); Poland (currently a campaign, “Don’t be cheated. Check before you sign,” is being conducted. It is aimed at attracting public attention to the risks involved in entering into financial agreements, with an emphasis on taking short-term loans at high rates, so-called payday loans and using financial services which are not subject to the special state control. This campaign is being organized jointly by seven public institutions: Bank Guarantee Fund, Polish Financial Supervision Authority, Ministry of Finance, Ministry of Justice, National Bank of Poland, Police and the Office of Competition and Consumer Protection).

²¹¹ Mexico (Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros), the United Kingdom (<https://www.moneyadviceservice.org.uk/en/static/about-us>), the United States (<http://www.consumer.ftc.gov/>).

²¹² Chile (SERNAC Financiero), Colombia (Superintendencia Financiera), Costa Rica (Superintendencia de Entidades Financieras), the Dominican Republic (Superintendencia de Bancos y la Junta Monetaria Nacional), El Salvador (Defensoría del Consumidor), Malaysia (Financial Mediation Bureau), Mexico (Comisión Nacional para la Protección y Defensa de los Usuarios de Servicios Financieros), the United Kingdom (<http://financial-ombudsman.org.uk/about/index.html>).

²¹³ Available at <http://acts.oecd.org/Instruments/ShowInstrumentView.aspx?InstrumentID=177&Lang=en&Book=False>.

²¹⁴ Available at <http://webnet.oecd.org/OECDACTS/Instruments/ShowInstrumentView.aspx?InstrumentID=77&InstrumentPID=74&Lang=en&Book=False>.

²¹⁵ Available at <http://webnet.oecd.org/OECDACTS/Instruments/ShowInstrumentView.aspx?InstrumentID=78&InstrumentPID=75&Lang=en&Book=False>.

²¹⁶ Available at <http://webnet.oecd.org/OECDACTS/Instruments/ShowInstrumentView.aspx?InstrumentID=282&InstrumentPID=297&Lang=en&Book=False>.



United Nations Conference on Trade and Development

Distr.: General
7 May 2013

English only

Trade and Development Board

Commission on Trade and Development

Intergovernmental Group of Experts on Competition Law and Policy

Thirteenth session

Geneva, 8–12 July 2013

Item 3(a) of the provisional agenda

Consultations and discussions regarding peer reviews on competition law and policy, review of the Model Law on Competition and studies related to the provisions of the Set of Principles and Rules

Implementation report on the United Nations Guidelines on Consumer Protection (1985–2013)

Note by the UNCTAD secretariat

Corrigendum

1. Paragraph 23

For the existing third sentence *substitute*

In Botswana, there exists the Department of Cooperatives Development.

2. Page 23, endnote 48

For the existing endnote *substitute*

For example, Bhutan (Dispute Settlement Body, Consumer Protection Act of Bhutan 2012, sections 6 and 7), the Dominican Republic, Indonesia (Ministry of Trade).