INTERNATIONAL LAW ASSOCIATION
VIENNA CONFERENCE (2026)
INTERNATIONAL PROTECTION OF CONSUMERS

Members of the Committee:

Professor Claudia Lima Marques (Brazil): Chair
Professor Dan Wei (Headquarters): Rapporteur

Professor Christoph Benicke(Germany)
Professor Anabela de Sousa Goncalves (Portugal)
Dr Fernando Lauria (Argentina)
Alternate: Dr Ezequiel N. Mendieta
Professor Ariane Morin (Switzerland)
Dr Luke Nottage (Australia)
Dr Rui Pereira Dias (Portugal)
Professor Francois-Xavier Train (France)
Professor Hector Valverde Santana (Brazil)
Dr Ying Yu (Switzerland)

Professor Junhyok Jang (Korea)
Professor Der-Chin Horng (China (Taiwan))
Dr Ulla Liukkunen (Finland)
Dr Fadi A Makki (Headquarters)
Professor Yuko Nishitani (Japan)
Professor Gail Pearson (Australia)
Professor Iain D C Ramsay (UK)
Dr. Victor Tsolinis (Greece)
Professor Patrick H G Vrancken (South Africa)
Dr. Gladys Young (Barbados)

FINAL REPORT (2022-2026)

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I. INTRODUCTION - THE ILA COMMITTEE ON INTERNATIONAL PROTECTION OF CONSUMERS

1. Since its inception at the 2008 Biennial Conference in Rio de Janeiro, the Committee has addressed three main issues: (1) the impact of the 2008 global financial crisis on consumers and its international dimension; (2) consumer redress in cross-border transactions and the role of international law in protecting consumers; (3) International Organizations dealing with consumer protection, especially in e-commerce and international tourism. The Committee was established in response to the growing importance of consumer protection in today's globalized markets. It currently has members from 19 different countries and jurisdictions. The Committee has collaborated on two books and issued three Resolutions: the Sofia Resolution ILA 4/2012, ILA Resolution 1/2016 (the Johannesburg Guidelines on the Best Practices on the Law Applicable to International Protection of Consumers), and the Lisbon Resolution 07/2022 (ILA´s Consumer Global Compact in the Digital Economy). The Committee works intensively to develop standards for the protection of consumers in cross-border situations, but it has not made a statement about the protection of international tourists as consumers.

A. Mandate and achievements: 2008-2024

2. The International Committee for the Protection of Consumers was established in 2008 to research the global safeguarding of consumers, focusing on e-commerce, tourism, and consumer accidents. The Committee's tasks involve comparing different national laws on consumer protection and examining the extent to which they safeguard non-national and non-resident consumers on their territories. From congresses and meetings, the Chair and first General-Rapporteur, Diego Fernandez Arroyo, have organized a book. The first normative contribution of the ILA's Committee to the development of the international protection of consumers occurred in 2012 with the "Sofia Statement on the Development of International Principles on Consumer Protection" (ILA Resolution 4/2012), which suggests five principles that should guide the development of international consumer law. At the 77th Conference of the International Law Association in Johannesburg, the Committee has compiled a second book containing a survey of consumer protection laws worldwide. The International Law Association has also adopted the Johannesburg Guidelines and Recommendations (ILA Resolution 1/2016) to contribute to the debate on fair and equitable principles for international consumer protection. During the 78th Conference of the International Law Association held in Sydney in 2018, significant focus was placed on the Hague Conference's Tourism Project. From 2017 to 2018, the Committee's work involved studying cross-border consumer e-commerce and the protection of tourists. This included participation as an observer at the UN Conference on Trade and Development's Intergovernmental Group of Experts on Consumer Protection and its working group on e-commerce, as well as at the Hague Conference on Private International Law for the development of a global network aimed at protecting international tourists. From 2019 to 2020, the Committee studied the opportunity for an interim Resolution. Due to the COVID-19 outbreak, the coordination was impacted, but thanks to the University of Minho, Portugal, and Prof. Dr. Anabela Gonçalves, the online meeting in 2020 was successful. At the 79th Conference held in Kyoto, the Committee decided to extend the Committee's mandate to the

next Biannual Conference in 2022. In 2021, the Committee's work resumed through Zoom meetings, thanks to the Federal University of Rio Grande do Sul, Brazil. An Interim Resolution was prepared for e-commerce, introducing a set of voluntary standards, ILA's Consumer Global Compact in the Digital Economy, to engage Big Tech companies and global players in e-commerce for consumer and data protection. In July 2022, the Committee participated in the IGE on Consumer Protection Law and Policy at UN Trade and Development in Geneva, helping to prepare a report on financial consumer protection, including financial education and literacy. In 2023, the Committee had a meeting during the 18th IACL Congress in Hamburg to prepare for the 2024 biannual Congress. During the meeting, the Chair of our Committee, Prof. Dr. Dr. h c. Claudia Lima Marques, was elected as the world President of the International Association of Consumer Law. The Committee is also monitoring the protection of international tourists, following the HCCH Guide on ODR and the upcoming UN Tourism International Code of Tourist Protection. Our participation in the online Ad hoc Meeting on Consumer Product Safety and E-Commerce in 2022 and the UN Trade and Development's 8th Session in 2023 demonstrates our commitment to addressing these issues. At the 2024 Biannual Conference in Athens, the Committee propose a resolution on the protection of international tourists as consumers, which it has refined with a view to finalizing the Committee's work at the 2026 Biannual Conference in Vienna.

B. COVID-19´s Impact and the Protection of International Tourists on Private: From the Lisbon Resolution Nr. 07/2020 to the International Efforts in 2024

3. In March 2020, the Committee planned to focus its future work on protecting consumers during regional integration processes and developing a "Model Law on International Protection of Consumers". However, due to Covid-19's impact on countries like Brazil and China, our work was not successful. We requested a two-year extension to complete our mandate and explore the possibility of working on a more 'practical' soft law instrument. In 2021, our member Professor Claudia Lima Marques presented an initial idea for a statement at the UN Trade Forum 2021 in Geneva, which was well-received. A similar statement was accepted by Technical Committee No. 7 in MERCOSUR for the preparation of a MERCOSUR Business Compact for the Protection of Consumer in the Digital Environment (*'Pacto Empresarial Mercosur para la Protección del Consumidor en el Entorno Digital'*). The consumer movements have shown enthusiasm for the draft resolution on e-commerce, prepared by the Chair and Rapporteur and supported by the Committee. The resolution, called 'ILA's Consumer Global Compact in the Digital Economy', aims to encourage big players in the digital economy to voluntarily comply with consumer and data protection laws.

4. Such Statement was used as an interim contribution of our Committee of the International Law Association in the form of a Resolution (Lisbon Resolution 7/2022) aimed at enhancing fairness and cooperation towards digital and global consumers. It is important to note that all Committee Members contributed to the development of this Draft Resolution, building upon a text initially created by the Chair, Claudia Lima Marques. However, special recognition is due to the Rapporteur Dan Wei, as well as the following members: Thierry Bourgoignie, Gail Pearson, Yu Ying, Anabela Gonçalves, Ezequiel Mendieta, and Rui Dias. Additionally, we express our gratitude to Maria Luiza Targa, a PhD Candidate from UFRGS, Brazil, for her

assistance during the web meetings in November 2021 and for providing the French translation in December 2021. The International Law Association's Lisbon Resolution 07/2022 aims to improve consumer protection in global e-commerce, targeting states and Big Tech companies. It acknowledges consumer vulnerability in cross-border transactions and outlines voluntary standards for businesses in digital marketplaces and e-commerce. The resolution also highlights the benefits of respecting consumer rights, reducing cross-border distribution of unsafe consumer products, and voluntarily developing data protection and enforcement of consumer rights by design. Enterprises and states are called upon to follow principles concerning consumer rights, data protection and new marketing, redress and enforcement rights.

5. The Committee has also taken part in 2021, 2022 as a delegate at the Hague Conference Expert Meetings on the HCCH Guide on online dispute resolution (ODR) for international tourists (so-called 'Tourism project'), at the session of the United Nations Conference on Trade and Development (UNCTAD), in many Working Groups and panels in 2022, 2023 and 2024. At the Hague Conference, we assisted in organizing the HCCH Practical Guide to Access to Justice for International Tourists and Visitors. This guide is designed to help international tourists and visitors resolve disputes that arise from their tourism experiences in foreign countries. It provides information on online dispute resolution mechanisms and legal instruments relevant to each case. The guide also includes a section on cross-border cooperation mechanisms between national consumer protection bodies. These entities are often useful in resolving disputes within a country's jurisdiction. However, limitations such as available resources, access to information, and language barriers could restrict international tourists and visitors in resolving disputes abroad. In 2023, at the UN Trade and Development the Committee was invited to join the Working Group on Gender and Consumption, specifically analyzing the status of overindebted women in Brazil. In 2024, the UNCTAD´s Intergovernmental Group of Experts, which the Committee is taking part, have discussed the international protection of tourists and has include in its agreed conclusions as also a recommendation on consumer ODR.

6. Since the impact of the COVID-19 pandemic, the focus has been on the protection of international tourists at the UNCTAD conferenec. The committee aims to prepare a final report in 2024 focusing on the protection of international tourists, e-tourism, and ODR for consumer issues. After the Lisbon congress in 2023, efforts were directed towards consumer protection and tourism, especially considering the COVID-19 pandemic, and the establishment of a global network for consumer protection during this sanitary crisis. The Committee has also analyzed the work of international organizations dealing with consumer protection, particularly in e-commerce and international tourism such as HCCH, UN Tourism, and UNCTAD.

II. INTERNATIONAL AND SUPRANATIONAL EFFORTS

A. HCCH - Hague Conference on Private International Law

7. **Practical Guide to Access to Justice for International Tourists and Visitors-** In March 2023 the HCCH Permanent Bureau recently released the Practical Guide to Access to Justice for International Tourists and Visitors. This guide aims to help international tourists and visitors find access to justice for disputes related to their tourism experiences. It includes information

on ODR mechanisms and HCCH legal instruments that may be relevant to their cases. The first part lists public and private ODR platforms, while the second part provides hypothetical examples of common claims and how international instruments may assist in access to justice. The Guide is available for download in English and French (HCCH | Publication of the Practical Guide to Access to Justice for International Tourists and Visitors).

8. **2019 Judgments Convention –** In July 2024, the United Kingdom ratified the HCCH 2019 Judgments Convention. The United Kingdom declares, in accordance with Article 25, that the Convention shall extend to England and Wales only. The 2019 Convention shall apply "to the recognition and enforcement of judgments in civil or commercial matters" (Art.1). The HCCH 2019 Judgments Convention has a special rule on the protection of consumers or tourists under Article 5 ('Bases for recognition and enforcement'):

1. A judgment is eligible for recognition and enforcement if one of the following requirements is met –

...

(e) the defendant expressly consented to the jurisdiction of the court of origin in the course of the proceedings in which the judgment was given;

(f) the defendant argued on the merits before the court of origin without contesting jurisdiction within the timeframe provided in the law of the State of origin, unless it is evident that an objection to jurisdiction or to the exercise of jurisdiction would not have succeeded under that law;

(g) the judgment ruled on a contractual obligation and it was given by a court of the State in which performance of that obligation took place, or should have taken place, in accordance with

(i) the agreement of the parties, or

(ii) the law applicable to the contract, in the absence of an agreed place of performance,

unless the activities of the defendant in relation to the transaction clearly did not constitute a purposeful and substantial connection to that State;

...

(m) the judgment was given by a court designated in an agreement concluded or documented in writing or by any other means of communication which renders information accessible so as to be usable for subsequent reference, other than an exclusive choice of court agreement. For the purposes of this sub-paragraph, an "exclusive choice of court agreement" means an agreement concluded by two or more parties that designates, for the purpose of deciding disputes which have arisen or may arise in connection with a particular legal relationship, the courts of one State or one or more specific courts of one State to the exclusion of the jurisdiction of any other courts.

2. **If recognition or enforcement is sought against a natural person acting primarily for personal, family or household purposes (a consumer) in matters relating to a consumer contract, or against an employee in matters relating to the employee's contract of employment –**

a) paragraph 1(e) applies only if the consent was addressed to the court, orally or in writing;

(b) paragraph 1(f), (g) and (m) do not apply. [...]“

9. With the United Kingdom’s ratification, 30 HCCH Members are either bound by the 2019 Judgments Convention or a Contracting Party for which the Convention has not entered into force yet (United Kingdom and Uruguay). The *Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters* (2019 Judgments Convention) entered into force for the United Kingdom on 1 July 2025.

B. UN Trade and Development – technology and the future of online dispute resolution (ODR) platforms for consumer protection agencies

10. With the rapid development of science and technology, online dispute resolution platforms (ODR) have played an increasingly significant role in resolving consumer disputes. An effective ODR system can promote consumer trust, preserve consumer rights, and cultivate competitive markets in economies. UNCTAD is fully capable of assisting member countries in addressing the logistical and political challenges involved in creating collaborative open-source solutions for ODR platforms. Through cooperation, countries and consumer protection agencies can create a convenient and effective shared solution. However, countries also need to face the challenges and risks associated with applying these technologies. The joint effort not only helps to address the challenges associated with implementing advanced ODR technologies but also promotes cross-border cooperation, mutual understanding, and sharing of benefits among different regions and stakeholders. These platforms have great potential to have a positive impact on global consumers and can quickly and fairly resolve disputes no matter where they are. Future of ODR platforms, introduces the current development trends, assistance to ODR, and related cases of Blockchain and Distributed Ledger Technologies (DLT), Artificial Intelligence (AI), chatbots, as well as future opportunities and challenges.

1. Blockchain and DLT

11. Blockchain can provide more accurate and timely data and utilize smart contracts, allowing ODR systems to automatically resolve disputes and promote secure, trust-free transactions between parties. This makes blockchain an attractive option for ODR. Additionally, the distributed nature of blockchain technology can enhance the accessibility and scalability of ODR systems, enabling them to handle more disputes with fewer resources. However, implementing blockchain in ODR systems also presents challenges and risks, such as potential legal and regulatory barriers. For instance, blockchain technology may not be explicitly covered by existing regulations, and the legal status of smart contracts and blockchain-based transactions remains unclear in some jurisdictions, potentially leading to disputes over their enforceability. Cross-border disputes may further complicate the legal environment, as different countries have varying regulations and methods for handling blockchain technology. To address these challenges, it is crucial to involve legal experts and work closely with regulatory agencies to understand the applicable laws and regulatory frameworks and ensure compliance.

2. Artificial Intelligence (AI)

12. Artificial intelligence can analyze large amounts of data to identify patterns and trends, provide valuable insights, and support decision-making in dispute resolution processes. Additionally, AI's automated translation services can overcome language barriers, which is crucial for cross-border dispute resolution. AI can also predict possible outcomes of disputes based on past cases with similar characteristics, aiding negotiation and resolution strategies. However, applying AI to ODR presents challenges and risks. AI must comply with data protection regulations, such as GDPR. Over-reliance on AI may overlook important nuances in disputes that require human understanding and empathy. Current automated translation services can translate long texts in real-time, addressing language barriers between parties. the AI translation engine needs to be specifically configured and extensively trained for this purpose.

3. Chatbots

13. Some consumer protection agencies have expressed great interest in the application of ODR mechanisms to chatbots, as the use of chatbots minimizes the workload of human resources while improving the quality of attention and response time of end-users. But so far, no institution has confirmed the use of chatbots on its ODR platform. However, chatbots may have incorrect or incomplete responses to complex legal language and disputes. In addition, chatbots may lack empathy and personal contact, which is important for resolving disputes, especially those involving emotional or sensitive issues. To solve this problem, manual review and supervision are required.

O. UN Trade and Development – review of capacity-building in and technical assistance on competition and consumer protection laws and policies

1. National Level

14. In January 2022, UNCTAD presented the recommendations of the voluntary peer review of Chile's consumer protection law and policy to the Constitutional Convention. One of the recommendations in the peer review report was to consider including consumer protection in the constitution. Chile subsequently requested an advisory opinion on the constitutional protection of consumer rights. This opinion noted that, based on information from the UNCTAD World Consumer Protection Map, 56 percent of responding countries' constitutions contained provisions on consumer protection, including most countries in Latin America. The experiences of Argentina, Bolivia, Brazil, Colombia, Mexico, Peru, and Spain were analyzed, and two alternative texts were proposed for Chile, considering the country's legal and institutional traditions. The draft constitution included new provisions related to the protection of consumer rights, and UNCTAD is prepared to support Chile in future drafting that considers the integration of consumer rights. In November 2022, UNCTAD delivered a masterclass on consumer protection at the University of Buenos Aires during an event on perspectives on consumer protection in times of crisis. This event reflected on the state of consumer protection in the context of cascading crises due to the war in Ukraine, climate change, and the pandemic.

2. Regional and international levels

a) UNCTAD – consumer product safety

15. At the Intergovernmental Group of Experts on Consumer Protection Law and Policy, Ninth session Geneva, 6 July 2026, the Committee was represented by the Chair and proposed a side-event on consumer product safety. Item 6 of the agenda covered UNCTAD's Report 'Enforcement of consumer protection law in global markets, including digital tools and cross-border considerations'. This Document (TD/B/C.I/CPLP/44) concludes:

47. Effective consumer protection enforcement is essential in order to ensure well-functioning markets and consumer confidence, particularly as transactions increasingly occur online and across borders. Enforcement frameworks can help prevent and address unfair commercial practices, unsafe products and other forms of consumer detriment, while supporting fair trading conditions and trust in market outcomes, as highlighted in the present note. Many jurisdictions have adopted consumer protection legislation and established enforcement authorities, yet results depend on clear institutional mandates; adequate resources; technical capacity; appropriate investigative and corrective powers; and effective coordination across general consumer authorities, sectoral regulators and courts.'

Specially concluding that:

'(a) Governments should review and, where necessary, update consumer protection legislation to ensure that consumer protection authorities have clear mandates, appropriate investigative powers, adequate resources and access to proportionate and dissuasive sanctions; (b) Authorities can strengthen national coordination, to improve access to comprehensive and reliable data and, where appropriate, use digital tools, to support market monitoring, case prioritization and evidence gathering; (c) Authorities can engage in joint cross-border enforcement actions such as online sweeps and in sharing expertise, evidence and resources; (d) Governments should strengthen cross-border cooperation through mutual assistance, secure information sharing and engagement in meetings of the Intergovernmental Group of Experts and the informal working groups; (e) Governments and partners should strengthen the capacity of authorities, particularly in developing countries. Member States may request UNCTAD support for research, dialogue and capacity-building.'

b) UNCTAD – building trust in digital markets through enhanced consumer protection on online platforms

15. Consumer protection can become a means of establishing trust in the digital market considering the issues on online platforms, including those related to information and advertising, education, product safety, data protection, dispute resolution, responsibility and liability and enforcement.

1. **Information and advertising:** Consumers need timely and accurate information to communicate with businesses and understand transaction terms. Regulatory and law enforcement authorities also need access to information about goods and services to locate businesses. However, limited internet access in developing countries hampers this process. For example, only one fifth of people in some least developed countries use the internet, and in most developing countries, fewer than 5% buy goods or services online. To address this, many countries have updated consumer protection and e-commerce laws, although these regulations often struggle to keep pace with the platform economy's rapid growth. Consumers often rely on ratings and reviews to make decisions, but nearly 31% of platform comments in 2020 were suspected to be false. A 2022 survey in France revealed transparency issues, including the deletion of negative comments and the presence of false ones. In response, El Salvador's Consumer Ombudsman awards quality seals to online businesses to improve practices. Promoting products on social media can mislead consumers due to influencer endorsements. The International Consumer Protection and Enforcement Network's guidelines advise influencers to disclose paid content, commercial relationships, and provide genuine opinions. Colombia, Peru, Poland, and the United States have all issued recommendations reminding influencers to make appropriate disclosures for consumer clarity.
2. **Education:** Member States should ensure that consumers and businesses fully understand their rights and obligations in the digital market, especially the elderly, disabled, and young people who are easily misled and deceived due to insufficient understanding of communication technology. To address this, some countries actively provide training to help them understand their rights and precautions in consumption. The Philippines offers a variety of consumer education programs, including some specifically for the elderly and people with disabilities in online education campaigns. The Hong Kong Consumer Council (China) developed a virtual reality program to train people with disabilities, while Mexico organized workshops for young and adolescent consumers. Poland created a dedicated website showcasing the types of scams consumers may encounter online, illustrating the kinds of offers they may receive. In Morocco, consumer protection associations conduct awareness campaigns on the risks of buying from online platforms. The European Consumer Centers Network developed teaching materials targeting young consumers, covering topics such as online shopping and digital rights on social platforms. The United Nations guidelines ask businesses to develop programs and mechanisms to assist consumers in developing the knowledge and skills necessary to understand risks, including financial risks, make informed decisions, and access competent and professional advice and assistance, preferably from an independent third party, when needed. While developing education and information programs, the guidelines recommend that special attention be given to the needs of vulnerable and disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels.
3. **Product safety:** the right of consumers to obtain harmless products also applies to online markets. A survey of 72 countries covered by the OECD in 2021 found that a series of unsafe products banned from sale or recalled from the market, or products with insufficient labeling and safety warnings, are still being sold online. For this reason, the

United States. The Association of Southeast Asian Nations, the European Union, Organization for Economic Co-operation and Development and the Organization of American States all apply the recall product system to online platforms. At the same time, platforms with cross-border influence should also cooperate with consumer protection agencies to ensure product safety. For example, Australia, the European Commission, and the Republic of Korea encourage platforms to sign product safety guarantees. But the Consumers International found that in 40% of countries, there is no product safety agreement between national regulatory agencies and online markets to ensure that online platforms remove unsafe products upon notification, with less than 10% of countries having legal or voluntary agreements.

4. **Data protection:** consumer data is crucial for platforms, as they rely on data to provide and improve services. They can obtain digital intelligence from it to develop new products and services, or simply sell data to others. Many consumers do not understand how platforms collect, use, and share their data, and their control over them is limited, which violates their information and privacy rights. The UNCTAD global cyberlaw tracker shows that 71 per cent of countries have data protection and privacy legislation in place, and 80 per cent have enacted cybercrime legislations. For example, the European Union's General Data Protection Regulation (Regulation (EU) 2016/679) is one of the most comprehensive and influential personal data privacy and security legislations. It entered into effect in May 2018 and covers all residents in the European Union. While national data protection laws vary in what rights they grant to individuals, they usually include the right to access, correct and delete personal data and the right to opt in or opt out of specific data processing; some laws also include the right to data portability and the right not to be subject to fully automated decisions. They typically require users' informed consent for collecting and using personal data, but research has shown that it is challenging for digital consumers to make "genuinely informed and meaningful choice" regarding their data, which would require better privacy by design and complementary regulatory measures in the future. As the massive amount of data collection confers significant market power to digital platforms, competition authorities are actively involved in market study, regulation and enforcement related to data collection and use.

5. **Dispute resolution:** consumers who shop online may encounter issues such as returns and replacements. If the transaction is conducted online, dispute resolution and redress mechanisms should also be made available online. The situation is made more difficult when providers do not have a legal presence in the country of residence of the consumer, revealing the challenges of cross border transactions. UNCTAD research shows that effective online dispute resolution processes can increase trust along with consumer loyalty and repurchasing intentions, as well as prevent customer churn and dissatisfaction. In summary, Businesses are expected to make available complaints-handling mechanisms that provide consumers with expeditious, fair, transparent, inexpensive, accessible, speedy and effective dispute resolution without unnecessary cost or burden. Businesses should consider subscribing to domestic and international standards pertaining to internal complaints handling, alternative dispute resolution services and customer satisfaction codes. All large online e-platforms, such as Amazon,

Alibaba and Shopify, offer their own dispute resolution systems. Such services are an important added value for platforms, and consumers can prefer to transact with them rather than directly with individual businesses precisely because of efficacy of the dispute resolution services offered. Meanwhile, Brazil, Colombia, Mexico and the European Union have many years of experience in providing public online dispute resolution mechanisms for consumers. An ongoing UNCTAD technical cooperation project aims at enhancing consumer trust and protection in digital markets by assisting Indonesia and Thailand in implementing online dispute resolution systems for consumers. The Association of Southeast Asian Nations recently launched guidelines on online dispute resolution as a building block towards realizing the longer-term commitment of a regional network for online dispute resolution.

6. **Enforcement -** Implementing consumer protection laws in the platform market means conducting market monitoring and may require administrative actions such as fines or warning letters, as well as commitments from businesses to resolve issues, including court rulings after legal proceedings. Australia, Brazil, Colombia, Japan, West Africa and other countries have all taken measures to facilitate law enforcement.

c) UNCTAD – consumer dispute resolution (CDR) in the world

16. The reluctance of businesses to participate in CDR is a particularly prominent challenge facing the European Union, its outcomes are not binding, leading to uncertainty as companies are not compelled to comply. This issue can be resolved by empowering CDR bodies to make enforceable decisions. Additionally, consumers are often unaware of CDR institutions or which ones to approach, as seen in countries like India and Switzerland. Overlapping jurisdictions in some countries add to this confusion. To address these challenges, CDR bodies and consumer protection authorities are employing multi-channel approaches, including information campaigns, advice, guidance, education, awareness-raising, and training. Examples of countries using these methods are Argentina, ASEAN nations, Brazil, China, Colombia, the European Commission, India, Mexico, the Netherlands, Republic of Korea, and the United Kingdom. The development of cross-border CDR systems is insufficient. The challenges in building a cross-border CDR system lie in the application of laws, significant economic expenditures, and language barriers. The cost of using CDR for consumers should be low or free. Currently, some countries have implemented free CDR, such as the National CDR systems of Argentina, Brazil, China, Colombia, Eswatini, Mauritius, Mexico, Portugal, Republic of Korea, and Sweden. Although some CDR systems have financial support, they still lack stable cash flow.

d) OECD - updated G20/OECD high-level principles on financial consumer protection

17. The G20/OECD High-Level Principles on Financial Consumer Protection are set out in the OECD Recommendation on High-Level Principles on Financial Consumer Protection, which was updated in 2022. The principles are the leading international standard for effective and comprehensive financial consumer protection frameworks. As a high-level standard, the principles are specifically designed and intended to be applicable to any jurisdiction and are cross-sectoral in nature (i.e. they can be applied to credit, banking, payments, insurance,

pensions and investment sectors). Many countries, including OECD, G20 and FSB jurisdictions, have adopted the principles in establishing or enhancing their financial consumer protection frameworks. The Principles in the Recommendation were reviewed and updated, via a comprehensive process to incorporate policy developments that have evolved over the ten years since they were first adopted. This ensures that, as the leading international standard in this area, the Principles in the Recommendation continue to reflect global best practices and are forward-looking.

18. Two new Principles (12 in total), i.e. “Access and Inclusion” and “Quality Financial Products” because these concepts, which are important to a holistic approach to financial consumer protection, were not covered in the original Principles. Three new cross-cutting themes that are relevant to the consideration and implementation of each and all of the principles, namely “Digitalization”, “Financial Well-being” and “Sustainable Finance”, and to include references throughout the principles to illustrate the cross-cutting themes. Incorporation of high-level lessons from the response to the COVID-19 pandemic throughout the principles such as enhanced protections for consumers who may be vulnerable and a greater focus on tackling financial scams.

e) OECD- consumer vulnerability in the digital age

19. In 2023, the OECD published a report on consumer vulnerability in the digital age, examining its nature, scale, evolving conceptualization, and the role of emerging digital trends. The report concludes that digital age vulnerability affects an increasing number of individuals, not just specific consumer groups. It proposes several measures to address this vulnerability for all consumers online and suggests further research on the topic.

f) Potential implications for consumer policy and law

20. Recent policy research and guidance have increasingly adopted a "state-based approach" to consumer vulnerability, recognizing it as a result of both temporary and permanent factors, internal and external to the consumer. Some jurisdictions have codified a broader view of consumer vulnerability in law, asserting that all consumers may be vulnerable. Jurisdictions like the European Union and the United States, which use the legal standard of an "average" or "reasonable" consumer to assess potentially unfair or deceptive commercial practices, may adapt these standards to digital market realities and a more nuanced understanding of consumer behavior, including behavioral biases. However, the relevance of distinguishing between an "average" or "reasonable" consumer and a "vulnerable" consumer is questioned, particularly as digital practices increasingly impact all consumers. More evidence is needed to assess the continued appropriateness of these standards. Given that online consumer vulnerability is increasingly systemic, the distinction between addressing consumer vulnerability and protecting all consumers will become progressively less clear. While specific consumer groups may still require targeted attention, there is a growing need for measures that address the vulnerability of all consumers in the digital environment.

g) Measures to address the vulnerability of specific and all consumers

21. Many jurisdictions provide legal protections for specific consumer groups understood as vulnerable, including online. In particular, many regulatory measures address practices affecting children in online transactions – specifically regarding advertising, collection and use of children's personal data and in-game purchases. Consumer authorities have also engaged in targeted monitoring and enforcement, conducted education and awareness campaigns and issued guidance in relation to the protection and empowerment, including online, of certain consumer groups – particularly children, the elderly, and consumers with less digital access and literacy. This is complemented by international awareness campaigns and self-regulatory initiatives. Existing measures in many jurisdictions also address consumer vulnerability more broadly online, especially prohibitions on deceptive, fraudulent and unfair practices, which have served to tackle e.g. online fraud during the pandemic or dark patterns. Consumer laws may in some circumstances also address exploitative personalization practices and discriminatory algorithms, as may privacy and data protection, competition and non-discrimination laws. But there are few enforcement actions to confirm their adequacy so far, owing in part to the novelty of such practices. Partly in response to regulatory gaps, new measures have been implemented addressing the risks highlighted above. These include updates to consumer, product safety, privacy and data protection laws, as well as cross-cutting approaches focusing on online platforms or data portability. Proposals have also been made for targeted measures addressing dark patterns, exploitative personalization practices and algorithmic discrimination.

h) Strengthening the evidence base by using traditional and novel methods

22. More evidence on consumer vulnerability is needed. Research has to date mainly focused on certain personal attributes and circumstances, such as age and income, rather than external conditions (e.g. digital market practices), individual states (e.g. emotions) and other attributes or circumstances (e.g. geographical remoteness). Traditional empirical methods, such as surveys, behavioral experiments, complaints analysis, focus groups and interviews, are promising avenues for capturing data on several of such less researched factors. Though studying the temporal or contextual vulnerabilities peculiar to the digital environment may require novel methods, e.g. involving studying "digital trace" data or the outputs of businesses' algorithms. The OECD Committee on Consumer Policy will continue to develop evidence on consumer vulnerability in its research agenda, working with other international fora and stakeholders. This includes, in particular, empirical work aimed to assess consumer attitudes and behavior towards dark patterns, sustainable consumption and online product safety, to be undertaken over the course of 2023-2024."

i) ASEAN launches guidelines on consumer protection in e-commerce

23. In 2023, the ASEAN Committee on Consumer Protection (ACCP) in cooperation with the ASEAN Coordinating Committee on E-Commerce and Digital Economy (ACCED) launched the ASEAN Guidelines on Consumer Protection in E-Commerce to promote consumer protection practices within the e-commerce space and the greater digital economy in ASEAN.

With the rapidly growing e-commerce market in ASEAN, the region's policy and decision-makers need a soft law instrument to guide them in establishing, improving, and enforcing the consumer protection agenda. As a response to the demand, the publication on e-commerce guidelines was prepared. The publication contains general principles and current best practices and a comprehensive and principle-based framework to develop and refine regulatory responses and institutional mechanisms for consumer protection in e-commerce. The development of the guidelines and the publication are part of the ASEAN Strategic Action Plan on Consumer Protection 2025 as well as a deliverable under the Implementation of the ASEAN Agreement on Electronic Commerce in line with Principle 8 of the ASEAN High-Level Principle on Consumer Protection where consumers in e-commerce are protected. In putting forward general principles and practices as options for AMS to consider, the Guidelines are non-binding and do not impose any legal obligation on AMS. In 2022, ASEAN launched Guidelines on Consumer Associations.

j) 'Consumers International' global congress 2023

24. The Consumers International Global Congress 2023 took place in Nairobi, from 6 to 8 December. Consumers International hosted the Congress with supporting partners, including the Government of Kenya, through the Competition Authority of Kenya (CAK), and the Common Market for Eastern and Southern Africa (COMESA) Competition Commission. The Congress is held every four years. New policies on global consumer protection are laid out in each congress, a new president and executive members are also elected. The main theme of the Congress 2023 is "Building a resilient future for consumers", other topics featured included "Making a sustainable lifestyle the norm", "Consumer empowerment and protection - a catalytic solution to a clean energy future", "Driving a fair compact in the digital economy", "How consumer rights can benefit the G20", "Redefining consumer journey's in mobile money", "Scams, fraud and fake reviews: Building trust in the digital economy" and "The impact of generative AI on consumers".

25. In 2023, Consumers International focused on "Empowering consumers through clean energy transitions." Amid an energy cost-of-living crisis and climate challenges, consumers are recognized as key players in driving clean energy transitions. This involves their participation in high-level discussions and ensuring energy policies cater to consumer needs and good business practices. Consumers have started adopting low-carbon alternatives in transportation, cooking, and electricity use. For 2024, the theme is "Fair and responsible AI for consumers." On March 15, 2024, the organization highlighted core consumer concerns related to AI, such as deepfakes, scams, and misinformation. With input from 35 members, Consumers International presented insights on generative AI chatbots and emphasized the need for robust policies on data usage in AI models.

k) European Union

(1) Digital Consumer Protection

26. **Digital Markets Act (DMA):** The EU's Digital Markets Act (DMA) became applicable, for the most part, on 2 May 2023, targeting Big Tech "gatekeepers" with various interoperability, fairness, and privacy demands. It introduces regulations in response to the perceived inability of competition laws to tackle specific types of behavior of big digital companies. The DMA sets out rules to address concerns relating to major online service providers. In other words, it aims to regulate the online platforms – the so-called 'gatekeepers' between smaller EU businesses and consumers. The reason why gatekeepers need special attention from legislation is that their size and offering enable them to create their own rules, which may lead to reduced innovation among smaller players and higher prices for consumers. For example, when a gatekeeper engages in practices such as preventing business users of their services from reaching consumers, it can reduce competition, leading to less innovation, lower quality and higher prices. However, under the DMA, there will be a greater number of better services for consumers to choose from and unfair practices and undue advantage are prohibited. This is because the DMA requires online platforms to bridge the communication gap between businesses and consumers and allow consumers to easily change default settings and/or uninstall any software apps on an operating system. Also, the DMA forbids gatekeepers from processing consumers' personal data collected from third-party services for the purpose of providing online advertising services, without prior consent.

27. **Digital Services Act (DSA) -** In 2022, the EU introduced the Digital Services Act (DSA) to regulate online platforms and enhance consumer protection in digital transactions. The DSA covers online intermediaries and platforms, including marketplaces, social networks, content-sharing platforms, app stores, and online travel and accommodation platforms. Its primary objectives are to prevent illegal and harmful online activities and combat the spread of disinformation. By setting clear and proportionate rules, the DSA ensures user safety, protects fundamental rights, and promotes a fair and open online platform environment. Additionally, it supports innovation, growth, and competitiveness, aiding the development and scaling up of smaller platforms, SMEs, and start-ups.

28. **Fitness Check of EU Consumer Law on Digital Fairness -** In its 2020 consumer policy strategy, the "New Consumer Agenda," the European Commission committed to assessing whether additional legislation or actions were needed to ensure fairness both online and offline. To this end, the Commission launched a Fitness Check of EU consumer law on digital fairness in spring 2022. This review aims to determine if the existing key horizontal consumer law instruments are adequate for maintaining a high level of consumer protection in the digital environment. The Fitness Check will evaluate the Unfair Commercial Practices Directive, the Consumer Rights Directive, and the Unfair Contract Terms Directive, focusing on issues such as consumer vulnerabilities, dark patterns, personalization practices, influencer marketing, contract cancellations, subscription services, marketing of virtual items, and the addictive use of digital products. It will assess whether these Directives need targeted strengthening or streamlining, while ensuring coherence with other relevant digital legislation. Additionally, the review will explore possibilities for reducing burdens, saving costs, and simplifying regulations. In 2024, a new checklist is planned.

29. **Annual Digital Consumer Event 2023 -** At the European Commission's 3rd Annual Digital Consumer Event on November 30, 2023, discussions were held with academics, consumer and

business associations, and authorities about the challenges consumers face during the digital transition. Key issues included the burden of proof in consumer law and the addictive design of digital services. Participants examined the effectiveness of current EU regulations, specifically the Consumer Rights Directive, the Unfair Contract Terms Directive, and the Unfair Commercial Practices Directive.

(2) Financial Consumer Protection

30. The EU's recent regulatory initiatives reflect a comprehensive and proactive approach to financial consumer protection. These measures aim to address the evolving challenges posed by digitalization, promote transparency and fairness in financial services, and safeguard consumers' interests in a rapidly changing financial environment. Through these efforts, the EU continues to strengthen the resilience and integrity of its financial markets, ensuring robust consumer protection across the region.

31. **European Insurance and Occupational Pensions Authority (EIOPA) Releases 2022 Consumer Trends Report -** In January 2022, the European Insurance and Occupational Pensions Authority (EIOPA) released its Consumer Trends Report. The report highlights that a noticeable trend accelerated by Covid-19 is digitalization. It states that while digitalization presents opportunities, it also raises consumer concerns such as fraud and new forms of exclusion from access to financial products.

32. **European Supervisory Authorities Identify Good Practices for Financial Education Initiatives on Scams, Fraud and Cyber Security -** In January 2023, the European Supervisory Authorities (ESAs), including the European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), and the European Securities and Markets Authority (ESMA), published a joint thematic report on national digital financial education initiatives, focusing on cyber security, scams, and fraud. The report identifies good practices that national competent authorities (NCAs) and other public entities can follow in designing and implementing their financial education initiatives.

33. **European Insurance and Occupational Pensions Authority Releases 2022 Consumer Trends Report -** In January 2023, the European Insurance and Occupational Pensions Authority (EIOPA) released the 2022 Consumer Trends Report, which focuses on the financial health of consumers and small businesses using insurance and pension savings products. EIOPA reports that adequate, consumer-centric product design and distribution processes can significantly enhance consumers' financial well-being.

34. **Digital Finance and Consumer Protection (DORA) -** The EU has introduced the Digital Operational Resilience Act (DORA) to ensure that financial institutions can withstand and respond to all types of ICT-related disruptions and threats, thereby protecting consumers from the risks associated with digital finance. Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011.Additionally, the Markets in Crypto-Assets Regulation (MiCA) has been established to provide a comprehensive regulatory framework for digital assets, aimed at safeguarding investors and maintaining market integrity.

35. **Crypto Assets (MiCA) -** In May 2023, the Council of the European Union officially adopted the Markets in Crypto-Assets (MiCA) regulation, establishing the first comprehensive EU-level regulatory framework for crypto-assets and crypto-asset service providers. This regulatory framework aims to enhance consumer protection and foster market integrity within the rapidly evolving crypto-asset sector. It is the Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937.

36. **Sustainable Finance and Greenwashing -** The European Securities and Markets Authority (ESMA) and other European Supervisory Authorities (ESAs) have prioritized combating greenwashing. . In February 2023, ESMA published its Sustainable Finance Roadmap 2022-2024 (Roadmap), which outlined measures to tackle greenwashing, enhance transparency, and build supervisory capacities to protect consumers investing in sustainable finance.

37. **Consumer Credit and Protection Measures - Consumer Credit Directive II (CCD II) -** In October 2023, the European Commission proposed revisions to the Consumer Credit Directive to adapt it to the digital age and improve consumer protection. These revisions include enhanced information disclosure requirements, the introduction of caps on interest rates, and better measures to assess the creditworthiness of borrowers, aimed at preventing over-indebtedness and ensuring fair lending practices. The new Directive establishes the right of consumers to request human intervention on sites that display automated (AI) information tools like robo-advice or chatbots, and in relation to creditworthiness assessments conducted using automated processes. The new Consumer Credit Directive will require Member States to set interest rate caps, annual percentage rate or total credit cost. Member States should adopt and publish legislation implementing the new Consumer Credit Directive by 11/20/2025 and start applying it from 11/20/2026.

38. **Financial Contracts at a Distance -** In October 2023, new regulations were adopted by the Council to enhance transparency and security for consumers in distance financial transactions. These rules include providing clearer pre-signature information, granting the right to request human intervention, ensuring an easy-to-find withdrawal function, and protecting consumers from dark pattern techniques. Directive (EU) 2023/2673 of the European Parliament and of the Council of 22 November 2023 amending Directive 2011/83/EU as regards financial services contracts concluded at a distance and repealing Directive 2002/65/EC. This Directive (EU) 2023/276 repeals the Distance Marketing of Financial Services Directive (2002/65/EC) and transfers the consumer protections framework to the Consumer Rights Directive (2011/83/EU) to form an additional chapter of that Directive. The new Directive establishes the right of consumers to request human intervention on sites that display automated (AI) information tools like robo-advice or chatbots, so that they can better understand the effects of the contract on their financial situation. Member States must take measures to limit the use by financial services providers of dark pattern marketing techniques to influence consumers' choices. Member States are also given the ability to impose stricter national rules in this area. Finally, the right of withdrawal from distance contracts must be facilitated through a prominent, easy to find 'withdrawal function' on the provider's interface.

(3) Gender and Consumption - Directive 2024/1499/EC

39. Following the UNGCP 2015, Guideline 5, b assures the "legitimate needs" the protection of vulnerable and disadvantaged consumers, the UN TRADE AND DEVELOPMENT has created in 2022 a Working Group on the subject Gender and Consumption. It is worth noting that EU has a new Directive on the subject: the Directive 2024/1499/EC, amending the Directives 2000/43/EC on general combat to discriminations and 2004/113/EC. The purpose is to lay down minimum requirements for the functioning of bodies for the promotion of equal treatment to improve their effectiveness and guarantee their independence in order to strengthen the application of the principle of equal treatment, as derived from Council Directives 79/7/EEC, 2000/43/EC, 2000/78/EC and 2004/113/EC.

40. The Council Directive (EU) 2024/1499 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC has a mandate that Member States "designate one or more bodies to exercise the competences laid down in this Directive. Member States may divide the competences among several equality bodies, for example by entrusting one body with prevention of discrimination, promotion of equal treatment and assistance to victims of discrimination, and another with decision-making functions" (Recital 6). In addition to prevention, a central task of the so- called 'equality bodies' is to provide assistance to victims of discrimination and to ensure that all victims are able to complain. The complaints may be submitted in various ways with confidentiality, offering a possibility for a quick, affordable, out-of-court resolution of disputes (Recital 24,25,26). It is to note that the new Directive "lays down minimum requirements, thus giving the Member States the option of introducing or maintaining more favorable provisions. The implementation of this Directive should not serve to justify any regression in relation to the situation which already prevails in each Member State.

l) Trilateral EU-US-China Summit IN Hangzhou – China

41. On 10 April 2024, the 8th Trilateral EU-US-China Summit on Product Safety took place in Hangzhou, China under the theme 'Connecting for Shared Safety'. The three sides agreed to build common standards, deepen common supervision, focus on common protection of consumer rights and interests, and strive to protect the common safety of consumer products. Joint action will be taken to make full use of existing cooperation frameworks for the protection of the health and safety of consumers, guided by new consensus on seeking international standards, pooling regulatory efforts, and enhancing risk information sharing. With coordinated governance, the three sides will deepen project cooperation, exchanges, seminars and professional training, and strengthen information communication and technical consultation under the framework of continuous high-level exchanges.

m) MERCOSUR begin to combat dark commercial patterns

42. Following the OECD roundtable on dark commercial patters online, the MERCOSUR has made efforts to define and combat *dark commercial patterns,* in an initiative leading by Prof. Sebastian Barocelli (IACL). There is not a unanimous definition on dark commercial patterns, but the phenomenon is the use of digital interfaces to "lead consumers into making decisions they would not have otherwise made if fully informed and capable of selecting alternatives." Researches worldwide indicate that dark patterns are present in more than 10% of global shopping websites and more than 95% of the 200 most popular apps. Furthermore, "the combination of lack of awareness and lack of capability" makes dark patterns' effects "particularly dangerous for older adults, as they struggle to adapt their learned self-protection abilities to evolving (digital) environments" These news studies of IACL can contribute to reach more trustworthy practices in the region and should be welcomed and highlighted.

III. NATIONAL EFFORTS ON INTERNATIONAL PROTECTION OF CONSUMERS

A. Argentina – New Guidelines

43. In 2023, the National Consumer Agency, *Dirección Nacional de Defensa del Consumidor* has enacted on the 14^{th} of July rules on prevention and treatment of the consumer over-indebtedness (Reglamento de actuación para la prevención y solución del sobreendeudamiento de las y los consumidores en el ámbito de la Dirección de Defensa del Consumidor y Arbitraje de Consumo de la Nación), using consumer conciliation and mediation to deal with payment plans. And in 2024, the National Consumer Agency has enacted a Guideline (*Disposición 404/2024 de la Subsecretaría de Acciones para la Defensa de las y los Consumidores)*, under the MERCOSUR Plan, on the Protection of Tourist-Consumers ("Programa de Protección al Consumidor Turista") using a base also on the UN TOURISM ICPT. This program has a special treatment for tourists from MERCOSUR in consumer issues. The *Disposición 137/2024 de la Subsecretaría de Defensa al Consumidor y Lealtad Comercial regulate Art. 1th of the Consumer Law (*Ley 224.240) receiving in Argentina the 2019 MERCOSUR Resolution on special vulnerable consumers. In 2024, the Guideline from 25^{th} May (*Disposición 137/2024 de la Subsecretaría de Acciones para la Defensa de las y los Consumidores)* regulates the protection of disadvantage and special vulnerable consumers (la protección de los consumidores en situación vulnerable y de desventaja).

B. Brazil

44. **Financial consumer protection:** The reform of the Brazilian Consumer Defense Code (CDC) under Law No. 14,181, 2021 aimed to enhance consumer protection in credit markets and to combat over-indebtedness. Law n. 14,181/2021 provides for the prevention of over-indebtedness of the natural person and establishes rules to impose responsible credit and financial education on the consumer. Law No. 14,181 was enacted on July 1^{st} 2021 without *vacatio legis* (Art. 5) to amend Law No. 8,078/1990 (CDC), and Law No. 10.741/2003 (Statute of the Elderly), to improve the discipline of consumer credit and provide for the prevention and

treatment of over-indebtedness. The focus was on the regulation of consumer protection to prevent over-indebtedness and abusive commercial practices of offering credit. The Reform includes two new chapters for the 1990 Brazilian Consumer Code (addressing 'Prevention and Treatment of Over-Indebtedness' and 'Conciliation in Over-Indebtedness'), and European principles such as 'responsible credit' and measures against consumer harassment to combat over-indebtedness, as well as the French-inspired system for managing consumer bankruptcy. The objective of the ‘Reform’ of the Brazilian Consumer Code was to increase consumer protection in the credit market, especially due to new technologies, new forms of credit and digital payment, and the re-inclusion of the over-indebted consumer into society by introducing a new system of treatment of consumer over-indebtedness, adapted by the French model of ‘reeducation’. Undoubtedly, the update of the Consumer Defense Code achieved through Law 14.181/2021 was a significant victory. It is important to stress that the practice of the first few years of the CDC Reform with Law 14.181/2021 has not been easy, but slowly the paradigm of the culture of payment is asserting itself. Recommendation 125 of the CNJ-National Justice Council, and the 2022 National Justice Council Guide were important steps.

45. **New rule on choice of forum:** On 4th June 2024, Brazil enforced a new rule on choice of forum in its Civil Procedure Code. The Law no. 14,879, 2024 amends the Civil Procedure Code (Law No. 13,105, of March 16, 2015), to establish that the forum’s choice must be “pertinent to the domicile of the parties or the location of the obligation, and that filing a lawsuit in a random court constitutes an abusive practice, subject to *sua sponte* transfer of jurisdiction”. The impact in international trade and current Art. 25 of the Civil Procedure Code is not yet sure and on the HHCC Convention on Choice of Forum.

46. **Agreement on international consumer contracts advances at the parliament:** *The Mercosur Agreement* on applicable law on international consumer contracts approved by MERCOSUR with the Decision CMC nº 36/17, was sent to the Brazilian Parliament on 22nd February 2022 and approved by the Chamber of Deputies on the 25th of December 2022, but still remains pending the final approval of the Senate. The “*Acuerdo Mercosur sobre la ley applicable a los contratos de consumo*” has adopted a new connecting factor: the law most favorable to the consumer. Inspired by the Brazilian-Argentine-Paraguayan CIDIP VII Proposal,the 1980 Rome Convention and the Rome I Regulation on the law applicable to contracts, the new Mercosur Convention follows the Brazilian proposal and should also have some impact on the updating of the Brazilian Consumer Code, having a special rule to tourist’s contracts. This is one of the major innovations brought by the 2017 ‘Acuerdo’ which refers to an ‘active consumer’ (tourists). Thus, once the consumer is abroad, the choice of law may govern the contract, since it is the place of the contract conclusion, the place of performance or the consumer’s domicile, but only the most beneficial law to the consumer must be chosen. In the absence of a valid election, the consumer’s domicile law shall then be imposed. The Agreement was included at the Citizenship Program of Mercosur.

China

1. Financial Consumer Protection

47. China has made significant progress during the period of 2022-2024, implementing a series of policies and legal measures to strengthen regulatory efforts. The following are the main developments and measures.

48. Establishment of Regulatory Framework:

1. **Policy:** The Five-Year Plans are a series of social and economic development initiatives issued by China since 1953. According to *the 14th Five-Year Plan (2021-2025)* and *the Report on the Work of the Government 2022,* these two documents both mention the need to better safeguard consumers' rights and interests. In May 2022, the Chinese government adopted documents such as *the Work Plan for Strengthening the Supervision of Large Payment Platform Enterprises to Promote the Healthy Development of Payment and Financial Technology.* These documents highlighted the importance of protecting the rights and interests of financial consumers, reinforcing anti-monopoly competition regulation, and enhancing the oversight of data held by platform enterprises to prevent data abuse and algorithmic discrimination. At the National People's Congress in March 2023, delegates pointed out issues within the current financial consumer protection system and called for the enactment of a Financial Consumer Protection Law to unify regulatory standards.
2. **Regulations:** In 2023, a total of six regulations and eighteen normative documents were issued, including *the Administrative Measures for the Capital of Commercial Banks* and *the Administrative Measures for the Consumer Finance Companies (Draft for Comments)*.

49. In December 2022, the China Banking and Insurance Regulatory Commission (CBIRC) formulated and issued *the Measures for the Administration of the Protection of Consumer Rights and Interests by Banking and Insurance Institutions*.

50. **Enforcement**: The China Banking and Insurance Regulatory Commission (CBIRC), the People's Bank of China (PBOC), and the former China Banking and Insurance Regulatory Commission issued a total of 873 penalties in 2023 related to the protection of consumer rights and interests, an increase of about 72% compared to the previous year. The primary reasons for penalties included violations of regulations on the protection of financial consumer rights and interests, information protection regulations, misleading marketing, and debt collection.

Penalties in Early 2024: As of March 11, 2024, 112 penalties related to the protection of consumer rights and interests had been issued, with a total penalty amount of approximately 26 million yuan.

51. **Focus on personal information protection:** In December 2022, the China Banking and Insurance Regulatory Commission (CBIRC) formulated the Measures for the Administration of the Protection of Consumer Rights and Interests by Banking and Insurance Institutions, requiring these institutions to establish mechanisms for the protection of consumers' personal information. Other related documents, such as the Measures for the Compliance Audit of Personal Information Protection (Draft for Comments) in 2023, further clarify the regulatory requirements for personal information protection.

52. **Combating financial crimes:**

1. **Industry Collaboration -** In 2023, the issue of financial black-gray goods was severe,

leading to increased industry collaboration. For example, National Internet Finance Association of China partnered with JD Finance to carry out specialized crackdowns in multiple regions. JD Finance also established an "Anti-Collection" governance task force to assist public security organs in dismantling several black-gray goods syndicates involved in anti-collection activities.

2. **Technological Measures -** Ant Consumer Finance used technological means to precisely combat financial black-gray goods syndicates. Moreover, Mashang Consumer Finance led the formation of an alliance to fight against in the black-gray goods financial sector, supporting public security organs in 29 provinces across China in handling cases related to illegal proxy rights protection. In summary, from 2022 to 2024, China has significantly enhanced the standard of financial consumers protection through measures such as establishing the regulatory framework, enacting new regulations, penalties, strengthening personal information protection, and combating financial black-gray goods markets.

2. Online Shopping

53. **Judicial protection:** In 2022, the Supreme People's Court issued the Provisions on Several Issues Concerning the Application of Law in the Trial of Online Consumer Dispute Cases (I), which specifies the rights and obligations under online consumer contracts, identifies responsible parties, and outlines civil liabilities in webcast marketing to protect consumers' rights in the digital economy era. Several laws and regulations related to online transactions and digital consumption have been amended, such as the Anti-Telecom and Online Fraud Law and the Anti-Monopoly Law. Administrative regulations, including the Regulations on the Administration of Internet Access Service Business Establishments, have also been revised. Moreover, regulatory and normative documents have been continuously refined by government departments, such as the joint issuance of the Administrative Provisions on Deep Synthesis in Internet-Based Information Services by the Cyberspace Administration of China and other departments, and the Rules on Protection of Consumer Rights and Interests by Banking and Insurance Institutions by the China Banking and Insurance Regulatory Commission. On International Consumer Rights Day (March 15), the Supreme People's Court released ten typical cases involving consumer rights protection, including online shopping, personal information protection, and combating false advertising. The release of these cases aims to unify judicial standards, highlight the values of fairness and justice in consumer rights protection, and provide a legal environment conducive to safe consumption.

54. **Enhanced regulation:**

1. **Intelligent monitor -** Beijing has implemented intelligent electronic traceability using "Internet + IoT" technology to enhance safety regulation levels. Nanjing has established a smart monitoring platform, forming a tripartite regulatory service system involving business entry, government regulation, and consumer supervision.

2. **New model monitor -** Hainan Province has launched a prepaid consumption monitor and service platform based on blockchain and E-CNY, effectively addressing consumer rights protection issues in prepaid consumption.

3. **Strengthened market regulation -** The State Administration for Market Regulation has disclosed issues and dispute data related to new consumption models, such as NFT digital collectibles, indicating increased regulatory efforts. For example, disputes related to NFTs rose from 198 cases in 2021 to nearly 60,000 cases, involving issues like non-delivery, non-refund, and price manipulation. The administration has also actively responded to consumer demands arising from the "blind box" craze to ensure the protection of consumer rights.

55. **Local Legislation:** Local legislatures and governments have been actively exploring innovations and revising local regulations. For example, Shanghai has amended the Regulations of Shanghai Municipality on the Protection of the Consumers' Rights and Interests, addressing hot issues like online addiction and strengthening the protection of minors.

56. **Consumer education:** The Cyberspace Administration of China and other departments organized the "2022 Cybersecurity Awareness Week" to enhance the public's cybersecurity awareness and promote industry development. These measures not only enhance the legal protection and awareness of consumer rights but also optimize regulatory mechanisms through intelligent and digital means, promoting the improvement and upgrading of the online consumption environment.

3. New Regulation on Implementation of Consumer Rights Protection Law Will be Effective in 2024

57. On July 1, 2024, the *Implementing Regulation on the Law of the People's Republic of China on the Protection of Consumer Rights and Interests.* Overall, not only the regulation can enhance the role of legislation in controlling and managing operational business activities, but it also protects the legitimate rights and interests of consumers in the context of digital economy.

In particular, the key provisions are as follows:

1. **Product liability:** It encompasses the seller's responsibility for free products or services, emphasizes the importance of ensuring the safety of commercial premises, and introduces the ability for consumers to report potential defects to authorities and provide suggestions.
2. **Unfair trade practices:** The regulation addresses new advertising practices in e-commerce, reinforcing the obligation for businesses to provide accurate and comprehensive information about both the products and the sellers. It also mandates that live-stream sales platforms implement dispute resolution mechanisms and explicitly prohibits the use of technical means to coerce or indirectly compel consumers to purchase products or services or limit their ability to buy from other sellers. Additionally, it reinforces existing rules requiring businesses to notify consumers five days before automatic subscription renewals and introduces enhanced protections for seniors and minors by limiting their exposure to deceptive practices and restricting children's access to digital products and services. Lastly, to curb abuses related to the threefold compensation rule for fraudulent practices under the 2013 Consumer Protection Law, the regulation specifies exceptions where this rule does not

apply, such as minor informational discrepancies that do not mislead consumers or affect product quality and actions like altering production dates to deceive or extort businesses.

58. **CONTRACTUAL ISSUES**

- **GENERAL TERMS AND CONDITIONS (GTC) -** Both manufacturers and sellers commonly use general terms and conditions (GTC). The PRC Civil Code and the 2013 Consumer Protection Law have rules regarding GTC. The Regulation reemphasizes and refines these rules, stating that GTC provided by sellers must not undermine customers' rights to change or terminate contracts, choose litigation or arbitration for dispute resolution, or choose products or services from other sellers.
- **WARRANTY PERIOD -** Article 18 of the Regulation provides for the calculation of the warranty period in different cases. In general, the warranty period shall start from the date when the seller completes the delivery of products or provision of services. For products that require installation, the warranty period shall begin on the day the installation is completed. In case of replacement, the warranty period for the new products shall start again from the date of completion of the replacement. Article 18 of the Regulation also clarifies that the time for repair shall not be included in the said period of warranty. Business operators are generally recommended to review applicable laws in order to ensure whether the products (or services) they are offering are subject to any statutory warranty period. E.g., according to the Provisions on the Liability for the Repair, Replacement and Return of Automobile Products for Household Use (effective as of 1 January 2022), the validity period of the "Three Guarantees" for automobile products for household use shall be no less than two years or cover a mileage of 50,000 km, whichever comes first. The validity period of the Three Guarantees shall commence as of the date on which the seller issues the purchase invoice. If the date on which the purchase invoice is issued is inconsistent with the date on which the automobile product for household use is delivered, the aforesaid period shall commence as of the actual delivery date.
- **RETURN AND REFUND -** The Regulation requires sellers to refund to the consumer the lump sum amount shown on the receipts or invoices unless the seller otherwise proves that a different actual payment was made by the customer. In order to limit the illegal non-refund policies, the Regulation requires that products not eligible for refund must be marked in a conspicuous manner and that consumers shall give their explicit consent to the non-refund policies at the time of purchase. The seller shall not set the non-refund policies as a default option for the consumers' consent. In practice, some sellers also set unreasonably high thresholds for refund. On this topic, the Regulation expressly states that sellers must still give a refund for products that have already been unpacked for inspection or tested to check their quality and function, provided that the original quality, functionality and appearance of such products is not prejudiced. However, to balance the interest of sellers and consumers, based on good faith, the latter shall not abuse refund policies to undermine the interests of sellers and other consumers.
- **PRE-PAYMENT, CEASE TO OPERATE OR CHANGE PREMISES -** Issues

related to pre-payments have led to complaints, particularly when businesses cease operations or change premises without notifying customers. The Regulation addresses this gap by requiring business operators to provide valid contact information in a conspicuous manner on their premises, websites, and online stores 30 days before ceasing operations or changing premises. For pre-payments, the Regulation stipulates that contracts must be in written form, specifying the content of products or services, price, modalities for the return of pre-payment, and breach of contract liability. After receiving pre-payments, business operators must provide the agreed-upon products or services at the agreed-upon prices. In case of contract breach, pre-payments must be returned according to the contract. Business operators should cease receiving pre-payments when there is a significant operational risk that may affect their ability to fulfill the contract. In such cases, consumers can request either continued provision of the products or services or a refund. Violations of these rules by business operators can result in administrative punishments.

59. **PERSONAL INFORMATION PROTECTION:** With the implementation of the Personal Information Protection Law of the PRC, China has established a legal framework for personal information protection. The Regulation reiterates the illegality of blanket authorization and opt-out authorization for collecting and using personal information unrelated to business when providing products or services.

- **Cold calls and other promotional calls -** To comply with strengthened personal information protection laws, the Regulation requires prior consent from consumers for cold calls and other promotional calls. Business operators must provide clear and convenient means for consumers to opt out, and calls must be stopped immediately upon withdrawal of consent.
- **Big-data-enabled discriminatory pricing -** Differential pricing, facilitated by the utilization of big data, allows for the scenario where two individuals are presented with identical products simultaneously, but at varying prices determined by an algorithmic evaluation of their anticipated willingness to pay. The Personal Information Protection Law of the PRC has already prohibited this practice. The Regulation further states that business operators are not allowed to establish differing prices or fees for the same products or services under equivalent trading circumstances without informing the consumers involved.

D. France

60. In 2023, France enacted significant consumer protection reforms: a) Enhanced online contract cancellation rights mandate a free, functional option for electronically concluded contracts (Art. L. 215-1-1 of the Consumer Code); b) Transparency and accountability in consumer law were emphasized, ensuring fair treatment through improved warranties, remedies, and contract terms. c) Class action procedures were streamlined, broadening access and simplifying legal requirements while introducing civil penalties; d) Influencer marketing regulations now require disclosure of sponsorships at the beginning of posts to enhance transparency and protect vulnerable audiences. e) Stricter greenwashing laws demand evidence

for environmental claims.

E. Germany

61. Germany changes at its Civil code (BGB) the fundamental of sales contract, following the Directives 770 and 771/2019. Paragraph 433 of the German Civil Code (BGB) outlines the typical contractual obligations in a sales contract: “§433 Subsection (1): The seller is obligated to hand over the item to the buyer and transfer the ownership of the item. The seller must ensure that the item is free from material defects and legal flaws. Subsection (2): The buyer is obligated to pay the agreed purchase price and accept the purchased item. “The 2021 update in force since 2022 changes also the rules on warranties agaisnt Material defects, the Rights of buyer in the case of defects, the statute of limitations, the remedies and brings special provisions on rescission and damages (§§ 433-480 BGB).

F. Mexico

62. The HCCH Guide on Tourist protection highlight the PROFECO digital court CONCILIANET. This system facilitates virtual conciliation hearings in Spanish between consumers and registered service providers. Consumers alleging breaches of warranty or service contracts can request free conciliation via videoconference on the platform, needing only internet access, a webcam, and a microphone. If no agreement is reached, consumers can escalate to arbitration by the Federal Prosecutor for Consumer Protection, who investigates potential violations under Mexican law. CONCILIANET operates under consent-based jurisdiction, with parties agreeing to its procedures upon filing a claim or registering as a provider.

G. United States of America

63. The period from 2022 to 2024 has seen significant advancements in financial consumer protection in the United States. Through a combination of federal executive orders, CFPB initiatives, FTC regulations, and state-level legislation, these efforts collectively enhance the safety, transparency, and fairness of the financial system. These measures demonstrate a robust commitment to protecting consumers from the complexities and risks inherent in the modern financial landscape, fostering a more secure and equitable environment for all stakeholders.

64. **Executive order on ensuring responsible development of digital assets:** In March 2022, the White House issued an executive order that mandated a coordinated and comprehensive approach to digital asset policy. This approach supports responsible innovation, delivering substantial benefits to the nation, consumers, and businesses. It also addresses risks associated with illicit finance, protects consumers and investors, and prevents threats to the financial system and broader economy.

65. **Initiatives and legal interpretations by the CFPB**

1. **New effort focused on financial issues facing rural communities -** In March 2022,

the Consumer Financial Protection Bureau (CFPB) launched a new initiative focused on financial issues facing rural communities in the United States. This action initially concentrates on rural banking deserts, discriminatory and predatory agricultural credit, and manufactured housing.

2. **CFPB issues advisory to protect privacy when companies compile personal data -** In July 2022, the CFPB issued a legal interpretation to ensure that companies using and sharing credit reports and background reports comply with the Fair Credit Reporting Act. The CFPB's new advisory opinion clearly states that credit reporting companies and users of credit reports have specific obligations to protect public data privacy. The advisory also reminds relevant entities that they may face criminal liability for certain improper conduct.
3. **CFPB warns that digital marketing providers must comply with federal consumer finance protections -** In August 2022, the CFPB issued an interpretive rule stating that digital marketing providers for financial companies must comply with federal consumer finance laws. Legally, digital marketers involved in identifying or selecting prospective customers, or in selecting content to influence consumer behavior, are generally considered service providers. As service providers, digital marketers engaging in unfair, deceptive, or abusive acts or practices, as well as other violations of consumer finance laws, will be held accountable by the CFPB or other enforcement authorities.
4. **CFPB finalizes rule to create a new data set on small business lending in America -** In April 2023, the CFPB finalized a rule mandated by Congress to enhance transparency in small business lending, promote economic development, and combat unlawful discrimination. Lenders will collect and report data on small business credit applications, including geographic and demographic information, loan decisions, and credit pricing. This rule aligns with the Community Reinvestment Act, which requires certain financial institutions to meet the needs of their served communities.
5. **CFPB proposes rule to jumpstart competition and accelerate shift to open banking -** In October 2023, the CFPB proposed a rule to accelerate the shift to open banking, giving consumers control over their financial life data and implementing new protections against corporate data abuse. . The rule will prohibit financial institutions from hoarding personal data and require companies to share data with other providers offering better products upon the individual's direction, fostering competition. It will allow consumers to sever ties with poorly performing banks and prevent data-receiving companies from misusing or improperly monetizing personal financial data.
6. **CFPB proposes rule to close bank overdraft loophole that costs Americans billions each year in junk fees -** In January 2024, the CFPB proposed a rule to regulate excessive overdraft fees charged by the largest financial institutions in the United States. The proposal aims to close an outdated loophole that has allowed overdraft credit services to evade longstanding requirements of the Truth in Lending Act and other consumer finance protections. It will require large financial institutions to treat overdraft loans similar to credit cards and other loans, providing clear disclosures and other protections. Additionally, it allows fees based on actual costs or established benchmarks.

66. **REGULATORY ACTIONS AND ANNOUNCEMENTS**

1. **CFPB supervisory designation order -** In February 2023, the CFPB issued its first Supervisory Designation Order against a large installment lender, marking a significant use of its authority under the Consumer Financial Protection Act (CFPA). This action highlighted four key concerns: the lender's failure to clearly inform consumers about optional insurance; use of aggressive collection practices; provision of inaccurate credit information; reliance on serial refinancing of loans.
2. **FTC impersonation rule -** The Federal Trade Commission (FTC) finalized a rule in February 2023 prohibiting the impersonation of government and business entities. It also proposed extending this rule to include the impersonation of individuals, aiming to enhance consumer protection against fraudulent activities.
3. **FTC annual ECOA summary -** The FTC's 2023 summary to the CFPB detailed enforcement actions under the Equal Credit Opportunity Act (ECOA), including actions against auto dealerships for discriminatory practices and efforts to address issues affecting Native American communities.
4. **CFPB supervisory appeals process update -** In February 2023, the CFPB revised its supervisory appeals process to improve fairness and transparency. The updates include forming an appeals committee of CFPB managers not involved in the initial examination and allowing institutions to appeal any compliance finding.

67. **SELECT ENFORCEMENT ACTIONS**

1. **FTC and California DFPI obtain judgment against mortgage relief companies and their owners -** In February 2023, the FTC and California Department of Financial Protection and Innovation (DFPI) obtained judgments against mortgage relief companies for deceptive practices, resulting in a $15.8 million restitution and permanent injunctions against the defendants.
2. **CFPB settles with mortgage relief attorneys for allegedly misrepresenting loan relief services and fees -** The FTC settled with several debt relief companies in February 2023 over deceptive marketing practices, resulting in monetary judgments and injunctive relief.
3. **FTC obtains summary judgment against health plan company and its ceo for allegedly deceptive marketing -** In February 2023, the FTC obtained a summary judgment against a health plan company for misrepresenting its services, leading to a $195 million monetary judgment.
4. **FTC settles with software company for allegedly misleading data privacy practices -** The FTC settled with a software company in February 2023 over misleading data privacy practices, resulting in a $16.5 million penalty and mandates to stop certain data-sharing practices.

68. **UPCOMING REGULATORY EVENTS**

1. **CFPB rule on NSF fees -** The CFPB has proposed a rule to prohibit nonsufficient funds (NSF) fees for instantaneously declined transactions. Comments on this proposal are

due by March 25, 2024.

2. **State-level consumer protection legislation:**
   - **California and Colorado -** Both states have introduced significant consumer protection laws in 2024, including limits on fees and new privacy rights.
   - **Utah Data Privacy Act -** Effective December 2023, this act grants consumers rights to access, correct, and delete personal data, as well as opt-out of data processing for targeted advertising.
   - **Other State Initiatives -** States such as Alabama, Alaska, Connecticut, and Minnesota have enacted new consumer protection laws addressing various financial and data privacy issues effective in 2024. These developments represent ongoing efforts by federal and state agencies to enhance consumer protections in the financial sector, addressing issues from fraud and deceptive practices to data privacy and credit reporting.

69. **ONLINE PLATFORM ACCOUNTABILITY ACT (OPAA) -** In 2022, the OPAA was introduced to enhances access to data from major technology platforms (defined as those with a minimum of 50 million unique monthly users in the United States) to support research on platform activities.

70. **FTC RELEASES 2023 PRIVACY AND DATA SECURITY UPDATE -** The FTC's 2023 Privacy and Data Security Update outlines its efforts to protect consumer privacy and respond to evolving data use by companies, including developments in artificial intelligence and health data misuse. The FTC has initiated numerous cases to safeguard consumer data, focusing on key areas such as AI, health privacy, children's privacy, geolocation data and data security measures. The update highlights bold actions against indiscriminate data collection, enforcement of existing laws and new policy initiatives aimed at establishing robust privacy standards to better protect U.S. consumers in the online marketplace.

71. **INFORM CONSUMERS ACT -** In 2023, the Inform Consumers Act was enacted by Congress to enhance transparency in online transactions and curb the sale of stolen, counterfeit, or unsafe goods on the internet. According to this legislation, "online marketplaces" that feature "high-volume third-party sellers" of new or unused "consumer products" are required to gather, verify, and disclose specific information about these sellers. Additionally, the law mandates that online marketplaces provide a straightforward method for individuals to report any suspicious activities.

H. UK

1. Financial Consumer Protection

72. From 2022 to 2024, the UK has ramped up efforts to tackle financial fraud and scams through targeted initiatives and regulatory reforms. In response to the increasing prevalence of online and digital financial crimes, the FCA and other regulatory bodies have implemented strict measures.

1. **FCA Consultation on Insurance Guidelines for Financially Distressed Customers:** On January 11, 2022, the Financial Conduct Authority (FCA) published Consultation Paper 23/1, which proposed guidelines to support insurance customers experiencing financial difficulties. The consultation outlined several recommendations aimed at protecting non-investment insurance policyholders who are in financial distress. It also set clear expectations for insurance companies, ensuring that customers facing financial hardship shall receive appropriate support and protection.

2. **Financial Services and Markets Bill:** On July 20, 2022, HM Treasury introduced the Financial Services and Markets Bill to Parliament, accompanied by explanatory notes. This Bill is designed to recalibrate the regulatory framework for financial services post-Brexit, with objectives that include:

   (a) Implementing the outcomes of the Future Regulatory Framework (FRF) Review.

   (b) Maintaining the UK's status as an open and global financial center.

   (c) Leveraging opportunities presented by innovative financial services technologies.

   (d) Enhancing the competitiveness of UK markets and promoting the effective use of capital.

   (e)Supporting the levelling-up agenda, fostering financial inclusion, and strengthening consumer protection.

73. **FCA Highlights of 2022:** In December 2022, the FCA published its annual highlights, reflecting on the achievements of its recent three-year strategy aimed at improving outcomes for consumers and markets. The report emphasized the FCA's efforts in three key areas:

   (a) Reducing and preventing serious harm.

   (b) Setting and testing higher standards.

   (c) Promoting competition and positive change.

74. **FCA Initiatives: Consumer Duty:** In 2023, the FCA introduced the "Consumer Duty," which mandates financial firms to prioritize consumer outcomes and act to prevent foreseeable harm. This includes clearer information disclosure and ensuring that products meet consumer needs effectively.

75. **Green Finance and Climate Risk:** The UK has also focused on the integration of climate risk management within the financial sector. The Prudential Regulation Authority (PRA) has been advocating for more robust climate-related disclosures and scenario analyses to help firms manage the financial risks associated with climate change. This includes the emphasis on mitigating greenwashing risks and ensuring transparent and credible environmental claims.

76. **House of Commons Research Briefing on Cryptocurrency Regulation:** On January 20, 2023, the House of Commons (HoC) released a research briefing on cryptocurrency regulation. The briefing covered several critical areas:

   (a) Definitions of cryptocurrencies and crypto assets.

   (b) Regulatory approaches to crypto-assets and stablecoins.

(c) The UK Government's future vision for the sector.

(d) Issues related to consumer protection.

2. Online Shopping

77. In 2022, the UK enacted the Online Safety Bill, which obligates tech platforms to identify and address harmful content. The legislation includes measures to combat fraudulent advertising and scammers, and it imposes significant penalties on companies that fail to prevent the dissemination of harmful content on their platforms. Effective May 2024, the Digital Markets, Competition and Consumers Bill (DMCC) strengthens consumer protection laws by addressing harmful trading practices and improving price transparency and product information for consumers, aiming to crack down on rip-offs, protect consumer cash online, boost competition in digital markets. It also make it easier for the Competition and Markets Authority (CMA) to enforce consumer protection laws more directly and swiftly. Thus, businesses carrying out unlawful practices will be more likely to face fines and other penalties.

I. Hong Kong SAR, China

78. Revised Regulatory Policy Manual Module IC-4: "Complaint Handling and Compensation". The Hong Kong Monetary Authority (HKMA) introduced a revised regulatory policy manual module IC-4 to align its provisions with global best practices in safeguarding financial services consumers. Key enhancements include: (a) Recognized institutions are required to monitor and address issues or control deficiencies identified during the complaint handling process to continually improve consumer protection. (b) Utilization of Alternative Dispute Resolution: Institutions are encouraged to actively use alternative dispute resolution channels, such as the Financial Dispute Resolution Centre, when resolving complaints involving monetary disputes referred by the HKMA but not resolved internally by recognized institutions.

J. Singapore

1. Financial Consumer Protection

79. In February 2022, the Monetary Authority of Singapore (MAS) released a ministerial statement by Mr. Lawrence Wong, Minister for Finance and Deputy Chairman of MAS, concerning the enhancement of digital banking security. Minister Wong addressed 39 parliamentary questions regarding recent phishing scams posed to MAS, the Ministry of Communications and Information (MCI), and the Ministry of Home Affairs (MHA). The inquiries addressed concerns such as banks' potential for more risk reduction against scams, bolstering telecommunications infrastructure, law enforcement, and educating consumers. Considerations included improving anti-scam capabilities, using biometrics more widely, and promoting mobile banking apps for authentication, transactions, and notifications. In May 2022, MAS and the Association of Banks in Singapore (ABS) announced additional measures to further protect customers from digital banking scams, supplementing those announced on

January 19, 2022. In consultation with MAS and the Singapore Police Force (SPF), banks are progressively implementing additional measures, which will be fully effective by October 31, 2022.

2. E-Commerce

80. In 2022, Singapore introduced the E-commerce Marketplace Transaction Safety Ratings (TSR) to inform consumers about the transaction safety of various e-commerce marketplaces. The TSR evaluates major marketplaces based on their anti-scam measures, covering aspects such as user authenticity, transaction safety, availability of loss remediation channels, and the effectiveness of these measures. Ratings range from one to four ticks, with four ticks being the highest. Marketplaces with comprehensive anti-scam measures receive a four-tick rating, and these ratings are reviewed annually. Also in 2022, Singapore launched the E-commerce Marketplace TSR and updated the national standard for e-commerce transactions, TR 76, to include additional anti-scam guidelines for e-retailers and marketplaces, developed by a multi-stakeholder Working Group appointed by the Singapore Standards Council and overseen by Enterprise Singapore. These guidelines set out best practices for securing transactions, covering pre-, during-, and post-purchase activities, customer support, and merchant verification.

K. Japan

81. Act on the Protection of Consumers Who Use Digital Platforms for Shopping –

In May 2021, the Act on the Protection of Consumers Who Use Digital Platforms for shopping was enacted in light of consumer troubles on digital platforms such as online malls and auction sites. This Act was established in order to ensure an environment in which consumers can conduct transactions on digital platforms safely and securely.

L. India

82. India's Competition Act (2023), introduced amendments making to the Competition Act (2002). to strengthen competition regulation and streamline operations, aiming a business-friendly environment. These changes also establish a clearer and more efficient competition enforcement framework, which will benefit businesses and consumers alike. The Consumer Protection Act (2019) effective from July 20th, 2020, which provided empowered Central Government to establish the Central Consumer Protection Authority (CCPA). CCPA regulates matters relating to violations, unfair business practices and false or misleading advertisements which are prejudicial to public interests. It aims to promote, protect and enforce the rights of Consumer as a Class.

M. Thailand

83. According to the UNCTAD report ("Report on national framework for consumer dispute resolution in cross-border e-commerce in Thailand"), Thailand has made steady progress in its transition to the digital economy. up, Thailand's e-commerce sector is among Southeast Asia's fastest growing. In 2020, online transactions in Thailand surged to nearly $50 billion up from $33 billion in 2017. Cross-border e-commerce, fueled by strong demand for Chinese goods, accounts for approximately one-third of Thailand's e-commerce activities. The expanding e-commerce landscape has increased the number of online disputes, making underscoring the critical need for effective cross-border dispute resolution mechanisms. This report analyzes the current situation of Thailand's e-commerce industry, examining growth trend, market status, and operational models. It also assesses the existing legal and regulatory frameworks for resolving cross-border consumer disputes from the perspectives of international private law and consumer protection law. Furthermore, it evaluates the effectiveness and implementation of current cross-border dispute resolution methods. The report concludes that Thailand should improve its consumer protection legislation to align with ASEAN standards. It suggests promoting ODR mechanisms on Thai e-commerce platforms, safeguarding user data and aiming to meet public policy standards. In addition, reviewing and reinforcing responsibilities and legal liabilities of online companies and consumers rights with appointed supervising agencies, such as the Office of the Consumer Protection Board (OCPD) or the Electronic Transaction Development Agency (ETDA)

N. Indonesia – national framework for consumer complaints handling and dispute resolution in Indonesia

84. The report is based on the 2019 UN TRADE AND DEVELOPMENT conducted the 'Volume Peer Review of Consumer Protection Law and Policy in Indonesia.' The report, supported by Indonesia, concludes that consumer protection rules in the country are relatively scattered, providing multiple channels for consumers to address issues. However, it highlights inconsistencies among central and local authorities, inhibiting consumers to seek remedies and disorienting public and private actors when dealing with various consumer protection laws and regulations. The report highlights the need for reform in Indonesia's consumer protection framework, recommending the government adjust institutional authority, integrate complaint data from BPKN and BPSK, and improve coordination between these agencies. It maps the current legal, policy, and institutional frameworks for consumer dispute resolution (CDR) and evaluates their effectiveness since the last peer review three years ago. The report recommends improving consumer protection in Indonesia by ensuring institutional responsibilities through legislation, strengthening cooperation among authorities, designing a two-stage ODR platform, developing dispute resolution measures, increasing public education on ODR, and researching Supreme Court rulings to enhance law and policy implementation.

IV. PROPOSAL OF A FINAL RESOLUTION: RECOMMENDATIONS FOR THE PROTECTION OF INTERNATIONAL TOURISTS AS CONSUMERS

85. The Committee on International Protection of Consumers has published two books together and help the ILA to make three Resolutions: the Sofia Resolution ILA 4/2012; the ILA Resolution No. 1/2016, the so-called Johannesburg Guidelines on the Best Practices on the Law Applicable to International Protection of Consumers and Lisbon Resolution 07/2022, intitle 'ILA´s Consumer Global Compact in the digital economy'. All these resolutions have helped to development standards of protection of consumers in cross-borders situations, but never face directly the protection of international tourists as consumers.

86. The President of UN TOURISM points out that the COVID-19 crisis has underscored the need for an international legal framework to assist tourists during emergencies and for more consistent consumer protection rights in global tourism. In response, the ILA's Committee on International Protection of Consumers aims to complement the International Code of Protection of Tourists by proposing Recommendations to States to strengthen tourist protection as consumers.

87. The protection of international tourists as consumers was one of the first subjects in Brazil, when the Committee on International Protection of Consumers was established by the International Law Association Biannual Congress in 2008. Following the work in the important international forum, as the American Association on Private International Law (ASADIP) and Hague Conference of Private International Law (HCCH) the committee has studied the subject since 2012 and served as expert also at the UN TRADE AND DEVELOPMENT UNGCP revision in 2015 and at the UN TOURISM International Code for the Protection of Tourists (2022), but never suggested a Resolution on the subject. **To fill this gap, we used the Biannual Meeting in Athens and the two subsequent years to prepare a final Resolution with Recommendations for the protection of international tourists as consumers, based on the previous work of the Committee.**