



REGIONAL CAPACITY BUILDING BRIEF

**ASEAN Capacity Building Roadmap for
Consumer Protection 2020-2025**

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List of Abbreviations

| | |
|---------------|---|
| AADCP II | ASEAN-Australia Development Cooperation Program Phase II |
| ACBRCP 25 | ASEAN Capacity Building Roadmap for Consumer Protection 2025 |
| ACBRCP 11 | ASEAN Capacity Building Roadmap for Consumer Protection 2011 |
| ACCC | Australian Competition and Consumer Commission |
| ACCP | ASEAN Committee on Consumer Protection |
| ADR | Alternative Dispute Resolution |
| AEC Blueprint | ASEAN Economic Community Blueprint |
| AECB | ASEAN Economic Community Blueprint |
| AEGC | ASEAN Experts Group on Competition |
| AHLPCP | ASEAN High Level Principles on Consumer Protection |
| AMS | ASEAN Member States |
| ASAPCP | ASEAN Strategic Action Plan for Consumer Protection |
| ASEAN | Association of Southeast Asian Nations |
| BEUC | Bureau Européen des Unions de Consommateurs/ The European Consumer Organisation |
| CI | Consumers International |
| CCIPD | Competition, Consumer Protection and Intellectual Property Division |
| CLMV | Cambodia, Lao PDR, Myanmar and Vietnam |
| CLIP | Competition Law Implementation Program |
| CSO | Civil Society Organisations |
| E-Commerce | Electronic Commerce |
| FOMCA | Federation of Malaysian Consumer Organisations |
| FTC | US Federal Trade Commission |
| Handbook | Handbook of ASEAN Consumer Protection Laws and Regulations |
| HR | Human Resource Development |
| IS | Institutional Development |

| | |
|---------------|--|
| JFTC | Japan Fair Trade Commission |
| KFTC | Korea Fair Trade Commission |
| NGO | Non-Government Organisation |
| OD | Organisational Development |
| PL | Product Liability |
| PS | Product Safety |
| Product Alert | ASEAN Product Alert Portal |
| Roadmap 2011 | ASEAN Capacity Building Roadmap for Consumer Protection 2011 |
| Roadmap 2025 | ASEAN Regional Capacity Building Roadmap 2019-2025 |
| SDG | Sustainable Development Goals |
| STG | UN 2030 Agenda for Sustainable Development |
| TOR | Terms of Reference for this project |
| UNCTAD | United Nations Conference on Trade and Development |
| UNGCP | United Nations Guidelines on Consumer Protection |

REGIONAL CAPACITY BUILDING BRIEF

Abstract

Commissioned by the ASEAN Secretariat and the Australian Government, through AADCP II, the project aims to develop an ASEAN regional capacity building plan on consumer protection based on research, field work and surveys of needs. The Regional Capacity Building Brief is the evidence base for the *Roadmap 2025* (published as a separate document) which will strengthen consumer protection regimes in the AMS as well as help ACCP and AMS in promoting awareness and garnering support for ASEAN's consumer protection capacity development agenda.

The Regional Capacity Building Brief has been derived from 10 Country Capacity Building Briefs which have been published separately. Research for the Country Briefs was based on assessing the implementation of recommendations in the *Roadmap 2011*, the [ASEAN Strategic Action Plan for Consumer Protection \(ASAPCP\)](#) and the [ASEAN High Level Principles on Consumer Protection \(AHLP\)](#). The overall goal for the project is to develop an action plan for capacity building at the regional and sub-regional level, which, if implemented, will provide ASEAN consumers with world-class levels of consumer policy, institutions and laws. Field work was conducted in five AMS (Cambodia, Lao PDR, Myanmar, Thailand and Vietnam) and survey responses were received from the other five AMS. Key activities reviewed in preparing these reports were the adequacy and implementation of consumer laws and institutional arrangements, identification of redress mechanisms and complaint handling systems, policy development and implementation, measures taken to enforce consumer laws and the role and growth of independent consumer voices in the economy.

The ACCP, the body created by ASEAN to develop and implement consumer protection measures, is currently implementing an ambitious consumer protection strategy based on 4 strategic goals (ASAPCP) and the AHLP.

Each Country Capacity Building Brief includes an analysis of implementation and capacity building gaps in AMS. Detailed recommendations for action are contained. The Regional Capacity Building Brief highlights issues which are common to most or all AMS. These are:

- product safety,
- interaction of competition and consumer protection,
- consumer guarantees and warranties,
- e-commerce,
- effective law enforcement,
- access to consumer remedies,
- implementation of the UN Consumer Protection guidelines,
- sustainable consumption,
- capacity building for non-government consumer organisations.

1. Regional Report on Capacity Building in ASEAN for Consumer Protection

With the substantial implementation of the Economic Community Blueprint 2015 (AECB 2015), including the development of the [ASEAN Regional Capacity Building Roadmap for Competition](#) and the [ASEAN Strategic Action Plan for Consumer Protection \(ASAPCP\)](#), ASEAN has embarked on an ambitious new Blueprint for the next phase of market integration and development.

The ASEAN Economic Community Blueprint (AEC Blueprint 2025), retains five mutually reinforcing characteristics, including the building of *A Competitive, Innovative and Dynamic ASEAN*.

Consumer protection is described in the AEC Blueprint 2025 as an integral part of a modern, efficient, effective and fair marketplace. It notes that consumers will demand the right of access to adequate information to enable them to make informed choices, effective redress, and products and services that meet standards and safety requirements. Increased cross-border trade, use of e-Commerce and other new trading methods resulting from globalisation and technological advancement require governments to find innovative ways of protecting and promoting the interests of consumers. This will require comprehensive and well-functioning national and regional consumer protection systems enforced through effective legislation, redress mechanisms and public awareness.

The AEC Blueprint 2025 establishes high level measures for consumer protection which have been adopted and elaborated in: [The ASEAN STRATEGIC ACTION PLAN FOR CONSUMER PROTECTION \(ASAPCP\) 2016-2025: MEETING THE CHALLENGES OF A PEOPLE- CENTRED ASEAN BEYOND 2015](#).

The ASAPCP sets out ASEAN's strategy for consumer policy to 2025 building on work carried out by the ASEAN Committee on Consumer Protection (ACCP) since its establishment in 2007.

The focus of the work of the ACCP is:

"to ensure that consumer protection legislation is in place in all AMS, consumer access to information is enhanced, mechanisms for consumer redress and recalls are effective and running, and institutional capacities are strengthened." Significant progress has been made in the implementation of these measures in the last 9 years. The ASAPCP comprises of four goals, covering a ten-year period from 2016 to 2025. The implementation of the ASAPCP will be overseen by the ACCP in cooperation with other ASEAN sectoral bodies, and relevant consumer bodies and stakeholders.

2. Background to the Regional Report and Roadmap for Capacity Building Needs in Consumer Protection in ASEAN

Through the leadership of the ACCP and with implementation by the *Competition, Consumer protection and Intellectual Property (CCIP)* Division of the Secretariat, ASEAN has made a lot of progress in consumer policy. In 2011 a study entitled [Roadmapping Capacity Building Needs in Consumer Protection in ASEAN \(Roadmap 2011\)](#) was published. Under the direction of the ACCP significant progress has been made towards the goals set out in the *Roadmap 2011*.

In implementing consumer protection measures, ASEAN Member States (AMS) have demonstrated their commitment to ensure that the benefits of economic development flow to consumers as well as businesses. In the years since the publication of the Roadmap 2011, and the implementation activities undertaken to give effect to the 110 recommendations it contained, rapid economic growth in ASEAN, increased globalisation, cross border purchasing, changes in consumer demographics and advances in technological innovation have raised new challenges and opportunities for businesses and consumers.

One of the measures specified in the ASAPCP is the development of a regional five – year roll over capacity

building plan (*Roadmap 2025*) with a regional components of building block activities (initiative 2.1.1 under Supportive Measures 2: Technical Assistance and Capacity Building).

The Regional Paper is the second element in the development of the *Roadmap 2025* which is a capacity building plan for consumer protection based on the goals of ASAPCP, the AHLP, as well as assessed national needs. It is derived from:

- assessment of implementation of recommendations from Roadmap 2011 in each AMS, including tracking of the implementation status of national capacity building activities, best practice and lessons learned from the implementation;
- analysis of trends, risks and opportunities that influence regional and national capacity building needs;
- a systematic needs analysis at regional and national levels to determine future capacity development efforts in the context of achieving the goals of the ASAPCP;
- national level assessment to determine capacity gaps and prioritisation of areas of needs in individual AMS consumer agencies;
- field visits to 5 AMS; Cambodia, Lao PDR, Myanmar, Thailand and Vietnam
- identification of effective and efficient interventions to address identified gaps:
 - how best to meet these needs; and
 - what forms of support are required at what level (regional, sub-regional and/or national)?

3. Regional implementation of consumer protection initiatives

Regional implementation of consumer protection initiatives is conducted by the ACCP whose mandate derives from the *AEC Blueprint 2025* and centres on building the capacity of AMS consumer agencies. ACCP aims to achieve the goals expressed in *AEC Blueprint 2025* and to provide guidance on the development of policies, laws and institutions necessary to strengthen consumer protection in the region. Development of *Roadmap 2025* is part of a broader process that aims to enhance knowledge and understanding of new and emerging consumer protection concerns and to make possible better policy directions through the synthesis of experiences and lessons learned.

The *Roadmap 2011* identified a series of national and regional capacity building needs. These included: developing adequate consumer protection laws and regulations, effective and speedy redress mechanisms, better inter-agency coordination, improving safety standards for products and services, and increasing the capacity of officials involved in consumer protection work.

The Country Capacity Building Briefs and the Regional Capacity Building Brief are the evidence base supporting *Roadmap 2025*, which sets out capacity building initiatives for consumer protection law and policy implementation in the ASEAN region for the period 2020-2025. The initiatives are the product of analysis based on desk research, field work and survey responses by experts engaged by Sustineo, an Australian development consultancy, during the period January 2019 to August 2019.

During the 'Brainstorming Meeting for the Development of the ASEAN Capacity Building Roadmap for Consumer Protection for Consumer Protection 2019-2025' which was held from 14-15 August 2019 in Jakarta, Indonesia, the participants assessed the Draft versions of the Country Capacity Building Briefs and the Regional Capacity Building Brief as well as the *Roadmap 2025*. The reports were circulated in

advance for AMS for review. The Brainstorming Meeting also provided AMS with the opportunity to discuss the trends, risks and opportunities influencing consumer protection capacity building in the region and to identify and prioritise specific future capacity building activities within a timeframe to be undertaken both at the national and regional level. Results of the conference have been incorporated in the *Roadmap 2025*

4. Regional capacity building initiatives since *Roadmap 2011*

Since its establishment in 2007, ACCP has been increasingly active in commissioning and implementing regional and country consumer protection capacity building initiatives.

Further details of these initiatives can be found on the [ACCP website](#), however, this indicative list provides a snapshot of the diverse and strategic activities of ACCP.

4.1 ACCP Regional Activities

Though not comprehensive and taken only from the current website dating to 2016, the following table shows the wide range of consumer capacity building initiatives undertaken by ACCP and implemented by the Secretariat. Initiatives described in this table have been implemented pursuant to recommendations in the *Roadmap 2011* and are indicative of a high level of interest from ASEAN and from AMS.

| Year | Regional Consumer Protection Initiative |
|------|--|
| 2016 | ASEAN – USFTC Workshop on Consumer Protection |
| 2016 | ASEAN– OECD Workshop on E-Commerce |
| 2016 | China – ASEAN Seminar on Product Recall Systems |
| 2016 | ASEAN – Korean Workshop on Consumer Protection in E-Commerce |
| 2016 | Workshop on Enhancement of ACCP Website |
| 2017 | ACCP – US FTC Workshop on Consumer Protection |
| 2017 | Validation Workshop on The ASEAN High-Level Principles for Consumer Protection |
| 2017 | Consultations with Consumer Associations |
| 2017 | ASEAN Consumer Empowerment Index Workshop |
| 2017 | Training Workshop on Enhancing Capacity Building in Investigating and Handling E-Commerce Disputes |
| 2017 | ASEAN – Korea Brainstorming Workshop |
| 2017 | China – ASEAN Seminar on Product Recall Systems |
| 2017 | Interface Workshop Between ACCP and other Sectoral Bodies |
| 2017 | Workshop on the Development of a Handbook on Consumer Protection Laws In ASEAN |
| 2017 | Workshop on Developing and Strengthening Consumer Associations |
| 2018 | JAIF Workshop on Sustainable Consumption and Symposium on Ethical Lab |
| 2018 | ASEAN – OECD Workshop on Consumer Product Safety and E-Commerce |
| 2018 | Regional Forum on Promotion of Sustainable Consumption In ASEAN |

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|------|---|
| 2019 | JAIF Workshop on Sustainable Consumption Symposium on Ethical Lab |
| 2019 | ASEAN – OECD Workshop on Consumer Product Safety and E-Commerce |
| 2019 | Regional Forum on Promotion of Sustainable Consumption In ASEAN |

4.2 ACCP Publications and Resources

In addition to a record of capacity building activities, the ACCP website also includes a rich set of capacity building resources. The following tabulation represent just the last few years. Each of the resources listed here can be reached through the inserted web link. As with the table listing regional capacity building initiatives, the resource materials in the following tabulation derived from action points in *Roadmap 2011*.

- [Training Manuals on Phones, Internet Services and E-Commerce](#)
 - 19 Nov 2018
- [Training Manuals on Professional Services](#)
 - 19 Nov 2018
- [Training Manuals on Consumer Credit and Banking](#)
 - 19 Nov 2018
- [Training Manuals on Environment](#)
 - 19 Nov 2018
- [Training Manuals on Healthcare Services](#)
 - 19 Nov 2018
- [Training Manuals on Product Safety and Labelling](#)
 - 19 Nov 2018
- [Handbook on ASEAN Consumer Protection Laws and Regulations](#)
 - 05 Jul 2018
- [Policy Brief - ASEAN Consumer Protection](#)
 - 05 May 2018
- [Subgroup: Roadmapping Capacity Building Needs in Consumer Protection in ASEAN](#)
 - 05 May 2018
- [Regional Report: Roadmapping Capacity Building Needs in Consumer Protection in ASEAN](#)
 - 05 May 2018

- [ASEAN Strategic Action Plan for Consumer Protection \(ASAPCP\) 2025](#)
 - 14 Oct 2016
- [Consumer Protection Digests and Case Studies: A Policy Guide \(Volume II\)](#)
 - 10 Dec 2015
- [Consumer Protection Digests and Case Studies: A Policy Guide \(Volume I\)](#)
 - 10 Dec 2015
- [Strengthening Technical Competency on Consumer Protection in Health Care](#)
 - 27 Oct 2015
- [Strengthening Technical Competency on Consumer Protection in Product Safety and Labelling](#)
 - 27 Oct 2015
- [Strengthening Technical Competency on Consumer Protection in Professional Services](#)
 - 27 Oct 2015
- [Strengthening Technical Competency on Consumer Protection in Consumer Credit & Banking Module](#)
 - 27 Oct 2015
- [Strengthening Technical Competency on Consumer Protection in Environment](#)
 - 27 Oct 2015
- [Strengthening Technical Competency on Consumer Protection in E-Commerce](#)
 - 27 Oct 2015
- [ASEAN Consumer Complaints Leaflet](#)
 - 21 Apr 2015
- [Guidelines for the selection and implementation of Complaint and Redress Models](#)
 - 11 Feb 2014
- [ASEAN Complaint and Redress Mechanism Models](#)
 - 11 Feb 2014

4.3 ASEAN Product Alerts

The ASEAN Product Alert is a one-stop portal compiling all information on recalled products which are traded within the region. Through this portal, consumers can browse for details on product safety concerns prior to purchases, especially when shopping online or offline for products across ASEAN Member States. This also facilitates information-sharing, monitoring and dispute resolution.

The portal is developed as part of the efforts by the ASEAN Member States to strengthen product safety enforcement and build higher consumer confidence in the region, as envisaged in the Strategic Goal 3 of the **ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025**

5. The importance of consumer protection and the need for regional and national capacity building

It is a foundational principle of market economics that economic efficiency can best be established and maintained in competitive markets in which empowered consumers are able to satisfy their many wants from a range of goods and services competitively priced. Good consumer policy properly applied enhances the welfare of consumers and honest businesses.

The best form of consumer policy is empowered consumers acting in their own interests in competitive and fair markets. To maximise their well-being, consumers need accurate, timely and unbiased information about the products and services they wish to purchase. Such information enables them to make the best choices based on their interests and prevents them from being mistreated or misled by businesses. Consumer protection policies, laws and regulations help increase consumer welfare by ensuring that businesses are not able to take advantage of consumers through deception or unfair practices. Consumer protection contributes to dynamic and effective markets for businesses to grow. Consumer demand drives innovation and economic development as businesses are required to maintain fair prices and good quality of their products and services.

For businesses wishing to succeed through innovative design of goods and services and competitive pricing, consumer protection enhances their welfare as well. Those that meet the needs of consumers without deception or exploitation or the abuse of market power will gain a good reputation and become successful in the marketplace. Successful businesses can retain growing market share and increased profitability which will also lead to economic growth in the long run. Consumer protection policies, laws and regulations are designed to benefit both consumers and businesses.

5.1 Consumer Protection

Consumer protection safeguards the well-being and interests of consumers through education, mobilization and representation. Consumer protection ensures that consumers make well-informed decisions about their choices and have access to effective redress mechanisms. It also pushes for businesses to guarantee the quality of the products and services they offer. In order to have a functional consumer protection system, the government, businesses and consumers need to work together. The government needs to put in place adequate policies, laws and regulations to ensure that consumers are protected from harmful business practices. There also has to be an effective interplay and coordination between the relevant institutions that are responsible for implementing consumer protection.

At the same time, businesses should refrain from fraudulent or unfair conduct that misleads or negatively affects consumers. Consumers should be well-informed about their rights and be able to take action to secure them. Non-government consumer associations play an important role in dealing with consumer complaints as well as raising awareness and ensuring governments are aware of consumer concerns in policy and implementation.

5.2 The continuing need for government intervention

Despite the actions of governments around the world over decades to protect consumers much is still needed. Deceptive and unfair practices and irregularities in the market means that governments have to intervene to safeguard the interests of consumers by upholding their rights through various measures such as consumer protection laws.

ASEAN's Consumer Policy aims to equip AMS with the policies and tools to protect consumers from serious risks and threats that they are unable to tackle as individuals; empowering them to make choices based on accurate, clear and consistent information; enhancing their welfare and protecting their safety and economic interests. A feature of consumer policy and the need for government intervention is to care for the interests of vulnerable consumers and those less able to protect their own interests

6. Capacity Building Needs from Research, Field Work and Survey Responses

Following extensive desk research, field work and an evaluation of AMS Survey responses, there appears to be a considerable gap between the strategies of the ASACPC, the aspirations of the AHLF and the state of implementation in AMS.

As expected, those AMS with greater resources and further along the economic development path have comprehensive consumer protection laws, well developed authorities and consumer associations. Other AMS are gradually falling further behind and the realisation of the vision of the ACCP *“to ensure that consumer protection legislation is in place in all AMS, consumer access to information is enhanced, mechanisms for consumer redress and recalls are effective and running, and institutional capacity are strengthened”* is unlikely to be achieved without significant capacity building activities.

Set out below, are key areas where there is a gap between the aspirations of the *Roadmap 2011*, ASAPCP and the AHLF. In each area a brief assessment of progress is given followed by a rationale for further or different kinds of capacity building interventions. Building on the findings of the fieldwork, survey responses and discussions at the Brainstorming Meeting, proposed capacity building responses are provided in the separately published *ASEAN Capacity Building Roadmap 2020- 2025*.

6.1 Product Safety and Product Liability

The mandate for capacity building action on product and service safety can be found in:

- The *Roadmap 2011* which identified product safety as one of six core areas of consumer concern.
- The ASAPCP calls for measures which will:
 - modernise product liability and safety laws;
 - ensure effective enforcement and monitoring of legislation;
 - strengthen product safety enforcement through an improved product alert system;

- establish regional and national product injury surveillance schemes; and
- development and implementation of ASEAN safety standards.
- The AHLP includes the following principle:
 - Principle 3 – Consumers are Protected from Harmful Goods and Services

Access to safe products is a fundamental consumer right. Establishing laws and policies which ensure consumer safety is a clear responsibility for governments.

The ACCP has been active in convening workshops, commissioning research briefs and launching the ASEAN Product Alerts portal to improve levels of product safety. Field work, desk research and survey responses used to develop Country Capacity Building Briefs confirms that around ASEAN there are many implementation gaps which disclose capacity building needs to achieve best practice standards for protecting consumers from hazardous goods and services.

The main gaps for capacity building action at the national and regional level are:

- inadequate legal and institutional arrangements;
- lack of or inadequate levels of public regulation;
- need for the adoption of best practice regulatory powers regarding product recalls; and
- the need for accident information collection systems; and,
- disclosure regimes imposed on suppliers and enforced by AMS regulators.

6.1.1 Regulatory standards

Defective products and services impose both direct and indirect costs on consumers and the broader community. Changes in ASEAN markets and technologies have combined with heightened consumer expectations regarding product safety leading to stronger demands for regulatory reforms. The influx of low-priced manufactured goods from major exporting nations to AMS has exposed consumers to a new generation of product and service hazards.

AMS are increasingly integrated into Asia wide production and distribution chains with components being sourced in the region for assembly and exported through a growing network of free trade agreements.

Traders and consumers alike face greater risks from this rapid growth in trade where products or services are found to be unsafe. The explosive growth of e-commerce throughout ASEAN has reduced entry barriers for cross-border trade resulting in the entry of many smaller businesses which may lack quality and safety controls necessary to ensure safety and effectively labelled goods and services.

6.1.2 Knowledge, skills and resources needed for improvements to laws and public enforcement

While the country reports show that most AMS have enacted product safety and liability laws which enable the prescription of standards or impose liability on manufacturers, importers or distributors, there is little evidence that these measures have worked to control the flow of hazardous goods and services to consumers in most AMS.

Action is required by public authorities in order to ensure that suppliers meet minimum levels of safety, performance and durability for goods and services supplied to consumers. Throughout the world, regulations of this kind have been enacted using civil and criminal law sanctions where standards have not been met. Examples include consumer class actions for unsafe goods, government enforcement for 'professional negligence causing death' or 'corporate manslaughter' offences while product safety regulation underpinned by inspection systems and public enforcement are common features.

To meet the goals of the *Roadmap 2011*, the ASAPCP and the AHL, the ACCP could provide capacity building to equip AMS to establish suitable product safety laws, rules and regulations for high risk products, sectors and services targeting areas involving high-probability risks of product failure likely to result in severe consequences. Common areas for focus in this category include pharmaceuticals, traditional medicines (TM) and complementary and alternative medicines (CAM), foodstuffs, agricultural chemicals, electric appliances and vehicles for transport.

In addition to the need to target high risk goods for regulatory action, the country reports show a need for ASEAN and AMS to upgrade and roll out better models for product recall systems (including cross border co-operation and product and service-related accident surveillance systems). Although measures relating to product recalls and surveillance systems are provided for in the ASAPCP or AHL, there is a current gap expressed by almost all AMS in their ability to implement them. Areas of need expressed by AMS relate to the design and drafting of regulations to empower consumer agencies to set premarket product safety requirements which are a minimum requirement for success. ASEAN could assist with research briefs, expert guidance and workshops directed towards and the development of model laws and standards as well as offering individual AMS specific capacity building assistance. **Most common requests from AMS disclosed in field work and survey responses was for product safety technical expertise, testing and evaluation capacity building and legal skills to support investigations and enforcement activity.**

A possible capacity building activity for ACCP flows from a product safety policy brief commissioned by ASEAN. The policy brief cites as an example of international best practice in product safety the European Union (EU) general safety directive which mandates that goods must be safe. If they are deemed unsafe, public law sanctions follow, along with any liability that may be incurred by supplier's subject to private law claims for harm from product defects. Post-marketing controls have also developed, including over intermediaries such as importers, wholesalers or retailers (although often subjected to less strict requirements than for manufacturers and importers). These controls include powers to order the banning of goods found to be unsafe by the authorities, to recall goods, to warn the public about likely safety risks, and even to require product accident or incident reports to be disclosed by suppliers. **ACCP could consider a multi-year capacity building project engaging local and international experts who through workshops, expert placements, bilateral and multilateral mentoring schemes could equip AMS to implement such a regime.** Another gap noted in field work and survey responses is **the need for quicker and more efficient product and service recalls** (both voluntary and mandatory). The ASEAN Product Alerts portal is a very helpful contribution to alerting consumers to dangerous goods, however with only 199 entries since 2016 there is a capacity gap in AMS implementation and use of the portal. A range of capacity building measures to improve the operations of the portal are possible. These are further elaborated on in the *Roadmap 2025*

In jurisdictions where such measures have been implemented, parties liable for hazardous products have acted promptly to remove them from the market to forestall adverse publicity or, where the law permits, private litigation against them. Best practice policy is that where possible the burden for implementing consumer remedies should rest with traders who caused the harm in the first place. Limited resources and inadequate public enforcement in many AMS mean that public enforcement will never be adequate to deal with the problem of product and service hazards.

Country brief fieldwork, desk research and survey responses from AMS disclose a small amount of data on product and service-related injuries on which AMS can base sound regulatory responses. **A capacity building option for ACCP is one which will enable the systematic collection of data in the first place and combination of data gained from voluntary and mandatory product recalls with accident disclosure mechanisms imposed on suppliers to create a useful data base for legislative or regulatory action in individual AMS where needed.**

The product safety policy brief cited above notes that:

Over the past three decades, public regulation has often been added to national laws in order to support voluntary recalls. For example, Australia developed the Trade Practices Act 1986 (renamed in 2010 as the Australian Consumer Law - ACL), which gave regulators the power to conduct a mandatory recall. Although very rarely exercised formally (as with other countries allowing for mandatory recalls), suppliers have become much more likely to conduct a 'voluntary' recall. Furthermore, if a voluntary recall takes place, suppliers must notify the government. In 2010, Australia's regulator published guidelines as to what constituted a voluntary recall and how to go about conducting one effectively and improved an internet portal site to publicise notified recalls. Other major importing countries have also improved websites and guidance manuals for recalls in recent years, including the US, the EU and Japan.

While it is understood that ACCP is actively exploring capacity building actions around hazard notification and recall systems including the Organisation for Economic Co-operation and Development (OECD) Global Portal on Product Recalls, the scale of product and service-related harm to consumers also calls for measures to be implemented at the AMS and sub-regional levels.

In addition to ASEAN's participation in the OECD Global Portal on Product Recalls, **ASEAN should consider the development of model laws and policies for AMS which incorporate measures such as those in some jurisdictions, such as the EU, US and Canada, in which suppliers must disclose to their regulators incidents in relation to their products which cause serious accidents or deaths, and where there is a serious risk even if no actual accident occurred.**

6.1.3 Product Liability

Closely related to the need for capacity building measures relating to product safety is product liability. Field work observations and survey responses confirm that product safety failures continue to occur in ASEAN Member States. However, many reported incidents involve product sectors that are already subject to some public regulation for example motor vehicles and pharmaceuticals. For other product types, some AMS have enacted strict product liability (PL) statutes, to make it easier for harmed consumers to claim compensation and thus providing an additional incentive for manufacturers to supply safe goods. Even in the AMS where such PL laws exist, litigation and claims are rare. A review of AMS fieldwork and survey responses shows just a few examples of public or private action in relation to hazardous products. To make a significant impact on the behaviour of manufacturers and suppliers, the incentive effect needs to be bolstered by other measures, including improving access to justice.

AMS data shows that consumers continue to experience serious safety failures involving various

consumer goods, as evident from the ACCP 'Product Alerts' as well as media coverage. Voluntary recalls of motor vehicles, for example, are widely reported. According to a Policy Brief on Product Liability commissioned by ACCP. *In mid-2013, Kanebo recalled around half a million skin whitening cosmetics in North and Southeast Asia. In 2009, Vietnamese authorities began testing baby talcum powder after German NUK brand products in Korea were found to contain asbestos. Foods and beverages are another concern, including items from Taiwan containing plasticisers. Some food companies in ASEAN are taking more seriously the potential reputational and legal risks associated with dealing with defective foodstuffs. Malaysia's Danone Dumex, for example, recalled some baby milk products in 2013 after its supplier (New Zealand's Fonterra) advised defects.*

The ACCP's ASEAN Product Alerts portal also report a few voluntary and/or mandatory recalls of other goods potentially used by babies or children (such as toys, strollers and bicycles) as well as some electrical goods (such as Bose home theatre equipment). One reason for official and/or 'voluntary' attention to actual or potential safety problems in these product categories is a heightened regulatory regime and public enforcement capacity. In general, it is easier and more appropriate to enact legislation regulating product safety if there is a high probability of harm, especially if the consequences of a product failure are severe. Hence, most countries – including ASEAN Member States – have long had quite strict legislation regulating foods and pharmaceuticals, as well as (more recently) products such as cosmetics, motor vehicles, electrical goods, and products used by infants and children (who are at greater risk of harming themselves than adults).

The effective implementation of product safety and liability regimes takes time and effort. There are many stakeholders including businesses, government agencies and consumers as well as their representative non-government associations. **Capacity building activities including awareness and empowerment programs plus cross government co-ordination and business engagement are needed to turn laws and regulations into common practice.** Measures to accomplish this are proposed in the *Roadmap 2025*.

ACCP, although already active in policy support and capacity building measures for product safety and liability, could further assist AMS by enhancing their abilities to research market problems, develop and implement best practice policies and ensure multi-stakeholder roll out in multi-year capacity building programs.

6.2 Coordination between competition and consumer law and policy

6.2.1 Regional Mandate for Capacity Building Action

- The *Roadmap 2011* emphasised the need for AMS to develop enabling regulatory environments with comprehensive legislation supported by enforcement measures and redress mechanisms. It also highlighted the need for co-ordination between national agencies with overlapping responsibility for aspects of consumer protection. As disclosed in the Country Reports, one of the areas for better co-ordination is between the AMS agencies responsible for consumer protection and the competition agency, which, properly understood have similar goals.
- The ASAPCP calls for collaboration between the ACCP and AEGC on the efficiency and functioning of markets, awareness raising about competition policy and an enhanced interface between consumer protection, competition and related areas.
- The AHLP includes a principle which relates to the interaction on competition and consumer law:
 - Principle 7 calls for cooperation between different levels of government and with business and other stakeholders.

Following a review of fieldwork, desk research and survey responses, it is apparent that growing levels of co-operation are occurring between competition and consumer agencies in several AMS. It is equally apparent that in others there is more which could be done in order to realise the goals of the *Roadmap 2011*, the ASAPCP and the AHLPL.

It is recognised in the ASEAN Economic Blueprint (AEB) that competition and consumer protection laws are vital elements of economic policy. Each seeks to improve the wellbeing of consumers by prohibiting business behaviour which damages consumer welfare. They both aim to improve the good functioning of markets and hence promote economic growth.

Laws for consumer protection and competition, although having the common goal of improving consumer wellbeing, seek to achieve their ends by different mechanisms.

In most ASEAN countries (and this is true for other countries as well) competition and consumer protection systems evolved apart. Consumer policy as a measure of legal rights and justice while competition policy as an element of economic policy.

A policy brief on competition and consumer law commissioned by ACCP notes that:

“Competition laws seek to prevent the effects of market power and practices that would increase costs and reduce choice for consumers. It does so in order to achieve goals such as market efficiency, economic growth and consumer welfare. Consumer protection policy prohibits fraud and other types of misleading or deceptive conduct that prevents consumers from making fully informed decisions and provides information that helps consumers make intelligent and efficient choices.”

It is the goal of competition law and policy to ensure the widest range, the highest quality and the lowest prices for goods and service in the market while consumer law and policy seeks to ensure that the benefits of choice, price and quality are fairly shared with consumers and not kept by producers.

Several AMS benefit from this complementary operation of laws while others have yet to make the necessary connections. Although ACCP has undertaken several capacity building projects which are aimed at promoting closer collaboration, the results to date are modest. Two sessions held at the Brainstorming Meeting dealt with this theme. One a presentation by Singapore explained the synergies of competition and consumer protection while a session presented by the ACCC described the way in which the Competition Law Implementation Program operates to the benefit of consumers.

A source of tension between consumer and competition laws is that consumer protection laws commonly impose minimum product and service standards to promote health and safety quality and the regulation of consumer contract terms. Competition policy on the other hand attempts to minimise restrictions on competitive activities. In most ASEAN Member States, competition and consumer protection are covered in separate legislation and administered by separate agencies.

ACCP and AEGC as the relevant ASEAN bodies responsible for these policy areas could assist AMS who have yet to develop a full understanding of the benefits of the interoperation of competition measures with consumer ones through a series of capacity building activates. The two bodies could jointly commit to a series of capacity building initiatives in which the benefits of collaboration can be demonstrated and the costs of failing to do so can be quantified. In this way, AMS who have not seen the synergies of working together may be encouraged to act while those who are cooperating may accelerate their activities. Around the world there is a growing trend towards acknowledging the benefits of policy coordination and increasingly, governments such as Vietnam and Singapore are combining agencies.

Under the [Competition Law Implementation Program](#), AMS receive tailored training, mentoring and other

support from the Australian Competition and Consumer Commission (ACCC) and other international experts to introduce and implement national competition laws to meet commitments under the ASEAN Economic Community Blueprint, ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) and the ASEAN Competition Action Plan 2025.

The ACCC works with ASEAN competition agencies to deliver CLIP activities that cater to the capacity building needs of AMS while recognising different stages of development and access to resources between them in their stages of introducing and implementing competition policy and law.

Capacity building activities provided under the CLIP program to date include:

- capacity building workshops
- study visits to Australia
- secondments from ASEAN countries to Australia and New Zealand
- expert visits and placements in Cambodia, Lao PDR, Malaysia, Myanmar, the Philippines, Vietnam and Thailand
- the provision of technical and mentoring assistance to ASEAN countries including Cambodia, Lao PDR, Myanmar and the Philippines.
- Online education
- opportunities for ASEAN Member States to develop and maintain informal networks
- development of meaningful long-term cooperative regional relationships.
- eLearning modules at CLIP Academy.

Field work in Vietnam and desk research relating to Singapore (both AMS have agencies responsible for both competition and consumer protection) confirm that competition can only lead to improvements in consumer wellbeing when sellers provide truthful, useful information and are not able to deceive consumers in relation to promises on terms of sale, performance, durability and safety.

When supported by good consumer laws effective competition prompts businesses to act in ways that benefit consumers. Consumer protection laws, when written with a view to maximising competition in markets, stimulate buying activity by giving consumers confidence that they have enough and accurate information to make proper purchasing decisions. The more consumers are confident in their choices, the more effective they are in making competition effective through their purchasing decisions. A lack of consumer confidence will inhibit business and investor confidence and ultimately slow economic growth. By promoting honest and ethical behaviour by businesses, consumer protection laws not only protect the individual consumer, but consumers generally, as well as spurring economic growth.

The policy brief cited above points to possible conflicts between the policies.

There are times when the two sit uneasily with each other. In some instances, greater competition can fail to improve consumer welfare or can even harm consumers. Greater consumer protection can reduce competition, by stifling rivalry or even facilitating anti-competitive conduct. An example where greater competition might not improve consumer welfare relates to the deregulation or privatisation of public enterprises. There has been a worldwide trend in favour of deregulation and privatisation in recent

decades, in sectors such as retail energy, financial services, telecommunications and the professions. These developments are supported by competition policy. But there is the risk that some of the new competitors may sell substandard products and consumers may lack the information needed to recognise these deficiencies and make comparisons in a market that suddenly has many sellers. In addition, more competition will not necessarily change consumer behaviour. Consumers will be accustomed to obtaining services from the incumbent and be unable to process information about alternatives. This is especially so where information (for example, in consumer contracts) is not presented in a suitably simplified form or where it relates to complex services. For these and other reasons, consumers may not switch service supplier, even if it is objectively rational for them to do so. Increased competition can also have a disparate impact on consumers. Consumers as a whole may pay reduced prices, but it may be that only well-informed consumers can benefit from this enhanced price competition.

It is the role of national governments to set out policies and laws which will enable authorities faced with potential conflicting outcomes to determine which should take priority. The capacity building possibilities listed below can equip authorities with skills and tools to make the necessary trade-off between consumer competition objectives. Around the world there are dozens of authorities with jurisdiction for both consumer and competition law who routinely deal with potential and actual conflicting outcomes between consumer protection and competition initiatives and satisfactorily take steps to mitigate conflict or reconcile both.

6.2.2 Capacity building possibilities for competition and consumer authority's cooperation

There are many examples of effective capacity building activities relating to dimensions of competition law and policy which have been delivered to competition stakeholders throughout ASEAN. Many of these would also be beneficial if presented to consumer agencies, non-government consumer organisations and other stakeholders. Proposed measures with suggested implementation timetable are set out in the *Roadmap 2025*.

A specific capacity building measure which could demonstrate the value of closer agency cooperation would be **to provide regional and international experts to interested AMS consumer officials to show how to design and conduct joint consumer and competition investigations in markets showing significant levels of consumer harm**. The object of the joint studies is to give skills and competencies to participants to enable them to determine which set of instruments provides the best remedy for the consumer harm.

A similar approach could be **to commission regional or international experts to conduct capacity building workshops to explore instances where policy tensions between competition and consumer policy appear to arise with a view to equipping AMS consumer officials with the analytical tools to resolve conflicts**.

Fieldwork and survey responses from AMS and desk research in countries such as Australia, the United States and the UK show that integrated agencies have demonstrated high levels of success in both promoting competition and protecting the interests of consumers. Co-ordination improves the way in which regulation is undertaken so as to achieve better market efficiency, economic growth and consumer welfare. It can also reduce costs for governments and consumers.

6.3 Consumer Guarantees and Warranties

6.3.1 Mandate for capacity building action on consumer guarantees and warranties

- Consumer protection policy goals suggested in Roadmap 2011 which relate to consumer guarantees and warranties include the need for:

- uniform levels of consumer protection;
 - improved access to remedies;
 - empowering consumers to deal with emerging issues;
 - elimination of unfair practices; and
 - speedy, accessible and effective redress
- The ASAPCP calls for measures which will: modernise legislation on unfair contract terms;
 - provide tools to apply consumer protection legislation; and
 - to close gaps in access to consumer redress and compensation.

Consumers in AMS have the right to expect that goods and services made available for sale will meet minimum standards of safety, durability, quality and performance. Where they do not, national laws, standards and enforceable rights conferred on consumers are the common policy response.

Statutory guarantees of minimum safety, quality, performance and durability are a core feature of any effective consumer protection regime. Such laws and standards serve to protect consumers against substandard or shoddy goods and services and ensure that consumers have rights of redress when goods do not meet their reasonable expectations. A review of the AMS field work and survey responses shows that, in most AMS, consumers do not enjoy a level of enforceable rights consistent with effective systems of consumer protection.

Although consistent with actions points from the Roadmap 2011, the AHLCP and initiatives set out in the ASAPCP, there is only modest evidence that AMS consumer agencies are meeting this gap in legitimate consumer expectations. The gap exist in AMS with and without suitable legal provisions and this suggests the need for greater public awareness, business education and compliance programs and occasional; agency intervention in the form of enforcement action to close this gap in the legitimate expectations of consumers.

As the Country Reports point out, several AMS have legislation that ensures consumers have a statutory right to goods and services that meet basic quality standards. Indonesia does this through general principles: The Law Number 8 Year 1999 on Consumer Protection (Article 7) obliges entrepreneurs to 'guarantee the goods and/or services produced and/or traded based on the prevailing quality standard provisions of the goods and/or services. Other member states have legislative provisions that provide specific guarantees of quality applying to the sale of goods and services to consumers. Similar guarantees are also found in the consumer protection regimes in the European Union and in Australia.

According to a Policy Brief produced for the ACCP, entitled [Manufacturers and Retailers Warranties](#), there are numerous individual legal provisions throughout ASEAN which bear on consumer warranties and guarantees. Provisions can be found in the laws of Brunei, Malaysia, Singapore, Indonesia and the Philippines, however they mostly operate by implying terms in contracts rather than as statutory rights and thus capable of protection and enforcement by consumer protection agencies.

In an economy where consumers are fully aware of their rights and traders of their responsibilities and where consumers have the financial resources to pursue legal rights, a contractual form of protection might be adequate. Field work and survey responses from AMS show that this is not the reality for consumers in most AMS.

The rationale for such measures is that consumers have less knowledge and experience with the characteristics of goods and services they purchase than manufacturers and suppliers. Consumers are not always able to select products or services that best suit their needs. Statutory guarantees of safety, performance, durability and quality give consumers a right of redress in the event that the goods or services they have purchased prove to be faulty or defective. In this sense, consumer guarantees of quality give effect to the reasonable expectations of consumers that the goods and services they buy will work.

Despite the number of AMS with statutory provisions governing this area, businesses and consumers like seem to be largely ignorant of them. **A possible capacity building activity for ACCP is to promote grass roots awareness campaigns engaging consumer groups and businesses to raise the level of awareness of the laws and hopefully compliance with them by businesses.**

A recent and specific example of awareness raising can be seen in Singapore. [The Consumers Association of Singapore](#) conducted an active awareness campaign to educate consumers about the Lemon Law, which protects consumers against goods that do not conform to contract or are not of satisfactory quality or performance standards at the time of delivery. Under the Lemon Law, businesses are obligated to repair, replace, reduce the price or provide a refund for a defective good. In addition, goods are presumed to be defective at the time of sale or delivery if defects are detected within six months.

The policy brief on warranties and guarantees cited earlier, notes as follows:

The Consumers Association of Singapore gives the following example: A consumer purchased a three-year-old car with 30,000 mileages for \$70,000. The car was described by the seller as being in 'very good condition' and no related faults were highlighted to the consumer. If after three months the car starts stalling or is unable to start, it is unlikely to have been of satisfactory quality when purchased, and the seller will need to provide recourse to the consumer, unless he can prove otherwise.

In most regimes, goods will not fail to be of acceptable quality with regard to defects:

- that were specifically drawn to the consumer's attention;
- where the consumer examined the goods, that ought to have been revealed on that examination;
- that were caused by unreasonable use.

6.3.2 Capacity building options for warranties and guarantees

ACCP should consider **undertaking a capacity building project to launch regional or subregional consumer awareness and empowerment programs to encourage consumers to act in their own interests by perusing claims against businesses where goods are not satisfactory.** AMS consumer agencies are in the best position to carry out such a program, however, they may also require skills enhancement in communications and social media strategies to be effective. **A common capacity building priority identified to the consultants during field work related to social media strategies and training.** Through brainstorming sessions, expert placements, visits to demonstration organisations and mentoring schemes much could be accomplished at relatively low cost.

6.4 E-Commerce

6.4.1 Mandate for capacity building action for e-commerce

- Consumer protection policy goals and recommendations for future action suggested in Roadmap 2011 which relate to E-Commerce include the need for:

- capacity building support for consumer protection in E-Commerce;
 - aspects of E-Commerce identified for action include; online purchases, rates and charges, access, and quality of service;
 - increasing demand, limited access, frequent technical problems, and the need for improved avenues for lodging complaints were also identified for action;
 - The Roadmap 2011 also called for action to promote competition amongst providers and action to strengthen regulatory enforcement mechanisms to ensure lower process and better service and access for consumers.
- The ASAPCP calls for measures which will:
 - modernise legislation in the area of e-commerce and consumer data privacy;
 - make available alternative dispute resolution mechanisms;
 - establish an ASEAN Online Dispute Resolution (ODR) Network; ASEAN High-Level Principles on Consumer protection provide that:
 - consumers in E-Commerce are protected; and that;
 - AMS conduct regular reviews of existing consumer protection laws and practices to provide effective protection to consumers.
- The ASEAN Digital Integration Framework includes provisions for:
 - consumer rights principles for on-line B2C to be recognised;
 - a code of conduct for on-line business to be developed;
 - consumer rights and awareness to be enhanced;
 - the development of guidelines on cross-border B2C complaints;
 - establishment of mechanisms for cross border cooperation;
 - AMS participation in the UNCTAD IGE;
 - AMS interaction with international organisations; and
 - updating of the e-commerce legal framework.

Of all possible measures to integrate the economies of ASEAN, boost economic development and enhance the welfare of consumers and businesses, a comprehensive e-Commerce programme offers the highest potential.

Measures to develop and implement a comprehensive e-Commerce strategy for ASEAN are not a recent development. For more than 10 years the ASEAN Secretariat and AMS have been implementing measures to reap the potential of e-commerce. The ASEAN Work Program on Electronic Commerce 2017-2025 is a well drafted and ambitious set of measures with mandates spread between ASEAN sectoral bodies.

Results of the AMS field work and survey responses reveal a very mixed picture of implementation and co-ordination. What is needed is not a lot of new ideas, but a careful and comprehensive review of actions taken to date. This should focus on the gaps disclosed in field work and survey responses and spell out capacity building measures to assist those AMS with the largest gaps to catch up to the those reaping the benefits of implementation.

Regionally, a useful study is the [United Nations Conference on Trade and Development Review of E-Commerce Legislation Harmonisation in ASEAN](#) (the UNCTAD Report). In addition, several studies have explored options for the regulation of e-Commerce within ASEAN.

A consistent theme in reports looking at this topic find an untapped potential for e-commerce within ASEAN. A common finding which is supported by the field work and survey responses is that a number of barriers exist to its take-up, including: lack of consumer trust, the consumers' inability to judge the quality of the product during on-line shopping, payment fraud, privacy, identity theft, and the absence of or access to effective complaints systems.

The policy ideas are well spelled out in ASEAN Work Program on Electronic Commerce 2017-2025, however, a key challenge for many AMS is to increase internet penetration to levels that will make e-Commerce rewarding for consumers and profitable for business. Business-to-consumer (or even consumer-to-consumer) e-commerce will continue to be constrained, and its social and economic potential will be unrealised, unless an environment of trustworthiness can be established. Trustworthiness can, in part, be attained by establishing a harmonised framework for cross-border complaints and dispute resolution, which in turn will encourage better customer service and improved online sales.

The UNCTAD Report cited above, noted that progress to date on appropriate consumer protection legislation for online transactions in the region is mixed. Six out of ten countries have legislation in place. Two countries have partial laws in place (Brunei Darussalam and Indonesia). One country has draft laws (the Lao People's Democratic Republic) and another has yet to commence work in this area (Cambodia).

The current challenge for ACCP is to provide the best possible policy advice and capacity building tools to get the best results and to promote harmonisation of laws, codes of conduct and dispute resolution systems. E-commerce more than most other ASEAN policy measures, requires cross border cooperation and interoperability.

There is the risk, evident in field work and survey responses that, separate systems of law and regulations are developing for off-line consumer transactions, and another set for on-line consumer transactions. Laws and regulations for on-line transactions potentially cover a range of topics, including requirements for warranties that goods be fit for purpose, the products be safe, the transaction not lead to identity theft and fraud, and disputes with sellers can be quickly and cheaply settled, at least with regard to transactions within ASEAN. Some of these topics are common to both off-line and online transactions, including those dealing with warranties for fitness for purpose of consumer products and consumer product safety. Other issues more clearly fall within the ambit of on-line transactions, including identity theft and computer fraud.

Consumers and sellers both are likely to get the best out of e-commerce when cross-border transactions within the ASEAN region are free and open. ACCP needs to encourage AMS to introduce laws and regulations applying to transactions within the region which are harmonious, and where online disputes can be settled with relative ease and at low cost. Previous studies have highlighted the necessity for enhanced harmonisation of e-commerce laws and regulations within ASEAN. The ASEAN Work Program on E-Commerce is a sound platform for the next phase of ASEAN economic integration through e-

commerce, but it depends of the provision of policy advice and capacity building tools for those AMS struggling to keep up.

6.4.2 Rationale for capacity building in E-Commerce

The online consumer marketplace is growing at a rapid rate and offers considerable potential economic and consumer benefits. However, these benefits will be undermined if consumers are not adequately protected, which may lead to financial and other losses to individual consumers along with an overall decline in consumer confidence in the marketplace. A loss of consumer confidence could well lead to a reduction in the potential growth and economic and consumer benefits that would otherwise exist if the market were properly regulated.

Despite some years of attention to e-commerce policy and regulation at the regional level, AMS field work and survey responses show that there is a sharp divide in implementation of consumer protection measures between the more developed and better resourced AMS compared with others. A Policy Brief prepared for ACCP entitled [Consumer Protection Laws and Regulations for online commerce](#) which was included in Consumer protection Digests and Case Studies Volume I, notes that:

The Asia-Pacific region is expected to become the largest business to-consumer (B2C) e-commerce marketplace, with sales in the region representing 34% of total world sales. This will result in the regional marketplace being larger than the North American and the European marketplaces. The Organisation for Economic Co-operation and Development (OECD) expects that growth will accelerate, with consumers increasingly adopting mobile devices such as smart phones, tablets and e-readers. The benefits to consumers of online purchasing include lower prices for products, a greater range of available products and an easier means for comparing products than that available in the non-online or 'real' world. Other benefits are the enhanced capacity to search for products and compare prices and consider consumer reviews about products before purchase. Evidence suggests that strong consumer protection measures benefit businesses as well as consumers. Greater consumer protection can enhance consumer confidence which in turn increases consumer participation in the marketplace, leading to increased sales — a virtuous cycle. Strong consumer protection is best attained if:

- *legislative provisions provide for the protection and advancement of consumer rights and responsibilities*
- *consumers have access to low-cost/no-cost systems for quick and fair resolution of their complaints*
- *there is privacy protection and protection from fraud.*

By establishing strong regulatory frameworks for the online consumer marketplace, countries are likely to realise greater economic and business benefit than would be the case if poor and inadequate regulatory systems were in place. Matsumoto notes that: With the [ASEAN] region's continuous increase in internet use, companies, in particular small- and medium-sized businesses, are keen to take advantage of the opportunity provided by the internet to start cross-border e-commerce because they can directly sell goods and services beyond borders without hefty investments. Best-practice initiatives relating to e-commerce laws, broadly speaking, the laws that generally apply to consumer transactions in the non-digital world also apply to digital, or online, consumer transactions.

6.4.3 Capacity building options for ACCP in E-Commerce

As noted previously, ASEAN has adopted the ASEAN Work Program on Electronic Commerce 2017-2025 which includes many useful measures which, if implemented, will encourage the growth of e-commerce throughout ASEAN.

ACCP should consider **undertaking a capacity building project the aim of which is to equip AMS officials with the knowledge and skills necessary to research and draft standards, codes and laws in relation to best practice regulation and dispute resolution in e-commerce.**

Through brainstorming sessions and specialist workshops, together with expert placements and country visits and, supported by regional and international experts, build community wide understanding of the consumer benefits which can flow from properly implemented e-commerce arrangements. This component of capacity building can be implemented at the regional, sub-regional and AMS level.

- In order to gain the maximum economic and consumer welfare gains from growth in e-commerce throughout ASEAN, capacity building measures should be implemented to equip and enable AMS to understand and implement world best practice measures.
- During the Brainstorming Meeting, capacity building measures for consumer protection e-commerce was the most common and highest priority request from AMS. Areas in which AMS sought assistance included:
 - **Understanding of and skills to develop and implement legal remedies which allow for consumers who suffer loss or damage to obtain adequate levels of compensation and to empower investigations and public enforcement of consumer rights** where appropriate;
 - **Information requirements for online service providers, commercial communications, electronic contracts and limitations of liability of intermediary service providers;** and
 - **Community empowerment and awareness measures** which can lead to businesses providing better information on their website, including their name and geographical address.

6.5 Effective Consumer Law Enforcement

6.5.1 Mandate for capacity building action on consumer law enforcement

- Consumer protection policy goals suggested in Roadmap 2011 which relate to consumer law enforcement include the need for:
 - capacity building visits by AMS officials to enforcement agencies;
 - comprehensive capacity building for enforcement in all AMS;
 - establishment of functional consumer protection units in all national enforcement authorities
 - a study of the effects of policies to decentralise enforcement of consumer law;

- establishment and regional enforcement of product safety laws; and
- establishment of an ASEAN network of enforcement authorities.
- The ASAPCP calls for measures which will:
 - develop capacity building tools for enforcement and monitoring of consumer protection legislation; and
 - develop tools and technical capacity to apply consumer protection legislation.
- The AHLP includes provisions relating to consumer law enforcement:
 - Principle 1 – Enforcement of Consumer Protection Laws is fair, consistent, effective and proportionate

Despite the high priority given to it in the *Roadmap 2011* and the ASAPCP, the most outstanding conclusion from fieldwork interviews and a review of survey responses is that consumer officials in most AMS lack the technical skills and experience to properly undertake effective law enforcement. The number of complaints received by agencies is small and enforcement actions involving litigation by agencies similarly low.

At the very core of consumer protection is the effective enforcement of consumer protection laws. This in turn is a key element of a well-functioning market economy. Business compliance with laws depends on the capacity and preparedness of consumers agencies to act on breaches. The failure by consumer agencies to enforce laws will undermine consumer and investor confidence. Victims of unlawful conduct will not complain, ethical businesses will suffer with adverse implications for competition and the economy broadly.

The institutional arrangements for consumer protection enforcement vary significantly across AMS. In most countries' information about consumer rights and access to mediation-based dispute resolution are the closest approximation of enforcement. These include the primary agency responsible for administering the general consumer protection law (either an independent statutory authority or a government department), agencies that have specific responsibility for enforcing laws relating to specific sectors or industries and in some cases legal rights to enforce conferred on non-governmental organisations.

Enforcement is a broad term and comprehends the range of measures employed to obtain compliance with the law or the punishment of those who break it. The use of administrative boards or even adverse publicity to secure compliance is a valid part of enforcement but the deterrence effect of such actions is usually small.

Consumer authorities need a range of tools to be able to respond to breaches. In a Policy Brief on [Consumer Law Enforcement](#) published in Consumer Protection Digests and Case Studies (Volume II) commissioned by ACCP it is noted that:

“In countries where awareness and understanding of consumer protection laws is low, enforcement agencies are more likely to focus their resources on educating consumers about their rights and businesses generally about their legal obligations. This is a high priority for countries early in the development of a consumer protection regime. Malaysia has recently developed a National Consumer Policy (NCP) that aims to both empower consumers to protect their own interests and facilitate self-regulation by business. The Viet Nam Competition Authority (which also has responsibility for consumer protection) has also increased

its outreach and training activities in recent years, holding country-wide seminars and workshops to educate business people, as well as government officials in trade and industry, in consumer protection. Such activity, which is proactive and preventative in orientation, is an important supplement to, albeit not a substitute for, an enforcement program that both incentivises business compliance and responds to non-compliance. If the conduct appears to be a sector-wide issue, the agency could consider working with industry associations or other representative bodies to introduce industry charters or voluntary codes of conduct that apply the requirements of the law to the circumstances of the sector. Malaysia's NCP, for example, includes strategies to encourage business adoption of a Code of Ethics, improve consumer conscious business practices, and enhance the role of business organisations. Informal resolution Where the harm caused by the conduct and/or the culpability of the offender are low, the appropriate enforcement response is likely to be informal. An informal resolution may involve requiring the business to give commitments to the enforcement agency in correspondence or a signed agreement. Such commitments could include agreeing to stop the conduct, compensate those who have suffered any detriment and take measures to prevent recurrence. For example, in Singapore a supplier may be invited to enter into a voluntary compliance agreement that requires the supplier to compensate the consumer, reimburse the enforcement agency's costs and publicise the agreement. In some jurisdictions, agencies also have administrative powers to secure commitments from businesses (that may be enforceable) and issue notices that provide public warnings or require businesses to substantiate marketing claims as a means of resolving issues informally. For example, in the Philippines, consumer protection agencies can accept voluntary assurances of compliance or discontinuance from the respondent which may include various conditions relating to compliance and redress".

Though a useful element of dealing with minor or unintended breaches of the law, administrative resolution lacks transparency and can be less effective in promoting general deterrence than formal enforcement action. Nor can it serve to stop the conduct of wilfully fraudulent operators who damage honest businesses and consumers alike. In some AMS jurisdictions consumer agencies must bring court or tribunal proceedings to have liability determined and sanctions imposed, however, field work and a review of survey responses shows that formal enforcement tools are rarely used. In some AMS enforcement is seen as the province of the police and matters are passed to them for action. Formal proceedings should be used to achieve the enforcement objectives of deterrence and punishment. Such proceedings should be pursued in cases where the conduct is particularly serious or where there is reason to be concerned about the risk of the conduct continuing and where the offending party is unwilling to provide an effective resolution in another way.

Due in part to the considerable barriers facing individual consumers or government agencies acting for consumers in product injury enforcement, six AMS (Cambodia, Indonesia, Malaysia, Philippines, Thailand and Vietnam) have introduced laws specifying strict liability against suppliers. Most still require consumers to take their own court action which for the overwhelming majority is not a viable option and no enforcement of rights occurs.

Under-enforcement of the product liability law is a social and economic negative and taken with under enforcement of general consumer laws requires action by AMS based on policy advice from ACCP.

6.5.2 Capacity building measures in relation to consumer law enforcement

A common request made to consultants during field work and one which was raised frequently during the Brainstorming Meeting was for **deep and systematic capacity building in investigations and law enforcement.**

Although in the separate sphere of competition law enforcement, a useful capacity building initiative which could be considered for consumer protection law enforcement can be observed in the Competition

Law Implementation Program (CLIP).

The CLIP program, a multifaceted, multi-year capacity building project has been underway for 5 years and amongst other outcomes, has substantially assisted AMS in investigation and enforcement activities.

Under CLIP, ASEAN Member States receive tailored training, mentoring and other capacity building support from the ACCC and other international experts to introduce and implement national competition laws. The CLIP experts work with ASEAN agencies to deliver capacity building activities that cater to the prevailing needs of ASEAN Member States and acknowledge the differences between jurisdictions in their stages of introducing and implementing competition policy and law. A range of capacity building measures implemented include:

- capacity building workshops in AMS, sub-regionally or for the whole region
- study visits to countries with advanced systems
- secondments from ASEAN countries to countries with advanced capacities
- expert visits and placements of experts in the field of law and economics in AMS
- the provision of technical and mentoring assistance to AMS
- a further capacity building measure is the opportunities for AMS to develop and maintain informal networks essential to the development of meaningful long-term cooperative regional relationships.
- Online education in which professionals working in an AMS can sign up to complete eLearning modules. They cover a range of law and economics topics including one on enforcement and the role of the competition authority.
- Investigations capability development has been pursued by CLIP through several means, including secondment of ASEAN competition officials to the ACCC and NZCC, on-the-job coaching by ACCC experts placed at ASEAN competition authorities, as well as workshops.
- ACCP should consider undertaking a capacity building project to scope and design a multi-year, multi-faceted training program and skills development package for law enforcement by consumer agencies based on the elements of the CLIP program modified to suit the needs of AMS consumer agencies.
- Suggested elements in an AMS, regional or subregional consumer agency capacity building program for enforcement could include:
 - exchange of experience between AMS agencies and with international best practice enforcement agencies in the promotion and enforcement of consumer protection measures
 - exchange of information about consumer law enforcement issues and experiences
 - exchange of officials for training purposes
 - exchange of consultants and experts on consumer law enforcement
 - participation of AMS and visiting international experts as lecturers, consultants, mentors or participants at training courses on consumer law enforcement

- participation of officials in advocacy programs
- AMS, regional and sub-regional workshops, brainstorming sessions and skills development activities. Access to consumer Remedies

6.6 Remedies and Redress Mechanisms

6.6.1 Mandate for capacity building for remedies and redress mechanisms

- Consumer protection policy goals suggested in Roadmap 2011 which relate to remedies and redress mechanisms include the need for:
 - the development of complaints handling, codes and cross border dispute resolution mechanisms.
 - The ASAPCP calls for measures which will:
 - lead to a high common level of consumer empowerment and protection to empower ASEAN consumers so that markets work for the benefit of ASEAN citizens and competition is boosted significantly.
 - The AHLP includes a principle relating to redress and remedies:
 - Principle 4 – consumers have access to appropriate and convenient sources of advice and redress including alternative dispute resolution

6.6.2 Rationale for the implementation of redress and remedy schemes

If effective law enforcement is the core of consumer protection, then the necessary twin is available and accessible remedies or redress mechanisms for affected consumers. The right to a remedy is the right to a fair settlement of consumer complaints and dates to the earliest times of consumer rights. Consumer remedies are an essential element of consumer rights and an integral part of an effective marketplace. In addition to remedies provided by consumer authority enforcement action, other remedies include: Small Claims Courts, Consumer Claims Tribunals, Mediation Bureaus, and Complaints Centres, formal and informal codes and Ombudsman schemes. These later sources of remedy are designed to be, inexpensive, easily available to consumers in the legal system. The most common sources of consumer remedies or redress mechanisms in AMS identified in *Roadmap 2011* and observed in field work and survey responses include:

- Alternative Dispute Resolution – Singapore, Indonesia, Philippines, Lao PDR
- Bureau of Trade Regulation and Consumer Protection - Philippines
- Consumer complaints agencies or authorities –Cambodia, Malaysia, Philippines, Singapore, Thailand Vietnam.
- Economic Police – Lao PDR
- Industry-Linked Consumer Redress – Philippines, Malaysia, Singapore
- Medical and Legal Disciplinary Councils – All ten AMSs

- NGO Consumer Complaints Centres – Malaysia, Singapore, Philippines, Cambodia, Indonesia, Thailand and Indonesia
- Organisation of Economic Dispute Settlement – Lao PDR
- Public Complaints Bureau – Malaysia
- Regulatory Authorities e.g. Telecommunications Commissions, Consumer Forum, Competition Commission – Malaysia, Singapore, Vietnam, Thailand, Philippines, Indonesia, Brunei Darussalam
- Relevant Government Ministries – All 10 AMSs
- Small Claims Courts - Malaysia, Singapore
- Traditional Dispute Resolution – Cambodia
- Tribunals – Malaysia, Singapore

As confirmed in Country Capacity Building Briefs, all AMS have some forms of redress for consumer complaints. However, it was apparent from the field work and analysis of surveys that the range, accessibility and effectiveness of redress mechanisms varies widely across AMS.

Roadmap 2011 and the ASAPCP both call for enhanced consumer remedies and in 2013, ACCP commissioned a study on Complaint and Redress Mechanism Models. During field work, desk research and through analysis of survey responses it is evident that some mechanisms have been implemented in most AMS but few AMS have fully taken up available measures.

This section of the Regional Capacity Building Brief provides a rationale for further capacity building to equip those AMS who have not yet been able to implement effective measures for redress and remedies to roll out the mechanisms.

Consumers have the reasonable expectation that businesses will provide goods and services of good quality, performance, durability and safety at competitive prices in a way that meets accepted standards of conduct. However, even in markets that perform well overall, consumers may be dissatisfied with their purchase, or the way they were treated by a supplier. In some cases, they may also have been harmed or lost money. Providing mechanisms to resolve consumer grievances in an inexpensive and straight forward manner is a crucial element of effective consumer policy. It is consistent with the United Nations Guidelines for Consumer Protection, which emphasise the right of consumers to obtain redress

6.6.3 Effective redress mechanisms should:

- be known to consumers who understand how the mechanism works and can use it without third party assistance
- be able to deal with the issues and concerns that consumers have about their supplier
- enable impartial consideration of the merits of individual cases
- deliver outcomes that reflect the nature and scale of the impact on the consumer
- minimise the resources that need to be expended by all parties

- resolve disputes within a reasonable timeframe
- ensure that parties can be bound by any resolution
- provide for sanctions where a party breaches a settlement agreement
- be sensitive to the needs of disadvantaged and vulnerable consumers.

As described in the research publication [Models for Internal Compliant Systems and External Consumer Redress Schemes](#) in ASEAN a wide range of avenues for consumer redress across ASEAN and other jurisdictions. They fall into three broad categories:

- schemes operated privately by business or industry
- schemes administered by government
- courts and tribunals.

Different channels place varying weight on each of the principles described above. The channels found in AMS reflect their divergent legal and administrative systems, stages of market development and levels of consumer awareness and activism. However, mature systems, such as in Indonesia and Singapore, typically include several different avenues, formally or informally linked to create a tiered system, with complementary and mutually reinforcing redress avenues.

Throughout much of ASEAN, business and industry organisations operate consumer complaint schemes on a self-regulatory basis. These schemes can provide effective no cost processes for internal complaints handling, private alternative dispute resolution services, protections for payment cardholders in merchant disputes and customer satisfaction codes with standards of performance and responses. An increasingly common feature of these schemes is the use of online systems for dispute resolution, particularly in the context of e-commerce transactions. Such self-regulatory mechanisms aim to resolve complaints in a manner that protects the reputation of the business and an industry association. Both the ASAPCP and the AHLPC set out aspirations for national and regional mechanisms of this character.

In a policy brief commissioned by ACCP dealing with consumer redress entitled [Access to Consumer Remedies](#) the observation is made that:

“Self-regulation may emerge as a response to public concerns about industry conduct. It may also be an attempt to avoid or delay government regulation. Industry schemes, such as the Malaysian Financial Mediation Bureau, are typically established by agreements between members to adhere to an industry code of conduct. If consumers are unable to have their concerns addressed by a participating business, they may access the industry dispute resolution scheme. Common criticisms are a lack of timeliness in resolving complaints, lack of independence and weak enforceability. Such issues may be addressed through government mechanisms for approval or endorsement of industry schemes that meet specific criteria and/or by making the code enforceable under legislation. 6 Government avenues Where self-regulation is inadequate, governments may establish statutory complaints and dispute resolution schemes (as operated, for example, by the Thailand Office of the Consumer Protection Board). In industries that operate under license, maintaining effective internal complaints and redress mechanisms may be license conditions (for example, licenses granted under the Malaysian Communication and Multimedia Act 1998).”

As described in the Complaint and Redress Mechanism Models research paper, across ASEAN there are a range of mechanisms possible to deal with consumer complaints and remedies. The policy brief cited

above notes that:

“Some countries (particularly where markets are competitive, and consumers informed and engaged) have multi-pronged systems that harness the strengths of industry schemes while also providing statutory avenues. Where markets are less developed, or there are monopoly suppliers, statutory avenues are essential. Statutory schemes may be general or industry-specific but, where both exist, careful design is needed to ensure the overall system does not become so complex as to be impenetrable, costly and not user-friendly. There is also a need to have systems for collecting consumer complaint data as a means for analysing market trends and evaluating the overall redress system on an ongoing basis. The effectiveness of the system can be enhanced by ongoing dialogue between regulators, independent dispute resolution schemes and NGOs.”

6.6.4 Possible capacity building measures for redress and remedy schemes

Although much has been done by ACCP to develop resources to enable AMS to provide effective redress and remedy schemes, field work, desk research and survey results show that implementation is uneven.

At the policy level ACCP has developed extensive resources for AMS and has ambitious goals set out in the ASAPCP and AHLP for AMS and regional systems. **To achieve these goals ACCP could engage in regional, sub-regional and AMS capacity building to assist AMS in the implementation of the measures proposed in the [Complaint and Redress Mechanism Models](#).**

7. Capacity Building for the development of non-Government Consumer Organisations

Mandate for capacity building in relation to non-government consumer organisations

7.1 Consumer protection policy goals suggested in Roadmap 2011 which relate to Capacity Building for the development of non-Government Consumer Organisations include the need for:

- AMS and ASEAN to support NGOs involved in consumer protection;
 - engagement of consumer experts from NGO organisations in supporting consumer protection programmes;
 - the develop and empowering of consumer organisations; the Inclusion of provision for consumer organisations consumer laws; and
 - the establishment or strengthening of national consumer protection associations
 - The ASAPCP includes a strategic goal which provides: Consumer empowerment would also require the establishment of consumer protection bodies that would facilitate consumer issue being highlighted more effectively that consumers cannot tackle as individuals. This goal shall ensure that vulnerable consumers have access to information on goods and services, in order to have equal opportunities to make free and informed choices, including through consumer associations
- The AHLP has two relevant principles for capacity building for the development of non-government consumer organisations, namely:
 - Principle 2 – Consumers are Equipped with the Skills, Knowledge, Information and Confidence to Exercise their Rights; and

- Principle 6 – Strong Consumer Advocacy is Promoted

7.2 Consumer organisations and consumer empowerment

Roadmap 2011, ASAPCP and the AHLP recognise the important role of consumer NGO's (also called consumer service organisations CSO) can play in enhancing the welfare of ASEAN consumers.

ACCP has convened several workshops to support the development of consumer associations and the goals of the AEC blueprint for a people centred community provide ample evidence of the commitment of ASEAN to the development of a vibrant and productive non-government sector.

Fieldwork, desk research and analysis of survey responses shows that while there are consumer organisations in most AMS, the effectiveness of the role they play in assisting AMS to achieve the strategic goals and AHLP appears to be well below the aspirations of *Roadmap 2011* and ASAPCP.

Fieldwork interviews with officials suggest a general lack of capacity building for consumer organisations to enable them to play their role in raising consumer awareness, encouraging consumers to act in their own interests and to assist AMS in handling consumer complaints. In some AMS there is gap in policies to offer the support necessary for them to achieve their goals.

This section of the regional capacity building paper provides a rationale for the active engagement of ACCP and AMS with consumer organisations. **Appendix 3** of this report provides a description of the ways in which, with a program of capacity building, consumer organisations may play a more significant role in enhancing consumer welfare.

The effective regulation of national, regional or even global markets consists of governments, transnational corporations, labour organisations, international institutions and civil society organisations. Amongst CSOs the international consumer movement, given its purposes and expertise in making the most of markets, are in a special position to influence market development for the next decade.

During the Brainstorming Meeting, officials from the consumer policy agency in Myanmar made a presentation describing the current activities and the potential for future involvement in consumer empowerment and complaint handling by the local consumer organisation. Representatives from Singapore further described the broad role non-government consumer organisations have played there.

Roadmap 2025 includes suggested capacity building measures to encourage and enable the formation or development of active non-government consumer associations across ASEAN to contribute to the aspirations of *Roadmap 2011*, the goals of the ASAPCP and the attainment of the AHLP.

Possible capacity building measures to support and encourage non-government consumer associations in AMS and across ASEAN

- Through brainstorming sessions, workshops and mentoring programs between less and more developed non-government consumer associations create or build their capacity to engage in consumer awareness programs. Consumer empowerment activities and in the successful management of consumer complaints.
- Supported by regional and international consumer experts, provide operational skills in research, use of social media and fund raising to less developed consumer associations

- Engage in AMS and regional dialogue with consumer associations to explore ways in which AMS consumer agencies and consumer associations can better work together to enhance consumer welfare.
- ACCP could form a working group of officials who, together with consumer representatives could engage in capacity building visits to the offices of FOMCA, BEUC and Consumers International to study their activities and contribute to their own effectiveness.

8. International engagement with specialist agencies

Mandate for capacity building through engagement with specialist international agencies

- The ASAPCP calls for measures in which:
 - Consumer Concerns in all ASEAN Policies are Integrated Integrating ASEAN consumer protection policies and priorities into other ASEAN policies and activities will remain essential for the next decade to ensure that they are mutually supportive and deliver results which are beneficial to citizens and other stakeholders

The AHLPE establish support for AMS in improving consumer protection. They provide a consistent context for ASEAN laws and arrangements and promote a common level of cooperation and exchange of experiences and best practices

A common element in capacity building is engagement with agencies or experts from other jurisdictions with the skills and experience to lift the ability of the supported agency to accomplish its goals. During field work and following analysis of surveys and desk research, it was observed that many AMS consumer agencies found one or more of their core activities to be compromised by lack of expertise, experience, resources or support.

The need for capacity building in consumer agencies is not unique to ASEAN. Over several decades and across the world, specialist international bodies have developed whose goals include the provision of capacity building to national or regional consumer agencies.

During the Brainstorming Meeting, several AMS sought further information on the types of capacity building available and how to access it.

The following is a **list of international agencies** with an interest in supporting AMS with capacity building in their respective areas of consumer protection expertise. *Roadmap 2025* includes specific suggestions as to how AMS might benefit from the capacity building.

Individual AMS may wish to form links with a range of international organisations which contribute to consumer protection and offer considerable capacity building opportunities. To the extent permitted by the international organisations, ACCP could also seek engagement with these bodies.

The **International Consumer Protection Enforcement Network (ICPEN)** is a membership organisation consisting of consumer protection law enforcement authorities from across the globe. ICPEN provides a forum for developing and maintaining regular contact between consumer protection agencies and focusing on consumer protection concerns. By encouraging cooperation between agencies ICPEN aims to enable its members to have a greater impact with their consumer laws and regulations.

Importantly the degree of involvement in ICPEN activities is at the discretion of each member agency. Consequently, member organisations are free to determine which ICPEN activities they participate and

the level of participation.

Consumers International (CI) is the preeminent international consumer association. Its membership of over 200 member organisations in more than 100 countries consists of regional, national and subnational consumer groups around the world. CI strives to be the members' voice in international policy-making forums and the global marketplace to ensure that consumers are treated safely, fairly and honestly. CI promotes itself as being 'resolutely independent, unconstrained by businesses or political parties.'

The International Competition Network (ICN) is an informal, virtual network that seeks to facilitate cooperation between competition law authorities globally. The ICN's mission is to advocate the adoption of superior standards and procedures in competition policy around the world, formulate proposals for procedural and substantive convergence, and seek to facilitate effective international cooperation to the benefit of member agencies, consumers and economies worldwide.

The United Nations Committee on Trade and Development (UNCTAD) a permanent intergovernmental body established by the United Nations General Assembly and is part of the UN Secretariat. UNCTAD supports developing countries to access the benefits of a globalized economy more fairly and effectively by providing analysis, facilitate consensus-building, and offer technical assistance. One of UNCTAD's principal goals is to 'protect consumers from abuse'. UNCTAD as the UN agency responsible for the UNGCP is uniquely placed to provide assistance with country level or regional advice on the assessment of consumer protection policies and measures assessed by reference to the guidelines. UNCTAD is also well placed to provide capacity building in relation to the SDG.

The Organisation for Economic Co-operation and Development (OECD) is an international organisation that works to build better functioning societies through market based economic measures. It seeks to foster prosperity, equality, opportunity and wellbeing for all. With almost 60 years of experience, the OECD is able to draw on a large data base of experience to build the capacity of developing countries to cope with development challenges.

International Organization for Standardization, ISO/COPOLCO Committee on Consumer Policy (COPOLCO) COPOLCO's *Terms of Reference* are:

- To study means of helping consumers to benefit from standardization and means of improving consumer participation in national and international standardization.
- To provide a forum for the exchange of information on the experience of consumer participation in the development and implementation of standards in the consumer field, and on other questions of interest to consumers in national and international standardization.
- To advise ISO Council as to the consolidated viewpoints of consumers on matters relevant to ISO's current and potential standardization and conformity assessment work.
- To advise ISO Council on the need for new or revised policies or actions within ISO as they relate to consumers' needs
- COPOLCO membership is open to relevant organisations as participating (P) or observer

9. Capacity Building for Sustainable Consumption

ASEAN has committed to promote the development and implementation of policies for sustainable consumption and the integration of those policies with other policies. There is a need for capacity building within AMS consumer authorities and within non-government consumer organisations of the impact of consumption decisions on the environment. Informed consumers have an essential role in promoting consumption that is sustainable. Capacity building in sustainable consumption was identified as one of six important areas for future work in Roadmap 2011.

During fieldwork, in survey responses and during the Brainstorming Session held in Jakarta in August 2019, AMS officials noted the need for a deeper understanding of the implications and implementation of measures for sustainable consumption.

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Principle 5 of the AHLP provides that consumers should understand the impact of consumption decisions on the shared environment, while the ASACPC sets out several strategies for promoting sustainable consumption. Much of the ASACPC provisions relate to the development and implementation of policies and the integration of those policies with other public policies and is thus beyond the scope of this capacity building brief. It does, however, call for tool kits, information and other educational materials and strategies that promote sustainable consumption through a mix of measures many of which can be accomplished with capacity building tools.

Included in the Regional Capacity Building Brief at Appendix 2 a short background review of the history and development of the [UN Sustainable Development Goals](#) which, with the chapter on sustainable consumption included in the [UN Guidelines of Consumer Protection](#), sets out the vision for sustainability. The Appendix includes, for the information of AMS officials building capacity, an outline of the key elements of the goals, a brief analysis is provided of the goals and a suggested checklist of the targets. [UN Guidelines for Consumer Protection 2015](#)

10. Appendix 1

[United Nations Guidelines for Consumer Protection 2015 \(UNGCP\)](#)

Roadmap 2011 set out an extensive set of consumer policy goals and best practice measures for securing them. The majority of the 110 action points and recommendations contained in *Roadmap 2011* were directly or indirectly taken from the UNGCP 1999. An important part of the desk research, field work and surveys undertaken for this project includes an assessment of how effectively the measures from them have been implemented in AMS. *Roadmap 2025* is an action plan for capacity building measures which, if implemented, will assist AMS to close the gap in areas where their consumer protection regimes are below the levels being achieved in other AMS or in reference to comparable countries of a similar level of development and resources.

In 2015 the UNGCP were extensively revised with new objectives, extended areas of application and (for the first time) a mechanism to encourage international cooperation in their implementation. It was outside the terms of reference of this project to assess AMS capacity building needs against the 2015 guidelines. However, they are of such central importance to future consumer policy development (and hence capacity building needs of AMS) to include this appendix highlighting their purpose and changes made to the 1999 version upon which *Roadmap 2011* was based. The appendix shows how they link to the ASAPCP and AHLP and they will be of assistance to ACCP during future revisions of either instrument.

10.1 Rationale for considering the UNCPG as a source of capacity building measures for AMS

Consumer protection is described in the AEC Blueprint 2025 as an integral part of a modern, efficient, effective and fair marketplace. It notes that consumers will demand the right of access to adequate information to enable them to make informed choices, effective redress, and products and services that meet standard and safety requirements. Increased cross-border trade, use of e-commerce and other new trading methods resulting from globalisation and technological advancement require governments to find innovative ways of protecting and promoting the interests of consumers. This will require comprehensive and well-functioning national and regional consumer protection systems enforced through effective legislation, redress mechanisms and public awareness.

Roadmap 2011 set out an ambitious agenda for the reform of the consumer protection frameworks of AMS and the creation of a world class ASEAN consumer protection framework. Subsequently, ACCP has overseen numerous initiatives to bring about the vision set out in the AEC Blueprint. Most notably the adoption of ASAPCP as the framework to achieve the strategic goals and realise the high-level principle for consumer protection in ASEAN.

In the years since the publication of *Roadmap 2011*, the international environment for best practice consumer policy has evolved considerably. In December 2015 the General Assembly of the United Nations carried a resolution calling on all member states to implement the revised United Nations Guidelines for Consumer protection (UNGCP). In framing the capacity building measures set out in *Roadmap 2025* it is important to benchmark measures planned for ASEAN and AMS against the current globally adopted norms for consumer policy and consumer empowerment.

The revision follows a three-year process in which UN Member Countries and civil society organisations have been working on the strengthening and updating of the UNCPG. The revision of the UN Guidelines was led by the UN Conference on Trade and Development (UNCTAD)

The UNGCP are a valuable set of principles for setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems, and for assisting interested

countries in formulating and enforcing domestic and regional laws, rules and regulations that are suitable to their own economic and social and environmental circumstances as well as promoting international enforcement cooperation among member states and encouraging the sharing of experience in protecting consumers.

A robust legal and regulatory framework for consumer protection, including effective dispute resolution and redress mechanisms and the ability of consumer protection enforcement authorities to cooperate in obtaining redress, where available, across borders for consumers harmed by fraudulent and deceptive commercial practices, serves an important public interest, contributing to economic dynamism and consumer welfare.

The preamble to the UN General Assembly Resolution adopting the UNGCP set out the intent of the updated document and is a contemporary expression of best practice consumer policy from around the world. In this context, filling gaps in the implementation of *Roadmap 2011* and in the capacity building measures needed for ASDAPCP and the AHLP together with any future revisions could include a review of the guidelines to align them with world consensus best practice.

11. Appendix 2

Agenda for Sustainable Development

On 1 January 2016 the 17 Sustainable Development Goals (SDG) of the UN 2030 Agenda for Sustainable Development came into effect. While the STG cover the whole realm of economic activity and environmental concerns, they have an application to consumer protection policy and sustainable consumption in particular.

ASEAN is committed to the implementation of two parallel but interrelated processes: the ASEAN Community Vision 2025 and the United Nations 2030 Agenda for Sustainable Development. One of the five priority areas of complementarity between the two agendas is that of sustainable consumption and production.

Although outside the terms of reference of Roadmap 2025 the STG agenda shares common values and principles to those in the community vision. In common with the UNGCP the STG provides a rich source of information and capacity building for current and future implementation of the ASAPCP and the AHLF.

This Appendix provides a brief outline of the SDG to inform any future ACCP revisions to the ASACPC and the AHLF.

11.1 Sustainable Development and Consumption Goals

The 2030 Agenda for Sustainable Development

The Document adopted by the UN General Assembly consists of a resolution, preamble, declaration, goals, targets and a method for implementation and review. This summary describes the document, extracts certain key provisions and concludes with a tabulation of targets which may be relevant to AMS and ASEAN consumer policy. In all the document runs to 35 pages and this review is of necessity brief. The preamble to the document entitled "Transforming our world: the 2030 Agenda for Sustainable Development" sets out its scope and goals in the following terms:

(a) Poverty reduction and development goal

This Agenda is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.

(b) Call for global application

All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free humans from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind.

11.2 Intended to be integrated and indivisible

The 17 Sustainable Development Goals and 169 targets which are included in the document demonstrate the scale and ambition of this new universal Agenda. They seek to build on the Millennium Development Goals and complete what they did not achieve. They seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

From the consumer policy perspective, paragraphs 7 to 9 in the Declaration cast a vision of universal improvements in consumer protection and human rights.

In these Goals and targets, the UN set out any ambitious and transformational vision. It envisages a world free of poverty, hunger, disease and want, where all life can thrive. We envisage a world free of fear and violence. A world with universal literacy. A world with equitable and universal access to quality education at all levels, to health care and social protection, where physical, mental and social well-being are assured. A world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene; and where food is sufficient, safe, affordable and nutritious. A world where human habitats are safe, resilient and sustainable and where there is universal access to affordable, reliable and sustainable energy.

Echoing the principles of the Constitution of the Republic of Indonesia, the UN envisages a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.

The UN further envisages a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. A world in which consumption and production patterns and use of all-natural resources — from air to land, from rivers, lakes and aquifers to oceans and seas — are sustainable. One in which democracy, good governance and the rule of law, as well as an enabling environment at national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. One in which development and the application of technology are climate-sensitive, respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected.”

At its core, the sustainable development goals and targets are an “integrated and indivisible, global in nature and universally applicable” set of measures. Targets are defined as aspirational and global, with each government setting its own national targets guided by the global level of ambition but taking into account national circumstances. Each government will also decide how these aspirational and global targets should be incorporated into National planning processes, policies and strategies.

| Goal | Sustainable Development Goals |
|--------|--|
| Goal 1 | End poverty in all its forms everywhere |
| Goal 2 | End hunger, achieve food security and improved nutrition and promote sustainable agriculture |
| Goal 3 | Ensure healthy lives and promote well-being for all at all ages |
| Goal 4 | Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all |

| Goal | Sustainable Development Goals |
|---------|--|
| Goal 5 | Achieve gender equality and empower all women and girls |
| Goal 6 | Ensure availability and sustainable management of water and sanitation for all |
| Goal 7 | Ensure access to affordable, reliable, sustainable and modern energy for all |
| Goal 8 | Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all |
| Goal 9 | Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation |
| Goal 10 | Reduce inequality within and among countries |
| Goal 11 | Make cities and human settlements inclusive, safe, resilient and sustainable |
| Goal 12 | Ensure sustainable consumption and production patterns |
| Goal 13 | Take urgent action to combat climate change and its impacts |
| Goal 14 | Conserve and sustainably use the oceans, seas and marine resources for sustainable development |
| Goal 15 | Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss |
| Goal 16 | Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels |
| Goal 17 | Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development |

11.3 National level follow-up and review

The primary responsibility for follow-up and review of the goals lies with Member States who are encouraged to develop as soon as practicable ambitious national responses to the overall implementation of this Agenda. These can support the transition to the Sustainable Development Goals and build on existing planning instruments, such as national development and sustainable development strategies, as appropriate.

Member States are also called on to “conduct regular and inclusive reviews of progress at the national and sub-national levels which are country-led and country-driven. Such reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes.”

11.4 Regional level follow-up and review

The guidelines recognise that domestic measures alone will not be sufficient to achieve the ambitious goals and Member States are called on to engage in “follow-up and review at the regional and sub regional levels as appropriate, provide useful opportunities for peer learning, including through voluntary reviews, sharing of best practices and discussion on shared targets.

Member States need to recognise the importance of building on existing follow-up and review mechanisms at the regional level and allowing adequate policy space, we encourage all Member States to identify the most suitable regional forum in which to engage. United Nations regional commissions are encouraged to continue supporting Member States in this regard.”

11.5 Global level follow-up and review

The high-level political forum will have a central role in overseeing a network of follow-up and review processes at the global level, working coherently with the General Assembly, the Economic and Social Council and other relevant organs and forums, in accordance with existing mandates. It will facilitate sharing of experiences, including successes, challenges and lessons learned, and provide political leadership, guidance and recommendations for follow-up. It will promote system-wide coherence and coordination of sustainable development policies. It should ensure that the Agenda remains relevant and ambitious and should focus on the assessment of progress, achievements and challenges faced by developed and developing countries as well as new and emerging issues. Effective linkages will be made with the follow-up and review arrangements of all relevant United Nations conferences and processes, including on least developed countries, Small Island developing States and landlocked developing countries.

Follow-up and review at the high-level political forum will be informed by an annual progress report on the Sustainable Development Goals to be prepared by the Secretary-General in cooperation with the United Nations system, based on the global indicator framework and data produced by national statistical systems and information collected at the regional level. The high-level political forum will also be informed by the *Global Sustainable Development Report*, which shall strengthen the science-policy interface and could provide a strong evidence-based instrument to support policymakers in promoting poverty eradication and sustainable development. We invite the President of the Economic and Social Council to conduct a process of consultations on the scope, methodology and frequency of the global report as well as its relation to the progress report, the outcome of which should be reflected in the Ministerial Declaration of the session of the high-level political forum in 2016.

Thematic reviews of progress on the Sustainable Development Goals, including cross-cutting issues, will also take place at the high-level political forum. These will be supported by reviews by the functional commissions of the Economic and Social Council and other intergovernmental bodies and forums which should reflect the integrated nature of the Goals as well as the interlinkages between them. They will engage all relevant stakeholders and, where possible, feed into, and be aligned with, the cycle of the high-level political forum.

Meeting every four years under the auspices of the General Assembly, the high-level political forum will provide high-level political guidance on the Agenda and its implementation, identify progress and emerging challenges and mobilize further actions to accelerate implementation. The next high-level political forum under the auspices of the General Assembly will be held in 2019, with the cycle of meetings thus reset, in order to maximize coherence with the quadrennial comprehensive policy review process.

12. Appendix 3

Capacity Building for the Development of Non-Government Consumer Organisations

12.1 What are non-government consumer organisations?

Recent years have seen much discussion of just what constitutes “non-government consumer organisations, sometimes called civil society consumer organisations. Several definitions have been suggested. The following, which is the working definition of the Norwegian Agency for Development Cooperation (NORAD) is useful:

The formal and informal organisations and associations that operate in the space between the family and the state. These organisations are not controlled or owned by the state, and primarily operate on a not-for-profit base.

An arena for civil society actors and their relationships with other actors like the state and the private sector. This space and arena will be shaped by its surroundings, including the legal framework under which a civil society operates. (NORAD website)

A civil society consumer organisation, which meets criteria agreed by the international consumer movement through Consumers International is likely to contribute to overall community welfare. While such an organisation might charge for access to the results of some of its work it must act exclusively in the interest of all consumers of products of the markets of the land; that is all the country’s citizens. It must be open and democratic, politically non-aligned and quite independent of business interests even to the extent that it may only disseminate information about products at its own expense; that is it must not advertise or endorse products for payment of any kind. A full member of Consumers International also must be non-profitmaking and not influenced or restricted by any subsidy it might receive. (Consumers International website) These strictures enable consumer organisations to claim a special voice in the public policy process, but they limit these organisations in terms of the resources they can command.

12.2 What contribution have consumer organisations made in developed economies?

The fundamental objective of civil society consumer organisations, or the consumer movement, is to correct market failures. This they do either directly by reducing consumers’ information search costs, or by pressuring or working with governments and/or other actors such as professional or business associations or collaborations of these, to make and effectively administer rules for the operation of markets. Sometimes they will press for some other forms of market intervention such as subsidies to disadvantaged groups.

The way the consumer movement has operated can be grouped into four modes:

- **Product testing/correcting information asymmetry**
- **Engaging in the public policy debate and using the court system**
- **Organising nationally and internationally and becoming policy insiders**
- **Collaborating with the corporate world**

The consumer movement has generally developed these four modes sequentially in developed countries but continues to operate in all four with the emphasis dependant on the product or issue in question. The following summarises these modes.

MODE 1 - Product testing/correcting information asymmetry

In the first mode, the movement was almost exclusively concerned about the provision of information about products. Its independent testing or assessing the quality (especially safety) of goods and services and reporting findings reduced consumers' information search costs and helped them to exercise their power of choice more effectively. At first, goods, rather than services were the main focus of attention, but, over time, this changed as services represented an increasing proportion of average household expenditure.

The development of the consumer movement was associated with the growth of mass production. With mass production, producer and consumer become more and more separated and product problems become mass problems.

Product testing is clearly limited in effect. Only a proportion of products can be dealt with and only a small proportion of consumers have access to the reports, though it may be that this proportion is large enough in some cases to have a flow on effect or to produce an effective margin of informed consumers.

MODE 2 - Engaging in the public policy debate and using the court system

In the second mode, the movement became much more active in public affairs. It sought to change the behaviour of business by exposing unfair practices, economic rent, poor quality/unsafe products and engaging with it in public debate via the mass media. It also used private legal action to change business conduct. The thinking was very much based in notions of consumer rights and justice and the broad aim was to pressure governments to impose higher levels of business regulation to protect consumers. This mode was characterised by a generally adversarial relationship between business and consumer groups.

A most notable champion in this mode has been Ralph Nader who thought of the consumer movement in terms of a countervailing force to correct the failures of the market/capitalist system.

MODE 3 - Organising nationally and internationally and becoming policy insiders

In a third mode, the movement organised itself more effectively nationally and internationally and strengthened its relations with other public interest groups and with them called for transparency in public policy formulation and public administration. In many countries it also developed better relations with other social movements, unions, and professional organisations, academia, and governments and their bureaucracies. A new, more co-operative, approach to business slowly developed, more slowly in some countries than in others, with the movement changing its view of business as some kind of opposition and starting to engage in genuine dialogue with it. In many countries the movement

succeeded in embedding itself in processes of governance and getting formal representation in policy processes, often on pretty much an equal footing with business, and direct participation in formal or government regulatory processes.

In this mode consumer organisations can be seen as working with other public interest groups in making windows into government processes, keeping those windows open and helping to build capacity in civil society at large to look through those windows.

Broadly speaking in the 1980s the consumer movement, world-wide, had accepted that:

economic rationalism, deregulation, privatisation, and smaller government, or what was to become known as the “Washington Consensus”, was ascendant in public policy throughout the ‘western world’, whether governments were right- or left-leaning.

while reforms to make legislation and its administration more effective could be expected, governments in most countries were not going to generally expand consumer protection regulation.

In some countries the movement therefore embraced the concept of non-formal or non-government regulation (often referred to as “grey” letter as distinct from “black letter law”). Where such regulatory schemes are established with effective consumer participation they might be called “co-regulation”. In this the consumer movement was at least in step with business and ahead of it in some industry sectors.

MODE 4 - Collaborating with the corporate world

While relations were less adversarial in the third mode there was still a sense of business and consumer advocates competing to influence government policy and regulation. Now, in this fourth mode, consumer movement philosophy has moved from notions of ‘value for money’ to ‘value for people’. Mainstream economic policy now also reflects the understanding that markets need to be made to work for people and in boardrooms worldwide it is apparently *de rigueur* to talk of consumer sovereignty.

A significant growth of the dialogue between people in the consumer movement and both government and business and the adoption of co-regulatory regimes has occurred in the last couple of decades. Businesspeople have become more prepared to communicate and collaborate in projects with consumer movement organisations. For some elements of the movement this is considered problematic. There are concerns about co-option and about the movement compromising its ability to maintain a purely impartial position.

What the last decade has seen is a real blurring of the boundaries between consumer advocates and people in business. For example, the Society of Consumer Affairs Professionals in Business, an organisation started in the USA, but which has chapters in a number of other countries, is close to being a consumer organisation within the corporate world. “Although not consumer advocates in the traditional sense, these professionals, because of their ‘insider’ positions, are well placed to temper some of the harshness to consumers that may flow from the pressures of global competition”. In addition, there are many instances of former consumer advocates taking up positions in business. It seems that the consumer movement is no longer a thing outside, or other than business, but rather an association of people in many walks of life subscribing to the idea that markets can be made to work better for people.

12.3 The Significance of the Contribution

Many examples are available of the important contribution to effective markets from the actions of

consumer groups. Some examples include a code of conduct for electronic funds transfer; food and nutrition policy approaches; advocacy of dispute resolution schemes for the insurance industry and regulation of various therapeutic devices. The removal of dangerous goods from the marketplace and the promulgation of safety and information standards has always relied on the consumer movement's research and advocacy.

12.4 Limitations on consumer organisations and the issue of state assistance

Getting a group of egg producers to join and resource an organisation to lobby for favourable egg price regulation is clearly easier than enthusing many consumers to sign up to a counter campaign. Any one consumer will benefit anyway from the work of those who are active. Increasing resources simply by growing memberships does not seem to have been successful in any national consumer movement.

In several developed countries consumer organisations have been successful in building membership or supporter groups by essentially selling the results of their product testing. However, this has been largely restricted to middle class consumers able to afford the price for the information. This means that products or markets dealt with are largely those related to middle class consumption patterns. In addition, there is a limit to the extent that income from information selling can cross-subsidise public interest advocacy. The structure of the movement in most developed countries, therefore, comprises a single large product-testing organisation and a large number of relatively small or poorly resourced groups either geographically or issues based. It would seem that product-testing organisations are generally able to secure national monopolies for their services to consumers

Developed country governments, though have recognised the resource constraints of consumer organisations and provided state financial assistance. Referring particularly to consumer policy issues, even in the USA, where consumer organisations are better resourced from their own efforts than anywhere else, there is still a need for state assistance:

“Without such support, citizens must often choose between passive acquiescence and hysterical appeals to the mass media for publicity. With government support, citizens can sharpen their own understanding of complex issues before they make a case to the bureaucracy. The playing field (between producer and consumer interests) may not be equalized, but it does become more equal.”

In Australia the argument for state assistance being provided to public interest groups was well articulated in the report of the Royal Commission into Australian Government Administration. The Report specified that to receive such assistance “citizens groups should meet the following criteria:

- (i) they represent certain interests deemed worthy of support; especially of the economically and socially deprived and the public at large,
- (ii) they are properly constituted,
- (iii) the funds are used for specified purposes,
- (iv) the group’s accounts are audited,
- (v) the group report on how the funds were spent”

The Commission recommended that a special neutral agency be established to provide this assistance. This has not been implemented, but all governments since then have given financial assistance to consumer organisations amongst others. It is critical that while some of this assistance has been given in response to particular project proposals organisations have received grants-in-aid to provide general support for their operations and activities that they independently decide to undertake from time to time. This has meant for example that they have been able to be advocate policy positions not favoured by the government of the day.

12.5 Consumer organisations and the developing world

It is the case that the way a developing country consumer organisation can operate is very different from that of a developed country organisation. The following considers this in terms of the four modes discussed previously.

MODE 1 - Product testing/correcting information asymmetry

This mode has been extremely limited in developing countries. As already noted, in developed countries it is largely the middle class that is prepared to pay for information on consumer products. Apart, perhaps, from large economies like India, the middle class in most developing countries would not provide a big enough market to sustain a product-testing consumer organization. There is already some international cooperation amongst product-testing consumer organizations so that test results for products common to several countries are shared. At this time though the world economy does not seem to be sufficiently globalised for this sharing to be extensive. In due course it seems likely that it will be possible for quite wide product testing cooperation, including between developed and developing country consumer organisations. Of course, there would be difficulties involved in working out equitable arrangements for sharing the costs and profits of such cooperation. It might also be possible for developing country consumer groups to cooperate amongst themselves, perhaps on a regional basis or some other basis such that there is a sufficient level of common products. It does seem to be the case though that at least in the medium-term product testing and deriving financial resources from it will not be feasible in most developing countries.

MODE 2 - Engaging in the public policy debate and using the court system

In developing countries some consumer groups have proved their capabilities in engaging in the public policy debate. Consumers' International documents a number of illustrations, both relating to consumer protection and to competition regulation. For example, recently the efforts of consumer groups have been critical in achieving more efficient and fairer priced electricity, especially for small farmers, in El Salvador, Chad and Zambia

In most countries there do not appear to be any significant obstacles to this kind of action other than having the resources to research issues adequately and to network amongst groups and run publicity campaigns.

There is a difference, though, between advocacy for information asymmetry or direct consumer protection regulation and advocacy for competition regulation insofar as the benefits of the latter are not always readily apparent. The consumer movement in developed countries took some time to appreciate fully that competition regulation was the other side of the regulatory coin from direct consumer protection regulation (Braithwaite and Drahos p623, 2000). Building civil society support for a competition regulatory regime which involves measures to make markets work more freely and competitively, including breaking down industry protection, especially when that implies opening economies to international competition, requires a process of information dissemination and public debate. Without this there is a likelihood of consumer and other public interest groups and small business

being very wary of competition policy and the introduction of a competition regulatory regime and in some cases actively opposing it.

Programmes to develop competition regulation must therefore include a range of activities to involve and nurture consumer and other civil society groups to develop the required shared information base. This is by no means a straightforward exercise. The work of Hall and Soskice (2001) shows that countries differ markedly in the way competition works and that this is reflected in competition policy and law. They identify a “liberal market economy” or Anglo-American type and a “co-ordinated market economy” or European type. They argue that different national characteristics and public policy settings, especially relating to education and training and regulation of unions, lend themselves to different competition regulatory regimes and produce different structural outcomes. A developing country is confronted with the question of determining which regulatory regime is appropriate to its national characteristics. But, the choice is not necessarily between the Anglo-American type and a European type. Interestingly the Australian type is something of an amalgam and arguably it has characteristics which make it particularly suitable for smaller and/or developing economies. Of special relevance is the Australian Trade Practices Act’s provision for the authorisation of arrangements which are anti-competitive if, on balance, they can be shown to be of public benefit. In developing economies, as markets establish themselves such a provision could be well utilised.

Developing country consumer groups have had less success in using court system processes, probably since laws and court systems are not sufficiently developed in many countries and the fact that legal processes are too costly relative to the resources that consumer groups can command. There would seem to be potential as law and court systems develop if resources can be garnered.

MODE 3 - Organising nationally and internationally and becoming policy insiders

A coherent national organisation is almost a prerequisite to becoming a policy insider or gaining effective participation in the public policy process. In many developing countries the consumer movement is not so organised, often with several groups competing for the government’s attention. Udaya Wagle observes: “Rivalries among many different NGOs are also evident. Because of these rivalries, many activities are duplicated by different organizations, causing a waste of resources.”

Participating in regulatory processes, formal and non-formal, requires personnel with some legal and economic expertise – not necessarily university degrees, but a capacity to cope with legal and economic concepts. It is, in developed countries, a constant problem for consumer groups to find people to fill these roles. In developing countries assistance in the form of training of consumer representatives would be highly beneficial.

Thus far non-formal regulatory systems have not got off the ground in developing countries, but there is no particular reason why they should not. Indeed, it may well be that non-formal regulatory systems for industries which are part of the global economy would be more readily established than formal systems. Moving legislation through parliamentary processes and developing the required bureaucratic expertise to administer it is time consuming in developed countries. In developing countries where the concepts involved might be quite novel, and where complex political difficulties might be encountered it might well be more protracted. Given that senior executives of transnational corporations in developing countries have a high level of interaction and exchange with those in developed countries, which have established non-formal regulatory systems, the transfer of expertise could be quite straightforward. Such moves could have significant flow-on effects to other market sectors.

Because of the increasing level of dependence of national governments on international or intergovernmental processes in the development of consumer and competition regulation it is essential that national consumer organisations participate in international processes. Consumers' International, which is accredited to or recognised by all the relevant international bodies, provides an effective vehicle for this. However, lack of resources is a severe constraint on Consumers' International getting representatives along to the numerous international regulatory committee meetings. Very little is left over to assist developing country consumer groups to participate in Consumers' International's own policy making processes so that it can represent their views effectively in these regulatory forums.

MODE 4 - Collaborating with the corporate world

There would seem to be as good reason for developing country consumer groups to take advantage of opportunities to work on projects jointly with corporate actors as there is for groups in developed countries. It seems likely that initially opportunities might arise to work with transnational corporations already working with consumer groups in developed countries.

Resourcing issues

The track record is there and the potential for greater contribution in modes 2, 3 and 4 would seem significant. However, the constraint is resourcing. Product-testing will not produce resources in the short to medium term, memberships of groups can only be expected to provide resources at lower levels than in developed countries where such resourcing alone is insufficient anyway and assistance from indigenous charitable foundations will be limited. Expecting financial assistance from domestic governments is probably unreasonable given the many and more pressing demands on the public purse in developing countries. Aid from developed countries seems therefore to be critical to boost contribution in the short to medium term.

Aid donor country policy on assistance to civil society organisations.

The formulation of aid policy is perhaps somewhat more complex than other areas of public policy. Governments must take account of an unusually large number of factors and are subjected to pressures from an unusually large number of interests. Aid policy must harmonise with foreign and trade policy or at least not compromise it. Immediate and long-term relations with countries to which aid is being given are clearly critical, but so are relations with other recipient countries and other donor countries especially those significant for trade or security reasons. Involvement with international bodies is also a factor.

International institutions such as the United Nations Development Programme (UNDP) and the World Bank, while not always the first in terms policy development tend to cement trends. The UNDP has been involved in civil society capacity building projects for a decade or more and it adopted a "Policy on Collaboration with Civil Society: Building Partnerships for Sustainable Human Development". And the World Bank has been active in this area for a similar period. The World Bank-Civil Society Collaboration-Progress Report states: "In the last two decades, the World Bank has significantly expanded and improved its relationship with Non-Governmental Organizations (NGOs) and other Civil Society Organizations (CSOs). During this period, the Bank's dialogue and collaboration with civil society has moved from negligible to substantial."

US policy places quite high priority on assisting ICSOs including consumer groups:

"The Agency supports these CSOs whose advocacy efforts give voice to citizens and expand their influence on the political process. Strengthening civil society is increasingly seen as a way to counterbalance the exercise of excessive authority by governments and economic and political elites, and as a way to encourage more open dialogue about public policy matters too often

decided behind closed doors.” (USAID website)

A USAID programme for El Salvador for example, has the following objectives:

- “(a) Strengthen civil society’s capacity to promote consumer issues and interests in El Salvador.
- (b) Facilitate cooperation among Salvadoran organizations interested in consumer protection, and with their counterpart organizations in the United States.” (USAID website)

Under Australian policy the main ways ICSOs can access assistance are as follows:

The aid programme provides for assistance to ICSOs through AusAID accredited Australian aid NGOs. However, overall funding for this is limited and there is a project cap of \$200,000. The success of a proposal is dependent on the priorities of Australian aid NGOs.

Heads of Missions can make limited grants to ICSOs

Proposals for funding more substantial projects must generally be made through country programme procedures thus involving domestic government approval. Clearly this could well be constraining to the extent that an ICSO has objectives which do not accord with the government of the day. For example, a project proposal from an ICSO in Vietnam must go through the following stages:

- All proposals must have strong Vietnamese Agency ownership in design, implementation and outcomes.
- All proposals must be submitted to the Ministry of Planning and Investment (MPI) following standard Government of Vietnam procedures and formats for this.
- MPI will approve themselves or seek Prime Minister’s approval and then will send approved in principle proposals to AusAID for indicative approval and assessment.
- Approved in principle proposals may then need to be further developed into a project design which will then come back to MPI and AusAID for final endorsement.

Also, under the DFAT Philippines-Australia Governance Facility, ICSOs were able make proposals for project funding. Now it is required that all proposals have the endorsement of a government agency.

The special nature of the work of consumer organisations and their special characteristics means they might deserve special attention. Effective regulation for competitive markets and consumer protection means economic change, which means social change, which leads to political change. It is clearly therefore a more difficult area of development assistance than others.

12.6 How support to consumer organisations could be more effective

Self-evidently, if a consumer organisation is worth assisting it is worth assisting it to do its job effectively and to do its job on a continuing basis.

To do its job effectively it must have the capacity to:

- be representative
- be independent and impartial
- be organised
- access information and advice
- be professional and have a constructive approach

These capacities are elaborated in the appendix. Assistance arrangements should be designed to ensure as far as possible that the horses most likely to win are backed.

Strengthening capacity rather than adding capacity

It is critical that support works to help build and build on existing consumer organisations rather than trying to create new entities with no foundations in communities. Where there are no actual consumer organisations it might be more effective to provide support to other existing groups to build a consumer advocacy capacity. “The course and eventual success of programmes for civil society have much to do with the extent to which programmes have constructively melded with existing forms of civil society. In other words, it is essential to understand and build on what is already there. Indigenous civil society might well often not be evident as western style CSOs, but it is a mistake to think that it is not well developed.

To ensure that the inevitably limited funding available does support those organisations that have the greatest potential to make a contribution there is no substitute for working sensitively at the earliest stages in project design with existing organisations to come up with a funding arrangement that avoids destructive internecine conflict. In this process it has to be accepted that some organisations will have political connections and the extant or potential pluses and minuses must be taken in to account. For example, the UNDP funded a project to assist the Central Egyptian Society for Consumer Protection. The Society was well connected with the government, which meant its relations with some other significant consumer organisations, quite opposed to the government, were strained. On balance, the decision to support it was probably sound on the basis that for the medium term it would be likely to be in a good position to influence policy formulation.

Sustainability and project cycle demands

Aid projects tend to be just that - projects. The problem is working out how to sustain effective consumer organisations in developing countries on a continuing basis. ICOSOs are often trapped in the project cycle. This is no less true of CSOs in developed countries reliant on grants for discreet projects. The demands of developing new project proposals give organisations little opportunity to develop core competencies sustainable over time.

Continuing access to information and advice is critical to sustainability. One solution is to provide

assistance through developed country civil society organisations. On this, for example, Norway's policy states:

“The rationale is that some of the experiences of Norwegian voluntary actors may be transferable and useful to voluntary actors in partner countries. As like-minded, the Norwegian voluntary actors are considered to have a comparative advantage compared to the competence and capacity of an embassy, particularly in the field of competence -and institution building.”

Solutions

No single recipe will be appropriate for aid under bilateral programmes to the different countries with changing governments and the range of circumstances and characteristics of the consumer movement in those countries. Funding through Consumers International could well be effective in some countries, but in others using such a vehicle might be counterproductive. The main aim should be to provide assistance that most closely replicates the annual grant-in-aid type funding that has given the support to CSOs in general, and consumer organisations in particular, in Australia which has allowed them to make significant contributions to public policy formulation here.

12.7 Conclusion

The consumer movement has been able to marshal resources of the middle class, has significantly contributed to making the most of the market system to the general benefit of the peoples of the developed world. There is every reason to suppose that economic development and consumer welfare in ASEAN will be enhanced through systematic support for and the development of non-government consumer organisations in AMS.

As the ASEAN Economic Community continues to take shape, there will be an increasing need for the co-ordination of consumer laws and policies. ACCP has evolved from a small and uncoordinated body to become an important part of the ASEAN policy machinery. Convergence and harmonisation of laws and cross border dealings in ASEAN as a result of the AEC Blueprint will greatly expand the role of ACCP. With the inevitable growth of region wide policies, agreements and perhaps even laws, there will also be a similar need for a regional forum for consumer interests to advocate and engage in consultation ASEAN consumer and sectoral agencies.

Within ASEAN, the Federal State of Malaysia has supported a national body, FOMCA which is a national, non-governmental organization which acts as an umbrella group for 13 consumer associations in Malaysia towards strengthening consumer protection.

A similar goal for community wide consumer input in the growing European Community, led to the formation of and financial support to the *Bureau Européen des Unions de Consommateurs* (better known by the acronym BEUC).

BEUC plays a key role in Europe wide advocacy of consumer views, brings to the attention of policy makers issues of concern to consumers and engages in extensive Europe wide consumer education and empowerment projects. At the international level, Consumers International (CI) a federation of 250 consumer organisations from 110 countries (and incidentally, the authors of *Roadmap 2011*) plays a similar role in global forums.

13. Appendix 4

1.1 GENERIC SURVEY FOR AMS IN WHICH FIELD WORK WILL BE CONDUCTED: (Cambodia, Lao PDR, Myanmar, Thailand, Vietnam) Assessing and improving consumer protection in ASEAN Members States

13.1 Background to this survey

The ASEAN Secretariat, Competition, Consumer Protection and IPR Division (CCPID), has engaged Sustineo to carry out an assessment of the implementation of the 2011 report Roadmapping Capacity Building Needs in Consumer Protection in ASEAN (the Roadmap 2011) as well as to recommend regional and national capacity building measures in AMS from now until 2025. This activity is part of the supportive measure 2 of the ASEAN Strategic Action Plan for Consumer Protection (ASAPCP 2025)

The objective of the project is to assist AMS in realising the aspiration of The ASEAN Economic Community Blueprint (AEC Blueprint 2025) that consumer protection is integral to a modern, efficient, effective and fair marketplace. To develop a sound and forward-looking set of capacity building measures, we need first to assess the implementation of consumer protection measures since 2011. The assessment will be based on how much of the Roadmap2011 has been implemented as well as its impact on consumer welfare. We would also like you to tell us what future capacity building measures you think may be needed.

Questions are based on the [Roadmap 2011](#) (follow link) and The Handbook on ASEAN Consumer Protection Laws and Regulations ([The Handbook2018](#)) (follow link).

We have appended the list of recommendations from The Roadmap 2011 for your ease of reference.

Field Work

We would be most grateful if you could review the Survey questions and begin the task of collecting information. **There is no need to respond in writing to the Survey** as we plan to conduct field work during May and June, and we will visit you at a convenient time to gather your responses. In addition, you may also have some questions you would like to ask us about the survey or the Roadmap 2025 project.

13.2 Structure of the Survey

The Survey is comprised of information taken from recommendations made in The Roadmap 2011 and The Handbook 2018 with some questions seeking information on implementation, impacts with anticipated plans for future action and consumer protection measures.

13.3 Focus Areas for Capacity Building in Core Consumer Areas

The Roadmap 2011 was developed through extensive fieldwork and a follow-up workshop in which all AMS identified high priority or Core areas for capacity building. The Policy Brief which summarises the recommendations for action includes a description of the core areas, how they relate to consumer needs and policy and legislative responses required to deal with them. The Table can be found at the end of the Survey. The following questions relate to the recommendations of the Roadmap 2011 and the Handbook 2018.

13.3.1 Survey Questions

Please note that in answering these questions we only need information that is not presented in the Handbook. There is no need to repeat what it contains.

The general Consumer Protection Law and Regulations and the administering agency or agencies

13.3.2 The General Consumer Protection Agency

The Handbook 2018 sets out common functions of government consumer agencies throughout ASEAN. We will list the functions and then ask some questions relating to the exercise of these functions. They are:

14. Enforcing consumer protection (and competition) laws;
15. Registering and issuing licences for types of business activities;
16. Issuing administrative rules to regulate conduct of business entities and ensuring the protection of consumer interests;
17. Advising the government on appropriate measures for consumer protection;
18. Representing the consumer interest in other intergovernmental committees;
19. Advising consumers and businesses of their rights and obligations under the relevant consumer protection laws;
20. Conducting, or commissioning market surveys and research into consumer protection problems;
21. Conducting or commissioning product testing for safety and quality, and disseminating information to consumers;
22. Managing and/or monitoring the performance of consumer tribunals or other mechanisms for the handling of consumer claims;
23. Consulting with relevant stakeholders to understand consumer issues and developing policy to address problem areas;
24. Organising public education and information programmes independently or in collaboration with consumer organizations or business entities; and
25. Representing the national consumer interests at regional and international negotiations on individual cases and discussions of regional and international policies.
 1. Are any industries or market sectors excluded from the jurisdiction of the general consumer protection agency either by law or by some other means?
 2. If any functions are not currently undertaken are there plans to develop these in the future?
 3. Would and increase in the level of resourcing for the general agency be desirable to increase effectiveness?
 4. What are the capacity building needs? Is there capacity to train staff to sufficient levels of skill?
 5. If consultative bodies have been established comprising representatives of the government, industry, consumer and other relevant stakeholders how well are these working?
 6. If consultative bodies have not yet been established are there plans to do so?
 7. What are the consumer education or empowerment programs currently?
 8. Can you please provide examples of education and information materials which are being used?

9. Are any consumer education or empowerment programs focused on the special needs of vulnerable and disadvantaged consumers?
10. Is social media being used for consumer education and empowerment or for information circulation?
11. Do you think more resources for consumer education and empowerment would be desirable to achieve effective results?
12. Can you think of some specific capacity building tasks which would better help the staff of the consumer protection agency undertake consumer education and empowerment activities?
13. Can you think of any ways in which agencies might be able to take advantage of regional and international assistance in consumer education and empowerment activities?
14. Please tell us about laws, regulations and standards which protect consumers but are not within the jurisdiction of the consumer agency?
15. Are there any additional laws, regulations, standards measures relating to consumer protection but are outside the jurisdiction of the consumer agency?
16. Would an increase in the level of resourcing for the agency or agencies be desirable to increase effectiveness?
17. What are the main capacity building needs in the consumer agency? Is there capacity to recruit and train staff to the necessary levels of skill? Or
18. Are there areas of technical competence that require outside assistance to meet current and future needs?

13.3.3 The general consumer protection law

19. Are there any plans to amend the general Consumer Protection Law or Regulations?
20. Are any industries or market sectors excluded from application of the general consumer law?

13.3.4 Product Safety and Liability

21. Besides the general law, are there any other laws regulations or enforceable standards in force relating to product safety and liability? Note we ask about the following kinds of products below – food, hazardous chemicals and health products.
22. Can you provide some information and examples on how product safety and liability laws have been applied so far? We would appreciate some examples of investigations and of any enforcement action taken?
23. Have law enforcement agencies experienced any difficulties in applying any of these (or other) laws?
24. If there have been difficulties in applying and enforcing the laws, could you tell us about the problems and any suggestions you have to overcome them?

13.3.5 Misleading Advertising

25. Please provide us some information and examples on how the provisions relating to misleading advertising are helping consumers?
26. Can you give us some examples of investigations and of any enforcement action taken under these laws?
27. Q Are there any other laws, regulations, standards or rules which apply to misleading advertising?
28. If there have been difficulties in applying and enforcing the laws on misleading advertising, could you tell us about the problems and any suggestions you have to overcome them?

13.3.6Unfair practices and/or unfair contracts

29. Please can you give us some information and examples on how any provisions relating to unfair practices are helping consumers?
30. Can you give us some examples of investigations and of any enforcement action taken under these laws?
31. Are there any other laws, regulations, standards or rules which apply to unfair practices?
32. If there have been difficulties in applying and enforcing the laws on unfair practices, could you tell us about the problems and any suggestions you have to overcome them?

13.3.7Redress

33. Consumer redress is an important part of consumer protection. The Handbook 2018 sets out a range of measures to provide consumer redress. Which of these are present in your country?

| |
|-------------------------------|
| Measures for consumer redress |
|-------------------------------|

26. Internal complaints handling procedures by business
27. Industry sector funded Alternative Dispute Resolution (ADR)
28. General Alternative Dispute Resolution (ADR)
29. Small Claims Procedures
30. Private Collective Action Lawsuits
31. Legal Actions by Consumer Organisations
32. Government-obtained Redress
33. Normal court systems
34. Does your country have any plans to implement new measures for consumer redress not currently available?

35. Can you provide examples of investigations or redress actions taken for consumers and let us know if they were successful or unsuccessful?
36. Does the consumer protection agency have the legal power to act to obtain redress on behalf of consumers?
37. Does the law allow consumers to act to obtain various forms of redress?

13.3.8 Complaints outside the jurisdiction of general consumer agency

Consumer protection agencies receive complaints and enquiries from consumers, consumer associations and sometimes from traders on a wide variety of concerns. Often these complaints are consumer problems that are outside the jurisdiction of the consumer agency. We would like to hear about these as well as they point to future law changes and capacity building needs

38. What are the most frequent areas of complaint? For example, complaints about banking and insurance, health services, online purchases, scams
39. Does the consumer protection agency refer these complaints to other more appropriate agencies? If yes, which agencies? For example, the agencies responsible for financial services, health services, communications services (including internet)
40. Does the consumer protection agency have formal or informal agreements with these other agencies? For example, a co-operation agreement
41. Does the consumer protection agency regularly communicate with these agencies? For example co-operative committees, sharing complaints data, sharing evidence, joint reporting
42. Does the consumer protection agency conduct co-operative projects with these other agencies? For example, joint or shared development of consumer/business educational programs, investigations, submission to government about possible new regulation
43. Please tell us about laws, regulations and standards which protect consumers but are not within the jurisdiction of the consumer agency?
44. Are there any additional laws, regulations, standards measures relating to consumer protection but are outside the jurisdiction of the consumer agency?
45. Would and increase in the level of resourcing for the agency or agencies be desirable to increase effectiveness?
46. What are the capacity building needs? Is there capacity to train staff to enough levels of skill?
47. If consultative bodies have been established for this sector comprising representatives of the government, industry, consumer and other relevant stakeholders how well are these working?
48. If consultative bodies have not yet been established are there plans to do so?
49. For this sector what are the current consumer education or empowerment programs?
50. Can you please provide examples of any education and information materials which are being used?

51. Are any consumer education or empowerment programs focused on the special needs of vulnerable and disadvantaged consumers in this sector?
52. Is social media being used for consumer education and empowerment or for information circulation?
53. Do you think more resources for consumer education and empowerment would be desirable to achieve effective results?
54. Can you think of some specific capacity building tasks which would better help the staff of the consumer protection/regulatory agency for this sector undertake consumer education and empowerment activities?
55. Can you think of any ways in which agencies might be able to take advantage of regional and international assistance in consumer education and empowerment activities?

13.3.8 Other sectors not covered by the consumer agency

56. Are there any sectors of the market regulated by specific laws and by an industry sector regulator? If so can you list the names and addresses and if possible, a contact name?

13.3.9 Consumer Policy and Strategic Planning

57. The Roadmap 2011 provides for the development of regional and national strategic plans for consumer protection. Does your country have a strategic plan or a policy setting out government policy on consumer protection?
58. If there is a strategic plan or policy, can you please provide us with a copy?

13.3.10 Non-Government Consumer bodies

The Roadmap 2011 and The Handbook 2018 set out important roles for non-government consumer organisations including:

- i. educating consumers to be more confident in acting in their own interests to get better goods and services;
 - ii. providing consumers with information about common products and services;
 - iii. monitoring and exposing misleading “claims” by product manufacturers and advertisers, and helping governments draw up codes of practice, laws and regulations that outlaw them;
 - iv. researching “labelling” schemes to help consumers identify ethical and “green” products;
 - v. conducting campaigns in response to specific consumer-related problems;
 - vi. advocating for the interests of consumers at relevant national, regional and international fora; and
 - vii. networking and cooperating with other NGOs including internationally on consumer issues of shared concern and interest.
59. If there is a Non-Government Consumer organisation in your country, can you tell us whether it or they perform any of these functions?
 60. If there are non-government consumer protection bodies is there another nongovernment body which could perform some of these functions?
 61. If there is no organisation that performs or could perform these functions are there plans to facilitate the establishment of such an organisation?
 62. If there are not sufficient resources for a Non-Government Consumer organisation to perform these functions would government support or funding be possible, or would there be any restrictions for support being provided from another AMS or a development partner?

13.3.11 E - ASEAN Facility for Consumer Protection (AFCP)

A high priority but long-term action point from Roadmap2011 was to be the creation of an ASEAN regional facility for consumer protection. The Roadmap 2011 listed the benefits of establishing the AFCP as resource maximisation, sharing of best practices in consumer protection and catalysing regional harmonisation processes.

Due to resource constraints the establishment of the facility is not part of the ASAPCP 2025. The following questions seek to determine whether, should there be a future source of funding identified, would a facility be of value to AMS.

63. Could your country benefit from the following proposed functions of the AFCP do you think would be of value in improving the welfare of consumers?

- (a) Maintaining a current data base, accessible online by AMS, with information on:
- Experts within and outside ASEAN available to advise
 - All product standards adopted by each AMS
 - List of products banned or recalled in other countries
 - National legislation and regulations
 - Industry codes
 - Key legal cases – both successes and failures
 - Training courses and other professional continuing education opportunities available
 - Bibliography of relevant literature and other research material
 - Collection of consumer education and awareness material
 - Data on consumer injuries
 - Information on unfair contract terms and standard form contracts
 - On Best practice standard form contracts
- (b) Provision of internet discussion and advice networking facility
- (c) Access to research on developing consumer issues
- (d) Organising and providing training courses and other capacity building services e.g. placing expert advisors with agencies
- (e) Advice on policy, legal and programme issues
- (f) Recommendations on desirable changes to laws
- (g) Provision of product testing on safety and energy efficiency
- (h) Maintaining a register of products for the ASEAN market
- (i) Maintaining a pool of in-house experts
- (j) Operating a cross-border dispute resolution facility

(k) Development of education and awareness material in ASEAN languages

13.3.12 Other consumer protection issues and ideas

64. We would be very interested to hear of any consumer protection issues or ideas which you may have that have not been raised in any of the questions asked. Are there issues or suggestions you would like to make?

Table 2: Consumers' Concerns in ASEAN in Six Selected Core Consumer Areas.

| Consumer Areas | Consumer-related Aspects | Consumers' Demands towards safe and sustainable consumption practices |
|---|--|--|
| Product Safety and Labelling | <ul style="list-style-type: none"> •Consumer products including food. •Unsafe products (toys and electrical appliances, cosmetics with presence of dangerous chemical substances or heavy metals, expired products). | <ul style="list-style-type: none"> •Product labels to provide sufficient information. •To ensure that the consumer's safety is not jeopardised. •Information provided on labels and in advertisements is not misleading. |
| Phone & Internet Services, and E-commerce | <ul style="list-style-type: none"> •Online purchase, rates and charges, access, quality of services. •Increasing demand, limited access, frequent interruptions, slow and unstable internet connections and limited coverage especially in rural areas. | <ul style="list-style-type: none"> •Improve avenues for lodging complaints and consumer redress (including cross-border redress). •Increase the security in ICT and e-commerce. •Increase competition and strengthen regulatory enforcement mechanisms to ensure lower prices and better services and access for consumers. |
| Consumer Credit and Banking | <ul style="list-style-type: none"> •Increased reliance on easy consumer credit to finance purchases of non-investment goods and services. •Un-sustainable credit practices (loans; credit card, hire purchase facilities offered by retailers, licensed and non-licensed money lenders, pawn brokers, and cooperatives). | <ul style="list-style-type: none"> •Regulate interest rates ('mobile money' by high interest lenders), unfair or unclear terms of contracts, hidden costs, and unethical debt collection or repossession methods. •Improve access to credit at reasonable interest rates to vulnerable consumers and curb unscrupulous activities of pawn brokers and unlicensed money lenders. •Increase consumer financial literacy programmes. |
| Environment | <ul style="list-style-type: none"> •Safe and healthy environment, products or services related to water, energy, noise and air. | <ul style="list-style-type: none"> •Curb and regulate activities that cause environmental pollution arising from unsustainable consumption and production practices (disposal of household and industrial waste). •Implement a comprehensive legislation and stringent enforcement to ensure consumer protection. |
| Healthcare Services | <ul style="list-style-type: none"> •Public and private health care services, pharmaceuticals. •Governments reliance on the private sector in delivering healthcare services thereby affecting accessibility of vulnerable groups to quality and affordable healthcare facilities. | <ul style="list-style-type: none"> •Affordability and accessibility to quality healthcare services for all. •Reduce public dependency on private healthcare services. •Regulate activities and services of private healthcare services through credible quality ranking and standards. |
| Professional Services | <ul style="list-style-type: none"> •Chargeable fees and accountability with regards to legal and medical professions. •Affordable and reliable medical and legal services are considered an essential area of consumer protection. | <ul style="list-style-type: none"> •Curb and regulate activities and practices of medical and legal professionals with regards to their conduct, fees, quality of services, credibility and qualifications. •Transparent reporting to increase public awareness and knowledge on unethical professional practices (fraud, dishonest practices, breach of confidentiality, or corruption). •Build awareness of professionals on the rights of consumers. |