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Foreword

This report examines information on consumer protection enforcement authorities of OECD member and non-member countries, especially on the ability of these authorities to co-operate across borders. It is based on questionnaire responses from 31 countries, supplemented by additional research. It has been prepared to support a review of the 2003 *OECD Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders*. It will also inform work to implement the 2016 OECD *Recommendation of the Council on Consumer Protection in E-Commerce*, which contains updated provisions on enforcement co-operation.

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Table of contents

Foreword **2**

Executive summary **5**

1. Introduction **8**

Background 8
Review of OECD legal instruments 9

2. Domestic framework for consumer protection enforcement **10**

Consumer protection enforcement authorities 10
Information gathering and investigative powers 10
Information gathering from Internet service providers 13
Enforcement powers 14
Enforcement actions 16
Sanctions and remedies 19
Framework for domestic co-operation 20

3. Framework for international enforcement co-operation **22**

Overview of the international co-operation framework 22
Cross-border enforcement co-operation abilities 25

4. Consumer protection enforcement co-operation in practice **35**

Co-operation at national level 35
Cross-border co-operation 37

5. Conclusion **42**

References **43**

Annex A. Questionnaire on consumer protection enforcement authorities **44**

Notes **48**

Tables

Table 1. Consumer protection enforcement authorities (Q1-3) 11
Table 2. Type of enforcement powers (by each country) (Q9) 15
Table 3. Type of enforcement actions available (by each country) (Q10) 18
Table 4. Sanctions or remedies available through the legal system (by each country) (Q11) 20

Figures

Figure 1. Information triggering an investigation (Q4) 12
Figure 2. Type of consumer complaints received and dealt with (Q5) 12
Figure 3. Investigative powers of authorities (Q6) 13
Figure 4. Existence of laws on gathering information from Internet service providers (Q7) 14
Figure 5. Type of enforcement powers (Q9) 16
Figure 6. Number of enforcement powers available (by each country) (Q9) 16
Figure 7. Type of enforcement actions available by authorities (Q10) 17
Figure 8. Type of sanctions/remedies available through the legal system (Q11) 19
Figure 9. Legal frameworks or arrangements facilitating domestic co-operation (Q12) 21
Figure 10. Arrangements or legal frameworks for cross-border enforcement co-operation (Q13) 22
Figure 11. Notification of foreign authorities on businesses harming consumers (Q14) 27
Figure 12. Ability to share information with foreign authorities (Q15) 28
Figure 13. Investigative assistance for foreign authorities on domestic businesses (Q16) 29
Figure 14. Actions against a domestic business for foreign consumers (Q19) 30
Figure 15. Actions against a foreign business for domestic consumers (Q18) 31
Figure 16. Providing remedies to foreign consumers damaged by a domestic business (Q20) 32
Figure 17. Barriers for international co-operation in consumer protection (Q17) 33
Figure 18. Importance of barriers for international co-operation (Q17) 34
Figure 19. Experiences in co-ordinated investigation with foreign authorities (Q22) 37
Figure 20. Experiences in joint or co-ordinated enforcement actions with foreign authorities (Q23) 38
Figure 21. Experiences in Internet sweeps with foreign authorities (Q24) 41

Boxes

Box 1. National examples of legislation 23
Box 2. Regional example of legislation 24
Box 3. Examples of international and regional co-operation networks 26

Executive summary

This report provides information on consumer protection enforcement authorities of OECD member and non-member countries, with a focus on the ability of these authorities to co-operate across borders. The report analyses questionnaire responses from 31 countries, supplemented by additional research. It has been prepared to support a review of the 2003 OECD *Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders*. It will also inform work to implement the 2016 *OECD Recommendation of the Council on Consumer Protection in E-Commerce*, which contains updated provisions on enforcement co-operation.

Domestic consumer protection enforcement system

Countries have diverse consumer protection enforcement systems. Significant country-to-country differences can be seen in budgetary and staff resources. More than three in four consumer protection enforcement authorities are equipped with administrative enforcement powers, while a minority have civil or criminal enforcement powers. A few authorities have a mixture of powers.

Authorities use a variety of information for investigations. All consumer protection enforcement bodies rely on complaints from individual consumers to support investigations. Authorities also use complaints from consumer organisations and businesses, as well as media reports.

Enforcement actions can take a wide range of forms, but there exist certain similarities among jurisdictions. The most common types of action are publication of a violation and fines, followed by warning letters. Some enforcement actions may require judicial adjudication. Through the legal system, court orders are commonly available sanctions for most countries. A majority of countries are also able to apply civil penalties and fines against businesses engaged in deceptive and unfair commercial practices.

Consumer protection enforcement authorities collaborate actively with other domestic regulators. The survey suggests that 87% of countries have frameworks to enable co-operation among national authorities in the enforcement of consumer protection laws, including in areas like competition, privacy and data protection, financial services, health, environmental protection, and transport. All countries reported that their consumer protection enforcement authorities have co-operated with other national public authorities. The forms of co-operation vary, including information sharing, as well as collaboration on guidance for businesses, investigations and enforcement actions.

International enforcement co-operation

Countries are implementing and developing a common framework for enforcement as set forth in the *Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders*. Indeed, all but two countries reported that they have put in place arrangements or legal frameworks with foreign authorities for consumer protection enforcement co-operation. For example, a number of OECD countries have enacted legislation that specifically provides for information sharing and investigative assistance. A majority of countries also

have the legal authority to provide or facilitate remedies for foreign consumers, but only a few have the power to provide monetary restitution to injured foreign consumers. However, the survey suggests that a number of OECD countries have not fully taken such steps and there is scope for increased implementation of the Recommendation.

Countries are generally active in some form of cross-border co-operation. A majority of countries reported that their consumer protection enforcement authorities will notify foreign authorities if they receive information on businesses located in their country that cause economic damage to consumers. Many countries share certain types of information with their counterparts in other countries, including publicly available information, information on a specific business and expert opinions. A majority are able to assist in an investigation of a domestic business by a foreign authority. The extent to which participation in these networks and legal arrangements results in actual, investigative or case cooperation, however, is unclear from the survey responses.

A number of countries have engaged in enforcement co-operation across borders, including sharing information and enforcement strategies, conducting international investigations against businesses, providing consumers with resolution and redress, and negotiating with businesses. In one notable case, a consumer authority used its statutory authority to obtain information in aid of a foreign investigation to obtain a court order permitting the discovery of information from a domestic business. **Many of these efforts, however, seem to have occurred only among a few countries or have been limited within a geographic region.** In addition, the extent to which legal arrangements and participation in international co-operation networks result in actual co-operation cases is not very clear from the survey responses.

There are still significant challenges to international co-operation. A number of countries limit information sharing involving personal data and business information. Only a slim majority of countries are able to share consumer complaints with full information. Authorities may share only limited information unless their foreign counterparts provide a strong rationale and privacy protections for the consumer information. In addition, only a slight majority of countries are able to share court filings and information obtained pursuant to judicial or other compulsory processes with foreign authorities. Despite improvements in frameworks for cross-border enforcement co-operation, only half of the authorities have taken joint or co-ordinated enforcement actions with their foreign counterparts.

A number of factors hinder efforts to increase international co-operation in consumer protection. Even when enabling legislation exists, there are still barriers to cross-border co-operation. The most important factor is a lack of adequate resources in consumer protection enforcement authorities. Around 70% of countries reported that inadequate resources are always (18%) or frequently (50%) barriers to cross-border co-operation. Another key factor is legal authority, which 25% of respondents identified as “always a barrier” and 18% reported as “frequently a barrier”. Similarly, 43% of countries reported incompatibility of legal frameworks as a barrier. Other factors highlighted as barriers to cross-border co-operation include privacy and data protection limitations, confidentiality rules, and language.

Continuing challenges

Despite many improvements, this report identifies several factors that still hinder cross-border co-operation. **Enhanced efforts to address those challenges, including through improved implementation** of the *Recommendation of the Council concerning Guidelines*

for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders, are needed to better protect consumers in the global digital marketplace.

1. Introduction

Background

In 2003, the OECD Council adopted the Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders ("Cross-border Fraud Recommendation") (OECD, 2003[1]). The Recommendation provides a common framework to address the challenges of protecting consumers from cross-border fraudulent and deceptive commercial practices, and to increase co-operation among consumer protection enforcement agencies to combat such practices.

Specifically, to develop a framework for closer, faster and more efficient co-operation among consumer protection enforcement agencies, the Cross-border Fraud Recommendation calls on OECD member countries to work toward:

- establishing a domestic system for combating cross-border fraudulent and deceptive commercial practices against consumers
- enhancing notification, information sharing and investigative assistance
- improving the ability to protect foreign consumers from domestic businesses engaged in fraudulent and deceptive commercial practices
- improving the ability to protect domestic consumers from foreign businesses engaged in fraudulent and deceptive commercial practices
- considering how to ensure effective redress for victimised consumers
- co-operating with relevant private sector entities.

In 2006, as instructed by the OECD Council, the Committee on Consumer Policy (CCP) issued an implementation report ("Report on the implementation of the 2003 OECD Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders") (OECD, 2006[2]) to evaluate the impact of the Cross-border Fraud Recommendation. The report concluded that OECD member countries had made significant efforts to combat cross-border fraudulent and deceptive commercial practices at domestic, regional and international levels. At the same time, the report highlighted that there were still significant challenges to be addressed in order to reinforce the effectiveness of consumer law enforcement co-operation and called upon adherents to continue exploring mechanisms to improve their co-operation framework.

In 2016, the OECD Council revised its *OECD Recommendation of the Council on Consumer Protection in E-Commerce* ("E-commerce Recommendation") (OECD, 2016[3]). The revisions address key new developments in e-commerce,[1] which include: non-monetary transactions, digital content products, active consumers, mobile devices, privacy and security risks, payment protection, and product safety. Significantly, the E-commerce Recommendation contains expanded principles on cross-border co-operation, adopting many of the principles of the Cross-border Fraud Recommendation for consumer protection in e-commerce more generally.

Cross-border co-operation for consumer protection has become increasingly important, especially with the expansion of e-commerce transactions. For example, the European Commission reports that the number of cross-border consumer complaints has been increasing steadily.[2] Based on consumer complaints received by the European Consumer

Centres Network (ECC-Net), a network of 30 offices in the EU member states, Iceland and Norway, the report indicates that in 2015, the ECC-Net received complaints from 38 048 consumers about issues regarding their cross-border purchases, 1.2% higher than the previous year. It also highlights that 68% of these complaints were related to online purchases, including online shopping and Internet frauds. In addition, the number of consumer complaints received at econsumer.gov,[3] an initiative that allows consumers to file complaints with foreign companies and makes them available to enforcers and regulators in countries with participating agencies, is also at a significant level. In 2016, econsumer.gov received about 14 000 complaints from consumers across the world.[4]

Review of OECD legal instruments

Following an action plan for review of the CCP's OECD legal instruments which was agreed at its 92nd meeting, this report has two objectives. The first is to provide information on consumer protection enforcement authorities,5 in particular regarding cross-border co-operation, in order to support the review of the Cross-border Fraud Recommendation. The second objective is to better understand the powers of consumer authorities, as a part of the work on implementation of the E-commerce Recommendation.

For these purposes, the CCP prepared a questionnaire on consumer protection enforcement authorities, which was circulated in May 2017 (see Annex A). Responses were received from 31 countries, including 6 non-member countries.6 Based on the answers to the questionnaire and additional research performed by the OECD Secretariat, this report presents and analyses the findings of the survey.

2. Domestic framework for consumer protection enforcement

Consumer protection enforcement authorities

To limit the incidence of fraudulent and deceptive commercial practices against consumers, the Cross-border Fraud Recommendation calls on OECD member countries to introduce and maintain an effective domestic framework including consumer protection enforcement agencies and institutions (Section II.A). The E-commerce Recommendation recommends, more specifically, that member countries establish and maintain consumer protection enforcement authorities with the resources and technical expertise to exercise their powers effectively to achieve consumer protection in e-commerce (Part Two. 53. iii).

As Table 1 shows, all respondents have their own enforcement authorities[7] for consumer protection, although there are significant differences in consumer protection systems, as will be described in the remainder of this report. Some countries have more than two competent authorities to protect consumers. In addition, in countries such as Austria and Germany, private enforcement bodies play an important role in enforcing consumer protection laws against businesses.[8]

In terms of resources, there are significant country-to-country differences in the size of consumer protection authorities' budgets and their number of staff members. Annual funding ranges from USD 0.04 million to USD 285 million for each authority. Staff numbers are also diverse, from 3 to 3 036 full-time employees. An average of these resources across respondents is USD 33 million and 369 employees, respectively.

Information gathering and investigative powers

The Cross-border Fraud Recommendation provides that consumer protection enforcement authorities should be adequately equipped with investigative powers to combat fraudulent and deceptive commercial practices (Section II.A.2). The survey results show that a range of information sources can be used to trigger an investigation by consumer authorities. As Figure 1 shows, all countries reported their use of complaints from individual consumers. In addition, all but two countries (93%) use complaints from consumer organisations, and a majority of respondents reported their use of media reports (87%) and complaints from businesses (77%).

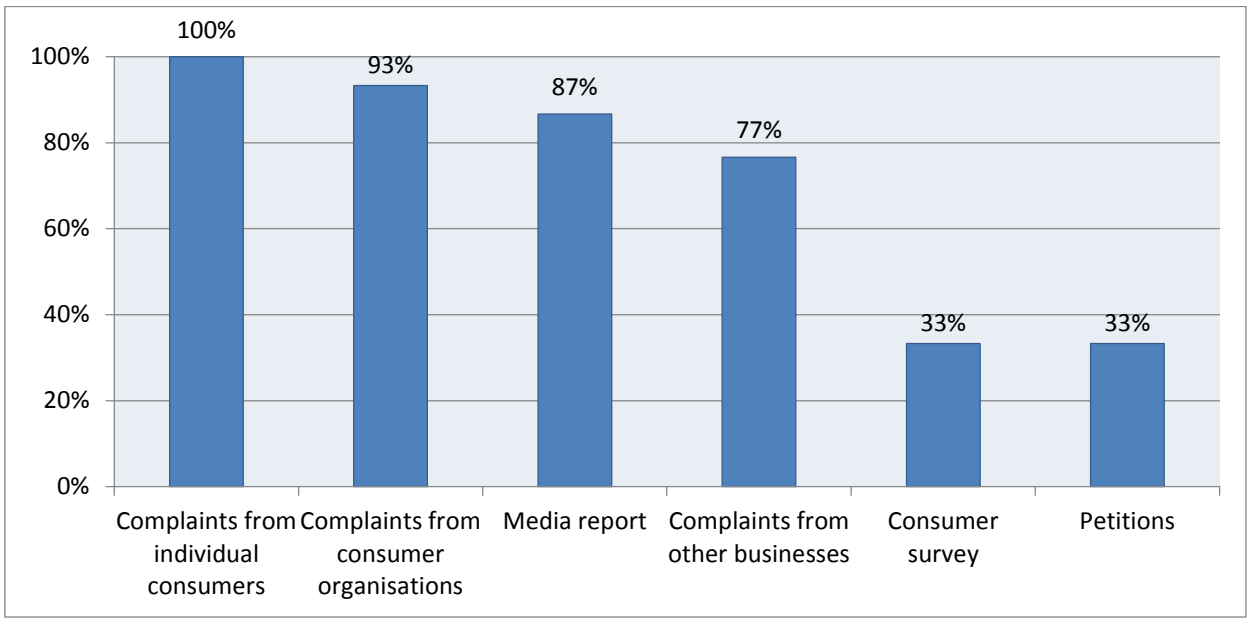
In addition to the options given in the question, some countries reported that investigations could be triggered at the discretion of their consumer protection authorities, such as through recommendations from staff. This highlights the importance of equipping consumer authorities with an appropriate number of employees with sufficient skills and knowledge to fulfil their responsibilities. Furthermore, other respondents noted that information from other domestic authorities and their foreign counterparts are also an important source of information for opening an investigation, suggesting the importance of both national and international co-operation in consumer protection.

Table 1. Consumer protection enforcement authorities (Q1-3)

Country	Authority	Annual budget[1] (million USD)	Full-time employees
Argentina	National Directorate of Consumer Protection	1.7	400
Australia	Australian Competition and Consumer Commission	?	?
Austria	Austrian Consumers' Association Chamber of Labour	1.6	20
Belgium	Directorate General for Economic Inspection	23.4	654
Canada	Competition Bureau Canada	?	?
Chile	National Consumer Service	16.8	301
Colombia	Superintendence of Industry and Commerce	1.7	134
Costa Rica	National Consumer Commission	2.0	44
Czech Republic	Trade Inspection Authority	17	474
Finland	Finnish Competition and Consumer Authority Consumer Ombudsman	4.3	18
France	General Directorate for Competition Policy, Consumer Affairs and Fraud Control	4.8	1 968
Germany	Federal Ministry of Justice and Consumer Protection Subordinate agencies such as the Federal Cartel Office, the Federal Financial Supervisory Authority, the Federal Network Agency, the Federal Aviation Office Federation of German Consumer Organisations (vzbv)	0.4 21.8 14.1	3 161 96
Hungary	Hungarian Competition Authority Regional first instance consumer protection authorities	8.4	12 350
Israel	Consumer Protection and Fair Trade Authority	3.6	59
Italy	Italian Competition Authority	60.1	44
Japan	Consumer Affairs Agency	115	334
Korea	Korea Consumer Agency	38	403
Latvia	Consumer Rights Protection Centre	2.6	75
Lithuania	Competition Council of the Republic of Lithuania State Consumer Rights Protection Authority of the Republic of Lithuania	3.7	12
Mexico	Consumer Protection Federal Agency	?	3 036
Netherlands	Netherlands Authority for Consumer and Markets	?	70
New Zealand	Ministry of Business Innovation and Employment	?	?
Norway[2]	Consumer Ombudsman	3.3	25
Peru	National Institute for the Defence of Competition and Protection of Intellectual Property	10.6	620
Poland	Office of Competition and Consumer Protection	?	50
Portugal[3]	Consumer Directorate-General	1.8	46
Russian Federation	Federal Service for Surveillance on Consumer Rights Protection and Human Well-being	285	?
Slovenia	Market Inspectorate of the Republic of Slovenia	2.6	50
Switzerland	State Secretariat for Economic Affairs	0.04	10
United Kingdom	Competition and Markets Authority Department for Business, Energy and Industrial Strategy	7.7	30
United States	Federal Trade Commission	171.2	637

Notes: (1) Annual budget is calculated based on a yearly average exchange rate in USD in 2016. The numbers indicated in the table (both for annual budget and full-time employees) are related to the consumer protection activities of each authority. (2) The Consumer Ombudsman of Norway changed its name to the Consumer Authority in January 2018. (3) The enforcement of consumer protection legislation is shared by 13 authorities with different powers, and the Consumer Directorate-General only has enforcement powers with regard to advertising.

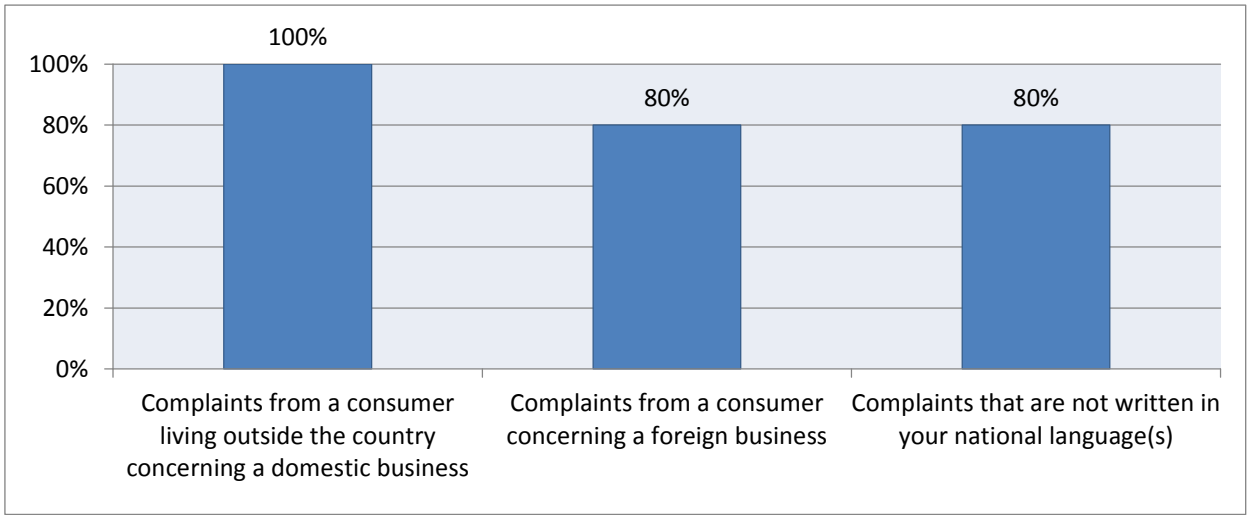
Figure 1. Information triggering an investigation (Q4)



Base: 30 respondents.

Looking further at what type of consumer complaints can be received and dealt with by consumer authorities, Figure 2 shows that all countries are able to respond to complaints from consumers living overseas regarding a domestic business. Most countries also deal with consumer complaints concerning a foreign business as well as those not written in their national languages. A number of respondents reported their ability to receive consumer complaints written in English, for example, even where English is not the native language.

Figure 2. Type of consumer complaints received and dealt with (Q5)



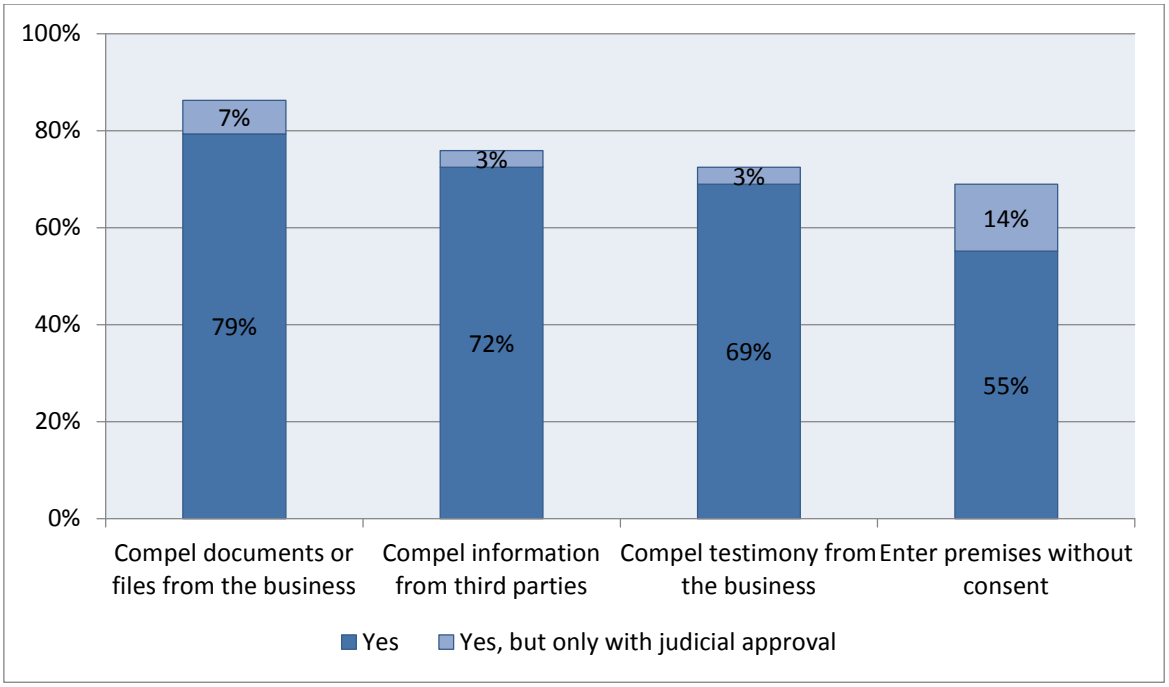
Base: 30 respondents.

The Cross-border Fraud Recommendation calls on member countries to provide their consumer protection enforcement authorities with the necessary authority to obtain information sufficient for investigation and enforcement actions (Section II.B).

The survey indicates that most consumer protection enforcement authorities have some form of investigative powers to protect consumers from traders. As can be seen in Figure 3, a significant majority of respondents have powers to compel documents or files (86%), or compel testimony (72%) from the business. Moreover, most countries (76%) reported that their consumer protection enforcement authorities have the power to compel information from third parties to protect consumers.

In order to exercise these administrative powers against businesses engaged in fraudulent and deceptive commercial practices, authorities in some countries need to obtain approval from a court. Canada, for example, reported that it is required to seek approval from the court to use its formal investigative powers.

Figure 3. Investigative powers of authorities (Q6)



Base: 29 respondents.

Information gathering from Internet service providers

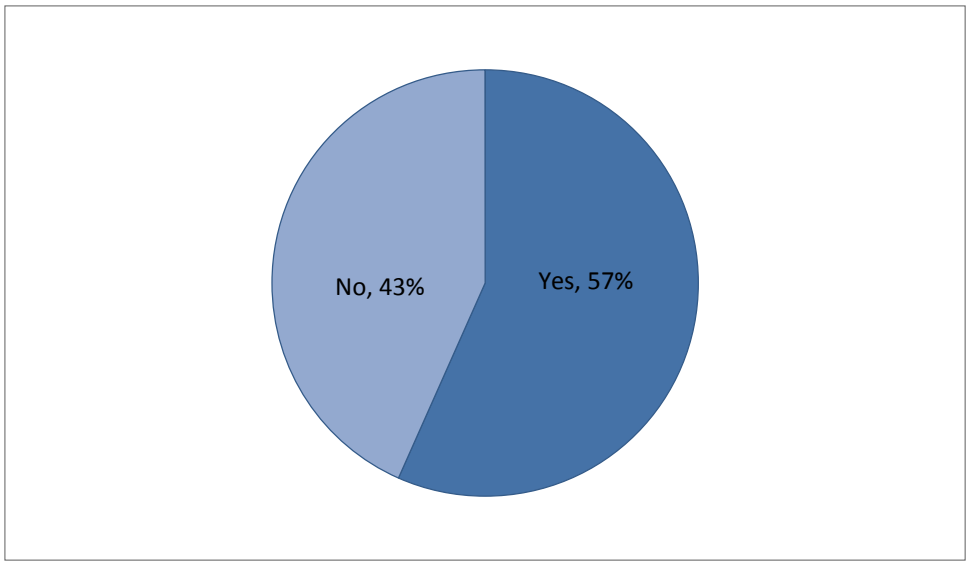
A majority of countries (57%) reported that they have a legal framework that addresses the ability of their consumer protection authorities to gather information from Internet service providers (ISPs) (Figure 4). Some of the laws, such as those of respondants from Mexico and the United States, have specific provisions covering information gathering from ISPs. For example, in the United States, the Electronic Communications Privacy Act specifies the types of account-identifying information an agency may obtain from an electronic communications service provider or a remote computing service provider, and also places limits on the types of information these providers can voluntarily provide to the government and the types of legal process the government can use to compel the

provider to produce information. Moreover, other laws limit the release of particular types of information to the government from financial intermediaries.

The recent revision of the Marketing Control Act of Norway provides the Consumer Ombudsman, in the same manner as police, prosecutors and other authorities, with the powers to obtain information on subscribers and communication addresses, if necessary and if certain conditions are met. The revisions entered into force on 1 January 2018.

On the other hand, other countries have laws that enable their consumer protection authorities to apply the same compulsory powers as other persons or businesses for obtaining information from ISPs or other relevant businesses, although these laws do not necessarily contain provisions specific to information-gathering powers from ISPs.

Figure 4. Existence of laws on gathering information from Internet service providers (Q7)



Base: 30 respondents.

The survey also shows that a minority of respondents (13%) have a framework or arrangements with ISPs or other intermediaries to obtain necessary information for protecting consumers (related to Q8).

Enforcement powers

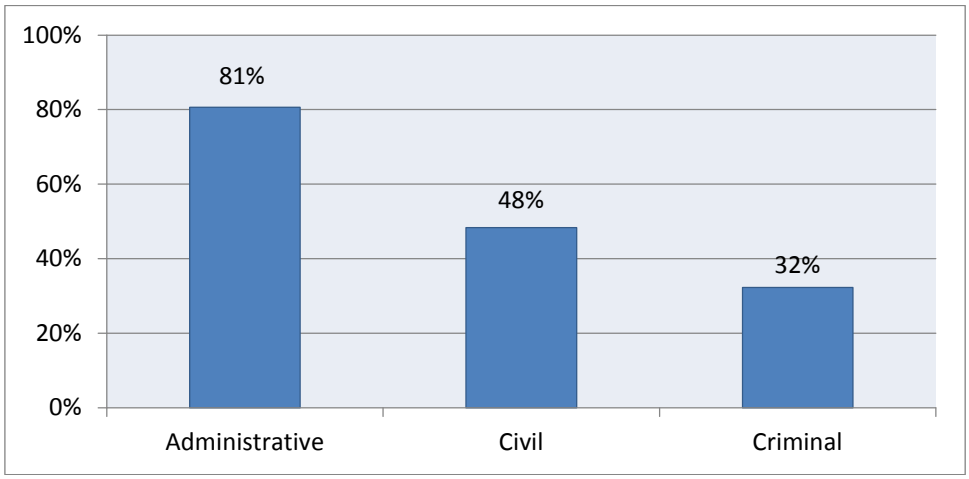
As recognised in the Cross-border Fraud Recommendation, countries "have diverse consumer protection systems, involving different laws, enforcement procedures and roles for judicial authorities, and rely to varying extents on civil, criminal and administrative law" (Preface). Responses to the questionnaire confirm to a significant extent the diversity of national enforcement systems and approaches for consumer protection. Both Table 2 and Figure 5 show that administrative power is the most common across consumer protection enforcement bodies. However, civil and criminal enforcement powers are also widely available.[9]

Table 2. Type of enforcement powers (by each country) (Q9)

Country	Civil	Administrative	Criminal
Argentina	×	√	×
Australia	√	√	√
Austria	√	√	√
Belgium	√	√	√
Canada	√	×	√
Chile	√	×	×
Colombia	×	√	×
Costa Rica	×	√	×
Czech Republic	×	√	×
Finland	√	×	×
France	√	√	√
Germany	√	√	×
Hungary	√	√	×
Israel	×	√	√
Italy	×	√	×
Japan	×	√	×
Korea	√	×	×
Latvia	×	√	×
Lithuania	×	√	×
Mexico	×	√	×
Netherlands	×	√	×
New Zealand	√	√	√
Norway	×	√	×
Peru	×	√	×
Poland	×	√	×
Portugal	×	√	×
Russian Federation	√	√	×
Slovenia	×	√	√
Switzerland	√	×	√
United Kingdom	√	×	√
United States	√	√	×

Note: In Germany, certain private enforcement bodies, such as the Federation of German Consumer Organisations (vzbv), are able to enforce consumer protection laws (only through civil law measures). The same applies to Austria (see end note 8).

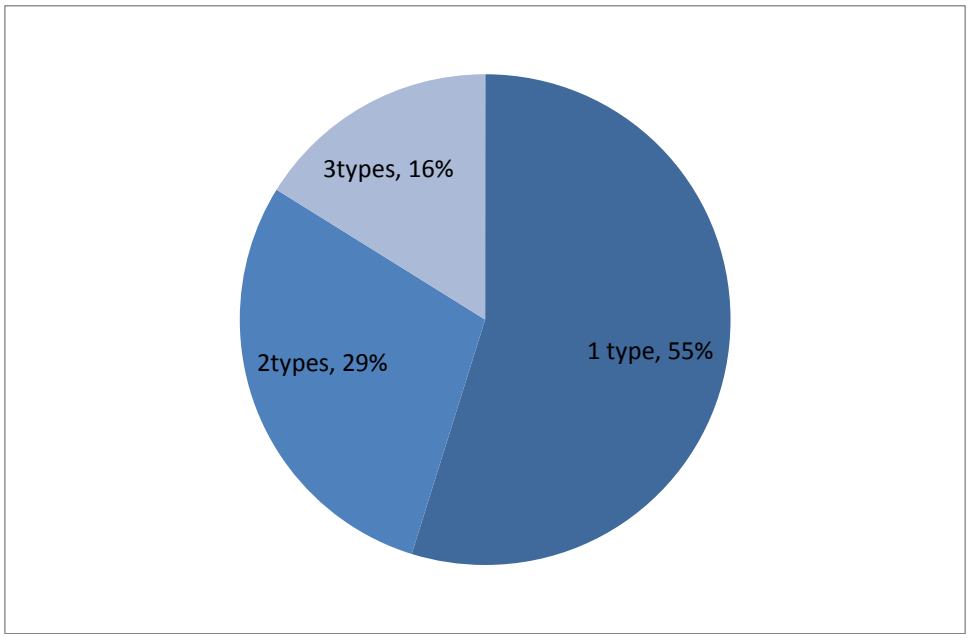
Figure 5. Type of enforcement powers (Q9)



Base: 31 respondents.
Note: Multiple answers are possible by each country.

Figure 6 indicates that a majority of the consumer protection enforcement authorities (55%) have only one type of enforcement power. On the other hand, more than 40% of authorities can exercise two or three types of enforcement powers.

Figure 6. Number of enforcement powers available (by each country) (Q9)



Base: 31 respondents.

Enforcement actions

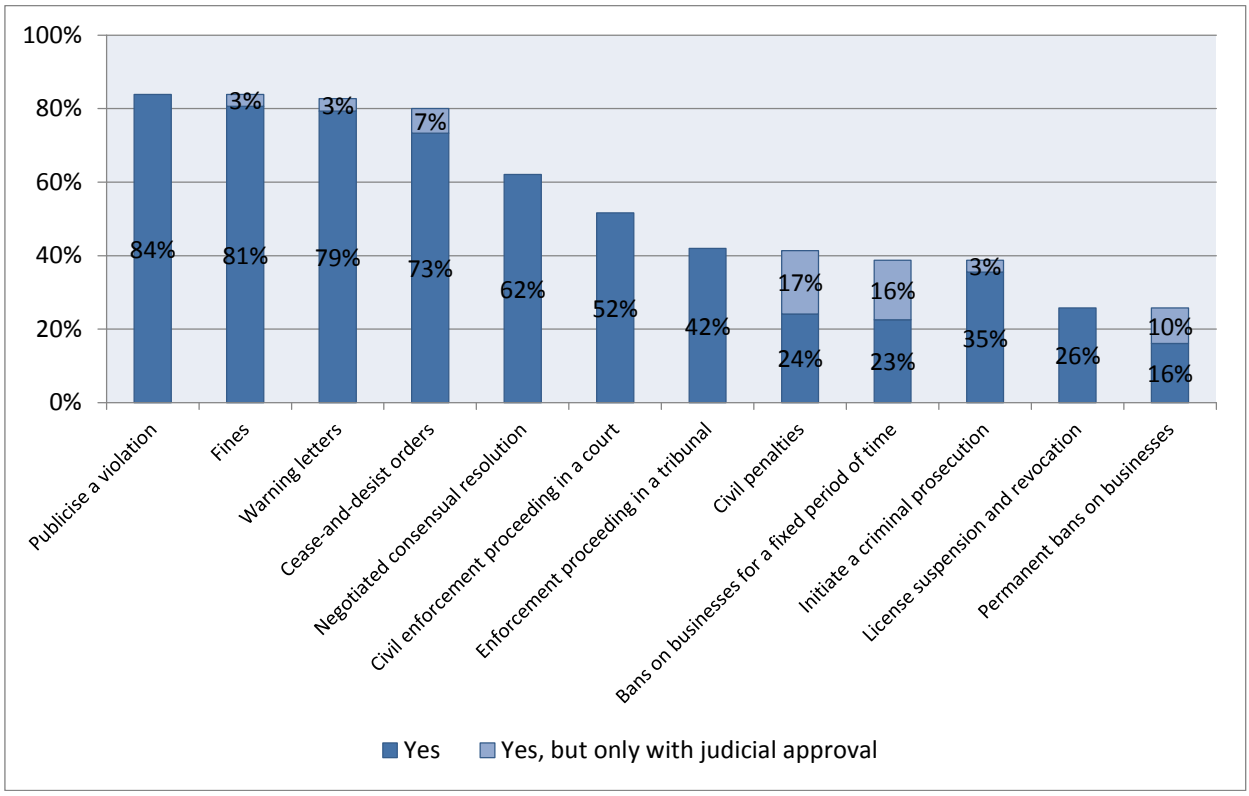
Both the Cross-border Fraud Recommendation (Section II.A and B) and the E-commerce Recommendation (Part Two. 53.iii) call on member countries to provide effective

domestic mechanisms to take appropriate steps against businesses engaged in fraudulent and deceptive commercial practices.[10]

As shown in both Figure 7 and Table 3, although there are significant differences among countries regarding actions available and conditions required for their application, consumer protection enforcement authorities have a variety of tools to take action against businesses using fraudulent and deceptive practices. For some consumer protection enforcement authorities, enforcement actions may require judicial adjudication.

The most common actions among consumer protection enforcement authorities are publishing notice of a violation by a rogue trader (84%) and fines (84%). Publication of a violation is usually at the discretion of the agency, and does not require judicial approval. Respondents also commonly use warning letters (82%).

Figure 7. Type of enforcement actions available by authorities (Q10)



Base: 31 respondents.

Table 3. Type of enforcement actions available (by each country) (Q10)

	Warning letters	Civil penalties	Fines	Cease-and-desist orders	Bans for a fixed term	Permanent bans	License suspension	Publicise violation	Initiate criminal prosecution	Initiate civil proceeding	Initiate a tribunal process	Negotiated consensual resolution
Argentina	×	×	√	√	×	×	√	√	√	√	√	√
Australia	√	√*	√	√*	√*	×	×	√	×	√	×	√
Austria	√	×	√	√*	×	×	√	√	×	√	√	√
Belgium	√	×	×	√	×	×	×	×	√*	×	×	×
Canada	√	√	√	√	√	×	×	√	√	√	√	√
Chile[1]	√	√*	√*	×	×	×	×	√	×	√	×	√
Colombia	√	√	√	√	√	√	√	√	√	√	√	√
Costa Rica	√	×	√	√	×	×	×	√	×	×	√	√
Czech Republic	√	√	√	√	√	×	×	×	×	×	×	×
Finland	√	×	×	×	×	√	×	×	×	√	×	√
France[2]	√	√*	√	√	√*	×	×	√	√	√	√	×
Germany[3]	√	√	√	√	×	×	×	×	√	√	×	×
Hungary	×	×	√	√	×	×	×	√	√	√	×	×
Israel	√	×	√	√	×	×	×	√	√	×	×	×
Italy	×	×	√	√	×	×	×	×	×	×	×	√
Japan	√	×	√	√	√	×	√	√	×	×	×	×
Korea	×	×	×	×	×	×	×	√	×	×	×	√
Latvia	?	?	√	?	×	×	√	√	×	×	×	√
Lithuania	√	×	√	√	×	×	×	√	×	×	×	×
Mexico	×	√	√	√	√	×	×	√	×	√	√	?
Netherlands	√	×	√	√	×	×	×	√	×	×	×	√
New Zealand	√	√	√	√	√	√	√	√	√	√	√	√
Norway	√	×	√	×	×	×	×	√	×	×	√	√
Peru	?	?	√	√	√*	√*	×	√	×	√	√	?
Poland	√	×	√	√	×	×	×	√	×	×	×	√
Portugal	√	×	√	×	×	×	×	√	×	×	√	×
Russian Federation	√*	√*	√	√	√*	√*	×	√	×	×	√	×
Slovenia	√	×	√	√	×	√	×	√	√	×	×	×
Switzerland	√	×	×	×	×	×	×	√	√	√	×	√
United Kingdom	√	√*	√	√	√*	√*	√	√	√	√	×	√
United States[4]	√	√	×	√	√	√	√	√	×	√	√	√

* Indicates judicial approval is required to take the action.

Notes: (1) Only the court can impose civil penalties, but SERNAC is able to initiate these civil proceedings and also to request the application of a fine. (2) There are two types of fines in France: those which can be directly imposed by the consumer protection enforcement authority (administrative fines) and those that can be imposed after judicial approval (criminal fines). (3) Certain private enforcement bodies (non-governmental organisations), such as the Federation of German Consumer Organizations (vzbv), are able to enforce consumer protection laws, including warning letters, cease-and-desist orders, and initiating a civil proceeding. The same applies to Austria. (4) Judicial approval is not required for the Federal Trade Commission (FTC) to commence an action seeking civil penalties, but they can only be awarded by a court. The FTC makes its own decision to publicise an action but generally refrains from doing so until it has made a "reason to believe" determination that the defendant violated the FTC Act and has filed an enforcement action. The FTC has the statutory authority to refer matters for criminal prosecution but does not have the authority to "initiate" such a proceeding.

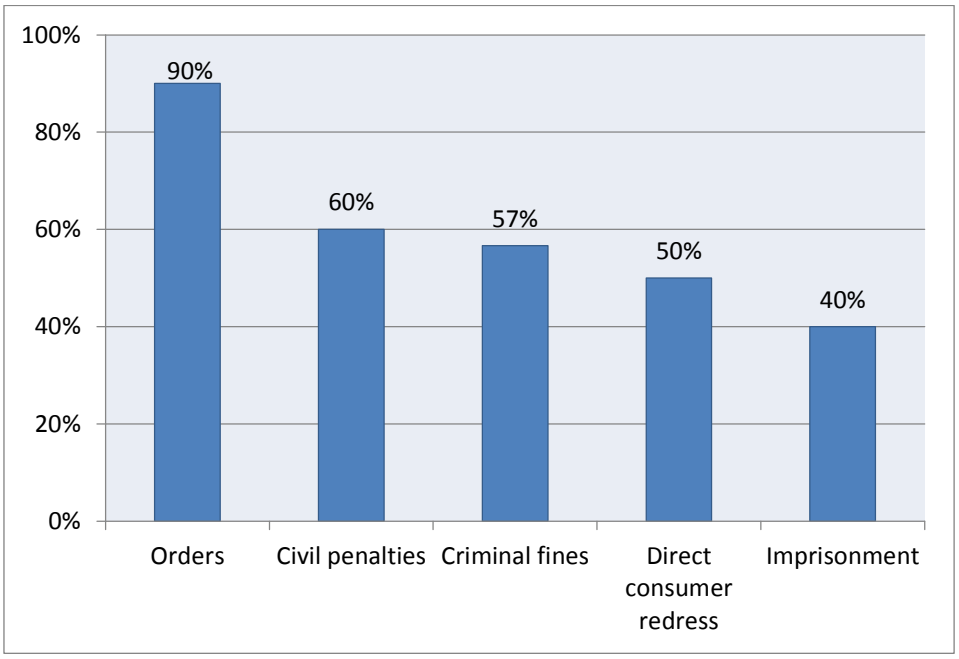
Sanctions and remedies

Figure 8 and Table 4 show the availabilities of sanctions or remedies through the legal system. Again, there is a significant variation among jurisdictions. New Zealand, for example, has a variety of choices, ranging from civil penalties to imprisonment in addition to administrative enforcement actions, while Korea has none of these sanctions available through the legal system.

As shown in Figure 8, orders are commonly available sanctions for most countries (90%). A majority of countries are also able to apply civil penalties (60%), and fines (57%) against businesses engaged in fraudulent and deceptive commercial practices.[11]

Respondents further reported that other possible sanctions or remedies include restitution, consignment of illicit profits, product bans and suspension of sales.

Figure 8. Type of sanctions/remedies available through the legal system (Q11)



Base: 30 respondents.

Table 4. Sanctions or remedies available through the legal system (by each country) (Q11)

	Orders	Civil penalties	Criminal fines	Imprisonment	Direct consumer redress
Argentina	×	×	×	×	×
Australia	√	√	√	×	√
Austria	√	×	√	×	×
Belgium	×	×	√	√	×
Canada	√	√	√	√	×
Chile[1]	√	√	×	×	√
Colombia	√	√	×	×	√
Costa Rica	√	√	×	√	√
Czech Republic	√	√	√	√	√
Finland	√	√	√	√	√
France	√	√	√	√	×
Germany	√	√	√	×	√
Hungary	√	×	×	×	×
Israel	√	×	√	√	×
Italy	√	√	×	×	×
Japan	√	×	√	√	×
Korea	×	×	×	×	×
Latvia	√	×	√	×	×
Lithuania	√	×	×	×	√
Mexico	√	×	×	×	×
Netherlands	√	√	×	×	√
New Zealand	√	√	√	√	√
Norway	√	√	√	√	√
Peru	?	?	?	?	?
Poland	√	√	√	×	×
Portugal[2]	√	×	√	×	×
Russian Federation	√	√	×	×	×
Slovenia	√	√	×	×	√
Switzerland	√	√	√	√	√
United Kingdom	√	×	√	√	√
United States[3]	√	√	×	×	√

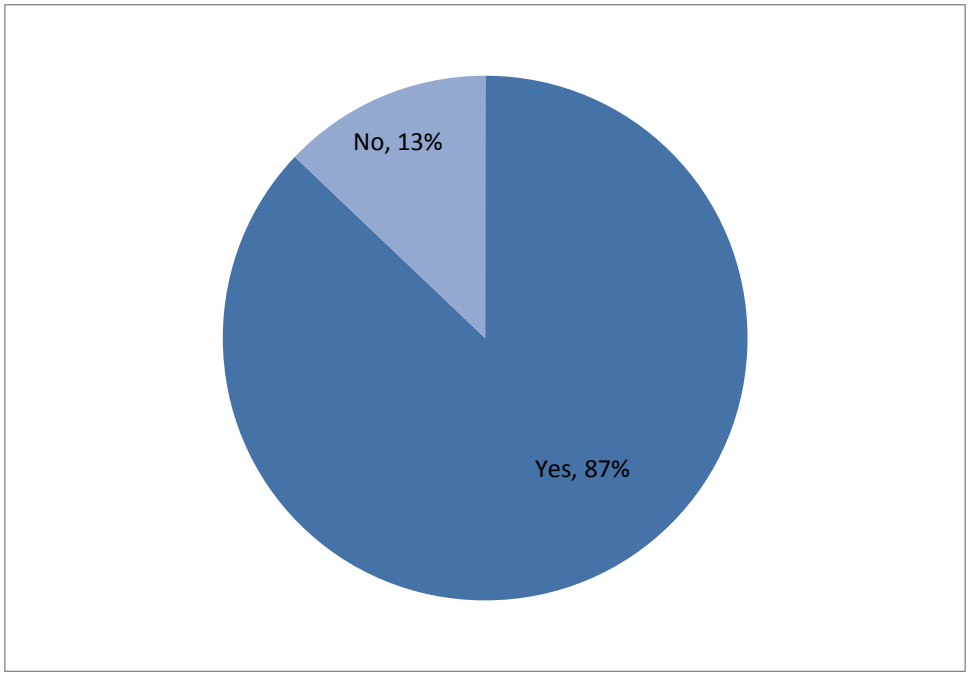
Notes: (1) Fines are imposed by a civil court that has wide-ranging powers to collect them. (2) The decisions of enforcement/administrative authorities imposing criminal fines can be judicially contested before criminal courts. (3) The Federal Trade Commission (FTC) cannot bring these criminal actions directly, but many FTC cases can be prosecuted criminally following the the FTC's civil enforcement action. In addition, some consumer protection laws enforced by other federal agencies, as well as state agencies, do provide for criminal prosecution and sanctions.

Framework for domestic co-operation

As stressed in the Cross-border Fraud Recommendation (Section II.D), co-operation with other law enforcement authorities is a key component of effective consumer protection enforcement. As can be seen in Figure 9, the survey suggests that 87% of countries have legal frameworks or other arrangements to co-operate with other domestic authorities in the enforcement of consumer protection laws. It appears that there is wide recognition among respondents on the importance of domestic co-operation to protect consumers from fraudulent and deceptive commercial practices.

The survey indicates that significant efforts have been made to increase and widen co-operation with other public bodies working on consumer policies. Such inter-agency co-operation at the national level has been carried out with a variety of authorities, including in the field of competition, data protection, financial services, health, environmental protection and transport. Consumer protection enforcement authorities are also active in co-operating with territorial or local jurisdictions. Section 4 describes some of such domestic co-operation cases in detail.

Figure 9. Legal frameworks or arrangements facilitating domestic co-operation (Q12)



Base: 31 respondents.

3. Framework for international enforcement co-operation

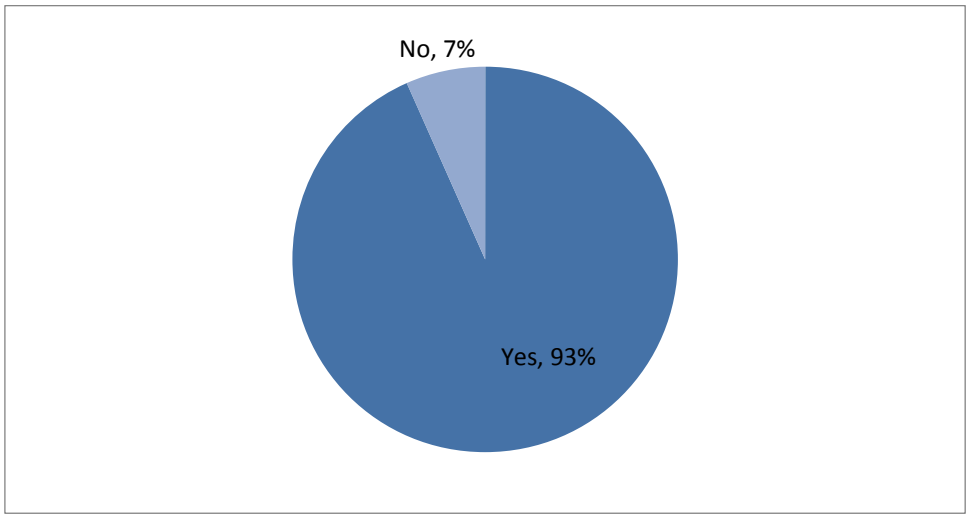
In addition to strengthening the domestic framework for consumer protection enforcement, both the Cross-border Fraud Recommendation (Section III.D) and the E-commerce Recommendation (Part Three. iii) call on member countries to use existing international and regional networks, or enter into appropriate bilateral and multilateral arrangements or other initiatives, to facilitate co-operation with foreign consumer authorities[12].

Overview of the international co-operation framework

Consistent with the Cross-border Fraud Recommendation, many countries have improved their frameworks for combating cross-border fraudulent and deceptive commercial practices and increased their ability to co-operate with consumer protection enforcement authorities in other countries through legislation, international arrangements and international co-operation networks.

In accordance with the relevant provisions in the Cross-border Fraud Recommendation and the E-commerce Recommendation, the survey suggests that countries have made significant efforts in the development of international consumer protection enforcement co-operation. As shown in Figure 10, all but two countries (93%) have legal frameworks or other arrangements with foreign authorities to enable consumer protection enforcement co-operation across borders.

Figure 10. Arrangements or legal frameworks for cross-border enforcement co-operation (Q13)



Base: 30 respondents.

Legislation and legal powers

As a result of legislative reforms after the adoption of the Cross-border Fraud Recommendation, some countries reported an increased ability to co-operate with foreign authorities in cross-border cases. These laws cover a variety of issues, including

information sharing, investigative assistance, cross-border consumer redress and miscellaneous co-operation provisions (Boxes 1 and 2).

However, there seem to be a number of OECD countries that have not fully taken such steps and there is scope for increased implementation of the Cross-border Fraud Recommendation. Furthermore, there is still not a lot of information about how co-operation pursuant to such enabling legislation actually occurs.

Box 1. National examples of legislation

The US Safe Web Act[1]

In the United States, the US Safe Web Act of 2006 provides the Federal Trade Commission (FTC) with powers to effectively protect consumers from cross-border fraud and deception.

Specifically, the legislation allows the agency to share confidential information on consumer matters with its foreign counterparts, subject to appropriate confidentiality safeguards. It also enables the FTC to conduct investigations and discovery in the aid of consumer protection enforcement authorities in other countries. In order to facilitate information sharing with foreign authorities, the act contains a provision on protecting information provided by foreign enforcers from public disclosure if confidentiality is a condition of providing it.

With respect to providing remedies in cross-border cases, the act confirms the agency's ability to redress harm in the United States caused by foreign businesses and harm abroad caused by domestic businesses. It also confirms that the FTC has the legal authority to provide all available remedies, including monetary restitution to domestic or foreign victims.

Canada's anti-spam legislation[2]

The ability of the Canadian Competition Bureau to share information is subject to the confidentiality provision of the Competition Act, which allows the Competition Bureau to share information with foreign counterparts only for the purposes of administration or enforcement of the Competition Act.

However, Canada's anti-spam legislation, which came into effect in 2014, allows the Competition Bureau to share information with its foreign counterparts where the information concerned is potentially relevant to the civil or criminal investigation of the foreign state into conduct that would be contrary to certain provisions of the Competition Act carried out by electronic means, and that is substantially similar to offences or reviewable conduct under the Competition Act.

Notes: 1. http://uscode.house.gov/statutes/pl/109/455.pdf.
2. http://fightspam.gc.ca/eic/site/030.nsf/eng/home.

Box 2. Regional example of legislation

The EU's Consumer Protection Cooperation Regulation Network

At a regional level, the **Consumer Protection Cooperation (**CPC) network provides a framework for consumer protection enforcement co-operation in the European economic area. It enables consumer authorities from participating countries to jointly take actions against breaches of consumer rules when consumers and businesses are located in different jurisdictions. Under the CPC regulation, participating countries are obliged to provide mutual assistance.

Specifically, the CPC fosters co-operation among its member states through an information request system, through which authorities provide each other with information on whether: 1) a trader registered on its territory has breached the EU consumer laws; and 2) there is reason to suspect that such a breach might take place.

Moreover, within the CPC network, an authority can ask its counterpart to take enforcement actions (request for enforcement measures) to stop the breach of law which causes harms against its consumers. The CPC regulation also provides a list of minimum powers which each authority must have to ensure and facilitate enforcement co-operation for consumer protection.

The CPC facilitates information sharing among its member countries through an alert system, by which an authority can report to other authorities information about unfair and misleading commercial practices that could spread to other countries. This assists in co-ordinating consumer protection enforcement efforts to combat widespread infringements.

In November 2017, the European Council adopted a new regulation, which addressed the need to better enforce the EU consumer laws, in particular in the field of digital economy. The newly adopted regulation enables consumer protection enforcement bodies of participating countries to have the powers to request information from domain registrars and banks to identify the responsible trader. It will also increase powers to carry out mystery shopping exercises and order the immediate closing of scam websites. Furthermore, the European Commission will be able to notify EU-wide problematic practices to the authorities of member states which then might start a co-ordinated action against the business concerned, asking it to change its practices.

Notes: More information on the CPC network is available at: http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/consumer_protection_cooperation_network/index_en.htm.

International agreements and memoranda of understanding

A number of countries reported their efforts to develop and maintain international enforcement co-operation arrangements for consumer protection. This section discusses some of the recent developments in international co-operation arrangements.[13]

In 2012, the Australian Competition and Consumer Commission signed a Memorandum of Understanding (MoU) with the State Administration for Industry & Commerce of the People's Republic of China to promote co-operation and co-ordination of enforcement and training activities related to consumer protection.

During 2014 and 2015, member countries of the Ibero-American Forum of Consumer Protection Agencies (FIAGC) negotiated and signed an MoU which enables consumers to file a complaint in their country when they have an issue with a foreign tourism services provider in any of the member countries.

In 2016, the Mexican Office of the Federal Prosecutor for the Consumer signed an MoU with the Superintendence of Industry and Commerce of Colombia to strengthen co-operation for protecting consumer rights. Both authorities will implement co-operation activities through the exchange of experiences and information. The agreement also stresses the importance of information exchange on product safety, including results of the activities carried out by laboratories to support decision making. From 2016 to 2017, the Mexican Office of the Federal Prosecutor for the Consumer signed MoUs with its counterparts in Brazil, Panama, Romania and Spain.

The US Federal Trade Commission reported international agreements, Free Trade Agreements (containing consumer protection enforcement co-operation provisions), and MoUs with regulators in multiple countries on consumer protection,[14] including: consumer protection agencies; criminal enforcement bodies; data protection regulators; telecommunications authorities; as well as international enforcement networks and partnerships such as the Global Privacy Enforcement Network (GPEN) and the Unsolicited Communications Enforcement Network (UCENet) (see below) for the enforcement of privacy and spam legislation, respectively.

International and regional co-operation networks[15]

The survey indicates that respondents have increased their enforcement co-operation through existing international and regional co-operation networks, including the International Consumer Protection Enforcement Network (ICPEN), and as mentioned above, the GPEN, the UCENet and the FIAGC (Box 3). These networks play an important role in effective collaboration in consumer protection enforcement.[16]

Cross-border enforcement co-operation abilities

Notification

The Cross-border Fraud Recommendation acknowledges the importance of notification mechanisms to allow consumer authorities to alert each other to possible infringements in their jurisdictions (Section IV.A). The E-commerce Recommendation also recommends that consumer protection enforcement authorities increase co-operation and co-ordination in their investigative and enforcement activities through notification (Part Three. 54.ii).

In accordance with these provisions, a majority of countries (77%) report that they will notify their counterparts for consumer protection if they receive information on businesses located in their country that cause economic damage to consumers (Figure 11).

Some countries indicate that they notify foreign authorities based on co-operation agreements with their foreign counterparts. For example, the US FTC has notification obligations under some international co-operation agreements such as the 1995 US-Canada agreement, which requires the parties to "inform each other as soon as practicable of investigations and proceedings involving deceptive marketing practices occurring or originating in the territory of the other Party, or that affect consumers or markets in the territory of the other Party."[17]

Box 3. Examples of international and regional co-operation networks

The International Consumer Protection Enforcement Network

The International Consumer Protection Enforcement Network **(**ICPEN) is an organisation comprised of consumer protection law enforcement authorities from over 60 countries.[1] The presidency of the ICPEN rotates on an annual basis. ICPEN facilitates information sharing on cross-border commercial activities that may affect consumer interests and encourages international co-operation and collaboration among consumer law enforcement agencies. Since its formal start in 1992, the ICPEN is mainly a network of collaboration, used by its membership to develop and maintain regular contact between consumer protection enforcement agencies. ICPEN members exchange information on consumer problems related to cross-border transactions, and facilitate information sharing through monthly teleconferences, national reports and the econsumer.gov website,[2] as well as biannual meetings.

The Global Privacy Enforcement Network

The Global Privacy Enforcement Network (GPEN) is an informal network which was established in 2010 and is currently comprised of 59 privacy enforcement authorities in 43 jurisdictions around the world. It primarily aims to promote and support co-operation in cross-border enforcement of laws protecting privacy. GPEN seeks to promote co-operation through: exchanging information about relevant issues, trends and experiences; encouraging training opportunities and sharing of enforcement know-how, expertise and good practice; promoting dialogue with organisations having a role in privacy enforcement; creating, maintaining, and supporting processes or mechanisms useful to bilateral or multilateral co-operation; and undertaking or supporting specific activities. In 2015, GPEN launched a new information-sharing system (GPEN Alert) that allows participants to share confidential information about investigations.

Unsolicited Communications Enforcement Network

The Unsolicited Communications Enforcement Network **(**UCENet) is a global co-operation network which aims to enhance international anti-spam efforts and address spam-related problems such as online fraud and deception, phishing, and dissemination of viruses. The network was set up in 2016 after consultation with members of the London Action Plan (LAP), which was developed to curb the activities of international spammers in 2004, in order to better reflect the aims and work of the LAP's network.

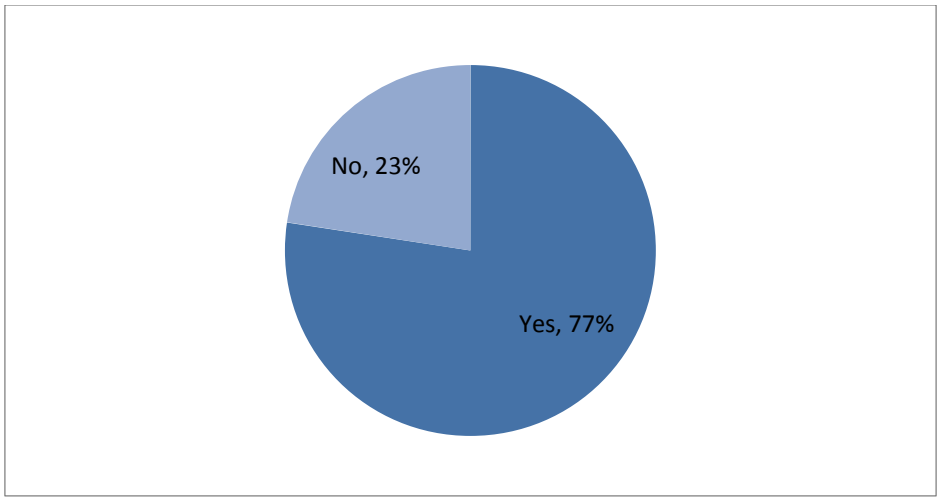
The Ibero-American Forum of Consumer Government Agencies

The Ibero-American Forum of Consumer Government Agencies **(**FIAGC) is a regional forum composed of consumer protection agencies in Latin America, Portugal and Spain. Its objective is to promote co-operation among member countries through the exchange of information and experiences aiming to improve public policies on consumer protection. FIAGC holds a regular meeting to address issues concerning consumer protection, including product safety, e-commerce and financial services.

Notes: 1. https://www.icpen.org. 2. https://www.econsumer.gov.

Other countries also reported their use of existing international and regional co-operation network such as the ICPEN and CPC networks for notification.

Figure 11. Notification of foreign authorities on businesses harming consumers (Q14)



Base: 31 respondents.

Information sharing

Improving information-sharing abilities of consumer protection enforcement authorities is regarded as a key priority for combating cross-border fraudulent and deceptive commercial practices under the Cross-border Fraud Recommendation (Section IV.B). This principle is also incorporated into the E-commerce Recommendation (Part Three. 54.ii).

The Cross-border Fraud Recommendation specifies types of information to be shared among consumer authorities to detect and fight rogue traders, including publicly available information, consumer complaints, information permitting the quick location and identification of those engaged in fraudulent and deceptive commercial practices, expert opinions, and information obtained pursuant to judicial or other compulsory process (Section IV.B).

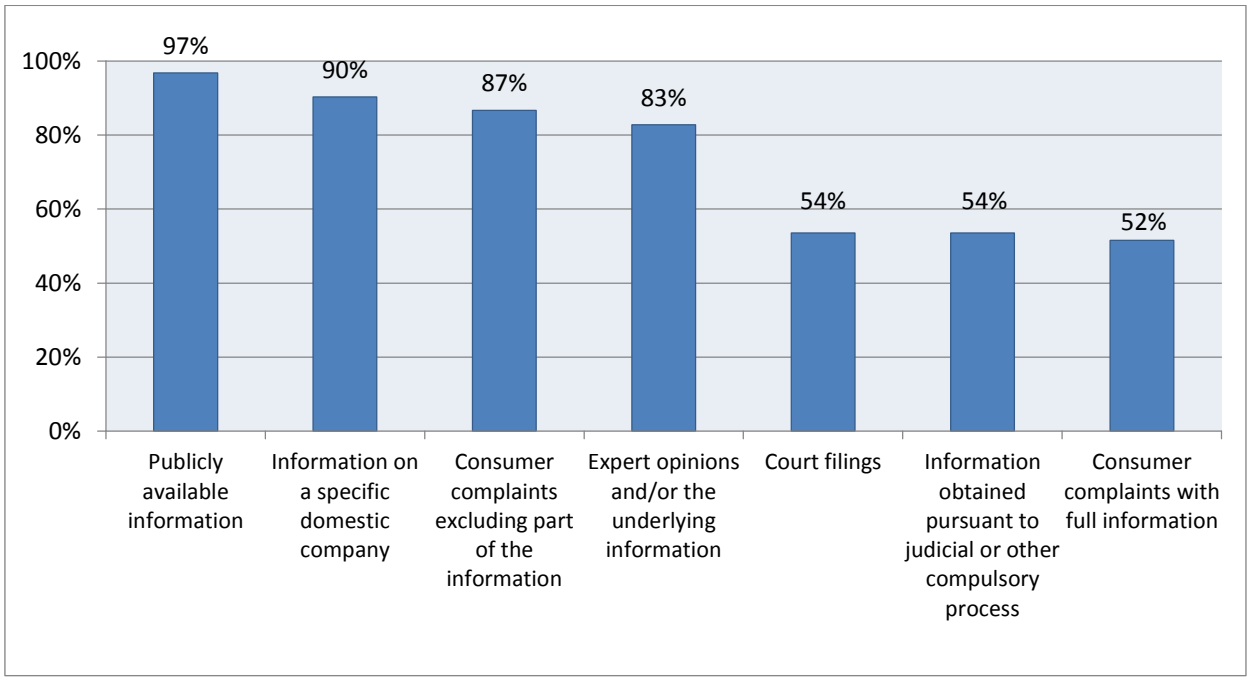
As Figure 12 shows, consumer authorities are generally equipped with the ability to share some types of information with their foreign counterparts. All except one county (97%) responded that their consumer authorities are able to share publicly available information. The survey also indicates that a significant majority of countries are able to share information on a specific business (90%) and expert opinions (83%) with consumer protection enforcement authorities in different countries.

On the other hand, it remains a challenge for almost half of the countries to share information containing personal data and business information. In particular, the survey highlights that sharing consumer complaints with full information disclosure seems to be a challenge for a number of countries. All but four respondents (87%) reported their ability to share consumer complaints with foreign authorities if they exclude some part of the consumer complaint information. However, as for sharing consumer complaints with full information, the number dropped significantly. Only a slim majority of countries (52%) are able to share such information without limitations or conditions, although consumer complaints are an important source of information for consumer protection

enforcement authorities (see Figure 1). Some countries indicated that their ability to share full consumer complaints are limited by applicable data protection and privacy legislation, while other countries stressed the need to obtain the consumer's consent to share their full complaints information with foreign authorities.[18] Others may only share limited information, unless the foreign authority provides a strong rationale and protects the privacy of the consumer information. Privacy and data protection are also identified as key challenges in the discussion below on barriers to international co-operation.

In addition, the survey shows that a slight majority of countries are able to share court filings as well as information obtained pursuant to a judicial or other compulsory process (54% each) with foreign authorities. Respondents indicated that sharing these types of information may be restricted due to the need to protect business secrets or the confidentiality of information.

Figure 12. Ability to share information with foreign authorities (Q15)



Base: 31 respondents.

Investigative assistance

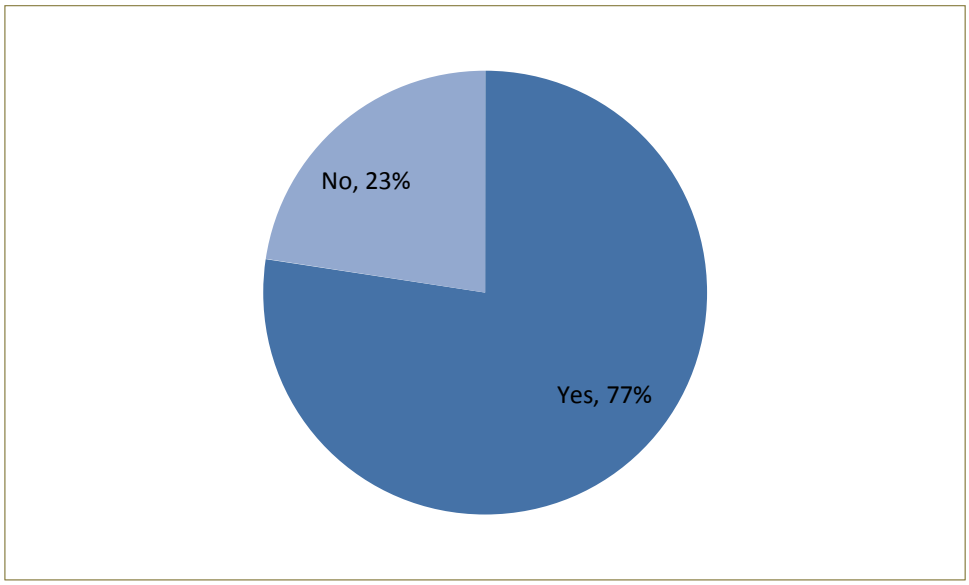
The Cross-border Fraud Recommendation calls on member countries to provide investigative assistance to foreign consumer protection enforcement authorities to address the challenge of gathering evidence in cross-border cases (Section IV.D).

Figure 13 shows that a majority of respondents (77%) are able to assist in an investigation of domestic businesses by foreign authorities. Some countries reported having a specific legal framework for such practices. For example, in the United States, the US Safe Web Act[19] enables the FTC to provide investigative assistance to foreign law enforcement authorities by obtaining documents, testimony or other evidence located in the United States to aid a foreign investigation provided that the request meets the statutory requirements for such assistance.

On a regional level, the European Union's CPC regulation (see Box 2) provides a framework for investigative assistance where a requested authority needs to, on request from another competent authority, supply without delay any relevant information required to establish whether an intra-Community infringement has occurred or to establish whether there is a reasonable suspicion it may occur. The requested authority needs to undertake the appropriate investigations or any other necessary or appropriate measures to gather the required information.

A number of countries, such as Canada, Colombia and the United States, indicated that reciprocity is a condition of providing investigative assistance to foreign authorities. Under the CPC regulation, member countries are obliged to provide assistance if they receive requests from other EU countries.

Figure 13. Investigative assistance for foreign authorities on domestic businesses (Q16)



Base: 31 respondents.

Cross-border law enforcement

As part of its strategy to combat rogue traders, the Cross-border Fraud Recommendation calls on member countries to work toward enabling their consumer protection enforcement authorities to take action against domestic businesses engaged in fraudulent and deceptive commercial practices against foreign consumers, and to take action against foreign businesses engaged in such practices against domestic consumers (Section V.B and C). These principles are also reflected in the E-commerce Recommendation (Part Two. 53.iv).

The survey shows that respondents have been active in cross-border enforcement co-operation. As for taking actions against domestic businesses damaging foreign consumers, all but five countries (84%) showed that their consumer protection enforcement authorities can enforce laws against domestic businesses in these cases (Figure 14).

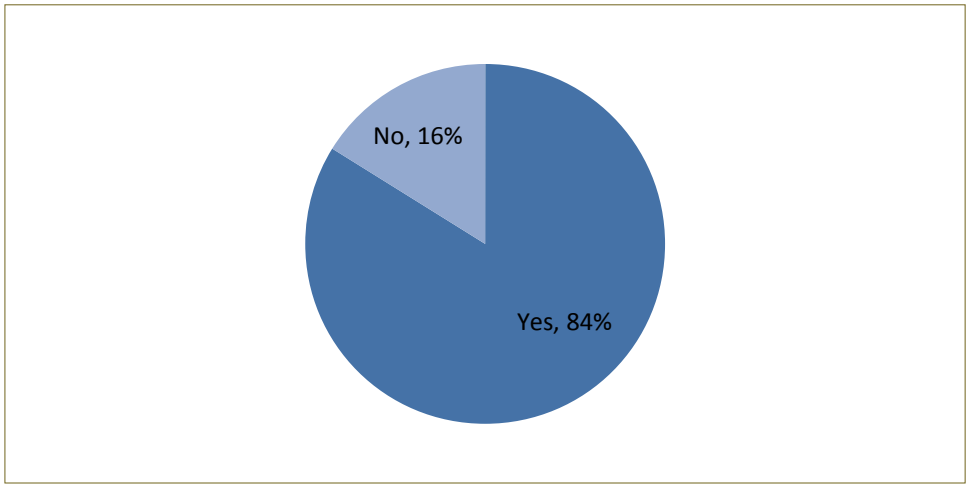
However, there seems to be a considerable difference in conditions for such consumer protection enforcement co-operation among respondents. It appears to depend, for some

countries, on the place where the business conduct occurs. For example, in countries like Belgium and Israel, an authority can take enforcement steps if at least some part of the business is conducted within its jurisdiction against foreign consumers.

Furthermore, for some countries, the existence of domestic consumers affected by businesses operating in the country seems to be a key for enforcement action against these businesses. For instance, France reported that if there is no French consumer affected by domestic businesses, the Directorate General for Competition Policy, Consumer Affairs and Fraud Control cannot take action in such cases where all or parts of the elements of the commercial practice were conducted in a foreign country. Other countries have laws that allow consumer authorities to exercise jurisdiction matters that arise from conduct that occurs in their country regardless of where the consumers are located. The US FTC, for example, has brought enforcement actions against domestic businesses that have harmed both foreign and domestic consumers, and also brought actions when only foreign consumers have been economically damaged; however, in those cases the domestic defendants engaged in material conduct in the United States that affected foreign consumers. The Canadian Competition Bureau has also exercised their enforcement power against domestic businesses that take actions within Canada that affect consumers outside the country even if no consumers in Canada are harmed.

At the EU level, the CPC regulation provides that each competent member country authority within the framework of the mutual assistance network is obliged to provide assistance, including any of the enforcement actions available to the authority, on the request of its counterparts in other member countries.

Figure 14. Actions against a domestic business for foreign consumers (Q19)



Base: 31 respondents.

With respect to enforcement actions against foreign businesses to protect domestic consumers, Figure 15 indicates that 77% of respondents can enforce their consumer protection laws in such cases. However, countries reported some diversity in the circumstances under which such actions are permitted, with variables including the location of the business and its effect of the business's conduct on consumers.

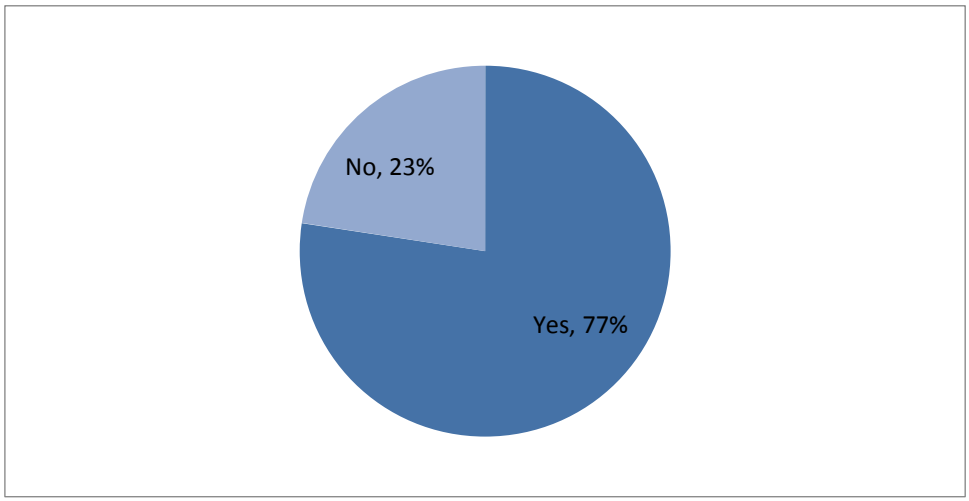
For instance, Israel indicates that enforcement action against foreign businesses can be taken if at least a part of the business is located in Israel. On the other hand, in Peru, the

authority can take action only if at least a part of the effects of the business's conduct become apparent in Peru.

At a regional level, the respondents participating in the CPC network reported that they can send notification about the possible infringement to the competent authority of another member state where a foreign business is established and ask the competent authority to take action against the possible infringement. Moreover, some countries referred to the implementation of the EU Injunctions Directive,[20] which allows competent authorities from member states to seek an injunction in another member state where the infringement originated.

The US FTC noted that it regularly brought enforcement actions against foreign businesses when US consumers have been harmed. However, other respondents indicated that such actions are relatively rare due to difficulties in securing good evidence and interviewing involved parties, and lack of formal enforcement powers. For example, Italy suggested that enforcement actions against foreign businesses raise issues of how to ensure the coercive collection of administrative fines in a foreign country when it has no legal means, and how to notify administrative acts on the business involved in foreign jurisdictions. Canada also recognised that there is a challenge in practice in enforcing orders against a foreign company with no Canadian affiliate.

Figure 15. Actions against a foreign business for domestic consumers (Q18)



Base: 31 respondents.

Consumer redress

The Cross-border Fraud Recommendation recognises that consumer redress can play an important role in addressing the problem of fraudulent and deceptive commercial practices, including in cross-border cases (Section VI). The OECD Committee on Consumer Policy undertook considerable research on this issue (OECD, 2006[4]) and produced a Recommendation (OECD, 2007[5]) that was adopted by the OECD Council in 2007.

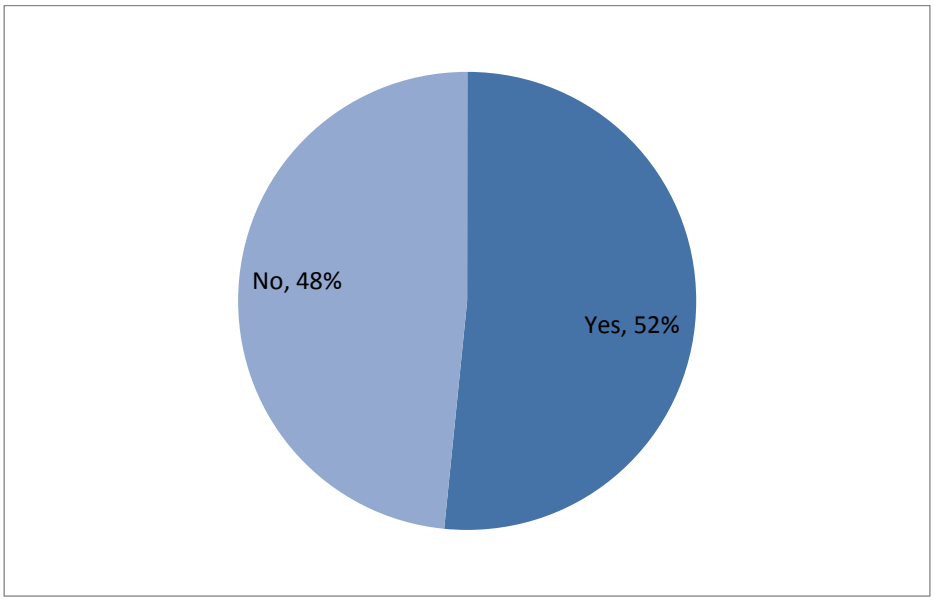
The survey suggests that the situation regarding consumer redress, and in particular the role of consumer authorities in facilitating redress, remains mixed. As shown in Figure 16, a slim majority of respondents (52%) reported having the ability to provide remedies to foreign consumers.

A number of countries reported having successfully provided remedies, such as monetary redress, to foreign consumers in certain types of cases. Some agencies, such as the National Consumer Service of Chile and the Consumer Ombudsman of Finland, reported the ability to enable consumers – including those who are in foreign countries – to seek consumer redress through a class action. Other countries, including Mexico, facilitate the settlement of disputes through a conciliation and arbitration procedure for consumers. As for conditions for providing remedies for foreign consumers, Colombia reported that the consumption has to have taken place in the country and involve a domestic supplier or producer.

A minority of consumer protection enforcement bodies seem to not be equipped with powers to provide remedies to consumers, regardless of their location. For example, Norway indicated that the Consumer Ombudsman cannot provide remedies to consumers. In addition, Portugal suggested that remedies to consumers can be determined by courts and also in the context of arbitration within the alternative dispute resolution system.

Several countries noted that although it might be possible, in theory, to provide remedies to foreign consumers, it would be also highly contextual and difficult to enforce in practice. A few countries reported successfully providing monetary redress to foreign consumers. For example, the US FTC reported that it has provided in excess of USD 6 million to foreign consumers since 2000.

Figure 16. Providing remedies to foreign consumers damaged by a domestic business (Q20)



Base: 31 respondents.

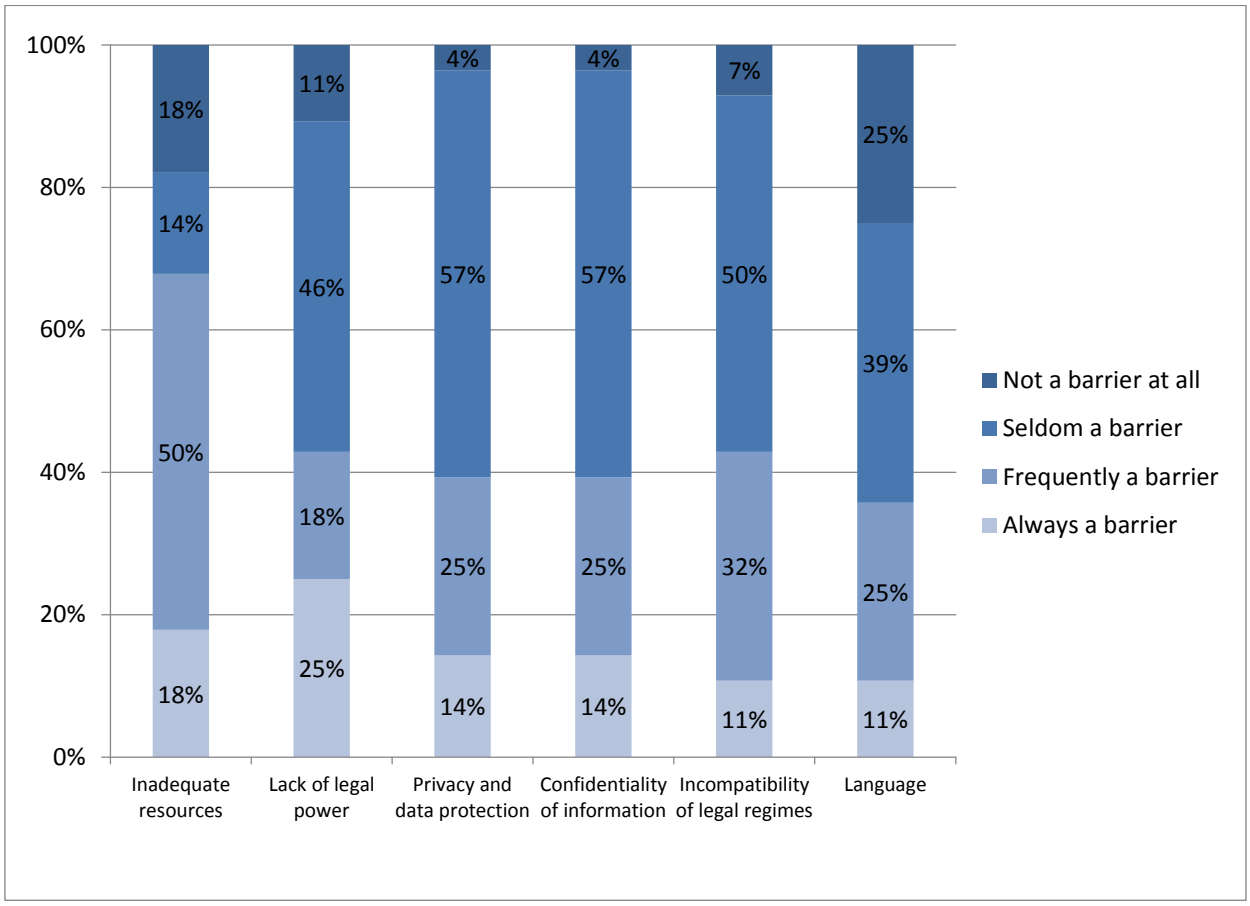
Barriers to international co-operation[21]

The Cross-border Fraud Recommendation calls on member countries to review their domestic frameworks for effective cross-border co-operation in consumer protection, and to consider possible changes in these frameworks (Section II.E). As can be seen in Figure 17, a number of factors can hinder efforts to increase international co-operation for consumer protection. When asked about the significance of possible barriers for international co-operation, the most important factor cited is a lack of adequate resources

in consumer protection enforcement authorities. Around 70% of countries reported that inadequate resources are always (18%) or frequently (50%) barriers for cross-border co-operation.

Other factors highlighted as barriers to cross-border co-operation include a lack of legal power, privacy and data protection, confidentiality of information, and incompatibility of legal frameworks. One noteworthy finding is that all but one respondent considered the issues related to privacy and information confidentiality to be a barrier to cross-border co-operation.

Figure 17. Barriers for international co-operation in consumer protection (Q17)



Base: 28 respondents.

Figure 18 suggests that inadequate resources are, on the whole, the most significant barrier for international co-operation among consumer authorities. Cross-border business to consumer interactions are increasing and will likely bring a growing need for international co-operation among enforcement authorities. This suggests that resource constraints could become an even more significant obstacle in the future.

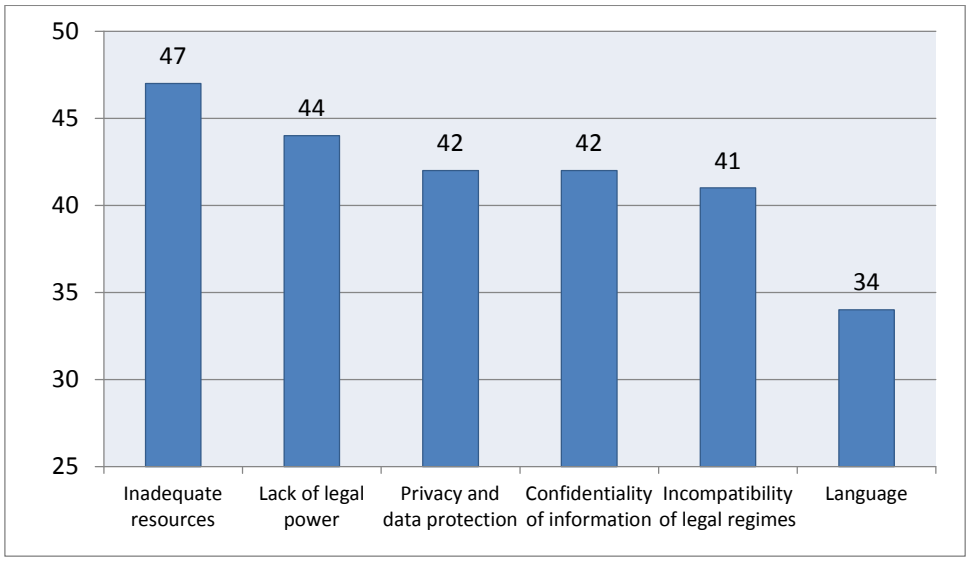
Lack of legal power also seems to impose limitations on cross-border co-operation among consumer protection enforcement authorities. A number of countries recognised that their international enforcement activities may be restricted due to legal limitations on, for instance, the type of information to be shared with foreign authorities, the kind of

enforcement actions to be taken against foreign businesses and the conditions under which such enforcement can take place.

Some of the barriers are related to the nature of the information to be shared. The answers from respondents suggest that privacy and data protection are significant obstacles for cross-border consumer protection enforcement co-operation. Along with the findings described in Figure 12 showing that a number of countries are facing difficulty in sharing full consumer complaints with foreign counterparts, many countries identified compliance with privacy and data protection regulations as a significant challenge for consumer protection enforcement authorities to increase cross-border co-operation.

Language barriers seem to be an important factor to consider when entering into consumer protection enforcement co-operation for some countries, but it is actually less so compared with the other factors described above.

Figure 18. Importance of barriers for international co-operation (Q17)



Base: 28 respondents.
Note: Calculated by putting numerical values from 3 to 0 on each option; namely: (3) for “always a barrier”; (2) for “frequently a barrier”; (1) for “seldom a barrier”; and (0) for “not a barrier at all”.

4. Consumer protection enforcement co-operation in practice

A number of countries provided detailed information on their experiences in both domestic and international co-operation for consumer protection. These practices indicate that many consumer protection enforcement authorities are actively exercising their powers to protect consumers in accordance with the principles set out in the Cross-border Fraud Recommendation and the E-commerce Recommendation.

It is important to note, however, that the extent to which participation in international co-operation networks and legal arrangements results in actual co-operation cases is not very clear from the survey responses. Furthermore, many of these efforts seem to have occurred only among a few countries or to have been limited within a geographic region, and not to have been widespread.

Co-operation at national level

With respect to experiences in domestic co-operation with other public bodies, all consumer authorities have had collaborative interactions with these authorities.

As shown below, consumer protection enforcement bodies are heavily exercising their enforcement powers in collaboration with a wide range of other national regulatory bodies. The forms of co-operation are varied, including information sharing, setting up new guidance for businesses, joint investigations and enforcement actions.[22] This co-operation helps protect consumers from fraudulent and deceptive commercial practices, for instance by detecting breaches of consumer laws in a timely manner and enforcing the laws effectively.

The Consumer Director General of Portugal informed the Electronic Communications Authority of consumer complaints regarding the increase of charges without express indication of the existence of the right to terminate the contracts. This led the authority on electronic communication operators to decide to take corrective measures, including sending notices to consumers.

Based on information shared by the Ministry of Health of Colombia, the Superintendence of Industry and Commerce was able to identify an accident by the use of a laser device, from which the Superintendence of Industry and Commerce prohibited the commercialisation of certain types of laser pointers.

The Polish consumer authority reported regular co-operation with other authorities. Particularly noteworthy was co-operation with the Energy Regulatory Office, which included an exchange of information concerning unfair practices committed by energy companies and exchange of consumer complaints. The presidents of both authorities also had several meetings regarding the situation of consumers on the energy market.

The State Secretariat for Economic Affairs of Switzerland provided legal advice to the Federal Office of Communications on consumer protection. This resulted in revoking the allocation of value-added telephone numbers to the business in question.

In July 2013, the Competition Authority of Lithuania asked the State Health Care Accreditation Agency for information on a product related to medical services, leading to the finding of infringement in the prohibition of misleading advertising. Indeed, it found that the product was not registered as a medical device as it was claimed in advertising.

In December 2016, the Competition and Markets Authority, in collaboration with the Care Quality Commission of the United Kingdom, launched a nationwide market study into care homes (including nursing homes) for the elderly. The purpose of the study was to examine how well the market is working, including whether care home providers are treating residents and their representatives fairly.[23] The agency reported that it may use the information provided to take enforcement action or share the information with another enforcement authority.

In 2015, the Consumer Ombudsman of Norway, in co-operation with the Norwegian Media Authority, informed Internet service providers of legal requirements for broadband marketing to protect consumers. The requirements included disclosure of information about the actual speed consumers can expect and what conditions can affect the speed experienced.[24] Broadband market participants were given until March 2015 to implement the necessary changes in their marketing campaigns. The Internet service providers were informed that the agency would conduct follow-up audits to see whether they had complied with the rules.

In 2015, the Consumer Ombudsman and the Communications Regulatory Authority of Finland formulated general contract terms for telecom companies with the Finnish Federation for Communications and Teleinformatics.[25] This included a requirement which provides that contract terms must be written in a clear and understandable language, with information summarised in the beginning of the terms of the contract.

In 2017, the Consumer Ombudsman and the Media Authority in Norway initiated joint guidance for advertising labelling in social media.[26] It contains examples of what users of social media have to label as advertising and how to label, such as whether users are paid to post something about a product or a trader, or whether users are lent something, get things for free or are given a service or a trip either free or at a discount in return for an expectation that they will give it exposure on the trader's behalf.

The Consumer Protection and Fair Trade Authority of Israel, in co-operation with the police and the tax authority, conducted an investigation against an Israeli-owned company selling online tickets to international sporting events through several websites. During the investigation, the violations of the consumer protection law, such as deception, failure to disclose information in e-commerce transactions and failure to refund consumers following the cancellation of transactions, were found and necessary steps have been taken to deal with these violations.

In October 2016, following concerns raised by the UK Gambling Commission about potential breaches of consumer law, including misleading promotions and unfair terms being used by firms to block players' pay-outs, the Competition and Markets Authority initiated an investigation on whether online gambling firms are treating their customers fairly.[27] The Competition and Markets Authority issued information notices under consumer protection legislation requiring evidence from companies as a first step to establishing whether enforcement action is required.

In January 2017, in collaboration with the Department of Justice, the US FTC reached an agreement with Western Union, which provides for a USD 586 million judgment that will be distributed to consumers as well as a comprehensive anti-fraud programme designed to detect and prevent fraud-induced money transfers by consumers.[28]

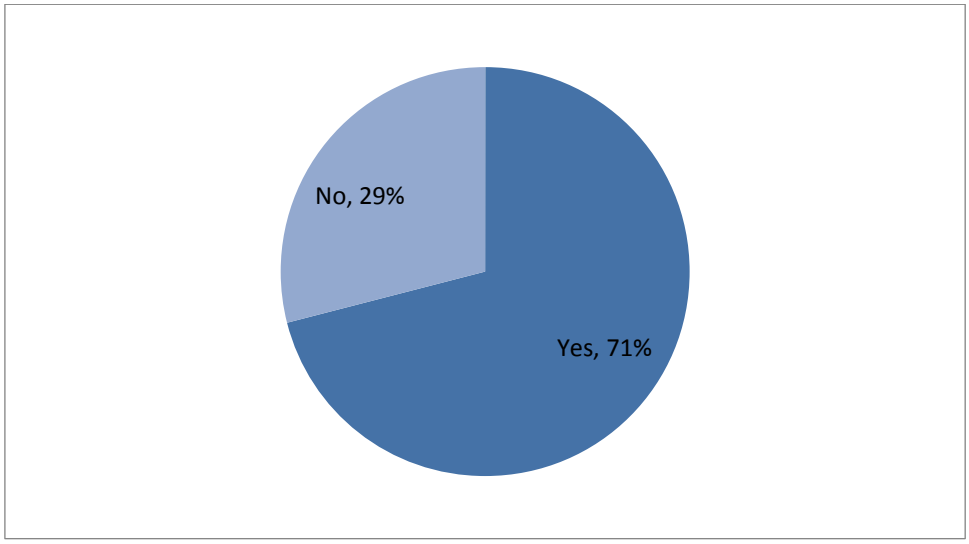
In May 2017, in co-operation with the state of California and the Department of Justice, the US FTC obtained injunctive relief and more than USD 14 billion in consumer redress from Volkswagen for violations of US laws, including the company's violation of the

FTC Act through its deceptive and unfair advertising and sale of its "clean diesel" vehicles.[29]

Cross-border co-operation

As shown in Figure 19, the survey suggests that a majority of respondents (71%) have co-ordinated investigations with foreign counterparts.

Figure 19. Experiences in co-ordinated investigation with foreign authorities (Q22)

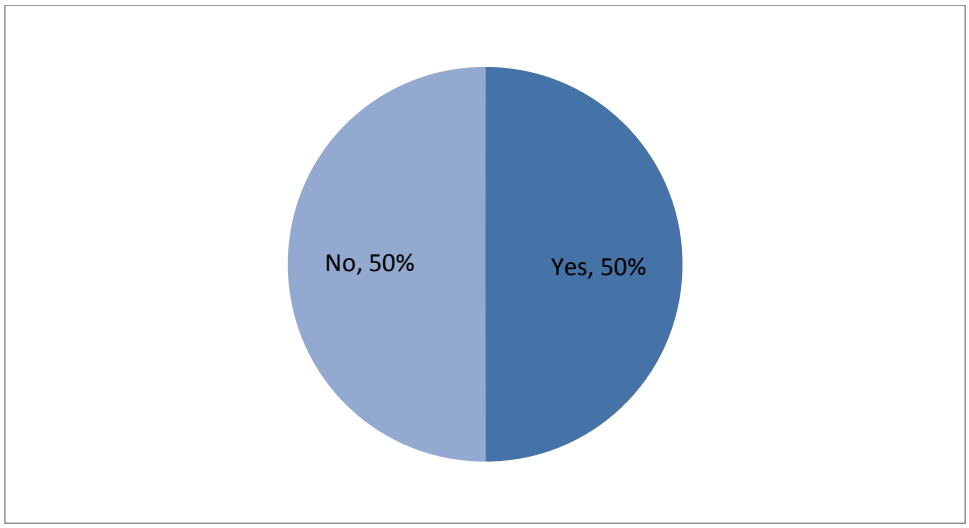


Base: 31 respondents.

Figure 20 shows that one-half of respondents go beyond investigation co-ordination to engage in co-ordinated or joint enforcement actions. Types of co-ordination can vary. Canada noted that its co-ordinated investigations with foreign authorities tend to be at the level of timing enforcement actions as well as sharing information in areas of mutual interest. Canada also suggested that they do not conduct joint enforcement actions with its foreign counterparts. Rather, Canada conducted parallel actions with their counterparts in countries where the offenders reside or where the conduct occurs across borders.

Although it appears that a number of countries have made significant efforts to combat fraudulent and deceptive commercial practices against consumers in co-operation with foreign consumer authorities, it should be noted that fewer countries reported their experiences in this area, compared with their experiences in co-operation at a national level (see above).

Figure 20. Experiences in joint or co-ordinated enforcement actions with foreign authorities (Q23)



Base: 30 respondents.

As shown in the following sections, a number of countries have had international co-operation practices for consumer protection at both multilateral and regional levels. These experiences highlight that consumer protection enforcement bodies have been active in combating fraudulent and deceptive commercial practices across borders.[30]

Specifically, these cross-border enforcement cases indicate that consumer protection enforcement authorities made significant efforts in enforcement co-operation across borders in a wide range of areas, including sharing information and enforcement strategies, conducting international investigations against businesses, providing consumers with resolution and redress, and reaching agreements with businesses for better consumer protection. In one notable case, a consumer authority used its statutory authority to obtain information in aid of a foreign investigation to obtain a court order permitting the discovery of information from a domestic business.

Bilateral and multilateral fraud cases

In August 2014, the Superintendence of Industry and Commerce (SIC) of Colombia investigated a company named World Parcel Express Service International S.A.S that was selling travelling packages to consumers in the United States. The claims used in its marketing strategies were false and misleading. After imposing a penalty and cancelling the company's National Tourism Registration number, the SIC was contacted by the US FTC which was conducting its own investigation. The SIC shared information with the US FTC regarding its investigation.

The State Consumer Rights Protection Authority of Lithuania worked with the Consumer Rights Protection Centre of Latvia to take measures against a business performing an unfair commercial practice, and misleading consumers by pretending to beanother service provider through the use of similar webpage designs. The State Consumer Rights Protection Authority conducted the investigation during which the Consumer Rights Protection Centre of Latvia provided continuous information and evidence about infringements. In March 2017, the State Consumer Rights Protection Authority imposed a

fine of EUR 4 000 to the company for violation of the Law on the Prohibition of Unfair Business-to-Consumer Commercial Practices.

In January 2015, the Norwegian Consumer Ombudsman undertook research uncovering a widespread occurrence of subscription traps on line, such as a trial package for a free dieting supplement or health foods. It also proved that many Norwegian companies offering free trials and campaign offers were registered abroad. Sharing this information with consumer protection enforcement authorities in EU member countries through the CPC network, the Norwegian Consumer Ombudsman enabled other countries to take enforcement actions against these companies.

Furthermore, in January 2016, the Nordic Consumers' Ombudsmen (Denmark, Finland, Norway and Sweden) met to share strategies on how to effectively eliminate illegal subscription cases in the Nordic region. Through collaboration and information sharing on common experiences on subscription cases, the Consumer Ombudsmen in these countries aimed to improve their international co-ordination efforts and help to overcome this problem.[31]

In July 2011, the Canadian Competition Bureau took enforcement actions against five companies and three individuals to ban their deceptive marketing conduct targeting small and medium-sized businesses in Canada and other OECD member countries.[32] Recipients of the misleading messages received invoices demanding payment for allegedly having agreed to a two-year listing in the target's online directory. The Competition Bureau led an international investigation in co-operation with its counterparts in Australia, the United Kingdom and the United States, and uncovered a scheme that marketed online directories to Canadian and international businesses, in violation of the false or misleading representations provisions of the Competition Act.[33,34]

In December 2016, the US FTC, with investigative co-operation from its counterparts in Australia and Canada, reached an agreement with AshleyMadison.com, requiring the site to implement a comprehensive data-security programme, including third-party assessments.[35] The dating site, which has members from over 46 countries, deceived consumers and failed to protect 36 million users' account and profile information in relation to a massive July 2015 data breach of its network. In addition, the operators were required to pay a total of USD 1.6 million to settle the FTC and state actions. To facilitate co-operation with its Australian and Canadian partners, the US FTC relied on key provisions of the US Safe Web Act that allowed the FTC to share information with foreign counterparts to combat deceptive and unfair practices that cross national borders. Privacy enforcement authorities in Australia and Canada also reached their own settlements with the company.

In August 2014, , the FTC used its authority under the US Safe Web Act to obtain a court order directing a US-based company to produce documents and testimony to aid the Canadian Competition Bureau's enforcement action against its wireless carriers for unauthorised charges.[36]

The Korea Consumer Agency reported working with its counterparts in Singapore and Thailand to provide resolution and redress for a Korean consumer, who made a reservation at a hotel in Thailand that actually didn't exist. The Korea Consumer Agency was provided assistance from its counterpart in Thailand, which helped to confirm the actual status of the hotel, and from that of Singapore, which co-operated to obtain information from the Internet service providers located in the country.

Cross-border matters under the European Union's Consumer Protection Cooperation network

In December 2013, consumer protection enforcement authorities in the EU's CPC network and the European Commission asked the Internet platform providers Apple and Google as well as the association of online game developers to propose solutions to identified problems regarding in-app purchases in online games. A common position agreed by national authorities within the CPC network included:

- games advertised as "free" should not mislead consumers about the true costs involved
- games should not contain direct exhortation to children to buy items in a game or to persuade an adult to buy items for them
- consumers should be adequately informed about the payment arrangements for purchases and should not be debited through default settings without consumers' explicit consent
- traders should provide an email address so that consumers can contact them in case of queries or complaints.

In July 2014, based on the exchanges held with the relevant companies and associations, member states, co-operating together within the CPC network and facilitated by the European Commission, reached a conclusion on the cases.[37]

In January 2017, the European Commission and consumer protection enforcement authorities in the EU member countries concluded their efforts to bring changes in commercial practices of car rental companies.[38] The Commission, the European consumer authorities and the five major car rental companies – namely Avis, Europcar, Enterprise, Hertz and Sixt – started a negotiation in 2014 after the European Consumer Centres received a large number of complaints from tourists across the EU. The car rental companies agreed to improve their compliance with the EU consumer rules, and take measures, including the use of the total booking price with all unavoidable charges and plain language for key rental services description.

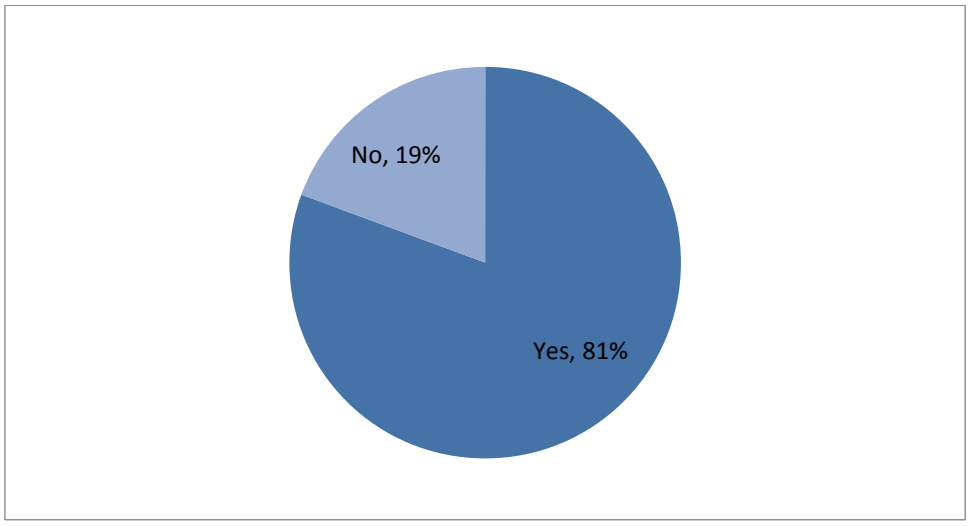
In March 2017, consumer protection enforcement authorities of EU member countries, under the leadership of the French consumer authority and with the support of the European Commission, undertook a co-ordinated action against social media including Facebook, Twitter and Google+, aiming for changes in their terms and conditions to improve compliance with the EU consumer rules.[39] They were also asked to co-operate more closely with consumer authorities to remove illegal advertisements from their platforms. The platforms were asked to make a number of changes in their terms and conditions to improve consumer protection, including:

- consumers must not be deprived of rights and protections they have under their country's national legislation
- companies should not be able to change the terms of service without notifying their users
- users must be given clear information about the rules for removal of content created by the user, and the rules for termination of a contract by the platform
- users shall have the right to solve disputes with the companies in the country where they live.

Internet sweeps

As shown in Figure 21, a majority of countries (81%) have conducted Internet sweeps in co-operation with foreign authorities. Most countries have participated in initiatives led by international and regional networks such as the ICPEN and the CPC network, as well as multilateral co-operation efforts.

Figure 21. Experiences in Internet sweeps with foreign authorities (Q24)



Base: 31 respondents.

At the international level, ICPEN member authorities, as well as non-member enforcement bodies, conduct the International Internet Sweep Day every year, during which participating authorities operate an intensive search to identify suspicious websites misleading consumers.[40] Conducted annually on different topics in co-operation with over 30 consumer protection enforcement agencies across the world, the International Sweep Day aims to build consumers' confidence in e-commerce. It has resulted in detecting suspicious sites, leading to enforcement or educative actions.

At the EU level, member countries have conducted an EU-wide screening of websites called the "EU sweep" since 2007.[41] It aims to identify breaches of consumer laws and to subsequently enforce these laws in a simultaneous and co-ordinated manner. Following the sweep, consumer protection enforcement authorities take appropriate enforcement actions, including demanding to correct irregularities on the website, imposing fines, and closing down the website. The sweep has been conducted with different themes every year. In 2016, for example, the sweep focused on price comparison travel websites, finding that prices were not reliable on 235 websites, two-thirds of the sites checked through the campaign.[42]

5. Conclusion

The Cross-border Fraud Recommendation and the E-commerce Recommendation have played an important role in establishing the principles to facilitate co-operation and producing a fruitful outcome of consumer protection across the globe. This report highlights that OECD member countries, as well as some non-members, have made significant efforts in developing effective domestic frameworks for consumer protection enforcement authorities in line with the OECD recommendations. They have also made progress in developing cross-border enforcement mechanisms to protect consumers from fraudulent and deceptive commercial practices, particularly in e-commerce.

However, full implementation of the Cross-border Fraud Recommendation remains constrained by a variety of factors. Indeed, despite the achievements in implementing these recommendations, consumer authorities still face serious challenges in protecting consumers from fraudulent and deceptive commercial practices. In a number of counties, authorities cannot fully share information with foreign counterparts when it contains personal data or business information or is obtained via a compulsory authority. Although significant progress has been seen in cross-border enforcement within existing co-operation frameworks, more efforts are needed to increase cross-border co-operation, including on notification and enforcement activities, such as information sharing and investigative assistance.

This report identifies that several factors undermine efforts to facilitate international co-operation for consumer protection. Insufficient resources are the most significant constraint, with a lack of legal power also serving to restrict effective cross-border enforcement co-operation. Other factors such as privacy protection, information confidentiality and language barriers also need to be tackled to increase enforcement co-operation across borders.

Consumer issues will increasingly entail an international dimension and consumer protection enforcement authorities need to address these challenges in a dynamic globalised and digitalised environment. Increased enforcement co-operation will be an essential element for effectively addressing these challenges.

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Annex A. Questionnaire on consumer protection enforcement authorities

Section 1: Framework for consumer protection enforcement

A. Authorities

1. Please identify the "Authority" in your country.

2. Please provide the annual budget of the Authority that is related to consumer.

3. How many full time employees in the Authority work mostly on consumer protection?

B. Investigation

4. Which of the following have triggered investigation by the Authority against a business conducting fraudulent and deceptive commercial practices?

a. Complaints from individual consumers
b. Complaints from consumer organisations
c. Complaints from other businesses
d. Petitions
e. Consumer survey
f. Media report
g. Other (please specify)

5. Is the Authority able to receive and to deal with the following consumer complaints?

a. Complaints from a consumer concerning a foreign business (i.e. a business with no official representative in your country) (Yes/No)
b. Complaints from a consumer living outside the country concerning a domestic business(Yes/No)
c. Complaints that are not written in your national language(s) (Yes/No)
If yes, in which language(s) does the Authority accept complaints?

6. When conducting an investigation, by law, is the Authority able to:

a. Compel testimony from the business (Yes/Yes, but only with judicial approval/No)
b. Compel documents or files from the business (Yes/ Yes, but only with judicial approval/No)
c. Compel information from third parties (Yes/ Yes, but only with judicial approval/No)
d. Enter premises without consent (Yes/ Yes, but only with judicial approval/No)

7. Is there any law in your country that governs the information an Authority can obtain from Internet Service Providers (ISPs) or other intermediaries? (Yes/No) If yes, please provide details including any relevant URL links.

8. Does the Authority have any framework or arrangements with ISPs or other intermediaries to obtain necessary information? (Yes/No) If yes, please provide details including any relevant URL links.

C. Sanctions and remedies

9. What type of enforcement powers does the Authority have?

a. Civil
b. Administrative
c. Criminal

10. After an investigation, what actions can the Authority take with respect to the business?

a. Warning letters (Yes/ Yes, but only with judicial approval/No)
b. Civil penalties (e.g. forfeiture of income from violations, redress payment to consumers) (Yes/ Yes, but only with judicial approval/No)
c. Fines (Yes/ Yes, but only with judicial approval/No). If yes, please specify if there is any limit on the amount allowed by law [comment box to be inserted for the online questionnaire]
d. Cease-and-desist orders (Yes/ Yes, but only with judicial approval/No)
e. Bans on businesses engaging in a particular line of business for a fixed period of time (Yes/ Yes, but only with judicial approval/No). If yes, please specify any limit on the amount of time for such a ban allowed by law [comment box to be inserted for the online questionnaire]
f. Permanent bans on businesses engaging in a particular line of business (Yes/ Yes, but only with judicial approval/No)
g. License suspension and license revocation (Yes/ Yes, but only with judicial approval/No)
h. Publicise a violation (Yes/ Yes, but only with judicial approval/No)
i. Initiate a criminal prosecution (Yes/ Yes, but only with judicial approval/No)
j. Initiate a civil enforcement proceeding in a judicial court (Yes/ Yes, but only with judicial approval/No)
k. Initiate an enforcement proceeding in an administrative tribunal (Yes/ Yes, but only with judicial approval/No)
l. Negotiated consensual resolution(Yes/ Yes, but only with judicial approval/No)
m. Other (please specify)

11. What sanctions or remedies are available through the legal system (e.g. through a public criminal prosecution or civil enforcement proceeding)?

a. Orders (e.g. to cease or alter a practice)
b. Civil penalties. If yes, please specify if there is any limit on the amount allowed by law.
c. Criminal fines. If yes, please specify if there is any limit on the amount allowed by law.
d. Imprisonment. If yes, please specify if there is any limit on the amount of time for imprisonment allowed by law.
e. Direct consumer redress
f. Other (please specify):

Section 2: Framework for enforcement co-operation

A. Principles for Domestic co-operation

12. Does the Authority have any arrangements with other authorities in your country or a legal basis to co-operate in the enforcement of consumer protection laws (e.g. MoUs)? (Yes/No) If yes, please provide details including any relevant URL links.

B. Principles for international co-operation

13. Does the Authority have any bilateral or multilateral arrangements with authorities outside your country or a legal basis to co-operate in the enforcement of consumer protection laws across borders (e.g. MoUs)? (Yes/No) If yes, please provide details including any relevant URL links.

C. Notification, information sharing and assistance with investigations in international co-operation

14. Does the Authority notify foreign authorities if they receive information on businesses located in their country that cause economic damage to consumers? (Yes/No) If yes, under what circumstances?

15. Would the Authority be able to share the following information with a foreign authority upon their request? If yes, are there any laws and/or agreements that enable information sharing? If so, please provide information.

a. Publicly available information and other non-confidential information
b. Consumer complaints with full information
c. Consumer complaints excluding part of the information (e.g. the consumer's personal information)
d. Information on a specific domestic company (e.g. address, Internet domain registrations)
e. Expert opinions and/or the underlying information on which those opinions are based
f. Documents, third-party information, and other evidence obtained pursuant to judicial or other compulsory process
g. Court filings
h. Other (please specify):

16. Would the Authority be able to assist in an investigation of domestic businesses by foreign authorities to protect foreign consumers? (Yes/No) If yes, under what circumstances, and what kind of assistance would the Authority be able to provide?

17. Are any of the following factors considered to be barriers for international co-operation in consumer protection enforcement matters? Please indicate how serious the barrier is for the Authority (0: not a barrier at all, 1: seldom a barrier, 2: frequently a barrier, 3: always a barrier).

a. Lack of legal power (e.g. restrictions on information sharing with foreign entities)
b. Incompatibility of legal regimes
c. Confidentiality of information
d. Privacy and data protection laws and rules
e. Inadequate resources
f. Language
g. Other (please specify):

D. Authority of consumer protection enforcement agencies

18. Can the Authority take action against a foreign business when the interests of consumers in your country have been economically damaged? (Yes/No) If yes, under what circumstances, and what kinds of actions could be taken? Can the Authority take action even when all or parts of the elements of the commercial practice were conducted in a foreign country?

19. Can the Authority take action against a domestic business when the interests of consumers in foreign countries have been economically damaged? (Yes/No) If yes, under what circumstances, and what kinds of actions could be taken? Can the Authority take action even when all or parts of the elements of the commercial practice were conducted in a foreign country?

20. Can the Authority provide remedies to foreign consumers when taking action against a domestic business that has economically damaged the interests of both domestic and foreign consumers? (Yes/No) If yes, under what circumstances, and what kinds of remedies could be provided?

E. Examples of domestic and international co-operation

21. Has the Authority ever co-operated with other authorities in your country? (Yes/No) If yes, please provide details of one or two recent examples including relevant URL links to each case where available.

22. Has the Authority ever co-ordinated its investigation with foreign authorities in a consumer protection matter? (Yes/No) If yes, please provide details of one or two recent examples including relevant URL links to each case where available.

23. Has the Authority ever conducted joint or coordinated enforcement action with a foreign authority? (e.g. conducting independent investigation against a multinational business by Authorities in each country and issuing similar or complementary cease-and-desist orders or other enforcement)? (Yes/No) If yes, please provide details of one or two recent examples including relevant URL links to each case where available.

24. Has the Authority ever conducted an Internet Sweep with foreign authorities? (Yes/No) If yes, please provide details of one or two recent examples including relevant URL links to each case where available. Please also provide an example(s) of case(s) where the Internet Sweep resulted in sanctions (e.g. warning letters) against businesses including relevant URL links to each case where relevant. ["Internet Sweep" refers to an action taken by Authorities to survey various websites in a fixed period of time looking for websites that may not be compliant with consumer protection rules in a country and/or may mislead consumers. This can often be done by targeting a specific type of product/service or specific commercial practices that might mislead consumers.]

Notes

[1]. The CCP has worked on and is currently addressing a variety of issues and challenges related to e-commerce, including online identity theft (OECD, 2009[8]), online and mobile payments (OECD, 2012[9]), digital content products (OECD, 2013[10]), and peer platform markets (OECD, 2016[11]).

[2]. More information may be available at: http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/european_consumer_centre_network/index_en.htm.

[3]. "econsumer.gov" is run by the International Consumer Protection and Enforcement Network (ICPEN), with the sponsorship of more than 35 consumer protection agencies.

[4]. https://www.econsumer.gov/en/ComplaintTrend#crnt.

[5]. For the purposes of the report, and consistent with the Cross-border Fraud Recommendation, *Consumer protection enforcement authority* means any national public body, as determined by each country that has a principal mission implementing laws against fraudulent, misleading or unfair commercial practices affecting consumers, and has powers to: 1) conduct investigations; or 2) pursue enforcement proceedings, or both.

[6]. Respondents from OECD member countries include: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Finland, France, Germany, Hungary, Israel, Italy, Japan, Korea, Latvia, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Switzerland, the United Kingdom and the United States. Respondents from non-member countries are: Argentina, Colombia, Costa Rica, Lithuania, Peru and the Russian Federation.

[7]. Although many countries also have consumer protection enforcement authorities at a state or local level, this report focuses on those operating at a national level.

8. In Austria, for example, the enforcement of consumer protection law is mainly sought through injunctions brought by consumer associations. However, administrative fines are provided by consumer protection law in specific areas.

[9]. Some countries noted that the use or non-use of any specific power, including enforcement actions, sanctions and remedies (described below), is strictly defined by laws and authorities cannot exercise those powers simultaneously.

[10]. The OECD *Consumer Policy Toolkit* (OECD, 2010[7]) suggests that, in general, consumer protection enforcement authorities need to be equipped with a wide range of credible sanctions to secure compliance among stakeholders.

[11]. Ogus, Faure, and Philipsen (2006[6]) indicate that criminal sanctions are, generally speaking, more costly and time-consuming than administrative enforcement actions. This suggests that consumer protection enforcement authorities may, depending on the context, apply other means, in practice, to provide resolutions for consumers, even if these criminal sanctions are available.

[12] It is important to note that in these questions related to cross-border enforcement co-operation, some European countries seemed to provide answers according to the CPC regulation and its application within the EU area, while the others didn't necessarily do so. These respondents recognised challenges in cross-border enforcement co-operation outside the EU.

[13]. This list of co-operation arrangements shows only some examples and is not necessarily exhaustive.

[14]. https://www.ftc.gov/policy/international/international-cooperation-agreements.

[15]. Lessons from cross-border enforcement co-operation in other policy areas may be beneficial. For instance, in competition policies, the OECD Council adopted a Recommendation that calls upon governments to foster their competition laws and practices to achieve effective and efficient co-operation among authorities through, for instance, simplifying processes for the exchange of confidential information (OECD, 2014[12]).

[16]. Countries also recognised the role of other co-operation networks in cross-border enforcement co-operation, such as the International Mass Marketing Fraud Working Group, which brings together criminal law enforcement, regulatory and consumer protection agencies to combat mass-marketing frauds such as sweepstakes, fake prize schemes and tech support scams.

[17]. https://www.ftc.gov/sites/default/files/attachments/international-antitrust-and-consumer-protection-cooperation-agreements/agree_canada.pdf.

[18] Others may only share limited information, unless the foreign authority provides a strong rationale and protects the privacy of the consumer information. Privacy and data protection are also identified as key challenges in the discussion below on barriers to international co-operation.

[19] https://www.ftc.gov/enforcement/statutes/us-safe-web-act.

[20] http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009L0022&from=EN.

[21]. More information may be needed to further specify in what way these factors can hinder cross-border enforcement co-operation.

[22]. These examples show only part of the initiatives in enforcement co-operation at a national level and are not necessarily exhaustive.

[23]. https://www.gov.uk/cma-cases/care-homes-market-study.

[24]. https://forbrukerombudet.no/kravene-markedsforing-netthastighet-skjerpes.

[25]. https://www.kkv.fi/en/current-issues/press-releases/2015/28.5.2015-consumer-ombudsman-and-ficom-negotiate-general-contract-terms-for-telecom-companies.

[26]. https://forbrukerombudet.no/eng-articles/advertisers-using-social-media-must-comply-with-the-marketing-control-act.

[27]. https://www.gov.uk/government/news/cma-launches-investigation-into-online-gambling.

[28]. https://www.ftc.gov/enforcement/cases-proceedings/122-3208/western-union-company.

[29]. https://www.ftc.gov/enforcement/cases-proceedings/162-3006/volkswagen-group-america-inc.

[30]. These cases are not inclusive and show only a part of the efforts respondents made in this area.

[31]. https://forbrukerombudet.no/fortsetter-nordisk-innsats-abonnementsfeller.

[32]. www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/03394.html.

[33]. See the relevant court case in Australia: https://www.accc.gov.au/media-release/27-million-penalty-for-fake-yellow-pages-directory-scam.

[34]. See the relevant court case in the United States: https://www.ftc.gov/news-events/press-releases/2011/07/ftc-stops-fake-yellow-pages-scam-foreign-operation-targeted-small.

[35]. https://www.ftc.gov/news-events/press-releases/2016/12/operators-ashleymadisoncom-settle-ftc-state-charges-resulting.

[36]. www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/03805.html.

[37]. http://europa.eu/rapid/press-release_IP-14-847_en.htm.

[38]. http://europa.eu/rapid/press-release_IP-17-86_en.htm.

[39]. http://europa.eu/rapid/press-release_IP-17-631_en.htm.

[40]. https://www.icpen.org/initiatives.

[41]. http://ec.europa.eu/consumers/enforcement/sweeps/index_en.htm.

[42]. http://europa.eu/rapid/press-release_IP-17-844_en.htm.