# G20 International Conference on Consumer Policy

- Emerging Challenges to Consumer Policy in the Digital Age -

5 and 6 September 2019 Tokushima, Japan







# Panel 6: Protecting Vulnerable Consumers in the Digital Age

- Consumer International
- Saudi Arabia
- Singapore
- Finland
- United Kingdom
- India



## New technologies and inclusion

Some consumers are vulnerable all of the time, and all consumers are vulnerable some of the time

- E-commerce
- Video conferencing
- Voice recognition
- 3D printing
- Elderly and smart homes
- ...
- ...

## Artificial intelligence

"Almost invariably, software developers getting the jobs in tech firms come from a different caste to the people who might be using the service. Often, because of their backgrounds they just don't 'see' that there might be an issue..."

Consumer organisation, India

"We are thinking of proposing a requirement that any company providing services to diverse consumer segments... should also be required to have a diverse employment base in the creation of products and services."

Consumer organisation, USA



- Opening the black box
- Enabling agency & control
- Regulatory approaches
- Defining AI
- Creating new structures
- Building AI literacy

## Internet of things







Privacy



**Transparency** 



**Vulnerability** 



**Environmental impact** 



Customer Support & Complaint handling

c	Have all <b>compliance</b> obligations regarding
	vulnerable consumers been met?
	Are vulnerable customers' needs considered
	during the project <b>design</b> phase?
ľ	Are there additional <b>security provisions</b> in place to address the needs of vulnerable
	customers and help mitigate risk?
E	If the device is for a minor, are <b>age</b>
	restrictions clearly identifiable?
C	Are <b>limitations on use</b> clearly explained?
	Can the device be <b>adapted</b> for use by all
	groups of customers?
	Are there <b>safeguards</b> in place on the device
	that can stop it being used to control or
	coerce another person?
	Are support staff trained to support and help
	vulnerable customers after product release,
	and provide assistance as needed?
	staff should engage with vulnerable
	consumers?
	Are sales staff aware of and able to explain
	how the device works and how it can or can't
	he adapted for particular needs?

## Social media



**Catfish** 



**Cryptocurrency** 



**Clickbait scam** 



**Cash grabs** 



**Membership scams** 



**Quiz scams** 



**Fake competitions** 



**Subscription traps** 



Gen z protection and empowerment





## gender

**Cars** are designed around the body of "Reference Man", so although men are more likely to crash, women involved in collisions are nearly 50% more likely to be seriously hurt.

The average **smartphone** is too big for most women's hands, and it doesn't often fit in pockets (if you have them)

**Speech-recognition software** is trained on recordings of male voices: Google's version is 70% more likely to understand men – but voice activated is female

**Snow-ploughing** as a feminist issue: in Sweden, roads were once cleared before pavements, a policy derived from data that prioritised commuters in cars over pedestrians ferrying children or doing the shopping

Women make up just 11% of software developers, 25% of Silicon Valley employees, and 7% of partners at venture capital firms

Source: Invisible Women, Caroline Emma Criado-Perez, 2019



"I'm deliberately trying to place myself in the upper echelons of the fashion industry because that's where change happens ... I want to tilt the lens." Sinead Burke







#### PROTECTING VULNERABLE CONSUMERS IN THE DIGITAL AGE

#### **Omar Al-Suhaibani**

Deputy Minister Of Consumer Protection Ministry of Commerce and Investment Saudi Arabia



#### INTRODUCATION





#### Consumer Protection Agency is responsible to:

- Protect consumer rights
- enforce the laws related to consumers
- Apply market surveillance to ensure products safety and compliance.



### E-STORES Dept. ROLES & RESPONSIBILITY



The Consumer Protection Agency has established a new department to deal with consumers complains against E-store



Online Market Surveillance



Establish relationship with E-Stores



Receive Consumer Complaints



**Periodic Reports** 



#### **COMPLAINT CHANNELES**



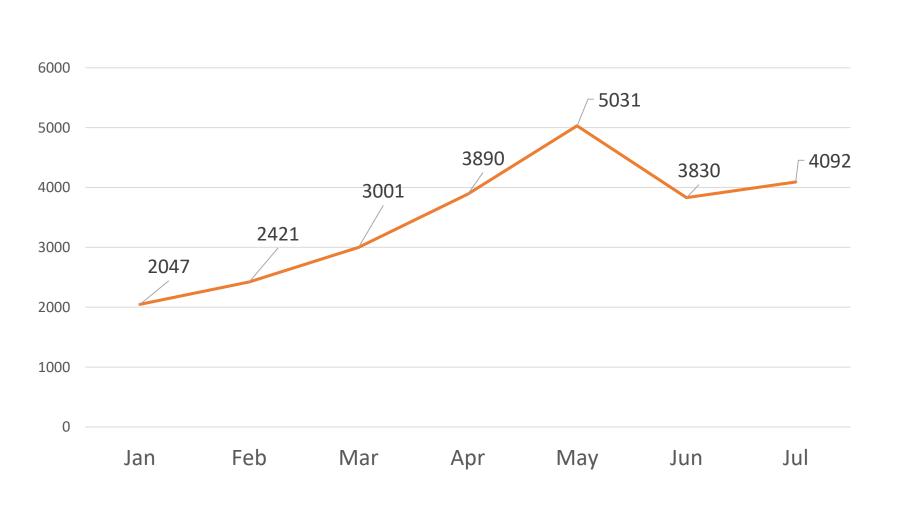






#### **E-COMMERCE COMPLAINTS STATISTICS**







+ 24K Complaints



50%
Closing by
E-Stores

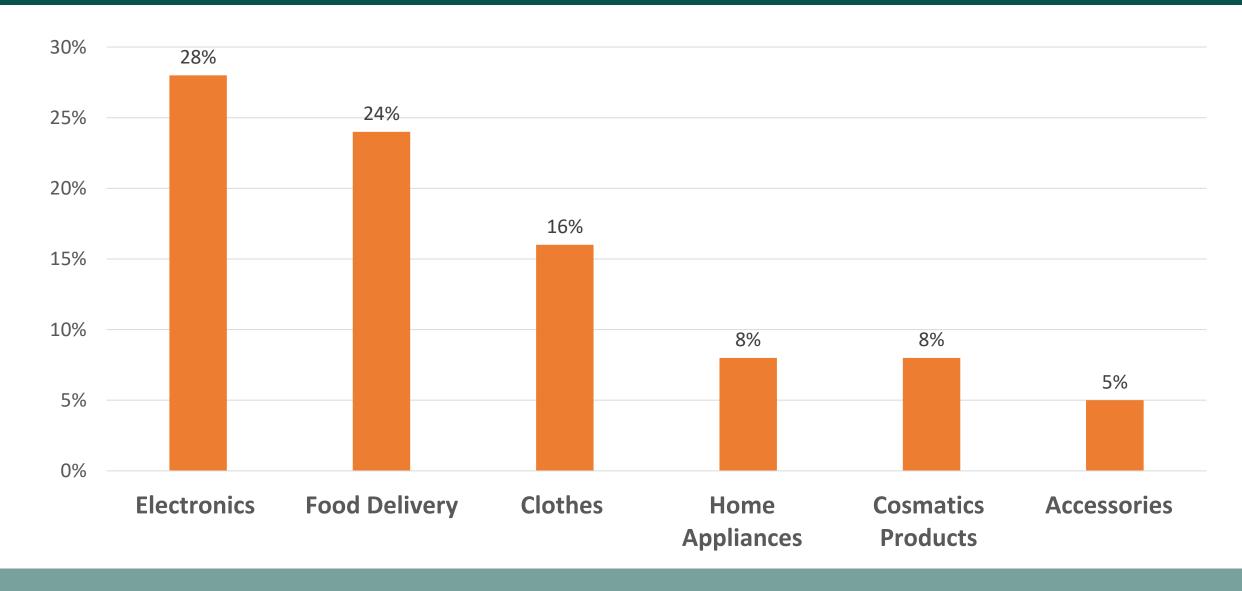


**69%**Satisfaction



#### **COMPLAINTS CATEGORIES**







#### **MAROOF**



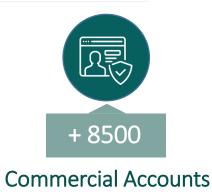


It is an initiative from the Ministry of Commerce and Investment in Saudi Arabia to serve both sellers and consumers of online POS, through providing the "MAROOF" creditability logo for registered sellers. And allow the consumers to rate and write comments about registered sellers.











#### E-COMMERCE LAW



In 17-Jul-2019 Saudi Arabia has announced new Law for E-Commerce to reach the following goals:

Promote trust in E-Commerce transactions

Protect consumer from fraud, deception and misleading

Stimulate and develop E-Commerce business



#### MAIN ARTICLES IN E-COMMERCE LAW



- Protect the Consumer's personal data and maintain its confidentiality
- Clarify the terms and conditions and provide a receipt to the consumer indicating the total price including all
  fees, taxes or additional amounts related to delivery, if any, and the date and place of delivery.
- Regulate The Electronic Advertisement
- The right to return the products within 7 days
- Contravention of the provisions of the Law and Regulations shall result in one or more of the following Penalties:
  - Warning.
  - A fine not exceeding (1,000,000) one million Riyals.
  - > Temporarily or permanently suspension of the E-commerce activity.
  - Blocking the Electronic Shop partially or completely, temporarily or permanently.





# Thank You!!



Protecting Vulnerable Consumers in the Digital Age

G20 International Conference on Consumer Policy (6 September 2019)

#### Outline

- Introduction: CPFTA and CCCS
- CPFTA on Vulnerable Consumers
- Vulnerability of Singapore consumers online
- CCCS Work Initiatives
  - » Online Travel Booking
  - » Data Portability Initiatives
  - » The Privacy Paradox
  - » Data Analytics
  - » Price Transparency Guidelines
  - » Behavioural Insights Experiments
  - » Outreach



#### Introduction

#### Consumer Protection (Fair Trading) Act ("CPFTA")

Enactment of CPFTA and specified bodies (Consumer Association of **Consumer protection (fair** Singapore (CASE)/ Singapore Tourism **CPFTA** amended to provide trading) function enforcement powers, and Board (STB)) to administer Voluntary transferred to CCS on 1st Compliance Agreement (VCA) and file SPRING was appointed as the April 2018 to become for injunction administering agency **CCCS** CASE/STB CCCS **SPRING ESG CASE** Introduction of "Lemon Law" Announcement of merger between International Enterprise Singapore and to empower consumers to seek SPRING, to form Enterprise Singapore recourse for defective goods (ESG)



#### **CPFTA on Vulnerable Consumer**

Section 4. It is an unfair practice for a supplier, in relation to a consumer transaction —

- (a) to do or say anything, or omit to do or say anything, if as a result a consumer might reasonably be deceived or misled;
- (b) to make a false claim;
- (c) to take advantage of a consumer if the supplier knows or ought reasonably to know that the consumer —
- (i) is not in a position to protect his own interests; or
- (ii) is not reasonably able to understand the character, nature, language or effect of the transaction or any matter related to the transaction;

or

(d) without limiting the generality of paragraphs (a), (b) and (c), to do anything specified in the Second Schedule.



## Vulnerability of Singaporeans Online

- Well educated but time-poor
  - » More opt to make purchases online
  - » Busy and occupied mind
- Well digitalised but give rise to more data privacy concerns
  - » 82% of digital penetration in Singapore (We Are Social, 2017)
  - » Personal data stores on applications and browsers easily accessed and retarget consumers with ads
  - » Information and data such as transaction details, following on social media
- Small and open economy
  - » More online purchases across-borders
  - » More difficult for consumers to seek redress on delivery, return or refund issues



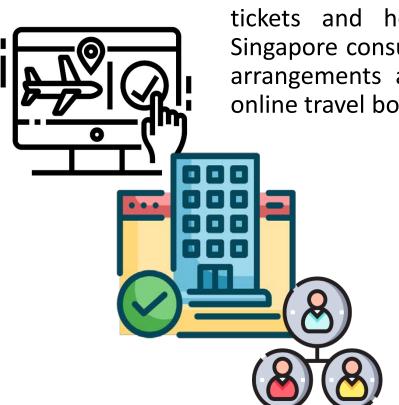
#### CCCS Work Initiatives 2019

Focus on digital platforms, transport, hospitality and administrative and support services.

- Facilitate innovative or disruptive business models
  - » Joint study with Personal Data Protection Commission (PDPC) on data portability
- Advance the digital and data economy
  - » Market study on online travel booking platforms
- Enabling consumer choices
  - » Price Transparency Guidelines
- Outreach Unit
  - » Sharpen outreach and advocacy efforts



## Online Travel Booking Study



Better understand the industry for flight tickets and hotel accommodations to Singapore consumers and the commercial arrangements and practices adopted by online travel booking platforms.

#### **Issues and concerns**

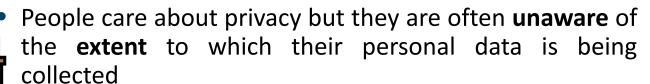
- Pressure selling using false and misleading claims
- Drip Pricing and currency conversion charges and fees
- Strikethrough pricing
- Opt-out practices



## Research on the 'Privacy Paradox'

Arises when there are **discrepancies** between user's **stated privacy beliefs** (stated preferences) and their **actual behavior** (revealed preferences)

#### **Information asymmetry**



 They do not have the autonomy to control what companies do with their data



#### **Issues and concerns**

- Consumers have no alternative (dominant provider)
- Insufficient disclosure to the consumer at the point of data collection



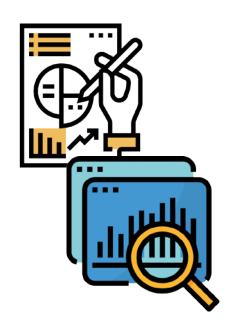
## Collaboration on Data Portability

 Joint study with Personal Data Protection Commission (PDPC) on data portability.

- Publication of the joint PDPC-CCCS Data Portability Discussion Paper on 25 February 2019
  - » Benefits and impacts of data portability requirement for business innovation, market competition and consumers
  - » Provides frame for stakeholders to understand and further discuss the impact and operational considerations in implementing a data portability requirement



## Applying Data Analytics Techniques



#### **Issues and Concerns**

- Flood of information online with mixed degrees of credibility:
  - » Online fake reviews
  - » Influencers / undisclosed celebrity endorsements

#### **Objectives**

- Apply data analytics techniques to screen and detect false and misleading practices online:
  - » Web scrapping
  - » Textual analysis
  - » Profile ranking
  - » Screening matrix
  - » Machine learning



## Price Transparency Guidelines



Providing online businesses with more clarity on pricing practices and to avoid certain misleading pricing practices such as drip pricing, strike through pricing and opt-out options.



- Allow consumers to make accurate price comparisons
- Consumers perceive price benefit/value
- Consumers pressured to complete the purchase (time-limited sales)



## **Behaviourial Insights Experiments**

To conduct controlled experiments to examine the extent that certain price transparency has on consumer choice in Singapore. (Work in progress)

#### **Objective**

- Extent of effects on different groups of consumers (elderly, less educated)
- Effects of advice from CCCS proposed guidelines on price transparency
- Examine consumer satisfaction with such choices



#### Outreach



On-Air with Money FM – "Perils of Online Shopping and Prepayments"



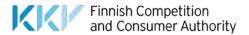
## Thank you





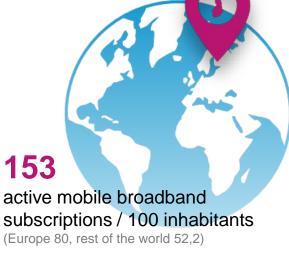
**Team manager Satu Toepfer** 

9/6/2019 G20 Consumer Summit, Tokushima, Japan



# **Setting things in context**

- In Finland (mobile) broadband has increasingly become the "super" essential service, which is the gateway to social and health services, other public services, banking and quick loans, booking, shopping, entertainment, mobile payment, tickets in public transport, parking etc.
- Exclusion from society threatens to be all the more total and expensive if one is caught on the wrong side of the digital divide
- As a consumer authority, FCCA enforces consumer legislation for the collective benefit of consumers with a pragmatic and sweeping approach – the aim is to make things work in general and for the future, individual cases or sanctioning are not ends in themselves, strong consumer advocacy, power to make initiatives
- We have for long striven to take into account the way consumers act and behave in real life and seek to make solutions to match that



**87,7%** of population use internet (Europe 77,9% / rest of the world 45,9%)

Children get their own smartphones at 6–7



# Our approaches to vulnerability

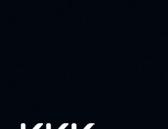
- Basic departure point in all consumer policy and legislation: consumer is the weaker party in the transaction, some well-thought out approaches work for all
- 2. There are **groups like minors, the aged**, **the infirm**, who merit an elevated level of protection and special consideration in our legislation
- 3. All of us may be vulnerable in certain phases of our lives, in particular transactions or circumstances monitoring the position of the vulnerable in the age of personalised marketing and pricing is becoming ever more challenging



- In some respects the digital age renders us all more vulnerable, despite its benefits behind the tailoring and apparent ease with which transactions take place may lurk complex chains of contracts, delivery and responsibility and combinations of products and services: who uses our data, where to turn when problems occur, proliferation of scams etc. > confusion
- Vulnerable groups as such have not changed so much, but the digital age has magnified the effects and the extent to which they can be exploited and manipulated and has brought new situations of contextual vulnerability.
- > FCCA looks at all its work strands through the lenses of protecting the weak and the vulnerable, this viewpoint affects our annual work plans and priorisation of cases
- > Essential services are always followed with an eagle eye with regard to inclusivity, access, affordability, usability, reasonable terms cooperation with sector-specific regulators is close and often based on law
- > All consumers, also the vulnerable ones, should be entitled to CHOICE even if it might be more difficult for them to exercise (the role of brokers?)



# Children and Young People



- > The Finnish CPA: Marketing that is directed at or reaches minors is to be considered contrary to good practice, if it abuses minors' inexperience or credulity, is likely to affect minors' balanced development detrimentally or if it seeks to sidestep parents' possibility to act fully as guardians of their own children
- We currently have a good practice case where a cosmetic surgery business followed teenagers as young as 13 on Instagram with the view of marketing breast implants to them
- Recognisability of marketing is key: we follow closely advergames, native advertising and influencers, and have just issued guidelines on influencer advertising <a href="https://www.kkv.fi/en/decisions-and-publications/publications/consumer-ombudsmans-guidelines/by-subject/influencer-marketing-in-social-media/">https://www.kkv.fi/en/decisions-and-publications/publications/consumer-ombudsmans-guidelines/by-subject/influencer-marketing-in-social-media/</a>
- We are assessing a case where a children's comics magazine included a competition where the reader could win tickets to a popular singer's concert by scanning one of the magazine's stories with an augmented reality app. Doing so would make the singer appear on the story panels when viewed through a smart phone. Notably the story itself focused on a character created on the basis of the same singer. The magazine also included a separate ad for the same concert.
- No direct exhortations to purchase are allowed, children may not buy on credit, recognition of children as contract partners
- Joint liability of telephone operators with sellers when services are invoiced via telephone bills is an extremely helpful legal provision in Finland - we are currently investigating telephone oprators' practices and liability in a case where children were able to subscibe inadvertently to a mobile content service by one click whilst surfing the internet, incurring high telephone bills for the parents despite service blockers that appeared to be in place
- A growing concern at policy level is **persuasive designs and dark patterns** taking advantage of childrens's neurological and brain development, manipulating them in a way that makes them spend more time on sites of influencers, platforms and games this problem calls for global consideration and responsibility on part of the industry



# The Elderly



- Not a homogenous group, but prone to compounding vulnerability: may lack IT-access and/or skills, suffer from cognitive and physical infirmity, living alone, limited means → the poor pay more
- In Finland expenses and trouble are bound to mount for those who do not use the internet: e.g. paper invoices for telephone billing cost, paying them at banks costs even more, getting customer service in person might be difficult, even getting there might cost more if you pay cash and getting your ticket in the bus or train might no longer be possible
- > We follow markets and contract terms that force consumers to use digital means
- At this stage we have recommended the **carrot but no stick-approach** when seeking to make customers move online (e.g. we have demanded that public transport cannot be payed and ticketed by apps only), **added requirements apply to essential services and monopolies** (free paper invoices for electricity possible, the same should apply to telephone)
- Universal service is not the only answer to IT-access, as it does not tackle skills deficit, more tailored responses required in the future, personal assistants? (But what about the costs, privacy?)



# **Overindebtedness**

- A good example of the Finnish legislation and flexible legal principles which is useful in our overindebted subscription economy is the so called "personal or social force majeure" that mitigates the debtors liability for paying interest rates or frees him/her from long term subscription-based contracts when sudden changes occur in his personal circumstances due to no fault of his own (health, unemployment, family relations, housing)
- In the energy sector, households that rely on electricity or natural gas to heat their homes cannot be disconnected during the winter months
- FCCA currently focuses intensely on overindebtedness and the excess pushing and ease of getting quick-loans in the mobile world
- > Finland has just introduced a **20% cap on consumer credit interest rates** in its legislation
- What to do with those who find themselves in the vortex of overindebtedness, as social force majeure does not cover permanent situations remains the question



ありがとうございます



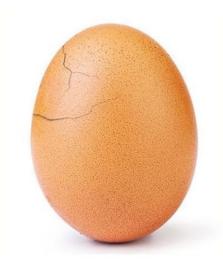


# **Vulnerability**

**G20 Consumer Summit Tokushima, September 2019** 

#### **Andrew Hadley**

Assistant Director Consumer Policy Competition and Markets Authority United Kingdom



# **Overview**



- What is vulnerability?
- Who is vulnerable?
- What are the key challenges in a digital age?
- What is the CMA doing?
- What can we all do about it?



# What is vulnerability?



# Definition and Scope

- Able to be wounded or hurt
- Power imbalance?

# Legally

- UCPD vulnerable by age, credulity or physical / mental infirmity
- Equality Act creates protected characteristics including disability – can't discriminate

# Potential problems

- Exploitation of vulnerability
- Targets for scams?
- Protected by price sensitive consumers?
- Does data now allow identification and targeting of individuals?
- Does poverty entail vulnerability?





# Who is vulnerable?



- We're all vulnerable (sometimes), but some more than others...
- Both <u>Risk</u> and <u>Impact</u> are relevant

#### Personal characteristics

- Disability
- Age?
- Income?
- Resilience?



- Complexity
- Specific markets creating pressure
- Health / Mental Health impact on decisions

# 'Created' vulnerability

- 'Confusopoly' deliberate confusion
- Exploitation of assumptions
- Abuse of power





# What are the key challenges?



# Engaging the most vulnerable groups

- Challenge to identify / reach the most vulnerable
- Some may resist definition e.g. elderly
- New practices create new vulnerabilities



#### Protection of individuals

- How to balance the protection of vulnerable vs. ability of the market to seek efficiency
- How much protection? Of whom? And by whom?



### Algorithmic discrimination

- Deliberate or accidental
- Protected characteristics
- Outcome regulation?



- Who pays?
- And who decides?



# What did the CMA do?



- Major Programme of work in 2018 centred on consumer vulnerability
  - Research
  - Stakeholder engagement
  - Roundtables and symposium
- <a href="https://www.gov.uk/government/publications/consumer-vulnerability-challenges-and-potential-solutions/consumer-vulnerability-challenges-and-potential-solutions">https://www.gov.uk/government/publications/consumer-vulnerability-challenges-and-potential-solutions/consumer-vulnerability-challenges-and-potential-solutions</a>
  - Inclusive design
  - Data and intermediaries
  - Changing business practices
  - Regulating outcomes
- Loyalty penalty super complaint
  - September 2018 90 days to respond
- https://www.gov.uk/cma-cases/loyalty-penalty-supercomplaint



Research and analysis
Consumer vulnerability: challenges and
potential solutions

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Foreword by the Chalimnan
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What is consumer
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What is consumer
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Evidence on outcomes for
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conclusions and met of deps.
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#### 'Loyalty penalty' super-complaint

The CMA investigated concerns that people who stay with their provider can end up paying significantly more than new customers, following a super-complaint from Citizens Advice into this matter.

Published 28 September 2018 Last updated 19 June 2019 — see all updates From: Competition and Markets Authority

Opened: 28 September 2018
Case type: <u>Markets</u>
Case state: <u>Closed</u>
Market sector: <u>Financial services</u>, <u>Telecommunications</u>

#### Contents

- Timetabl
- Contact

# What is the CMA doing?



#### Strategy

- One of four central issues for CMA
- Prioritise cases and projects where consumers are losing out due to vulnerability
- Loyalty penalty and poverty premium
- Digital markets focus and Reform

#### Vulnerability in our markets work

- Energy market investigation price caps for specific vulnerable groups on pre-payment meters
- Care Homes market study
- Funerals market study and investigation

#### Vulnerability in our consumer work

- Care homes enforcement refunds for unfair fees
- Online dating enforcement
- Marketing to children
- Online gambling enforcement



#### Protecting vulnerable consumers

- 2.21 In how we choose, and then how we go about, our work, we will prioritise cases where consumers may be losing out from illegal, anti-competitive or unfair trading practices because they are in a vulnerable position. The harm suffered by these consumers is a matter of intense public and political debate, and we are determined to hele to stamp it out.
- 2.22 Consumer vulnerability is not a binary concept: it is multidimensional and often highly context-specific. Such consumers often stand to lose proportionately more when markets are not working well, or they may be the losers in a market that is otherwise working well for most consumers. Whist addressing inequality in society is a policy matter for government and politicians and outside our statutory remit, we can work hard to ensure as many consumers as possible, including the vulnerable, can access markets, get a good deal from traders and suppliers, and be protected from unfair terrifice.
- 2.23 We already have significant work under way that relates to vulnerability. We continue to pursue competition investigations into alleged anti-competitive practices in the supply of medicines to the NHS<sup>6</sup> and are carrying out a

# CMA CA98 and civil cartels cases

#### News story

#### CMA launches court action against Care UK

The CMA has issued court proceedings against Care UK after it refused to refund residents who had to pay a compulsory upfront fee.

Published 7 February 2019 From: Competition and Markets Authority



# What can we all do?



#### Share

- Best practice by business or regulators
- Understanding of how markets and traders may deepen or exploit vulnerability



- About vulnerability as a core part of your projects
- Consider how to empower vulnerable consumers and their representative groups
- How to strike the balance between protection and market freedom
- How to ensure that resilience is considered
- Is society comfortable with exploitation or discrimination?
- When is intervention necessary?
- Is post-event enforcement suitable for fastmoving online markets?





# What can we all do?



### Require

- Traders to consider vulnerability
- Legal and social protection for the most vulnerable in society
- Non-discrimination (direct and indirect)
   within pricing and other market features



### Deliver joint projects

- Raising awareness of vulnerability
- Marketing to children ICPEN
- Platform and intermediary responsibility
- Data analysis around vulnerability
- Ensure more effective co-operation (see yesterday's slides for more)





# **Vulnerability**

**G20 Consumer Summit Tokushima, September 2019** 

#### **Andrew Hadley**

Assistant Director Consumer Policy Competition and Markets Authority United Kingdom



# **G20 International Conference on Consumer Policy**

Abhay Kumar, Director,
Ministry of Consumer Affairs, Food
and Public Distribution

# Introduction

- Consumer Protection is joint responsibility of Central and State
- \* Three-tier system viz NCDRC, State Commissions and District Fora established

# **National Consumer Helpline**

- A new Integrated Grievance Redressal Mechanism Portal (http:/consumerhelpline.gov.in) was launched in August 2016 to disseminate information to consumers and for lodging grievance online with facility to track status on real time basis this portal is available in both Hindi and English.
- Portal provides for registering grievances online 24x7 consumer can lodge complaints through two all India toll-free number
- In order to make the consumer helpline efficient and reduce the waiting time, the number of consumer helpline agents has been increased from 14 to 16 in 2016. Six zonal consumer helpline have been set up, each with ten help desks.
- To ensure speedy disposal of grievances, the helpline to partners with more than 400 companies including major e-commerce perfect and services companies as onvergence partners

# **CONFONET: Computerization and Computer Networking of Consumer Fora in the country**

- Aims to digitalize the functioning of the Consumer Fora at all the three tiers
- ❖ ICT solution for efficiency, transparency, systemizing of working and e-governance at the consumer fora
- Registration of complaints, recording of court proceedings, issue of notices, generation of cause lists, recording of judgments, record-keeping and generation of statistical reports etc. are digitized
- Online Case monitoring system has been developed and implemented by NIC.
- Consumers get easy access to accurate and dependable information regarding cause lists, judgments, case status and case history.

#### **Consumer Protection Act - Benefits to Consumers**

- Legislative provisions updated to meet present day challenges, based on previous experience and good examples from other countries
- \* Presently Consumers only have a single point of access to justice, which is time consuming. Additional swift executive remedies are proposed in the bill through Central Consumer Protection Authority
- Deterrent punishment to check misleading advertisements and adulteration of products
- Product liability provision to deter manufacturers and service providers from delivering defective products or deficient services

# **Benefits to Consumers (Contd..)**

- Enabling provisions to better regulate e-commerce and direct selling
- \* Pecuniary Jurisdiction enhanced to 1 crore for District Commission, 10 crores for State Commission and above 10 crores for National Commission
- Empowerment of Consumer Fora to enforce their orders
- \* Scope for early disposal of cases through mediation
- \* Ease of approaching Consumer Fora
  - Filing from place of residence
  - E-filing and Videoconferencing for hearing

# **New Feature of the Act**

# Central Consumer Protection Authority (CCPA)

- \* CCPA will be an executive agency which will fill an institutional void in the regulatory regime
- \* Will intervene to prevent unfair trade practices or consumer detriment at all the three stages of consumers' engagement with the market-before, during and after purchase
- Will be empowered to
  - •conduct investigations into violations of consumer rights and institute Prosecution
  - •Intervene in ongoing cases
  - •order recall unsafe goods
  - •order withdrawal of unsafe and hazardous services
  - •order discontinuance of misleading advertisements

# Thank you



**Consumer Affairs Agency Government of Japan**