

**DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INNOVATION  
COMMITTEE ON CONSUMER POLICY**

**Draft Agenda: Committee on Consumer Policy (CCP) 92nd session**

**7-8 November 2016**

**Paris, France**

*Registration for the meeting: Member country delegates and BIAC should register for the meetings through their Paris-based delegations. All other participants should contact the OECD secretariat to register ([jane.warren-peachey@oecd.org](mailto:jane.warren-peachey@oecd.org)).*

*Advance registration is essential to avoid problems when passing through OECD security.*

*All delegates are invited to the CCP reception on 7 November from 18:00 to 20:00 in room George Marshall.*

*A number of the documents noted on the agenda will only become available on OLIS closer to the date of the meeting.*

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Complete document available on OLIS in its original format.

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**Draft Agenda: Committee on Consumer Policy (CCP) 92nd session****7-8 November 2016****Paris, France****Monday, 7 November 2016**

10:00-10:05	<b>1. Adoption of Agenda</b>	<a href="#">DSTI/CP/A(2016)2/REV1</a>
	The Committee is invited to adopt the draft agenda.	
	<b>Action(s):</b> For approval.	
10:05-10:10	<b>2. Adoption of Summary Record</b>	<a href="#">DSTI/CP/M(2016)1</a>
	The Committee is invited to adopt the summary record of the 91st session	
	<b>Action(s):</b> For approval.	
10:10-10:20	<b>3. Statement by the Secretariat</b>	
	The Secretariat will report on developments in the OECD related to the CCP's work.	
	<b>Action(s):</b> For information.	
10:20-10:30	<b>4. Outcomes from Cancun Ministerial</b>	
	The Committee will be informed about the key Ministerial outcomes, including the adoption of the Ministerial Declaration.	
	<b>Action(s):</b> For information.	
10:30-11:30	<b>5. Behavioural insights</b>	
	<b>5.a. Report on using behavioural insights in consumer policy</b>	<a href="#">DSTI/CP(2016)3/REV1</a>
	The Secretariat will introduce the revised report, which has been updated to reflect delegate comments during and following the 91st session.	
	The Committee is invited to discuss the report and agree on the process for its finalisation. It is proposed that the Committee agree to its declassification, subject to a further three-week period for final written comments and corrections.	
	<b>Action(s):</b> For discussion and declassification.	
	<b>5.b. Overview of the horizontal project</b>	<a href="#">GOV/RPC(2016)22</a>
	The Secretariat will provide an update on planning for the horizontal project on new approaches to delivering better policies through behavioural insights, which is being led by the Regulatory Policy Committee.	
	<b>Action(s):</b> For discussion.	

**5.c. Next steps on behavioural insights**

The Committee will be provided with proposals for further work on behavioural insights, with attention to opportunities for contributing to the horizontal project.

The Committee is invited to agree on next steps for work in this area.

**Action(s):** For agreement.

11:30-12:00	<b>6. Digitalisation of the Economy and Society (DES)</b>	<a href="#">DSTI/IND/STP/CDEP/CP(2016)2</a>
	<p>The Secretariat will present the proposed methodology, structure and governance for the 2017-18 horizontal project on Seizing the Benefits of Digitalisation for Growth and Wellbeing. The overall objective of the project is to bring together the wide-ranging policy and analytical expertise of the OECD to help policymakers identify the policy options and trade-offs from a whole-of-government perspective so as to fully seize the potential benefits and address the challenges related to digitalisation. The Committee is invited to note and discuss the update on preparations for the horizontal project on Seizing the Benefits of Digitalisation for Growth and Wellbeing.</p> <p>The Committee is invited to note and discuss the update on preparations for the horizontal project on Seizing the Benefits of Digitalisation for Growth and Wellbeing.</p> <p><b>Action(s):</b> For discussion.</p>	
12:00-13:00	<b>7. Next steps on peer platform markets</b>	<a href="#">DSTI/CP(2016)10</a>
	<p>The Committee will be provided with proposals for possible next steps for work on peer platform markets. The proposals involve the commissioning of research into the operation and effectiveness of trust mechanisms in such markets.</p> <p>The Committee is invited to discuss and agree on next steps for work in this area.</p> <p><b>Action(s):</b> For agreement.</p>	
13:00-14:30	<b>LUNCH BREAK</b>	
14:30-15:00	<b>8. Online product safety</b>	<a href="#">DSTI/CP/CPS(2015)7/FINAL</a> <a href="#">DSTI/CP/CPS(2016)3</a>
	<p>The Working Party Chair will introduce the Report on Online Product Safety, as well as the online product safety sweep results report, noting linkages to the CCP's work on protecting digital consumers.</p> <p><b>Action(s):</b> For discussion.</p>	
15:00-15:45	<b>9. Work by the Competition Committee on big data and price discrimination</b>	<a href="#">DAF/COMP(2016)14</a> <a href="#">DAF/COMP(2016)15</a>
	<p>The Secretariat to the Competition Committee will introduce recent background notes addressing big data and price discrimination, with particular attention to the issues raised for consumer policy.</p> <p><b>Action(s):</b> For discussion.</p>	
15:45-16:15	<b>COFFEE BREAK</b>	

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16:15-18:00     **10.     Roundtable on implementation of the E-commerce Recommendation**

A separate agenda for the roundtable discussion is attached as an annex.

The Committee is invited to discuss the issues raised, as well as identifying possible topics for future roundtables.

**Action(s):** For discussion.

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**Tuesday, 8 November 2016**

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9:30-10:00     **11.     Digital Economy Outlook 2017 (DEO)**
**11.a.     Overview** [DSTI/CDEP\(2016\)5](#)

The Secretariat will provide an update on the structure and timeline for the preparation of the DEO.

**Action(s):** For information.

**11.b.     CCP contribution** [DSTI/CP\(2016\)14](#)

The Secretariat will introduce preliminary work to contribute to the DEO in the area of consumer policy. Delegations that have not yet responded to the short questionnaire [[DSTI/CP\(2016\)8](#)] are encouraged to do so.

The Committee is invited to submit additional information to inform the work and provide direction on the development of the consumer sections of the DEO.

**Action(s):** For discussion.

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10:00-10:30     **12.     Review of legal instruments under the responsibility of CCP** [DSTI/CP\(2016\)11](#)

The Secretariat will describe an OECD-wide process to review all legal instruments, as well as an action plan which has been developed to assist the CCP and the Working Party in contributing to this process.

The Committee is invited to agree on an action plan.

**Action(s):** For agreement.

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10:30-11:15     **13.     Programme of Work and Budget (PWB)**
**13.a.     Update on 2015-16 PWB outputs** [DSTI/CP\(2016\)6](#)

The Committee will be informed about the progress made in completing its deliverables under the current PWB.

**Action(s):** For information.

**13.b. Update on planning the 2017-18 PWB**[DSTI/CP\(2016\)4/REV2](#)

The Secretariat will provide an update on the current status of the process to finalise the next PWB.

The Committee is invited to provide direction on work under the next PWB.

**Action(s):** For discussion.

11:15-11:45	<b>COFFEE BREAK</b>
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11:45-13:00	<b>14. Working methods</b>
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**14.a. Consumer policy vision group**[DSTI/CP\(2016\)9](#)

At its 91st session, the CCP agreed to form an informal group to consider a mid-term vision for the Committee. An orientation paper has been prepared to outline possible issues for consideration by the vision group, as well as issues related to the working methods of the Committee.

The Committee will be invited to provide direction to the vision group.

**Action(s):** For discussion.

**14.b. Participation of non-government stakeholders**[DSTI/CP\(2016\)5](#)

At its 91st session, the CCP had a preliminary discussion of modalities for the participation of non-government stakeholders in its work. Following up on this discussion, a proposed set of guidelines for this participation will be presented for Committee consideration.

The Committee is invited to discuss this document with a view to agreeing on next steps to finalise and declassify it.

**Action(s):** For agreement.

13:00-14:30	<b>LUNCH BREAK</b>
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14:30-15:05	<b>15. Developments outside the OECD</b>
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**15.a. Developments in the EU**

The Committee will be provided with an update on recent consumer policy developments in the EU.

**Action(s):** For information.

**15.b. Developments in UNCTAD**

The Committee will be provided with an update on the first meeting of the new Intergovernmental Group of Experts on Consumer Protection Law and Policy.

**Action(s):** For information.

**15.c. Developments in ASEAN**

The Committee will be provided with an update on recent consumer policy developments in ASEAN.

**Action(s):** For information.

**15.d. National developments**

Delegates will be invited to report on recent policy developments. To facilitate planning, delegates who wish to make presentations are asked to notify the Secretariat (Rieko.Tamefuji@oecd.org) by 28th October.

**Action(s):** For information.

15:05-15:15

**16. Other items****16.a. Designation of the Bureau for 2017**[DSTI/CP\(2016\)7](#)

Nominations for chair and vice-chairs for the Committee were requested by 26 September.

The following nominations have been received: Chair: Ms. Nathalie HOMOBONO (France), Vice Chairs: Mr. Dave DUPUIS (Canada), Mr Yoshiaki NISHIOKA (Japan), Mr. Sungkyu LEE (Korea), Ms. Adriana Ruiz Monroy (Mexico), Ms. Eva TVERBERG (Norway), and Mr. Hugh STEVENSON (United States).

The Committee will be invited to designate its chair and vice-chairs for 2017.

**Action(s):** For agreement.

**16.b. Dates for next meetings**

Rooms have been reserved for the following dates for future CCP sessions:

- 93rd Session: 24-25 April 2017
- 94th Session: 8-9 November 2017
- 95th Session: 18-19 April 2018
- 96th Session: 26-27 November 2018

**Action(s):** For approval.

15:15-15:30

**COFFEE BREAK**

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**Closed Session**

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15:30-16:00    **17.    Global Relations Strategy (closed session for delegates from OECD member governments and the EU)**    [DSTI/CP\(2016\)13](#)  
[DSTI/IND/STP/CDEP/CP\(2016\)1](#)

Updates will be proposed to the Committee's Global Relation Strategy, which the Committee will be invited to discuss. The Committee will also be asked to review the continued need for the Global Forum on the Knowledge Economy, whose mandate expires at the end of 2016.

The Committee is invited to agree on its Global Relations Strategy and agree on whether there is a continued need for the Global Forum on the Knowledge Economy.

**Action(s):** For agreement.

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16:00-16:30    **18.    Accession (closed session for delegates from OECD member governments and the EU)**    [DSTI/CP/ACS/A\(2016\)2](#)

A separate agenda will be made available on OLIS.

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## **Annex: Roundtable on the Implementation of the E-commerce Recommendation [Item 10]**

At its April 2016 meeting, the Committee held its first roundtable on the implementation of the revised OECD Recommendation on E-commerce ([C\(2013\)6](#)) focusing on four selected emerging e-commerce issues addressed in the Recommendation and associated with: i) Unfair contract terms; ii) Alternative dispute resolution; iii) Global Co-operation; and iv) Information disclosures and drip pricing. Delegations agreed to continue the discussion at the CCP's November 2016 meeting where case studies would be presented in selected areas. This note provides a brief overview of the three main topics that will be discussed at the November Roundtable (1 hour 45 minutes): 1) Enhancing dispute resolution and redress across borders; 2) Addressing limitations to information sharing among consumer protection and other enforcement agencies; and 3) Exploring the role of consumer enforcement agencies in address detriment arising out of non-monetary transactions.

### **Issue 1. Enhancing dispute resolution and redress across borders (30 min)**

#### ***Lead discussant: Korea Consumer Agency (KCA)***

Available data shows that consumer complaints over cross-border e-commerce transactions are on the increase in a number of countries. To help resolve such disputes and thereby maintain and enhance consumer trust in those transactions, consumer protection and enforcement authorities have identified a need for enhanced cross-border cooperation. Such a need is reflected in Part Three on Global Cooperation Principles of the revised E-commerce Recommendation which states that, in order to provide effective consumer protection in the context of global e-commerce, governments should:

- i) Facilitate communication, co-operation, and, where appropriate, the development and enforcement of joint initiatives at the international level among governments and stakeholders;
- iii) Make use of existing international networks and enter into bilateral and/or multilateral agreements or other arrangements as appropriate, to accomplish such co-operation. [Para. 54]

In line with paragraph 54 i) and iii), in some countries, cooperation agreements involving consumer protection enforcement agencies and business organisations located in foreign countries have been signed to help resolve business-to-consumer disputes across borders and provide redress to consumers. KCA will provide the Committee with a brief overview of the recent Memoranda of Understanding signed between the agency and some business entities located in foreign countries.

#### **QUESTIONS:**

- Q1: To what extent would high volume low value cross-border ecommerce disputes require the implementation of specific schemes, such as online dispute resolution mechanisms?
- Q2: Is there a need for additional regional and international public/private sector partnerships to be developed to facilitate the resolution of disputes and consumer redress across borders?

### **Issue 2. Addressing limitations to information sharing among consumer protection and other enforcement agencies (45 min)**

#### ***Lead discussants: Competition Bureau, Canada and European Commission [to be confirmed]***

At the CCP's April 2016 Roundtable, some delegations pointed to the difficulty in implementing the information sharing provisions in paragraph 54 ii) of the revised Recommendation, which provide that in order to provide effective consumer protection in the context of global e-commerce, governments should:

- ii) Improve the ability of consumer protection enforcement authorities and other relevant authorities, as appropriate, to co-operate and co-ordinate their investigations and enforcement activities, through notification, information sharing, investigative assistance and joint actions. In particular, governments should:



- Call for businesses to make readily available information about themselves that is sufficient to allow, at a minimum, location of the business and its principals for the purpose of law enforcement, regulatory oversight and compliance enforcement, including in the cross-border context,
- Strive to improve the ability of consumer protection enforcement authorities to share information subject to appropriate safeguards for confidential business information or personal data, and
- Simplify assistance and co-operation, avoid duplication of efforts, and make every effort to resolve disagreements as to co-operation that may arise, recognising that co-operation on particular cases or investigations remains within the discretion of the consumer protection enforcement authority being asked to co-operate.

At the meeting, delegations highlighted the need to address the limitations being faced in regional systems, which, for example, restricted the exchange of consumer data with third countries. In addition to the updates to the 2016 E-commerce Recommendation, this is a topic that was the subject of considerable past CCP work, leading to the 2003 Recommendation on Cross-border Fraud.

## QUESTIONS

- Q3: To what extent do legal limitations to information sharing continue to impede the ability of consumer protection enforcement authorities to cooperate in cross-border cases?
- Q4: Are there any recent examples where such limitations have been overcome? To what degree would further OECD work be useful to complement ICPEN's work in this area?

### **Issue 3. Exploring the role of consumer protection enforcement agencies in addressing consumer detriment arising out of non-monetary transactions (30 min)**

*Lead Discussant: Competition and Markets Authority (CMA), United Kingdom [to be confirmed]*

Consumer data is today at the core of many e-commerce products and services. To reflect this important change, the revised E-commerce Recommendation now:

- Covers "non-monetary transactions", i.e. those "free" services acquired in exchange for consumer data. [Section I]
- Requests that businesses refrain from engaging in deceptive practices related to the collection and use of consumer data. [para. 8]
- Calls on governments and stakeholders to consider ways to provide redress to consumers experiencing problems with non-monetary transactions. [para. 46]

In addition, the Recommendation explicitly recognises the two OECD instruments on privacy and security, and articulates key consumer-related elements in new provisions [para. 48-49] on privacy and security.

In this section of the Roundtable, delegates will be invited to reflect on the implementation issues raised by the inclusion of non-monetary transaction within the scope of the revised Recommendation. In particular, the role of consumer protection and other relevant enforcement agencies in addressing consumer detriment arising out of non-monetary transactions will be explored.

Virtually all transactions with consumers -- whether or not they involve financial payment -- will generate consumer data that is subject to privacy and data protection laws across the OECD. However, in non-monetary transactions, the data will often be "monetised" through uses that go beyond those strictly needed to provide the good or service. The most obvious example is the practice of using consumer data to build consumer profiles for tailored advertising. The importance of complying with privacy laws in such circumstances will be obvious. That fact, however, does not diminish the need for compliance with consumer protection rules, as well as with rules in other areas, such as competition.

The revised Recommendation discusses the role of consumer protection and other relevant enforcement agencies in much greater detail than did the 1999 text, which contained only a single provision calling for regulatory and enforcement authorities to cooperate internationally to combat fraudulent, misleading and unfair commercial

conduct. The 2016 text elaborates on the types of authority and powers that CPEAs should have and details the key elements for effective cross-border co-operation (drawn largely from the 2003 Recommendation on this topic). In terms of the scope of authority, the 2016 text maintains the focus on "fraudulent, misleading or unfair commercial practices" as the subject matter for consumer protection enforcement authorities. When it comes to non-monetary transactions, the Recommendation already provides a relevant example: the call for businesses to refrain from engaging in deceptive practices related to the collection and use of consumer data (para. 8). Given its explicit link to deception, an enforcement role for CPEAs on this aspect seems clear. Otherwise, however, the Recommendation is largely silent about the CPEA's role.

The discussion will be divided into two parts, one focusing on the role of consumer protection enforcement agencies (CPEAs) in protecting consumers engaging in non-monetary transactions, and a second focusing on whether and how CPEAs may cooperate with other relevant enforcement agencies, such as data protection, competition and financial consumer protection authorities<sup>1</sup>. This has been a topic at recent ICPEN meetings, and information about the outcomes of those discussions would be helpful for the discussion.

## QUESTIONS

- Q5: What experiences have CPEAs had in addressing deception issues related to the collection and use of consumer data (para. 8)
- Q6: Other than para. 8 on deception, what role could be envisioned for CPEAs in protecting consumers engaged in non-monetary transactions?
- Q7: What sorts of co-operation with other types of enforcement authorities might be anticipated? (e.g. Data Protection Authorities? Financial or communications regulators? Competition authorities?)

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<sup>1</sup> See the European Data Protection Supervisor's recent opinion, at: [https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Events/16-09-23\\_BigData\\_opinion\\_EN.pdf](https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/EDPS/Events/16-09-23_BigData_opinion_EN.pdf).