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DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INDUSTRY COMMITTEE ON CONSUMER POLICY

SUMMARY RECORD OF THE 61ST SESSION OF THE COMMITTEE ON CONSUMER POLICY

Held at the OECD, Paris, 17-18 September 2001

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SUMMARY RECORD OF THE 61ST SESSION OF THE COMMITTEE ON CONSUMER POLICY

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OPENING REMARKS

1. The Chair opened the 61st session by asking for a moment of silence in recognition of the events of 11 September. She noted that a number of delegates and experts were unable to attend because of those events and expressed the Committee's sympathy to all those affected by the events. In addition, a statement from Mr. Mozelle Thompson on behalf of the US Delegation was read by the Chair. The statement expressed regret that the US-based members of the Delegation could not be present and best wishes to the Committee for a productive meeting.

ITEM 1: ADOPTION OF AGENDA

DSTI/CP/A(2001)2/REV1

2. The Committee **adopted** the agenda.

ITEM 2: APPROVAL OF THE SUMMARY RECORD OF THE 60th SESSION

DSTI/CP/M(2001)1

3. The Committee **approved** the record of its 60^{th} Session.

ITEM 3: STATEMENT BY THE SECRETARIAT

4. A statement was made by the new Director for Science, Technology and Industry, Mr. Takayuki Matsuo, and is attached as Annex I. The Chair welcomed Mr. Matsuo to the OECD on behalf of the Committee noting that the Committee looks forward to his contributions to its work.

ITEM 4: COMMITTEE'S MANDATE AND EXECUTIVE COMMITTEE REVIEW

DSTI/CP(2001)12 C(98)199/FINAL DSTI/CP/RD(2001)10

5. Gabriel Drilhon of the Secretariat provided an overview of the OECD process for renewal of the Committee's Mandate. The Chair then outlined her suggestions for revisions to the terms of reference, as contained in DSTI/CP/RD(2001)10. Her substantive suggestions included new text to highlight the importance of (*i*) considering relevant quantitative information in consumer policy deliberations, (*ii*) facilitating overall policy coherence through the inclusion of consumer policy considerations in other policy areas, and (*iii*) engaging in further outreach to non-member countries. The Chair also noted that it may not be necessary to retain the language related to consumer safety in paragraph 3, in so far as such issues are already covered in the broader language contained in paragraph 1. Finally, she reminded delegates that the Committee's current Mandate is shorter than that of other Committees, and suggested that it may be appropriate to extend the length of the Mandate to five years, as is the case for other general policy committees served by DSTI. She then invited discussion on the terms of reference and the length of the Mandate.

6. The changes suggested by the Chair in DSTI/CP/RD(2001)10 were **agreed** to by delegates, with the exception of the proposed deletion of paragraph 3 on consumer safety. Several minor edits were also made to enhance the overall clarity of the terms of reference. It was also agreed that the Committee would recommend that the revised terms of reference be submitted to Council with a request that the Mandate run for a period of five years.

ITEM 5: PROGRAMME OF WORK

DSTI/CP(2001)6 DSTI/CP(2000)1

a) Priorities for 2002

7. Michael Donohue of the Secretariat introduced proposals for 2002 priorities as outlined in DSTI/CP(2001)6. Delegates expressed broad agreement with the proposals for 2002 and also made some suggestions for additional work. There was continued support for concentrating efforts on implementation of the Guidelines and, in particular, for further work on the catalogue of best practice examples. Delegates also emphasised the importance of the Committee focussing its work in 2002 on priorities and real outputs and deliverables.

8. There was strong support for work on policy issues for cross-border enforcement co-operation. Further co-ordination with the International Marketing Supervision Network (IMSN) in this area was encouraged to avoid duplication of effort and to benefit from the IMSN's particular experience in cross-border enforcement. Significant interest was also expressed in proposed work on core consumer protections. Continued work on alternative dispute resolution (ADR) and codes of conduct was also supported. In terms of additional work areas, there was a suggestion for further work on ADR in developing principles or guidelines for ADR systems and also work on issues related to unfair consumer contracts.

9. There was also support from several delegates for a return to consideration of issues related to unfair marketing to children. After further discussion, the Chair suggested that the issue could be put on the agenda for 2003-2004 if Member countries are still eager to pursue further work at that stage but emphasised that the focus for 2002 should be on achieving results from core activities that are already underway. Delegates **agreed** with this approach.

10. Several delegates raised issues related to the implementation of the work programme, in particular the question of the effectiveness of working groups as a mechanism for realising the CCP's work. A majority of delegates supported the concept of working groups but suggested that a Chair responsible for co-ordinating the working groups and monitoring progress could be appointed or that the Secretariat could play a more active role in co-ordination to increase effectiveness. It was also suggested that there should be greater clarity in the proposed outputs of each working group so that the Committee can more effectively make decisions on the work of these groups at its biannual meetings.

11. At the end of the discussion the Chair concluded that DSTI/CP(2001)6 will represent the work programme for 2002, but noted that the Committee would retain some flexibility to consider new issues of sufficient timeliness and importance. Delegates **agreed** with this conclusion.

b) Advance planning for 2003-2004

DSTI/CP(2001)8 DSTI/CP/RD(2001)17

12. Mr. John Dryden of the Secretariat introduced proposals on advance planning for 2003-2004 as contained in DSTI/CP(2001)8. He began by noting the a biennial system had now been adopted by the Council of the OECD for both budget and programme of work, with the result that the programme for the 2003-2004 biennium will be agreed during 2002. Some possibility will be retained for future adjustments found by Member countries to be necessary and appropriate. The Chair invited discussion on the proposals, emphasising that the aim of discussion was to seek preliminary feedback from Member countries to assist the Secretariat in drafting more detailed proposals for consideration at the March 2002 meeting of the Committee.

13. A number of delegates expressed preliminary reactions to the proposals. There was strong support for the proposition that CCP should continue to focus on issues related to e-commerce and, in particular, the Guidelines as the key product of the CCP. Some delegates suggested that the CCP may need to consider expanding its work programme beyond purely e-com issues. In terms of ongoing activities, there was support for continued work on cross-border enforcement issues, guidelines follow-up, ADR, and codes of conduct as priority areas. There was also support for the suggested Conference reviewing the Guidelines, for further work on marketing to children and consensus building.

14. In terms of proposed work on new technologies, support for work on m-commerce and dynamic pricing was mentioned. Co-operation between the CCP and ICCP was noted as central to effective future work in this area. There was some interest in work on jurisdiction and applicable law, but delegates emphasised that the Committee would need to proceed with caution in this sensitive area. There were some suggestions for additional future work areas, including sustainable consumption, a study of product recall systems, information technology developments in the investigating of marketing practices, food safety, and consumer issues related to air transport services.

15. The Chair **noted** the comments of delegates and emphasised that the challenge for the CCP is determining how to do its work best to provide results. She explained that the Secretariat will reflect the discussion in the document to be prepared for the March 2002 meeting on proposals for work of the Committee in 2003-2004. She **requested** that delegates inform the Secretariat of any additional comments, including indications of priority areas **before 31 December 2001**, so that the document can be finalised prior to the March meeting.

16. The Chair also noted the Trans Atlantic Consumer Dialogue (TACD) proposal, available as room document DSTI/CP/RD(2001)17, which proposed a stock-taking exercise of Member country progress in implementing the Guidelines. Some Delegates expressed support for the proposal in principle but thought some aspects may need to be clarified to ensure Member countries are able to easily provide the information requested. The Chair thanked TACD for its proposal and indicated that the CCP Secretariat will discuss it further with the TACD, with a view to further consideration of the proposal as a potential item for the 2003-2004 programme during the Committee's March 2002 meeting.

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ITEM 6: CROSS-BORDER REMEDIES

a) Presentation of Working Group Report

b) Consideration of further work

17. On behalf of the Working Group on Cross-border Remedies, Michael Donohue provided an overview of the Working Group Report, DSTI/CP/RD(2001)4, and outlined proposals for future work as contained in that document. The Chair then invited delegates to discuss the issues raised by the preliminary report and the proposals for future work.

18. During discussion, delegates noted that the challenges raised by cross-border issues are being encountered by all Member countries and expressed strong support for the specific work proposals contained in the Working Group Report. A proposal to hold a forum session on cross-border enforcement issues was particularly supported, as was the continued importance of close collaboration with the IMSN. Some delegates noted that the CCP would need to proceed with care in this area because the challenges created by cross-border issues are often the product of embedded legal policies and cultures.

19. The Committee **agreed** to have the Working Group proceed with its proposed work plan and to report back to the Committee on progress at the next CCP meeting. The Chair thanked the Working Group for its efforts and asked it to explore further the possibilities of holding future forum sessions, perhaps jointly with the IMSN.

ITEM 7: GUIDELINES FOR CONSUMER PROTECTION IN THE CONTEXT OF ELECTRONIC COMMERCE: FOLLOW-UP

a) Report of the March 2001 Berlin Workshop

20. The Chair noted for information that the report on the Workshop is now posted on the OECD Web site: <u>http://www.oecd.org/dsti/sti/it/secur/act/Berlin/berlin-ccp-report.pdf.</u>

b) Second Report: Member Country Implementation of the Guidelines

21. Yoichi Kaneko of the Secretariat introduced DSTI/CP/RD(2001)11 which is a synthesis of updates from Member countries on implementation of the Guidelines. Mr. Kaneko noted that new submissions have been made by nine countries (Austria, Finland, Japan, Mexico, New Zealand, Poland, Slovak Republic, Sweden and the United States) and that these submissions show evidence of steady progress by Member countries in implementation of the Guidelines.

22. The Chair reminded delegates that the Committee will report to the Council on implementation during 2002, and that the implementation updates will be essential to ensuring that the report is comprehensive. **Delegates were encouraged to provide further updates on implementation activities by the end of 2001.**

DSTI/CP(2001)7 DSTI/CP/RD(2001)4

DSTI/CP/RD(2001)11

DSTI/CP(2001)5

c) Presentation of Draft Catalogue of Best Practice Examples

DSTI/CP/RD(2001)12

23. The Secretariat consultant for this project, Dawn Friedkin, was unable to attend the meeting to make her presentation. Instead, the Secretariat briefly described the approach outlined in DSTI/CP/RD(2002)12 and noted that this document will be further developed by the Working Group, with a view towards presenting a Working Group draft of the Catalogue to the Committee in March 2002.

ITEM 8: STATISTICAL INFORMATION ON B2C TRANSACTIONS

a) Oral Report by the Secretariat on Current State of Official B2C Statistics

24. John Dryden provided a presentation on the current state of official B2C statistics highlighting the challenges of obtaining good statistics in this area. He noted that official figures are still, like B2C electronic commerce itself, in their infancy, but that there are some general trends that can be observed. The statistical information presented is available on the OECD Web site at www.oecd.org/sti/consumer-policy by following the 'statistics' link.

25. The Chair noted the importance of seeking to improve the statistics currently available in this area to assist the Committee, and policy makers more broadly, in formulating appropriate policies.

b) Danish presentation on an International Benchmarking Study: The Well-Functioning Markets Project

26. The Danish Delegation provided an overview of an International Benchmarking Study. The study formed part of a larger project concerning the functioning of markets carried out in co-operation between the Danish Consumer Agency and the Danish Competition Authority. Its aim was to develop a method to measure the functioning of markets with a view to benchmarking countries to help them determine in which areas policy initiatives are required.

27. Interested Member countries were invited to work in conjunction with the Danish consumer and competition agencies to improve international statistics in the consumer area. The Chair also expressed her hope that all Member countries can work together to obtain good data and co-operate on this and similar projects.

ITEM 9: ALTERNATIVE DISPUTE RESOLUTION (Joint Work with the Working Party on Information Security and Privacy)

a) Report of the Joint Conference of the OECD, HCOPIL and ICC

DSTI/ICCP/REG/CP(2001)2

28. The Chair noted that the report on the Conference is posted on the OECD Web site: http://www.olis.oecd.org/olis/2001doc.nsf/LinkTo/DSTI-ICCP-REG-CP(2001)2.

b) Update on the EDG Progress - Questionnaire on Legal Issues - ADR Inventory - Questions for Potential Parties to ADR

DSTI/CP/RD(2001)13 DSTI/ICCP/REG/CP(2001)3

29. Anne Carblanc and Angela Smith of the Secretariat provided an overview of progress of the joint CCP-WPISP working group, as detailed in DSTI/CP/RD(2001)13. It was noted that good progress has been made in the three areas of the work programme, each of which is co-ordinated through an Electronic Discussion Group (EDG).

30. The first strand of this work is the development of an enhanced inventory of online ADR mechanisms. Discussion on this issue continues, led by representatives of BIAC and Consumers International (CI). For the second strand of work, a draft educational instrument has been created to assist users and SMEs in deciding whether, when and how to use online ADR. With respect to the third strand, delegates were informed that 19 Member countries and a small number of other stakeholders have submitted answers to the questionnaire on cross-border legal challenges to resolving B2C disputes through ADR. The Secretariat provided a preliminary synthesis of these responses and noted that it expects to post a more detailed synthesis on the EDG in mid-November. Member countries that have not as yet responded to the questionnaire were urged to do so.

31. The Secretariat noted that work will continue on all three projects via the EDG and that a further update will be provided at the next meeting. CI commented that it has updated its report on "Disputes in Cyberspace," which indicates little change in B2C ADR online. A number of other delegates also briefed the Committee on various national ADR initiatives. During discussion, Member countries expressed their continued support for this work as an effective means of promoting the importance and benefits of ADR. It was also suggested that the CCP should start to consider possibilities for future work on ADR once the current programme is completed. Developing a set of principles, benchmarks or common/core characteristics of good ADR schemes was one suggestion supported by some delegates. Delegates also noted the importance of working in close co-operation with other organisations and bodies looking at these issues.

ITEM 10: CONSUMER PROTECTIONS FOR PAYMENT CARDHOLDERS

a) Summary Record of the March 2001 Roundtable on Consumer DSTI/CP(2001)4 Protections for Payment Cardholders

32. The Chair noted that the Summary Record of the Roundtable is now available as DSTI/CP(2001)4.

b) Working Group Follow-up Activities

33. The Working Group Chair (United States) introduced this item, surveying previous work by the Committee and noting the follow-up work agreed to in Berlin. This follow-up work includes a revised report on Consumer Protections for Payment Cardholders and consideration of consumer education. Michael Donohue provided a more detailed update on progress on follow-up activities, noting that due to time constraints, the Working Group had not yet had an opportunity to fully review the initial Secretariat efforts on any of the items described below. During the subsequent discussion, delegates **agreed** that the working group should proceed as discussed and report back to the Committee again at the next meeting.

(i) Draft revisions to the report on Consumer Protections for Payment Cardholders

DSTI/CP/RD(2001)14

34. Mr. Donohue noted that, since Berlin, further revisions to the report have been made by the Secretariat. With respect to the future of the report, the Secretariat recommended that the CCP refrain from considering declassification of the report until after the proposed educational materials have been incorporated. Delegates **agreed** with this approach and the Chair noted that the Working Group will continue work to finalise the report.

(ii) Examples of Information about Payment Cardholder Protections

35. The Secretariat noted that in Berlin delegates were asked to forward examples of information provided to consumers in their country about payment cardholder protections. These materials were requested with a view to assisting the Working Group and Secretariat in deciding how best to formulate educational materials. It was noted that materials had been received from only a small number of Member countries. The Chair **encouraged** Member countries that have not yet responded to forward any materials as soon as possible.

(iii) Presentation of Consumer Education Tips

DSTI/CP/RD(2001)15

36. The Secretariat noted that the draft consumer education tips, drafted by Dawn Friedkin as a consultant to the Secretariat, had been styled as Frequently Asked Questions (FAQs) to address issues commonly faced by consumers when using payment cards online. It was proposed that the Working Group review the FAQs, develop additional and revised questions and appropriate responses to these questions. It was also noted that it may be necessary for the Working Group to consult with experts within and outside the OECD over the coming months.

ITEM 11: CODES OF CONDUCT

DSTI/ICCP(2001)1/FINAL

37. Taizo Nakatomi from the Secretariat provided an oral report on progress in the work on the ICCP Codes of Conduct project. He noted that, after the last CCP meeting, a revised proposal for future work on Phase Two of the project was developed by the Secretariat and circulated to the members of the Working Group for comment. Some comments were received and taken into account in developing a final version of the plan, which is now included in the report of Phase One of the project contained in DSTI/ICCP(2001)1/FINAL.

38. Mr. Nakatomi noted that Phase Two of the project will consist of two areas of study: the first on compliance mechanisms in codes of conduct and the second on the international application of codes. It is expected work on the second phase will be completed by Spring 2002 and that the Committee will then need to decide whether there is any demand for the OECD to do further work in this area. Mr. Nakatomi again invited delegates to participate in the working group and noted that the CCP will continue to be informed of the progress of work in this field. Delegates expressed continued interest in the ICCP work on codes of conduct and a commitment to contribute to this project.

ITEM 12: ENVIRONMENT AND SAFETY

a) Product Safety Notification System

39. Keith Manch, from the New Zealand Delegation, provided an update on the 'Prodsafe' Web site. He noted that the Web site is up and running, but that further input from Member countries will be required to ensure its continued development as a useful resource. He encouraged Member countries to contribute to and participate in the Web site by providing information and accessing the Web site's private area to increase the current level of exchange of information on investigations, current issues and developments. The Chair thanked New Zealand for its ongoing efforts and encouraged all delegates to remind colleagues dealing with product safety issues about the Web site and to make an effort to contribute to the work on these issues.

b) Sustainable Consumption

DSTI/CP/RD(2001)16

40. Adriana Zacarias-Farah of the OECD's Environment Directorate provided an update on OECD efforts in the area of sustainable consumption and noted that a 1999-2000 synthesis report which brings together all recent work projects in this area will be available early next year. She noted that one of the challenges in the area of sustainable consumption is to provide consumers with information on the environmental impacts of consumption in such a way as to change consumer behaviour. She further noted that this is where the CCP's input and experience would be particularly beneficial.

41. The Swedish delegation indicated its interest and offered to make a presentation on its 'green database' at the next CCP meeting should the Committee be interested in hearing more about its work. Other delegates also noted the importance of sustainable consumption for consumer protection and suggested that this is one area the CCP could look at in greater depth, with particular attention to the consumer information issues.

ITEM 13: OUTREACH TO NON-MEMBER COUNTRIES

42. John Dryden provided an overview of upcoming outreach activities. He noted that, as follow-up to the Emerging Market Economy Forum on electronic commerce held in January 2001 in Dubai, a conference on telecommunications regulation is planned for January 2002. A conference on the knowledge-based economy focussing on e-commerce is also planned for 2002 and will be held in Latin America. Another conference is proposed for late 2002/early 2003, the central themes of which will be developing economies, growth and electronic commerce. As planning for this event progresses, the Committee will be informed and its input sought. Mr. Dryden noted that the OECD is also generally examining the possibility of increasing the involvement of non-member countries in the activities of the CCP, particularly in the context of future workshops/forums.

ITEM 14: INTERNATIONAL MARKETING SUPERVISION NETWORK (IMSN)

43. Sitesh Bhojani of the Australian Delegation provided an overview of the two latest IMSN meetings. Highlights of the second meeting of the US presidency held in New York on 23-25 April 2001 included: the formation of a new working group to discuss the future of the network, the adoption of a protocol for expanding IMSN membership, the launch of econsumer.gov (a joint effort to gather and share cross-border e-commerce complaints), discussion on public-private sector partnerships, and discussion of the Internet Sweep Report. The IMSN also finalised its "Findings on Cross-border Remedies," a document provided to the CCP for consideration by its Working Group.

44. Mr. Bhojani provided additional information about the just-completed IMSN meeting in Berne, Switzerland, hosted by the new Swiss presidency. Key issues discussed included: post box fraud, crossborder advertising, a questionnaire on cross-border remedies, progress on e-consumer.gov, common elements of misleading and deceptive practices, and the Sweep Day for 2002. The Chair noted that it is clear that the IMSN and OECD could continue to work fruitfully together, and that even greater coordination of efforts should be encouraged. This position was supported by the Committee.

ITEM 15: ACTIVITIES IN OTHER FORA

a) Presentation by Consumers International of findings from its Report: consumers@shopping2

45. The CI delegate provided an overview of the consumers@shopping2 report which is now publicly available at: <u>www.consumersinternational.org/pressrelease.html</u>. According to the report, there are still too many sites that fail to deliver goods, fail to give refunds and fail to give key terms and conditions. CI noted that the report highlights the need for stronger legislation, improved guidelines, and additional educational initiatives. The Chair thanked CI for its important work in this area and its presentation. She also noted the need for all Member countries to devote increased effort to ensuring that the Guidelines are being effectively implemented.

b) COPOLCO (ISO Committee on Consumer Policy)

46. The Canadian Delegation provided an update from the COPOLCO meeting held in Oslo in June. The update noted that COPOLCO would recommend that the ISO begin work on developing standards on B2C e-commerce building on the OECD Guidelines and other voluntary principles. The Secretariat noted that there are good contacts between the CCP and ISO at the Secretariat level and highlighted the possibility of further co-operation on common work areas in the future.

c) HCOPIL (Hague Conference on Private International Law) Proposed Hague Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters

47. The Delegation from the Netherlands provided an update on a diplomatic session held in June to discuss the draft Convention on jurisdiction and foreign judgments. The update noted that the project raised two issues of interest to the Committee: jurisdiction over consumer contracts and government litigation on behalf of consumers. The Dutch delegate encouraged all CCP delegates, as consumer policy experts, to contact their country's delegates to the Hague Conference to learn more about these issues and provide input.

d) APEC (Asia-Pacific Economic Co-operation)

48. The New Zealand delegation provided an update on activities in APEC, an organisation that has recently agreed to examine consumer protection issues via its Electronic Commerce Steering Group (ECSG). At the last meeting of the ECSG on 20 August 2001 in Dalian, People's Republic of China, three key decisions were made: *(i)* a questionnaire will be sent out to all members to better understand the various approaches taken to consumer protection in the APEC region, following which an expanded report and information resource will be prepared; *(ii)* a set of voluntary APEC principles for online consumer protection will be developed; and *(iii)* a forum on privacy will be held in conjunction with the next meeting of the ECSG in February 2002 in Mexico to provide an opportunity for member economies and the private sector to share information on current data privacy initiatives. The New Zealand delegate noted the hope that it will be possible for APEC and the OECD to meet in the future to discuss respective efforts on consumer protection.

e) FTAA (Free Trade Area of the Americas)

49. The Mexican Delegation provided an update on efforts in this forum, in particular the work of a joint government/private sector working group of experts on e-commerce. Eleven meetings have been conducted thus far and have involved a wide analysis of matters related to e-commerce particularly issues including fraud/deception, privacy, jurisdiction and dispute resolution.

f) ISCCO (International Society of Consumer and Competition Officials)

50. The Australian Delegation provided an update on the activities of ISCCO including the latest meeting held in Durban, South Africa on 15-16 November 2000. The meeting involved participates from a large number of developing countries and centred around discussion of four main themes: challenges for new competition and consumer protection agencies; taking advantage of network tools; addressing issues currently confronting government regulators; and educational strategies.

51. The Australian Delegation noted that, in terms of the CCP's objectives of outreach, ISCCO could be a valuable forum for communicating with non-member countries. It was also noted that the Australian Competition and Consumer Commission, which has undertaken the Secretariat functions for ISCCO since the organisation's inception in 1997, is now unable to continue to do so due to commitments related to its upcoming presidency of the IMSN. Expressions of interest in managing the Secretariat of ISCCO were invited.

g) TACD (Trans Atlantic Consumer Dialogue)

52. CI provided an overview of TACD activities. TACD meets every 18 months and conducts work in between meetings via three email groups on trade, food, and e-commerce. The last TACD conference was held in May 2001.

h) GBDe (Global Business Dialogue on Electronic Commerce)

53. BIAC provided an update on a meeting of the Consumer Confidence Group of the GBDe, held in Tokyo on 13-14 September 2001. Some of the key issues discussed included ADR, trustmarks, and data protection and participants took note of key developments in these areas.

ITEM 16: ANNUAL REPORTS

54. The Chair **requested** that delegates who had not already done so should forward their annual reports for 2000 to the Secretariat as soon as possible. Delegates were reminded that the reports are posted on a page linked from the Consumer Policy section of the OECD Web site and accessed by a large number of users.

ITEM 17: DATES OF NEXT SESSIONS

55. Delegates **agreed** to the dates for the 62^{nd} and 63^{rd} sessions of the Committee, to be held on **13-14 March 2002 and 14-15 October 2002** respectively. The Chair noted that the DSTI Secretariat plans to move from the La Muette site to La Défense in mid-2002, which may affect the location of future CCP meetings. The Chair also noted the importance of co-ordinating the CCP and IMSN meetings during Autumn 2002 given that Australia will be taking over the IMSN presidency.

ANNEX 1

DIRECTOR'S STATEMENT

I welcome all delegates to this meeting.

First of all, I would like to express my deepest sympathy and offer my sincere condolences to all Americans and other persons who have suffered from the terrible tragedy that occurred in the United States last week. Also, I would appreciate your understanding given the tighter security measures here in the OECD due to the current situation.

Since this is the first Committee for me after taking up my duties as DSTI Director late last month, I would like to say that I am very pleased to return to the OECD Secretariat and to work with you all at this dynamic turning point of economic structural change towards a knowledge-based economy. From my own experience working at the OECD Secretariat previously and participating in the OECD meetings as a Japanese delegate, I think we are now facing more and more cross-cutting issues for tackling micro-economic policy reforms. This will enhance the importance of the interface with consumer policy issues.

I will begin by sharing some information about the Committee's budget and about the new Secretariat staff, move on to discuss the role of the CCP in OECD matters, and conclude with a few remarks about the present substance of the Committee's work and future directions.

Beginning with the good news, as you know the Council adopted the budget for this year (2001) last December, and accepted the proposal from the Secretary-General to create an established post at A2/3 level to serve this Committee. This encouraging development returned to the Committee the post that had been lost three years earlier. After concluding a recruitment process for this post, Michael Donohue joined us earlier this summer and is working under John Dryden in the ICCP Division, with responsibilities for the Committee on Consumer Policy. I am also pleased to introduce Yoichi Kaneko, recently arrived from the Secretariat for two years, thanks mainly to the generosity of the Japanese Government. Neither Michael nor Yoichi are strangers to the work of the Committee, both having previously attend CCP meetings as part of their country delegations. We also have the services of Angela Smith who has joined the Secretariat for a short stay from her post at the Australian Competition and Consumer Commission.

While the arrival of new staff is encouraging, it does not mean that we are now free from resource constraints. For example, the Part 1 resources – the money used for miscellaneous expenditure, including missions, conferences and consultants for the Division were not increased. Despite the confidence shown in the work of the Division and the recognition of the importance of the OECD's work on electronic commerce, there remains a need for a clear focus and concentration in the Committee's work.

With regard to the future programme of work and budget, I would first like to report that the Council has agreed to move to a biennial budget system. We were already working with a biennial programme, but the budget was annual. We thus have now consistency of the programme and budget cycles. However, since 2002 is the second year of the 2001-2002 programme, the new system will enter

into force only with the 2003-2004 programme and budget, which we shall have to start preparing early next year.

For the 2002 budget, in July, DSTI has submitted to the Secretary-General its proposals based on the "zero growth" assumption, and our evaluation of the consequences of a 5% increase and a 5% reduction in the available resources for each of the committees we serve, taking into account the priorities they expressed for their different activities. In the case of the Committee for Consumer Policy, given the level of Part 1 resources, i.e. one administrator, it is difficult to figure out what would be in the reality a 5% reduction. We are expecting the Secretary-General's proposal for the 2002 budget, including on what he would like to increase and cut, will be submitted to Delegations during the first week of October, or shortly thereafter.

I would also like to mention the Renewal of the Committee's mandate, currently scheduled to expire at the end of this year. The Secretariat will prepare a document for Council that outlines the importance of the work of the Committee and I have no doubt that it will make a compelling case for renewal. One issue the Committee will need to decide upon at this meeting today and tomorrow is whether to propose changes to the terms of reference. The present terms of reference have a clear focus on electronic commerce, but with room for flexibility to deal with other matters of a global nature. In my view, there is no need for a big change, but it will provide you with a good opportunity to reflect on the achievements so far and to think about the future challenge. The attendance by the Committee Chair at the Council tomorrow will provide an excellent opportunity to remind the Council about the useful work ongoing in the Committee and, we hope, lay a foundation for a smooth Mandate renewal process.

I turn now to the substance of the Committee's work. Looking back over the Committee's recent activities, I can see that it has been very active in building on the Guidelines on Consumer Protection in Electronic Commerce. Last December you were in The Hague, discussing Alternative Dispute Resolution. Work continues in this area, now through an Electronic Discussion Group. One important aspect of this work is the fact that it is being conducted jointly with the Working Party on Information Security and Privacy. As noted above I believe that horizontal co-ordination is increasingly essential to effective work on e-commerce.

March brought the Committee together in Berlin, first for a workshop to discuss implementation of the Guidelines. OECD Member countries have made important progress collectively and individually in this area. I commend the Committee's decision in March not to attempt revising the Guidelines themselves, but rather to continue work in particular areas. The catalogue of best practice examples seems a promising initiative in this regard.

Berlin also brought an in-depth examination of the protection for cardholders. Although payment cards remain the primary payment mechanism for online transactions, there is much work to be done to dispel consumer fears about using payment cards on the Web. Part of the challenge is educational. The follow-up efforts to develop a series of tips or perhaps Frequently Asked Questions should help to get out the message to consumers about safe shopping online.

Another key area for trust building in E-commerce is cross-border enforcement co-operation. Today's agenda includes a presentation from a working group report on this topic. The report outlined a number of the challenges to ensuring that enforcement authorities have the tools to do their part to meet the Guideline's key principle: online consumers should be afforded a level of protection that is no less than that afforded consumers in more traditional forms of commerce. I think the Committee should strongly consider continued work in this area.

In spite of all these efforts and progress made to date, our goals, which Ministers set for us at Ottawa in 1998, have still not been achieved. Consumers and the users of the Net are not convinced of the safety and security of network transactions. B2C E-commerce, although growing, is not increasing at the rate hoped for and so has been relatively an unfulfilled promise compared, say, to B2B. The current downturn and the crash of the inflated market valuations of many so-called Dot Com companies are creating an impression that E-business has some fundamental problems inherent to it. Rather, I tend to think that we are experiencing a short pause that comes from time to time during a very long period of sustained growth. The report of the OECD Growth Project underlines the long-term structural shift and key policy recommendations. They include focus policy efforts on increasing the use of ICT rather than developing ICT manufacturing. Thus, the consumer's trust is a key element for growth. We must spend our time coming to grips with such structural issues and comprehensive growth strategy, so that we will be prepared for the next stage of development which will evolve within one or two years' time.

Thank you, Madam Chair.

COMMITTEE ON CONSUMER POLICY 61st Session, 17-18 September 2001

COMITÉ DE LA POLITIQUE À L'ÉGARD DES CONSOMMATEURS 61ème session, 17-18 septembre 2001

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