

Digital Economy Partnership Agreement (DEPA)

Non-Paper from New Zealand: *Online Consumer Protection*

September 2019

Article XX: Online Consumer Protection

1. The Parties recognise the importance of transparent and effective measures to protect consumers from misleading and deceptive conduct when they engage in electronic commerce.

2. The Parties recognise the importance of cooperation between their respective national consumer protection agencies or other relevant bodies on activities related to cross-border electronic commerce in order to enhance consumer welfare.

3. Each Party shall adopt or maintain laws or regulations against misleading and deceptive conduct that causes harm, or is likely to cause harm, to consumers engaged in online commercial activities. Such laws may include general contract or negligence law and may be civil or criminal in nature. "Misleading and deceptive conduct" includes:

- (a) making misrepresentations or false claims as to material qualities, price, suitability for purpose, quantity or origin of goods or services; or
- (b) advertising goods or services for supply without intention to supply; or
- (c) failing to deliver products or provide services to consumers after the consumers have been charged; or
- (d) charging or debiting consumers' financial, telephone or other accounts without authorisation.

4. Each Party shall adopt or maintain laws or regulations that:

- (a) require, at the time of delivery, goods and services provided to be of acceptable and satisfactory quality, consistent with the supplier's claims regarding the quality of the goods and services; and
- (b) provide consumers with appropriate redress when they are not.

5. Each Party shall make publicly available and easily accessible its consumer protection laws and regulations.

6. Each Party shall encourage its businesses engaged in digital trade to make publicly available policies and procedures related to consumer protection, including in relation to redress.

7. The Parties shall promote, as appropriate and subject to the laws and regulations of each Party, cooperation on matters of mutual interest related to misleading and deceptive conduct, including in the enforcement of their consumer protection laws, with respect to online commercial activities.

8. The Parties endeavour to explore the benefits of mechanisms, including alternative dispute resolution, to facilitate the resolution of claims over electronic commerce transactions.