



## JOINT STATEMENT ON ELECTRONIC COMMERCE

### POSSIBLE CONSUMER PROTECTION TEXT

#### *Communication from New Zealand*

The following communication, dated 26 April 2019, is being circulated at the request of the delegation of New Zealand.

## 1 INTRODUCTION

1.1. New Zealand supports a robust and in-depth process for discussion of all trade-related aspects of e-commerce regulation as part of e-commerce negotiations initiated by Ministers in a Joint Statement issued on 25 January 2019.

1.2. Consumer protection is a crucial component of an enabling environment for cross-border e-commerce trade. As is the case in Members' domestic economies, and for "offline" transactions, robust e-commerce consumer protections:

- Prevent direct harms to individual consumers;
- Promote a competitive online market for suppliers of goods and services through e-commerce;
- Promote consumer uptake of e-commerce by maintaining confidence; and
- Enable confident participation in e-commerce trade by a wider range of individuals, as consumers or suppliers, including marginalised groups.

1.3. New Zealand therefore submits for consideration the below text as a basis for discussion of possible consumer protection disciplines. New Zealand anticipates proposing text in other areas at later stages of the negotiation, and this proposal is without prejudice to New Zealand's ability to make further submissions.

## 2 DRAFT TEXT FOR DISCUSSION

2.1. Each Member shall adopt or maintain laws or regulations to proscribe misleading and deceptive conduct that causes harm or potential harm to consumers engaged in online commercial activities. "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.

2.2. Each Member shall provide protection for consumers using electronic commerce that is at least equivalent to that provided for consumers of other forms of commerce under its relevant laws, regulations and policies.

2.3. The Members 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.

2.4. Each Member recognises the importance of improving awareness of, and access to, consumer redress mechanisms, including for consumers from one Member transacting with suppliers from another Member.

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