

## QUESTION 6/1

### **Consumer information, protection and rights: Laws, regulation, economic bases, consumer networks**

#### **1 Statement of the situation or problem**

At the World Telecommunication Development Conference (Dubai, 2014), account was taken of the wish of Member States and Sector Members to study the protection of telecommunication/ICT consumers, and that study was included under convergence. Faced with the rapid evolution of technologies and the appearance on the market of ever more sophisticated equipment, consumers who are not telecommunication/ICT experts can find themselves at a loss. Consequently, consumer information and consumer rights have become a priority and the topic should be made the subject of a separate study.

In the majority of meetings organized by the leading telecommunication and ICT players, the issue of consumer protection has become a constant concern, yet neither regulators, operators or service providers nor equipment manufacturers have defined or provided a specific legal basis for the legal consumer-protection instruments that need to be implemented in order to guarantee universal access to quality telecommunication/ICT services at low cost.

Given the pace of change and the time it takes to introduce and implement new legislation and regulations, bodies responsible for consumer protection (regulators, public and private agencies) should regularly amend their regulatory frameworks on the basis of the right balance between the interests of operators/service providers and those of users in areas such as subscription agreements, protection of intellectual property rights and management of digital rights, without detriment to innovative models of e-commerce (for example, e-commerce and commerce using mobile phones which open up wide prospects for transborder commerce by enabling hitherto underserved communities to have access to certain goods and services).

One of the key challenges for regulators is to establish a culture of security that promotes trust in telecommunication/ICT applications and services, one in which there is effective enforcement of privacy and consumer protection.

All consumers must have all the information which they need in order to make informed choices and benefit from adequate protection and compensation mechanisms when problems arise.

For most developing countries, the functioning of consumer-protection associations in general – and in the telecommunication/ICT sector specifically, especially in terms of experience and professionalism – presents difficulties when it comes to the management of consumer protection with state agencies, regulators or service providers/operators.

Education and awareness-raising for consumers, including persons with disabilities, women and children, should be a matter for all the parties involved in consumer protection (regulators, consumer-protection bodies and policy-makers).

The development of intersectoral competition with the emergence of services resulting from convergence (bundled services, services via mobile, etc.) makes it even more essential to enhance transborder cooperation, and for regulators and policy-makers to improve their competences and the tools intended to protect consumers. Furthermore, the question of after-sales service, which is one criterion for consumer choice, will need to be studied.

The study carried out over the last study cycle built on and encompassed the findings previously made on basic issues of consumer protection, in particular in the convergent environment, and enforcement, including appropriate national legislation, practices, procedures and sanctions.

The study addressed challenges of enforcement of law, policies and regulations in the area of consumer protection, specifically describing enforcement practices in selected countries, covering also protection in the context of convergence.

The study proposed a number of guidelines that are applicable in diverse circumstances and will assist Member States and Sector Members in their efforts to enforce their national laws in the area of protection for consumers of telecommunication/ICT services.

These studies on consumer protection in the context of convergence should nevertheless be completed and focus on the new challenges.

Member States and Sector Members would benefit from a report setting out the various resources, strategies and tools available to improve enforcement of their national and regional laws, rules and regulations governing consumer information, protection and rights, from the perspective of laws, regulations, economic bases and consumer-protection networks/organizations.

## **2 Question or issue for study**

- a) Organizational methods and strategies developed by public consumer-protection agencies with regard to legislation/regulations and regulatory activities.
- b) Mechanisms/means put in place by regulators, operators/service providers and consumer-protection agencies to inform consumers, in particular the different subject areas covered.
- c) The role of international, regional and national organizations for the protection of telecommunication/ICT consumers' rights.
- d) Any economic and financial measures adopted by national authorities in the interests of consumers of telecommunication/ICT services, in particular specific categories of users (persons with disabilities, women and children).
- e) Challenges in relation to the provision of new convergent services (transparency of service offers, fluidity of markets, quality and availability of services, value-added services, after-sales services, procedures for dealing with consumers' complaints or concerns, and so on) relating to consumer protection, as well as the policies, regulations and rules established by national regulatory agencies (NRAs) to protect consumers against possible abuses by operators/providers of these convergent services.

## **3 Expected output**

- a) A report to Member States and Sector Members, consumer-protection organizations, operators and service providers, setting out guidelines and best practices that will need to be produced to help these actors to find the tools needed for a better culture of consumer protection as regards information, awareness-raising, inclusion of consumers' fundamental rights in laws and national, regional or international regulatory texts, and consumer protection in the provision of all telecommunication/ICT services.
- b) Organization of regional seminars on consumer protection: consumer information, protection and rights, laws, economic and financial bases, consumer networks.

## **4 Timing**

An interim report will be presented to Study Group 1 in 2015. It is proposed that this study should be completed in 2017, when a final report will be submitted.

## **5 Proposers/sponsors**

ITU-D Study Group 1 proposed the continuation of this Question as modified herein.

## 6 Sources of input

- a) Contributions from Member States, Sector Members and interested regional and international organizations, such as the United Nations and its specialized agencies, OECD and recognized consumer associations
- b) Surveys/interviews
- c) Regulatory information available through BDT
- d) Websites of national telecommunication/ICT regulatory authorities for worldwide, regional and national governmental bodies responsible for consumer protection, and recognized consumer associations
- e) Relevant work currently being undertaken in ITU-T and ITU-R
- f) Other relevant sources.

## 7 Target audience

All the target audiences identified below, with particular attention to the needs of developing countries.

Target audience	Developed countries	Developing countries <sup>1</sup>
Telecom policy-makers	Yes	Yes
Telecom regulators	Yes	Yes
Telecommunication/ICT consumer-protection organizations	Yes	Yes
Service providers/operators	Yes	Yes
Manufacturers	Yes	Yes
ITU-D programme	Yes	Yes

### a) Target audience – Who specifically will use the output

National telecom policy-makers, regulators, service providers and operators, as well as recognized international, regional and national bodies for the protection of telecommunication/ICT consumers.

### b) Proposed methods for implementation of the results

- Electronic distribution of the report and guidelines to all Member States, Sector Members and their respective NRAs, and ITU regional offices
- Distribution of the report and guidelines at the Global Regulators' Symposium and relevant BDT, BR and TSB seminars.

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<sup>1</sup> These include the least developed countries, small island developing states, landlocked developing countries and countries with economies in transition.

## **8 Proposed methods of handling the Question or issue**

### **a) How?**

- 1) Within a study group: 
  - Question (over a multi-year study period)
- 2) Within regular BDT activity: 
  - Objective 2
  - Projects: Regional initiatives
  - Expert consultants
- 3) In other ways – describe (e.g. regional, within other organizations, jointly with other organizations, etc.)

Together with recognized international, regional and national bodies for the protection of telecommunication/ICT consumers.

### **b) Why within a study group?**

A study group provides the best vehicle for the widest participation by developing countries both in the work of the Question and in shaping the outcome documents (i.e. best-practice guidelines).

## **9 Coordination and collaboration**

This Question should be coordinated with ITU-D Objective 2 and with Questions relating to persons with disabilities, persons with specific needs and telecommunication/ICT services proposed for study during the 2014-2018 study period in the study groups.

## **10 BDT programme link**

ITU-D Objective 2.

## **11 Other relevant information**

As may become apparent within the lifetime of this Question.