

Session 1, Topic 3
Consumer information, protection
and rights:
Laws, regulation, guidelines

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Objectives



Identify trends in ICT/digital consumer protection laws, regulations, and guidelines.



Improve awareness and foster a high-level understanding.



Develop a better understanding in Pacific Island countries.



Identify key takeaways and offer recommendations.

Trends in ICT/digital consumer protection

- 1 Telecom is transitioning to a digital environment
- 2 Traditional consumer protection issues continue
- 3 Digital consumer protection issues are emerging



Global approaches to consumer protection

Evolution of traditional ICT consumer protection issues

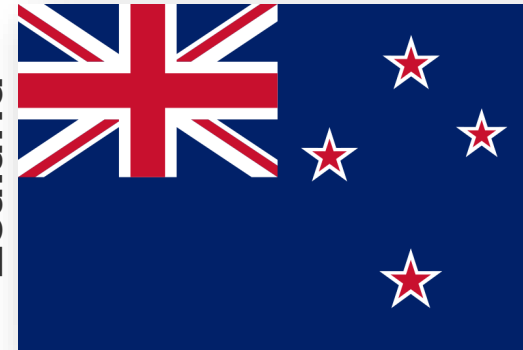
European
Union



Modernized consumer contract rules.

Under the EECC, operators must give consumers a summary of contracts; consumers may terminate a bundled package if any service does not meet contracted terms.

New
Zealand



Industry-led dispute resolution.

Consumer protection is addressed through industry-led groups with oversight from the Commerce Commission (ComCom) and guidance from Ministry of Business.

Global approaches to consumer protection

Emerging digital consumer protection issues

European
Union



Self-regulatory and co-regulatory liability regimes for online content.

- Self-regulatory approach in the Code of Practice on Disinformation.
- Co-regulatory + liability regime in draft Digital Services Act (DSA).

Singapore



Singapore addresses spammers.

Infocomm Media Development Authority (IMDA) spam control regime for unsolicited emails and mobile phone messages imposes obligations on spammers.

A closer look at public/private collaboration

Opportunities for principle-based approaches to digital regulation

Self-regulation models

- Industry players develop codes of practice that they must abide.
- Reduces administrative burdens for regulators.
- Governments may step in if self-regulation inadequate.

Co-regulation models

- Industry & government collaboration is a bridge between self-regulation and full regulation.
- Government identifies targets and industry has autonomy to meet the goals.

Consumer protection in Pacific Island countries

Consumer rights in Pacific Island countries

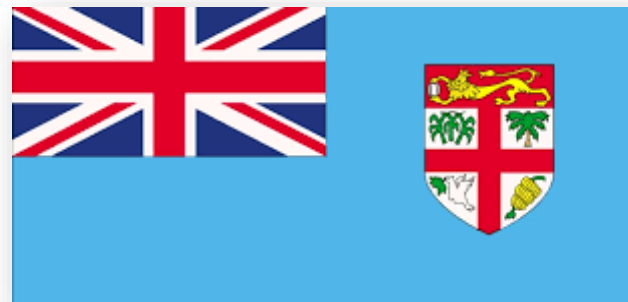
FSM

Accurate & detailed billing, transparency in contracts, fair complaints dispute process; regulator may take operators to court for non-compliance



Fiji

Transparent T&Cs, no false/misleading statements, complaints process must be approved



Vanuatu

Must comply with minimum consumer protection obligations in specified rules, including transparent T&Cs



Consumer protection in Pacific Island countries

Dispute resolution in Pacific Island countries

Kiribati

Online portal for consumers to submit complaints; CCK resolves complaints within 30 days



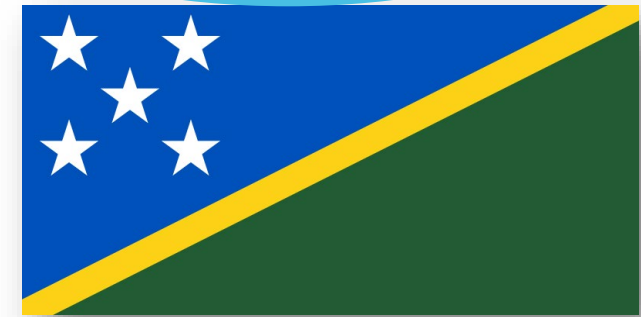
Papua New Guinea

Online form for consumers to submit complaints; operators must respond within 30 days



Solomon Islands

Simple online form for consumers to submit complaints; regulator works with consumers to resolve



Key takeaways and recommendations

Key Takeaways



Pacific Island countries tend to have more basic consumer protections in ICT laws and rules compared to larger economies, such as the EU, New Zealand, and Singapore.



However, regulators in Pacific Island countries—at a minimum—typically assist consumers with resolving complaints with operators, if needed

Recommendations



Focus on resolving potential disputes and affording basic protections for consumers.



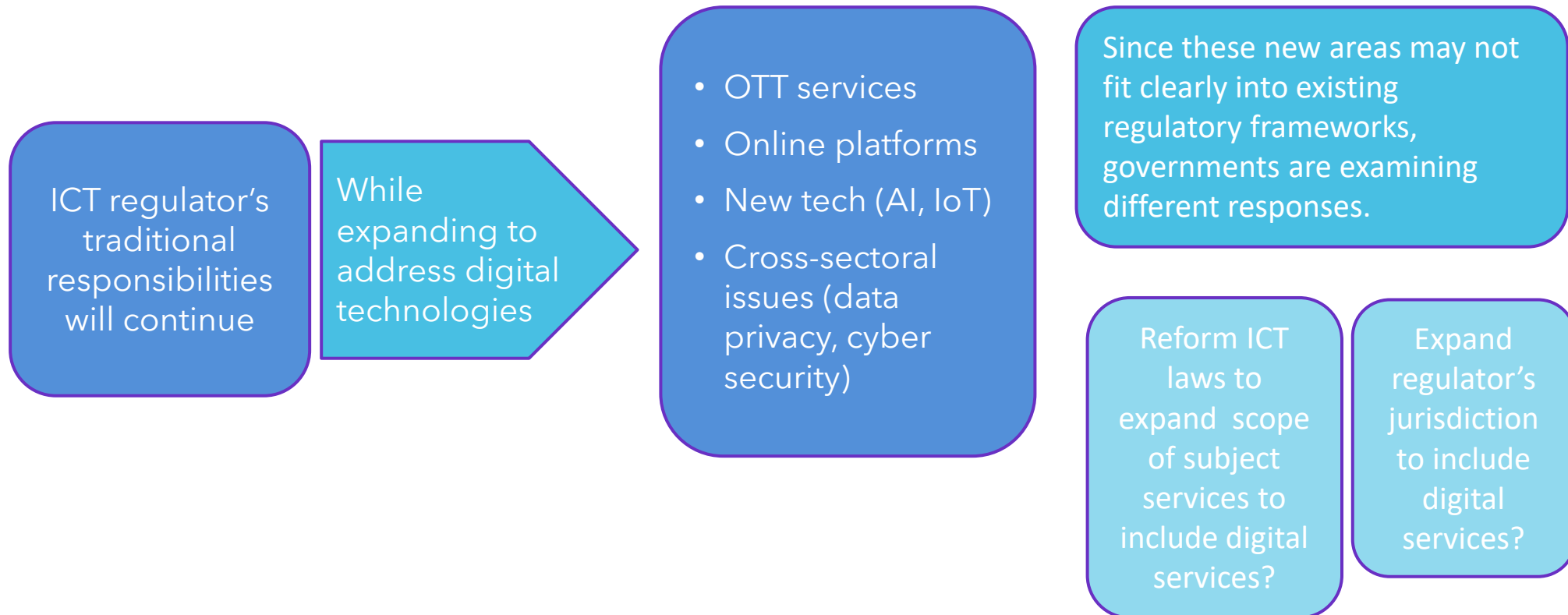
Review existing consumer protection frameworks to ensure that they are fit-for-purpose and aligned with consumer needs

Thank you

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Shifting digital roles for the ICT regulator



Inter-agency collaboration mechanisms

Collaboration can be viewed a range from informal to formal mechanisms

Informal collaboration

Unstructured or intermittent outreach between regulators to coordinate on specific issues

Semi-formal collaboration

Mix of formalized legal texts and informal outreach between regulatory authorities

Formal collaboration

Legal texts define agency roles, responsibilities, jurisdictions for ongoing collaboration

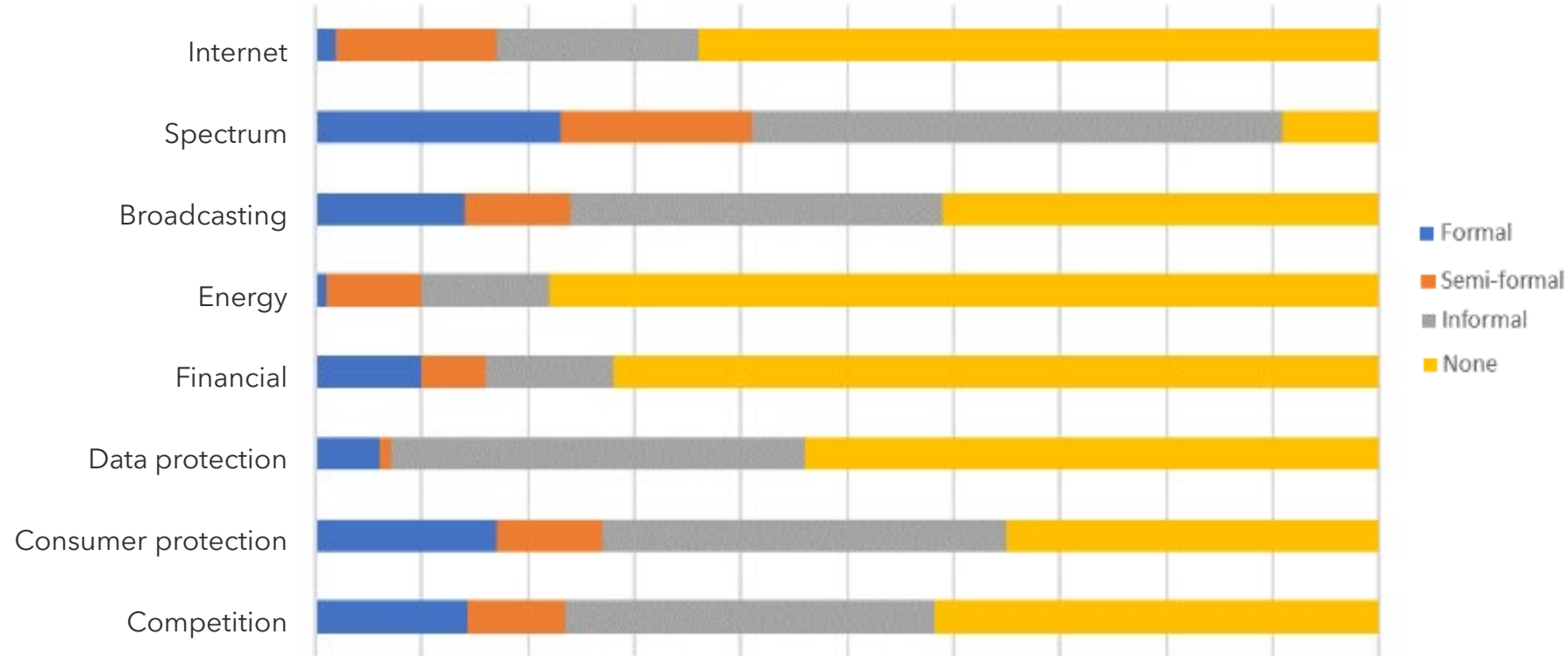
Another way to view - in terms of breadth and depth

Breadth of collaboration refers to the extent that ICT regulators collaborate with other agencies.

Depth of collaboration refers to the level of formal, informal, and hybrid mechanisms in place.

Cross-sectoral coordination arrangements

Which agencies commonly collaborate with ICT regulators?



- ICT regulators often have formalized, long-standing collaboration agreements with consumer protection, competition, and spectrum/broadcasting and authorities.
- Increasingly, ICT regulators are coordinating with data protection, energy, finance, cybersecurity, education, and transportation authorities.
- There is significant room for growth in formalized collaboration agreements.

Areas for collaboration with the ICT regulator

