

Buenos Aires Action Plan

STUDY GROUP 1

QUESTION 6/1

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

1 Statement of the situation or problem

Faced with the rapid evolution of technologies and the appearance on the market of ever more sophisticated equipment, consumers who are not telecommunication/information and communication technology (ICT) experts can find themselves at a loss. Consequently, consumer information and consumer rights have become a priority, and 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.

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 to guarantee universal access to quality telecommunication/ICT services at low cost.

Given the pace of change in telecommunications/ICT, 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.

One of the key challenges for regulators is to establish a culture of security that promotes trust in telecommunication/ICT applications and services, in which there is effective enforcement of privacy and consumer protection. Therefore, it is essential to implement laws, policies and regulatory practices, and to develop transparent, effective consumer-protection mechanisms in order to build such trust and confidence.

Likewise, for these regulations to limit and prevent fraudulent, deceptive and unfair commercial practices, it is necessary to promote education and adequate dissemination of telecommunication/ICT services for all consumers to make informed choices and benefit from adequate protection and compensation mechanisms when problems arise.

Therefore, it is important for all the parties involved in consumer protection (regulators, consumer-protection bodies, policy-makers and the private sector) to participate in education and awareness-raising for consumers, including persons with disabilities, women and children.

The development of intersectoral competition with the emergence of services resulting from convergence of technologies and telecommunication/ICT services makes it even more essential

Buenos Aires Action Plan

to enhance transborder cooperation, and for regulators and policy-makers to improve their competences and the tools designed to protect consumers. Furthermore, the question of after-sales service, which is one criterion for consumer choice, will need to be studied.

In view of the foregoing, it is important to bear in mind that the final report on the last study period includes a status review of consumer rights relating to telecommunication services, and existing consumer-protection challenges, including technology innovation, market competition, changing business models, regulator resources and capacities, and the needs of specific groups such as persons with disabilities, women and children, as well as the consumer-rights framework and the economic aspects of consumer protection.

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

Member States and Sector Members would continue to benefit from a report and, where applicable, recommendations on 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, so that operators/service providers publish transparent, comparable, adequate, up-to-date information on, *inter alia*, prices, tariffs, expenses related to contract termination, and accessing and updating telecommunication services, in order to keep consumers informed and to develop clear and simple offers, as well as best practices for consumer education.
- c) Mechanisms/means implemented by the regulators themselves to keep consumers and users informed about the basic features, quality, security and rates of the various services being offered by the operators, enabling them to know and exercise their rights, to use the services properly, and to make informed decisions when contracting services.
- d) The role of international, regional and national organizations for the protection of telecommunication/ICT consumers' rights.
- e) 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).
- f) Consumer-protection challenges associated with the provision of new convergent services (transparency of service offers, fluidity of markets, quality and availability of services, value-added services, after-sales service, procedures for dealing with consumers' complaints or concerns, etc.), 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.

Buenos Aires Action Plan

- g) Best practices and tools to empower users/consumers in managing their data provided to telecommunication service providers.
- h) Mechanisms to promote the creation of useful information and practical tools to be used for promoting digital literacy, especially among specific groups such as women, girls, users with disabilities and the elderly.
- i) Mechanisms and tools promoted by regulatory bodies to monitor the performance of end-user mobile network services and to assess information on basic features, quality, security and rates of the service received by consumers.
- j) Corporate best practices in favour of the consumers of telecommunication services to foster best consumer-education practices.
- k) Studies regarding approaches to supporting consumer rights and promoting consumer protection around issues such as quality, security and pricing for telecommunication/ICT services, drawing on best practices and in collaboration with study groups of the ITU Telecommunication Standardization Sector (ITU-T).
- l) Identification of best practices for national regulators and operators in the use and management of national telephone numbering resources

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 as well as the use and management of national telephone numbering resources.
- 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 ITU-D Study Group 1 in 2019. It is proposed that this study should be completed in 2021, when a final report will be submitted, along with any recommendations that may be adopted during the study period.

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, the

Buenos Aires Action Plan

Organisation for Economic Co-operation and Development (OECD) and recognized consumer associations

- b) Surveys/interviews
- c) Regulatory information available through the Telecommunication Development Bureau (BDT)
- d) Websites of national telecommunication/ICT regulatory authorities or worldwide, regional and national governmental bodies responsible for consumer protection, and recognized consumer associations
- e) Relevant work currently being undertaken in ITU-T and the ITU Radiocommunication Sector (ITU-R)
- f) Other relevant sources.

7 Target audience

All the target audiences identified below, with particular attention to the needs of developing countries¹.

| Target audience | Developed countries | Developing countries |
|---|---------------------|----------------------|
| 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 Symposium for Regulators (GSR) and relevant BDT, Radiocommunication Bureau (BR) and Telecommunication Standardization Bureau (TSB) seminars.

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

Buenos Aires Action Plan

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 3 and with Questions relating to persons with disabilities, persons with specific needs and telecommunication/ICT services proposed for study in the study groups.

10 BDT programme link

ITU-D Objective 3

11 Other relevant information

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