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THE ROLE OF ONLINE MARKETPLACES IN PROTECTING AND EMPOWERING CONSUMERS

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FINDINGS

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Foreword

In 2021 the OECD's Committee on Consumer Policy (CCP) and its Working Party on Consumer Product Safety (WPCPS) surveyed 28 countries and 15 online marketplace businesses on the role of online marketplaces in enhancing consumer protection.

Results from the survey highlighted that consumer issues in online marketplaces, such as fraud and scams, are significant concerns for both marketplace businesses and consumer protection authorities and that many are taking a range of initiatives to address them, including targeted surveillance activities and education for third party sellers and consumers about their rights and responsibilities.

Survey results also highlighted a number of areas where additional actions could be taken by policy makers and marketplace businesses to better protect consumers including the collection of more specific consumer complaint data relating to marketplaces, the development of more voluntary commitments and trust marks for marketplaces that show a commitment to consumer protection, new educational resources for third-party sellers, as well as requiring more information about third-party sellers and their products.

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Executive summary

Online marketplaces matching third-party sellers with consumers are now key e-commerce channels globally. Despite their popularity, they present a number of consumer risks, for example when their third-party sellers engage in misleading marketing and fraud, and supply counterfeit and unsafe products. Authorities are searching for new approaches to address these risks whilst maintaining the many consumer benefits of these innovative business models. As outlined in Box 1, the OECD recently conducted a survey to better inform future policy development in this area.

Box 1. Survey purpose and participants

Purpose: To examine online marketplaces' role in enhancing consumer protection by better understanding their business models and identifying common consumer protection issues on marketplaces and initiatives to address them.

Participants: 28 countries and 15 online marketplaces (see Annexes A & B)

Responses show that countries are prioritising consumer protection in online marketplaces, with many strengthening their co-operation with marketplaces and in some cases implementing legal reforms. Online marketplaces also see consumer protection as a key priority, with many developing their own consumer protection initiatives. A consistent theme was also the borderless nature of relevant consumer issues, raising the importance of increased international engagement in this area.

The **key findings** arising from the issues and challenges reported are:

- ***Fraud and scams are common concerns, but there is a need for better complaint data.*** A key issue highlighted by country responses is the lack of accurate data on consumer complaints relating to online marketplaces, as authorities generally do not separately track consumer complaints involving an online marketplace or a third-party seller on an online marketplace.
- ***Co-operation between governments and online marketplaces is strong,¹ but there is room for improvement.*** Most countries reported that their key challenges, particularly when dealing with online marketplaces across borders, were:
 - Obtaining third-party seller contact details and timely removal of product listings that contravene domestic consumer protection laws.
 - Persuading marketplaces to take proactive measures to prevent or reduce consumer harm, such as requiring evidence of product safety compliance, or more identification information from third-party sellers at registration.

For their part, when working with authorities, several marketplaces highlighted:

- A lack of co-ordination between different authorities with consumer protection responsibilities and potential enforcement gaps for scams and online fraud.
- Product safety reports from authorities sometimes lack critical information, inhibiting marketplaces from quickly removing relevant listings.
- ***Some online marketplaces are taking actions beyond their legal obligations, but more could be done to support them.*** A range of proactive initiatives are being taken by some online marketplaces to enhance consumer protection, including:
 - Developing dedicated portals for authorities to report problematic listings.

- Mediating disputes between third-party sellers and consumers, and offering compensation when sellers do not honour returns policies.
- Introducing initiatives to prevent price gouging and the supply of unsafe products during the COVID-19 pandemic.
- Signing up to product safety pledges and anti-counterfeiting commitments with governments to demonstrate their dedication to consumer protection.

Marketplaces noted difficulties in ensuring their third-party sellers are aware of their legal obligations. However, few reported using relevant educational resources and recalls databases developed by governments and international fora, suggesting that existing resources may be under-promoted and new ones needed.

- **Requiring more information from third-party sellers is highly recommended.** Information required from third-party sellers about themselves and their products differed significantly across participating marketplaces:
 - Some allowed registration with a name and email address, whilst others required more, often influenced by laws (e.g. anti-money laundering) requiring collection of certain information when acting as a financial intermediary.
 - Some required unique product identifiers and product safety compliance information for certain product categories, and others not at all.

In particular, limited seller identification information makes it much harder for marketplaces to ensure sanctioned third-party sellers cannot re-register under a new alias and for authorities to use a marketplace's data to contact third-party sellers.

Countries are approaching these issues differently, with several considering tightening online marketplaces' legal responsibility for third-party seller conduct. Other possible policy responses for countries to address the survey's key findings are outlined below.

Box 2. Possible policy responses to the key findings

Amending complaint categorisation systems to identify complaints involving online marketplaces and their third-party sellers. To allow more accurate identification of issues affecting consumers in online marketplaces.

Developing voluntary commitments with online marketplaces to promote adoption of best practices. Trust marks for marketplaces recognised for good practices may also enable consumers to shop more confidently. However, regular reviews of such programs, and their participants, are important to maintain consumer trust.

Better promoting consumer protection resources to online marketplaces to assist their third-party sellers. Particularly the OECD GlobalRecalls portal,² which includes recalls from 47 countries. Specific guides for third-party sellers may also assist.

Requiring marketplaces to gather more third-party seller identification information. To benefit authorities and marketplaces when seeking to contact or sanction third-party sellers, and consumers by allowing them to identify more accurately with whom they are transacting.³

Requiring online marketplaces to provide unique product identifiers and safety certification for certain products to help with traceability and compliance. Alternative approaches may however be needed for second-hand/handmade goods, where such information may be lost, missing or non-existent.

Introduction

Online marketplaces are now a dominant force in global e-commerce, offering consumers a range of benefits, including broad product and third-party seller choice, review and ratings systems and, in many cases, integrated payment mechanisms and convenient shipping options. They may also offer additional services as part of subscriptions and memberships.⁴

Box 3. Online marketplaces: a dominant force in e-commerce globally

It is estimated that at least 62% of global web sales in 2020 were made through online marketplaces (Digital Commerce 360, 2021^[1]), and that in April 2021 there were 155 online marketplaces for goods with over one million monthly visitors (Morton, 2021^[2]). Amazon.com is estimated to be the most popular e-commerce website worldwide based on traffic and Taobao (owned by Alibaba Group) the most popular online marketplace worldwide based on the value of goods sold by its third-party sellers. (Coppola, 2021^[3])

Online marketplaces however also present some consumer risks, including misleading marketing, scams and fraud, unsafe products and fake ratings and reviews (OECD, 2019^[4]). The COVID-19 pandemic has driven consumers to rely on online marketplaces even more and has exacerbated some consumer behavioural biases (OECD, 2020^[5]) (OECD, 2020^[6])

To assist policy makers to better understand common consumer protection issues and challenges with online marketplaces, and to identify policy responses, the OECD's Committee on Consumer Policy (CCP) and the Working Party on Consumer Product Safety (WPCPS) recently developed a survey seeking information both from consumer protection and product safety authorities and from online marketplace businesses.

The surveys build on a recent OECD policy note on the role of online marketplaces in enhancing consumer protection (Burdon, 2021^[7]), a WPCPS communiqué calling for countries to develop more consumer product safety pledges with online marketplaces (OECD, 2021^[8]), recent policy guidance to support implementation (OECD, 2022^[9]), and a 2019 OECD roundtable on the role of online platforms in enhancing consumer product safety (OECD, 2019^[10]). They also draw from a number of OECD legal instruments, particularly the OECD Recommendation on Consumer Protection in E-Commerce (OECD, 2016^[11]) and the OECD Recommendation on Consumer Product Safety (OECD, 2020^[12]).⁵

Scope

The survey questionnaires defined “online marketplace” as “a digital platform that brings together buyers and third-party sellers of consumer goods and facilitates payment for such goods.” The term “consumer goods” included second-hand goods, but excluded food, drugs, medical devices and services. The definition covered sales between consumers and third-party sellers (business to consumer or “B2C”) and, for some questions, consumer to consumer sales (sales between individuals or “C2C”). Direct sales by an online marketplace business of their own products to a consumer were also included in a limited number of questions.

The country questionnaire requested information from consumer and product safety authorities about the key issues facing consumers using online marketplaces, how

authorities were addressing these issues and the challenges they faced in doing so, including questions on:

- The number and nature of consumer complaints about online marketplaces in recent years, including in relation to the COVID-19 pandemic.
- How authorities were working co-operatively with online marketplaces through education and voluntary initiatives.
- How authorities were addressing consumer protection issues involving online marketplaces, including any recent relevant legislative or policy reforms.

The online marketplace questionnaire sought to identify key consumer protection issues from the marketplaces' perspective, how they were addressing them and the challenges they faced in doing so. It also sought information on the size and scope of e-commerce taking place through online marketplaces and any differences in the treatment of B2C and C2C sales.

Participants were requested to:

- Focus on core consumer protection issues, including unsafe and counterfeit products, scams and fraud, unfair, false or misleading conduct (e.g. misleading marketing), dispute resolution and redress, as well as issues relating to the COVID-19 pandemic (e.g. price gouging). Participants were requested to exclude cross-cutting policy issues, such as data portability, privacy and digital security.
- Answer to the extent possible, according to any restrictions on disclosure.
- Provide information relating to their global operations (for online marketplaces).

Notably, in order to encourage more robust business participation, information provided in online marketplace responses has been anonymised unless consent was obtained for publication or the information was otherwise publicly available.

To limit the scope, service marketplaces were excluded from the questionnaires. Nonetheless, many countries pointed to useful initiatives relating to service marketplaces and some examples have been included where relevant.

Overview of participants

A total of 28 jurisdictions participated in the country questionnaire, which was circulated to all OECD members and OECD Partner countries and economies active in the OECD CCP and its WPCPS. Responses to the country questionnaire were co-ordinated between national consumer protection and consumer product safety authorities. In some cases⁶, state and regional consumer protection bodies were also consulted where consumer affairs responsibility and complaint handling are shared. Participating countries are listed at [Annex A](#) along with their relevant authorities.

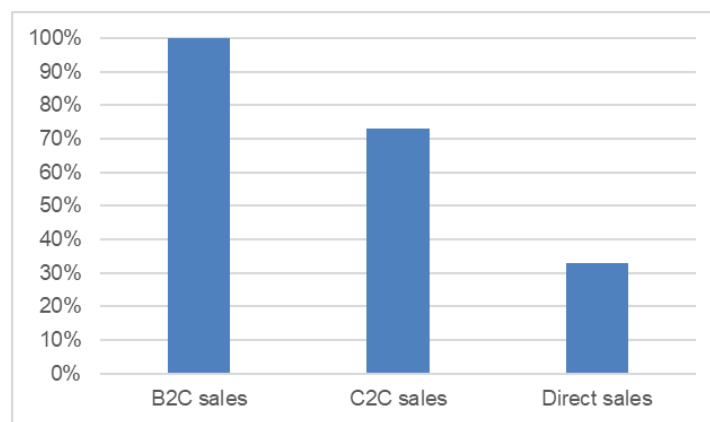
The questionnaire was sent to 42 online marketplaces and a total of 15 responded (listed at Annex B). Participating online marketplaces include global marketplaces, such as eBay and Etsy, as well as those with a regional focus, such as Allegro (Poland), Gittigidiyor (Republic of Türkiye, hereafter "Türkiye"), Mercado Libre (Latin America), and Mercari (Japan & the United States). Several classifieds marketplaces, where trade is predominantly between individuals and payment generally takes place off platform, also responded, including Gumtree Australia, Leboncoin, OLX and Schibsted.

At least 10 participating marketplaces are, according to one study, within the top 50 biggest online marketplaces in April 2021 based on monthly visitors, and 4 within the top 10 (Morton, 2021^[2]). Notably, this study excluded Facebook Marketplace and some classifieds marketplaces (including Gumtree Australia, Leboncoin, OLX and Schibsted). All participating online marketplaces can be described as general online marketplaces offering consumer products across a broad range of categories.

Online marketplaces can choose from a number of different business models. Key points of differentiation are whether a marketplace business allows B2C or C2C sales and whether it sells its own inventory of products or affiliated brands directly to consumers. There are indications that this last category of marketplace is increasing in number (Drenik, 2021^[13]).

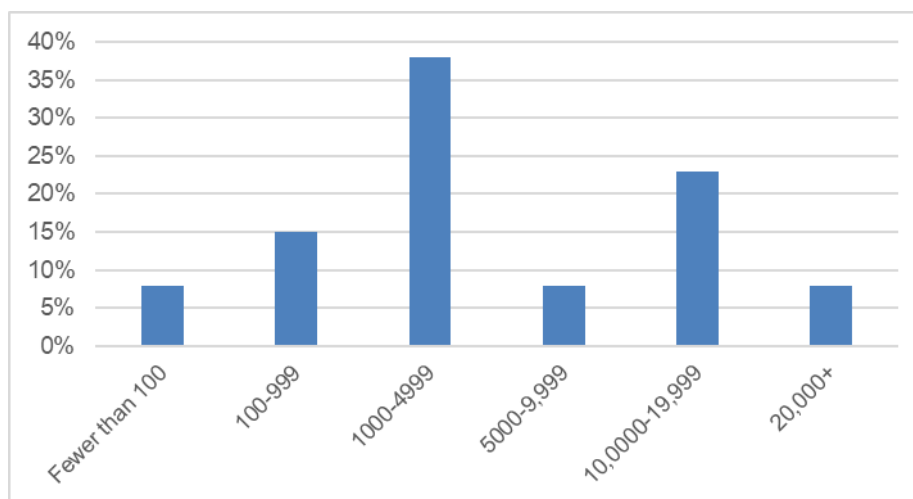
The following graph shows a break-down of the business models used by the 15 participating online marketplaces.

Figure 1: Core business models used by participating online marketplaces



All participating marketplaces allowed B2C sales, with the majority also allowing C2C (11), and many also sold their own products and affiliated brands (5). Online marketplaces were also asked about their number of employees.

Figure 2: Employee numbers across participating online marketplaces



Summary of responses

The survey sought a range of information from online marketplaces and consumer protection authorities. Responses are summarised under the following sections:

- key consumer protection problems in online marketplaces
- online marketplace oversight of third-party sellers
- online marketplaces' responses to consumer protection incidents
- co-operation between government authorities and online marketplaces to enhance consumer protection
- voluntary initiatives by online marketplaces to enhance consumer protection
- government responses to consumer protection concerns in online marketplaces

Not all participants provided a response to each question and in many cases data provided was estimated. It was not possible to use the questionnaire data to offer many insights regarding the overall size of e-commerce taking place via online marketplaces given the relatively small number of participating marketplaces. Whilst online marketplaces were asked about their turnover, median transaction value and the number of sales made through their marketplace in 2020, the majority did not provide this information due to commercial sensitivities. Three participants did cite approximate average transaction values of 8-17 euros, 49 euros and 50-100 euros.

Section 1 - Key consumer protection problems relating to online marketplaces

Box 4. Overview of responses (Section 1)

Better consumer complaint data needed. It is currently difficult to precisely measure the scale of consumer complaints received by authorities about online marketplaces as participating countries generally do not specifically categorise complaints according to whether they occur in online marketplaces.

Key consumer protection concerns

Consumer protection authorities estimated that:

- Misleading marketing, scams and dispute resolution (or lack thereof) were the most common areas of consumer complaints.
- Electronics and electrical appliances, clothing & accessories and homewares & furniture were the most complained about product categories.⁷

Online marketplaces estimated that most consumer complaints they received related to late/non-delivery of items and products not being as described.⁸ However they reported fraud, the sale of unsafe products and ensuring third-party sellers were aware of their consumer protection responsibilities as their key areas of concern based on the potential for consumer harm and difficulty in educating sellers.

Concerns specific to the COVID-19 pandemic

Both countries and marketplaces reported price gouging of high-demand products, the supply of PPE not compliant with relevant safety standards and false claims about

coronavirus cures or treatments as key consumer protection concerns specific to the COVID-19 pandemic.

Insights from country-level consumer complaint data

The country questionnaire sought data about consumer complaints received by consumer protection and product safety authorities for 2020 (or the latest year available), about online marketplaces, including i) overall number of complaints; ii) main subjects of complaints, iii) top five categories of goods for which complaints were received, and iv) number of complaints relating to the COVID-19 pandemic.

As no countries reported categorising incoming complaints involving online marketplaces separately from others, most had significant difficulty separating complaints involving online marketplaces from those involving general e-commerce. Several countries reported applying search filters to their complaint databases by searching for the names of significant marketplaces in their jurisdiction, but noted difficulties in filtering complaints involving third-party sellers on marketplaces from those involving direct sales by the marketplace itself. Table 1 shows a sample of complaint estimates provided by countries, with the stark differences suggestive of the lack of systematic categorisation of complaints involving online marketplaces and difficulty in manually applying filter terms to identify them.

Table 1: Sample of consumer complaints to authorities about online marketplaces and their third-party sellers (estimated)

Country	Estimated number of complaints received in 2020 (or latest year available)
Australia	19,793 ⁹
Austria	300
Canada	301 ¹⁰
Germany	109 ¹¹
Iceland	33
Italy	275
Korea	2,195 ¹²
Latvia	7
Norway	13 ¹³
Poland	503 ¹⁴
Singapore	100+ ¹⁵

Given the difficulties outlined above in separating complaints about online marketplaces from other e-commerce complaints, it was not possible for participating countries to provide accurate measures of the main types, or product categories, of complaints about online marketplaces. Countries however provided an estimate of the main subject matters and relevant product categories for complaints (Tables 2 and 3).

Table 2: Main subject matter of consumer complaints to authorities (estimated)

Ordered according to rankings given in country responses	
1.	misleading marketing practices
2.	scams
3.	dispute resolution or lack thereof
4.	counterfeit products
5.	unsafe products
6.	unfair terms and conditions
7.	delays in receiving goods
8.	fake ratings and reviews

Table 3: Top product categories relating to consumer complaints to authorities (estimated)

Ordered according to rankings given in country responses	
1.	electronics and electrical appliances
2.	clothing and accessories
3.	homewares and furniture
4.	cosmetics and personal care products

Many participating countries also had difficulty distinguishing COVID-19 complaints relating to online marketplaces from those about other traders. Most also noted difficulties in identifying marketplace complaints specifically relating to the COVID-19 pandemic. Several noted undertaking searches of their complaint databases for “COVID”, “coronavirus” etc. or for specific product categories, such as face masks and disinfectants.

Table 4: Sample of consumer complaint data about online marketplaces and their third-party sellers relating to the COVID-19 pandemic

Country	Estimated number of complaints received in 2020 (or latest year available)
Australia	314 ¹⁶
Austria	50
Canada	11
Germany	23 ¹⁷
Iceland	4
Italy	55
Korea	305 ¹⁸
United Kingdom	600 ¹⁹

Of those participating countries that were able to estimate the number of complaints relating to products supplied via online marketplaces:

- Five²⁰ noted that they received complaints about PPE not compliant with relevant safety standards, particularly face masks.
- Four²¹ reported receiving complaints in relation to products falsely claiming to cure or treat coronavirus.
- Four²² also reported receiving complaints in regard to price gouging of high demand items, such as PPE and certain grocery items.

Online marketplaces’ key areas of concern

The main reasons for consumers making a complaint to online marketplaces are outlined below.

Table 5: Main subject matter of consumer complaints to online marketplaces (estimated)

Ordered according to rankings given in marketplace responses	
1.	delivery (products delivered late or not at all)
2.	products being not as described (e.g. incomplete or damaged, poor quality, significantly different from advertisement),
3.	issues regarding payments and fraud

Fraud, illegal and unsafe products were the main areas of concern for participating marketplaces themselves. One participating marketplace also cited increasing harassment of users via its messaging services. A number of marketplaces also noted challenges with keeping their sellers updated on policy changes across different markets and ensuring they understood their consumer protection responsibilities. One suggested that governments provide third-party sellers with educational portals that could allow them to easily check their legal obligations.

One marketplace noted that its main concern was its reliance on third-party information (from authorities, consumers or suppliers) to effectively address infringements and illegal content given that it never had physical access or control over the products sold via its platform. This marketplace highlighted its need to ensure that such information is trustworthy in order to avoid blocking legitimate content or users by mistake.

Several marketplaces also raised concerns specifically relating to the European market. Several noted concerns about an uneven playing field between EU-based sellers and those located outside the EU in jurisdictions with lower consumer protection standards. For example, one marketplace noted concerns about “an enforcement vacuum” when non-EU based sellers supply unsafe products to EU consumers, including the 'drop shipping' practice where no official importer or distributor is established in the EU. Another marketplace stated that in order to address illegal products and scams, all online intermediaries, including payment service providers (PSPs), should have to comply with the Know your Business Customer (KYBC) obligation included in the European Commission’s proposed Digital Services Act, noting that regulation already requires PSPs to collect information relevant to detecting fraudulent actors.

Marketplaces were also asked about consumer protection concerns relating in particular to the COVID-19 pandemic. Most highlighted price gouging of essential products (10 participants) and the availability of PPE not compliant with relevant safety standards (6 participants) as particular issues on their marketplaces. One marketplace also noted concerns relating to the additional strain on its logistics services, particularly in the early days of the pandemic, and the greater co-ordination and planning required with partners to ensure that its supply chains are not overloaded and essential products could be delivered to its customers quickly.

Section 2 - Online marketplaces’ oversight of third-party sellers

Box 5. Overview of responses (Section 2)

Participating marketplaces have different levels of involvement in third-party sales via their platforms. Most offer third-party sellers paid promotion of listings and shipping solutions (via partnerships), and around half reported offering combined storage, packing and shipping services for at least some of their third-party sellers.

Participating marketplaces have policies governing third-party seller conduct and generally some seller educational material. This often includes a list of what products

are not allowed on the marketplace and a requirement to comply with relevant consumer protection laws. Educational material may be provided to sellers through dedicated seller portals or email alerts on specific issues. Several marketplaces stressed the need for authorities to develop targeted guidance for third-party sellers in online marketplaces.

Information required about sellers differs across participating marketplaces. Some did not distinguish between business and consumer sellers and allowed registration with a name and email address only, whilst others required more detailed information and supporting documents particularly for business sellers, such as bank account details, tax ID and company registration. Only three reported undertaking background checks to identify banned sellers trying to re-register. Registration requirements tended to be higher where payment was required to be made via the marketplace given the application of laws in some jurisdictions requiring financial intermediaries to collect certain information (e.g. anti-money laundering laws).

Information required about products also varies. Several marketplaces required sellers listing products in certain categories to provide unique product identifiers, so affected consumers could easily be identified in the event of a product recall, and evidence they met relevant product safety standards. However, several stressed the difficulties in verifying such information when they do not take physical possession of goods, and the lack of standardised product identifiers for second-hand and handmade products.

The marketplace's role in third-party sales

Marketplaces were asked about their role in third-party sales: In particular, whether they offered their third-party sellers any advertising or logistics services (e.g. warehousing of stock, packing of orders, shipping). Almost all (14) marketplaces stated that they promoted third-party businesses on their marketplace either by promotions, advertising and/or other marketing. This ranged from paid display advertising for brands or products on their websites and apps, often offered via third-party ad auctions, to inclusion of products in special selections, such as seasonal advertising campaigns and daily deals. Nearly all marketplaces also noted that they offer promoted listings, which allow third-party sellers the option of giving greater visibility to their listings at the top of search results for a cost.

Seven marketplaces reported offering fulfilment services consisting of storage, picking, packing and shipping services for at least some of their sellers. Another stated that it is planning to offer warehousing services soon, allowing products to be shipped directly from its warehouse in its biggest market. One of these marketplaces noted that whilst it owns the warehouse, fulfilment operations are provided by a third-party. One marketplace also noted that it offers an integrated fulfilment service providing sellers with supply chain management from receipt to storage, picking, packaging and delivery, customer relations and return. It noted that sellers using this program could reduce their logistics costs by up to 50%. Five marketplaces stated that whilst not offering fulfilment services where they or their agents took physical possession of the products, they did offer shipping solutions for their sellers, allowing them to offer free and/or fast shipping and returns to customers, by partnering with logistics companies to provide special rates. One marketplace noted that it provided shipping services for both its C2C and B2C sellers.

Information required to register as a third-party seller and background checks

Marketplaces were asked about the information they request from third parties before they can register as a seller on their platforms. Three marketplaces out of the 11 that allowed

both B2C and C2C sales, indicated that they required more information to register as a business seller than a consumer seller.

Marketplaces that distinguished between business sellers and consumer sellers, or that only allowed business sellers, generally required a combination of information, and in some cases even supporting documents. This included proof of identity (e.g. company registration certificate, deed of incorporation), contact information (e.g. address phone number, email address), tax ID information (e.g. EU-VAT number, trade register number) and in some cases licensing relevant to the products being sold (e.g. second-hand goods, liquor). One marketplace noted that where required by local laws, it provided licensing information (e.g. pet breeder numbers), but that governments did not always provide it with the means to check such data. Bol.com indicated that it had certain product safety requirements for sellers wishing to sell particular categories of goods, including whether they could produce relevant testing, held product liability insurance and had a complaints and recalls process.²³

Responses also indicated some regional differences with the amount of information collected about business sellers. One marketplace noted that their requirements differed depending on what country they were located in, particularly if they were located within the European Economic Area (EEA) or not. Two marketplaces also noted that required identification information also depended on the type of legal entity being registered. One marketplace noted that its sellers had to be registered as entrepreneurs with the applicable national authority in their EU markets for at least 10 weeks and that sellers required a valid bank account in one of their EU markets and a postal address in one of their EU markets. Two marketplaces also indicated that they required a sellers' legal representative's ID card or a bank statement.

Conversely, some marketplaces, particularly those specialised in C2C transactions, did not distinguish between business and consumer sellers in terms of registration requirements. Four participating marketplaces reported that they only required a name and email address prior to registration as a seller. Others noted that they also required some additional details such as a date of birth and an address. One marketplace noted that a mobile phone number could be provided to facilitate contact between sellers and buyers, but was not a condition of registration.

Responses appeared to indicate that participating marketplaces that required all payment to be made through their marketplace tended to require more information than those that did not. For example, some marketplaces that had a high number of C2C transactions and allowed buyers and sellers to transact off-platform, often only required names and email addresses. This difference appears to be due to the application of domestic laws relating to payment intermediaries. A number of marketplaces indicated that third-party seller identity details were verified in order to satisfy relevant anti-money laundering and counter-terrorism financing laws in different jurisdictions. One marketplace indicated requesting third-party sellers to go through an anti-money laundering and Know Your Business Customer (KYBC) process with a third-party provider who provides a recommendation within 2-3 days about whether the third-party seller should be allowed on the platform or not. Another marketplace noted taking an automated background check to verify the supplied national authority number and VAT. Another marketplace indicated that third-party seller bank account details may be verified at a later stage if their activity goes above a certain threshold.

Similarly, responses also indicated that participating marketplaces take differing approaches to conducting background checks before allowing a seller registration. Only three marketplaces expressly mentioned conducting a screening process to check details in a third-party seller application against existing accounts to ensure that sellers that had

previously been banned could not return to the platform under a new alias. One online marketplace supported identity verification for all third-party sellers during onboarding, but suggested additional screening should be risk-based and determined on objective criteria (e.g. country of origin or product category) to reduce burden.

Policies governing third-party seller conduct and supporting educational material

Marketplaces were asked whether they had policies governing third-party seller conduct, including how these are communicated to sellers, as well as whether they provide any education and training to third-party sellers to assist them to comply with their consumer protection responsibilities.

All participating marketplaces reported having some policies specifically governing the conduct of third-party sellers covering what products are not allowed on the marketplace, and the need to comply with relevant consumer protection laws. Most marketplaces noted that these are included in their terms of use, which third-party sellers are required to agree to before listing an item for sale and were also regularly communicated and made available to their third-party sellers, including through dedicated portals and social media.

A majority of participating online marketplaces also indicated that they provide some form of education to third-party sellers about their consumer protection obligations. However, such responses indicated a variety of approaches.

- Some marketplaces reported communicating regularly with their third-party sellers about particular consumer protection issues and developing learning resources. For example, Etsy noted that it regularly published information in its seller blog, posted to its community forums and sent emails with links to policies during its product listing process. Another marketplace noted that it used a range of channels to promote its policies and community standards, including push notifications on its app and a government announcements section on its platform.
- A number of marketplaces also indicated that they maintained dedicated third-party seller portals with articles, webinars and in some cases online learning modules to support sellers to improve their customer service and raise awareness of certain safety issues. Several marketplaces noted that they offered face-to face training sessions with their sellers from time to time.
- eBay's product safety policies²⁴ state what is and is not allowed on its platforms and include links to relevant legislation, the OECD GlobalRecalls Portal, the EU Safety Gate Portal and a number of national and regional product safety websites. eBay also reported developing product safety guidance for cross-border sellers on its US, UK, European and Australian platforms.²⁵

Several marketplaces suggested that consumer protection authorities could develop better resources for third-party sellers in online marketplaces that could be shared by online marketplaces. One marketplace noted that it often encountered sellers that were oblivious to their consumer protection obligations and it felt that more, and better access to, information from authorities was needed. Etsy noted that its sellers were commonly small businesses that struggled finding the resources to learn and manage complex compliance obligations across multiple jurisdictions. It acknowledged that it was well positioned to help educate its sellers about their compliance obligations, particularly around high-risk products, but stressed the need for additional support from consumer protection authorities to develop authoritative resources and guidance for marketplace sellers, as well as

providing direct channels to connect its seller community to experts who could address specific questions or concerns.

Specific information requirements relating to consumer product safety

Marketplaces were also asked about whether they had in place any specific policies or procedures relating to consumer product safety. Specifically, whether they proactively requested any documents from third-party sellers to verify that their products complied with relevant product safety standards, or proactively required any product identification information (e.g. brand, model reference, batch number or Global Trade Item Number (GTIN) or other unique identifier) prior to listing, and iii) what their procedures were following notification of an unsafe product on their platform.

Five participating marketplaces reported that they request documents relating to compliance with relevant product safety standards prior to allowing listings of certain types of products. However, responses indicated that relevant product categories requiring additional documentation vary greatly. One marketplace noted that they require additional documentation for third-party sellers wishing to offer over the counter medicines, fireworks, plants and seeds due to legal requirements. Another marketplace noted that it only requested additional documents before allowing listings for pharmaceutical and quasi-pharmaceutical products, medical devices, cosmetics, health food products and alcohol. Another marketplace noted that it proactively gathers product compliance information for high-risk products, such as toys, precious metals, medical products and devices, and particularly PPE during the COVID-19 pandemic. Another marketplace noted that it only requires additional documentation in relation to mobile batteries and laser pointers.

One marketplace noted that it performs some random physical checks on high-risk products after certification documents are provided to ensure they are truthful. Another marketplace noted that it mainly requests conformity documents where it has reason to doubt that a product complies with relevant product safety standards or where it has received a request from a regulator. Several marketplaces, particularly those not offering fulfilment services, noted that they generally do not request compliance documents given that, as intermediary service providers that do not take physical possession of goods, they are under no legal obligation to request compliance documents from sellers given the third-party seller is responsible for assessing whether a product complies with relevant product safety regulations.

Three participating marketplaces indicated that they require unique product identifiers (e.g. GTIN, EAN, JAN, UPC, ISBN and ISSN) before listing products in certain product categories. One marketplace reported that a unique identifier is now obligatory for listing products in a range of categories on its platform including automotive parts, beauty and self-care products, office supplies, jewellery, electronics and electrical appliances, health products, children's products and toys, sports equipment, pet supplies and cleaning products. One marketplace noted that it typically requires a brand and model number for listings, but that third-party sellers are solely responsible for such information.

Marketplaces that did not require unique identifiers highlighted the difficulties in requiring standardised information for listings of second-hand and handcrafted items. One marketplace noted that whilst recommending third-party sellers fill out as many possible details regarding their product when they create their listing, such information may not be mandated on all listings due to the diversity of products that may be listed, including non-branded, customised, vintage, handmade and one-of-a-kind items. Several marketplaces noted that mandating such information is not feasible given their focus on C2C trade in second-hand goods where private individuals typically do not have unique product identifier information available anymore. One marketplace noted that requiring this kind

of information for second-hand goods may encourage individuals to dispose of their unwanted products rather than re-selling them, which would have a detrimental environmental impact.

Section 3 - Online marketplace responses to consumer protection incidents

Box 6. Overview of responses (Section 3)

Participating marketplaces have created digital tools & dedicated teams to react to consumer problems. Buttons on each listing page allowing users to bring particular listings of concern to the marketplace's attention are common features. Most participants also reported having dedicated teams to respond to reports from authorities, including special reporting tools for regulators.

Monitoring and surveillance is generally conducted on a routine basis. Participants also reported conducting surveillance in relation to specific consumer issues, using both automated and manual methods. However, most did not report using the OECD's GlobalRecalls portal or other platforms to identify recalled products on their platform.

Participating marketplaces are generally taking immediate action to remove listings upon notification by consumer product safety authorities. Some also noted that they would look for similar listings and adapt any automatic filters to prevent future listings. Only a couple of participating marketplaces noted taking steps to communicate directly with affected consumers, with others indicating that they directed the relevant sellers to do so.

Most participating marketplaces have processes to discipline sellers that infringe their policies. This would cover, for example, sellers offering banned, recalled or counterfeit goods or engaging in misleading advertising. Several participants noted that sanctions depend on the severity of infringement. Most also reported systems to block sanctioned sellers who tried registering new accounts. However, several reported difficulties in ensuring that rogue traders do not return using different identifying information.

Consumer dispute resolution and redress systems varied across participating marketplaces. Some allowed sellers to set their own returns policies, whereas others applied the same policies across their platforms, including for products they sold to consumers themselves. All participants had systems for consumers to make complaints directly to them. Whilst participants generally indicated that they encourage consumers to contact third-party sellers directly to raise complaints, only around half indicated that they have processes to mediate and resolve disputes if requested by consumers.

Handling of reports about consumer protection issues

Online marketplaces were asked how they addressed notifications from consumers, regulators and others about consumer issues arising on their platforms (e.g. misleading marketing, fraud or unsafe products). Marketplaces were also asked specifically about their processes following the receipt of a notification about an unsafe product.

Ten marketplaces had a reporting function on each listing page for anyone using their platform (including buyers, manufacturers and government authorities) to bring potentially unlawful or otherwise problematic listings to their attention. Marketplaces also generally indicated having separate consumer support services where complaints or reports could be

submitted relating to a particular product or order, including via social media or live chat functions.

Nine marketplaces noted that they had a dedicated team responsible for processing reports from consumer protection authorities and co-ordinating platform responses. EBay noted that it had established a single point of contact for authorities with whom it did not have an existing working relationship.

Several marketplaces also noted specific initiatives to facilitate reports relating to unsafe or counterfeit products. For example, eBay has recently built a Regulatory Portal, which gives trusted authorities the power to remove listings from the marketplace themselves, should they deem them a risk to consumer safety without needing approval.²⁶ The Regulatory Portal also enables authorities to send messages to sellers and buyers. Facebook also reported developing dedicated reporting tools for regulators and IP rights holders.²⁷ Leboncoin also noted that it had proactively put in place a trusted flaggers program to more precisely identify counterfeit products and had developed dedicated notification channels to allow rights holders to send in their takedown requests, which results in such requests being handled more quickly than requests sent through the usual notification channels. However, one marketplace noted that it received little to no contact from consumer protection authorities about unsafe product listings.

Participating marketplaces generally reported that their usual process following the notification of an unsafe product was to remove identified offers of such products and inform the sellers. Most marketplaces indicated that they acted upon notifications they received from consumer product safety authorities about banned or recalled products immediately without requiring further confirmation, but several marketplaces indicated that they generally required further investigation when acting on notifications from customers, other third-party sellers or brand owners.

Three participating marketplaces indicated that they contacted consumers that had purchased the relevant products (e.g. via email). One marketplace noted that it contacted affected consumers “if requested to do so”. Some participants, particularly those specialising in C2C sales without an escrow payment system, where monetary dealings between the seller and the buyer are bridged by the marketplace, noted the difficulty in identifying affected consumers when they are not a party to the transaction as they had no record of sales. Another marketplace noted that, in its experience, affected consumers often had additional questions and queries regarding recalled products that it did not have the expertise to answer effectively and that it would welcome a way to connect affected consumers with relevant consumer protection authorities (e.g. standardized information packages or landing pages on authorities’ websites).

Several marketplaces indicated that they requested that third-party sellers contact affected consumers to notify them of recalls or the purchase of banned products and take appropriate measures, such as offering refunds. One marketplace noted that in some cases it may provide compensation to consumers. One marketplace noted that it sometimes shared contact details for affected consumers with regulators so they could contact consumers directly. Several C2C marketplaces noted that they were unable to identify affected consumers given that they generally had no oversight over transactions via their platforms.

Importantly, a number of responses discussed the difficulties in quickly identifying other listings of the same banned, recalled or non-compliant products, noting that automatic tools may not identify affected listings where specific reference points, such as the model or serial numbers, are not included in the description.

Several participants noted efforts to raise awareness about recalls that may affect consumers using their platforms via posts on their social media and community boards. For

example, Gumtree Australia noted the inclusion of a Government Announcements page on the Gumtree Support section of their website where they posted information about important recalls, such as those relating to Takata airbags.²⁸

Monitoring and surveillance activities

Marketplaces were asked general questions regarding their approach to monitoring and surveillance on their platforms to identify consumer protection issues (i.e. whether routine or in response to specific issues, and whether automated or manual), as well as whether they used online recall databases to assist in identifying unsafe products. Nine participating marketplaces reported that they undertook monitoring and surveillance on a routine basis, as well as in relation to specific issues. However, five participants reported undertaking monitoring and surveillances only in relation to specific issues or reports. Six marketplaces reported that monitoring and surveillance was undertaken manually, whilst eight reported that both automated and manual monitoring and surveillance tools were used.

Only 3 of the 15 participating online marketplaces reported that they consulted the OECD GlobalRecalls Portal. The questionnaire did not ask marketplaces their reasons for consulting, or not consulting, public recalls databases. This result could be explained by lack of awareness of the OECD GlobalRecalls Portal amongst participating online marketplaces. It may also be linked to some extent to marketplaces' geographical operations, for example several participants operating in Europe reported consulting the European Commission's SafetyGate Portal instead. Several participants also reported consulting the Organisation of American States InterAmerican Rapid Alerts System, as well as jurisdiction-specific public consumer product recall databases including those in Australia, Canada, Colombia, Japan, France, Poland, the United States and the United Kingdom. However, six marketplaces did not report consulting any public recalls databases.

Figure 1: OECD GlobalRecalls Portal home page <https://globalrecalls.oecd.org/#/>

Date	Picture	Product name	Jurisdiction of recall	Economy where made	Language
2022-03-03		Plastic doll : Unknown : Bella City Chic	Poland	China (People's Republic of)	English
2022-03-03		Soft toy : MY TEDDY : Smeđa tjama	Croatia	China (People's Republic of)	English
2022-03-02		Soft toy : NRID : RAG DOLL	Croatia	China (People's Republic of)	English
2022-03-03		Paint for miniatures : Army painter : Warpaints	France	Denmark	English
2022-03-02		Soft toy : NRID : RAG DOLL	Croatia	China (People's Republic of)	English
2022-03-03		Oil lamp : Peri Design : Disc, Windshelter, Salon, Ovals, Icone, Round, Elegant, Cylinder	Sweden	Netherlands	English

Nine responses indicated that following the notification of banned, recalled or non-compliant products, automatic technical controls for product listings (key word and/or image filtering) are updated with the aim of preventing future listings for the product. One response indicated that it employed a different process by listing banned products in seller guidelines and carrying out regular monitoring to identify listings of banned products. Mercado Libre indicated that it detected 99.4% of illegal content on its platform itself, but also allowed consumers to report listings of banned, recalled or non-compliant products via its online reports system.²⁹

A number of responses noted the difficulties with employing automatic filtering tools to prevent the listing of banned, recalled or non-compliant products due to the fact that legitimate products could be blocked unnecessarily and sellers could circumvent the technologies used (e.g. different photos could be used to circumvent image recognition technology, which generally relies on repeatedly used images). One response noted that such filters needed to be constantly reassessed in light of their efficiency rate (i.e. how many false positives are observed). Several responses indicated the limitations of such tools, given that human review was often still required where legitimate listings contained the same keywords as previous listings for banned, recalled or non-compliant products. Several responses also indicated that different approaches to the use of automated tools may be required for second-hand or hand-made products where descriptions or photographs may not be uniform.

Several participating marketplaces also reported using artificial intelligence tools to assist with monitoring and surveillance. Mercado Libre indicated that it had developed an AI tool to detect how likely it was that an advertisement infringed its policies. Mercari and Leboncoin indicated that they were using AI systems to detect unsafe or illegal products and Leboncoin also reported using AI to help review listings in order to detect fraud and scams.

Marketplace disciplinary action against non-compliant third-party sellers

Marketplaces were asked about how they deal with third-party sellers that do not comply with their consumer protection obligations (including by offering banned, recalled or non-compliant goods).

The majority of participating marketplaces noted that their first step upon removing a non-compliant listing was to inform the third-party seller (generally via email) of the reasons for the de-listing and educate them about the relevant platform policies that have been infringed (e.g. selling recalled or banned products). Many noted that they informed third-party sellers that repeat infringement may lead to restrictions being imposed on their account.

Most marketplaces also reported systems to deal with third-party sellers that make repeat infringements. These generally involved a warning system, followed by temporary or permanent bans. Marketplaces reported that a wide range of sanctions that could be applied against sellers for offering banned, recalled or illegal products, ranging from hiding or demoting their listings in search results, giving a lower seller rating, imposing selling restrictions, to temporary or permanent account suspension. One marketplace also highlighted the important role of consumer reviews and other public metrics (e.g. ratings) in regulating third-party seller behaviour.

Two marketplaces noted that they applied a points system when third-party sellers breached platform policies (e.g. by selling counterfeit/illegal/unsafe products or not supplying relevant documents on request), with a certain number of points deducted depending on the severity of the breach; a reduction of too many points could eventually lead to a ban. Two marketplaces also reported that they applied similar systems to monitor sellers' service (e.g. low seller ratings, high number of returns) with strikes imposed for low performance and too many strikes leading to a seller ban. Another marketplace reported suspending poorly performing products where return rates are high against the quantity of units sold to maintain customer experience.

Several marketplaces noted that they analysed repeat offending carefully when applying sanctions, as the context could differ between sellers. One marketplace noted that repeat offenders received stricter sanctions up to account suspension if they acted intentionally

and/or try to circumvent the marketplace's enforcement, but that unintentional repeat violations (i.e., bigger sellers having issues using automated inventory management systems) could be sanctioned with softer consequences.

Some marketplaces also noted procedures to prevent banned or suspended sellers from registering with new accounts. One marketplace noted that it used various pieces of information from user accounts (e.g. name, address, email, phone number, financial details and IP address or machine ID) to match suspended accounts. Another marketplace obtained national authority numbers from sellers upon registration and noted that it was not possible to open a new business account with the same national authority number. One EU-based marketplace noted that due to its stringent KYBC requirements during seller registration, rogue traders would not be able to circumvent disciplinary action by re-registering under a different business name.

Several C2C marketplaces noted the greater difficulties they had in sanctioning traders and blocking accounts when they did not collect detailed identity information or did not intermediate payments.

Marketplace processes regarding consumer dispute resolution and redress

Marketplaces were also asked about their processes regarding dispute resolution and redress. Questions focused on:

- policies in relation to returns for items purchased from third-party sellers,
- policies or procedures on consumer dispute resolution,
- how consumer disputes are handled, and
- the average time for resolution of a complaint.

Responses showed different approaches regarding returns policies for products purchased from third-party sellers. For example, some marketplaces noted that each third-party seller on their platform determined their own policies for refunds, exchanges or returns (based on any local minimum requirements). Others, such as Bol.com and Mercado Libre, indicated that they had the same rules applying to their own products as those for third-party sellers.

Etsy indicated that cases could be opened if consumers never received their order or it wasn't as described. Several marketplaces, such as eBay and Rakuten, also indicated that they offered a money back guarantee for certain issues and transactions.³⁰ Allegro noted that it had introduced a buyer protection program, whereby consumers could apply to it for compensation up to a certain level if they paid for goods that did not arrive or differed from those described in the offer. Another marketplace noted that when its third-party sellers did not honour their returns obligations, it would contact customers and offer them vouchers or similar products.

C2C marketplaces generally indicated that because they did not participate in the transactions, they typically advised consumers to contact sellers directly for return requests. However, when C2C marketplaces offered more services in furtherance of the transaction (e.g., facilitating logistics or payment), they tended to offer relatively more assistance in the event of consumer problems. Some of these marketplaces noted that if third-party sellers were acting in bad faith, they could be reported to the marketplace and investigated. For products purchased via onsite checkout (only available in certain jurisdictions), Facebook noted that it offered purchase protection to address buyer and seller complaints.³¹ Leboncoin noted that for C2C transactions that used its payment system, it allowed consumers to contact it to resolve disputes involving non-receipt of goods, and receipt of goods that were damaged or not as described. Leboncoin also noted that for transactions

involving business sellers using the marketplace's payment system, it allowed consumers to request to return a product within 14 days of delivery. Schibsted noted that when it was more involved in a transaction (e.g. facilitating shipping or payment) then it might provide some additional protection to the buyer that wouldn't otherwise be available, as consumer laws do not apply to C2C transactions. Under its payment system, payment is released to the third-party seller a few days after receipt. If the goods received deviate significantly from the description, then the buyer may lodge a complaint within 24 hours of receipt and the marketplace will pause payment and mediate the dispute between the buyer and seller.³²

All participating marketplaces indicated that they provided electronic contact details (such as email or online complaints forms) for consumers to make complaints and directly contact the marketplace. Four reported that they also had a phone service.

Seven marketplaces indicated that they had systems in place to mediate disputes between consumers and third-party sellers, and that these included automated and manual aspects. Generally, the systems involved marketplaces first encouraging consumers to contact third-party sellers to raise issues directly and then stepping in to mediate if no resolution could be reached between the parties, generally after a specified period. Bol.com noted that it had 24/7 phone and email customer contacts in local languages, as well as a chatbot available whether customers had purchased from the marketplace or from a third-party seller. It noted that if customers and third-party sellers could not resolve a complaint together then it had special customer service operators who could mediate and resolve the dispute. Etsy indicated that buyers could contact sellers directly or via the in-marketplace message service in relation to any issue and were able to file a case with Etsy to seek formal resolution.³³

Several participating C2C marketplaces noted regarding returns that because they are generally not a party to the transaction between the third-party seller and the consumer, they are not in a position to intervene if a dispute arises. One C2C marketplace noted that it encouraged consumers to contact the police and its consumer service teams if they believed they had been victims of fraud, so that the marketplace could take appropriate action such as removing listings, blocking the seller account and related accounts. Another C2C marketplace, which required use of its escrow payment system for all transactions, noted that whilst it generally encouraged parties to engage in direct messaging to resolve any problems, it did mediate disputes in certain cases. Another C2C marketplace noted that whilst it did not normally get involved in disputes between buyers and third-party sellers, if it received several complaints about the same seller, the seller could receive a warning or suspension. Another C2C marketplace reported that it provided some mediation services to consumers that used its payment system in relation to non-delivery of goods, non-compliant goods and damaged goods but that dispute resolution was however not automated.

One marketplace noted that if consumers were dissatisfied with responses to their complaint, it provided a link on its website to the online dispute resolution platform created by the European Commission, which consumers could use to resolve their dispute online. Mercado Libre noted that its users committed to use its tools as the first option to solve purchase-related disputes, but that it also provided a link to the online dispute resolution provided by Brazil's National Consumer Secretariat (SENACON).³⁴ One C2C marketplace noted that it referred consumers to a mediation service hosted by the French interprofessional association (FEVAD) if consumers were dissatisfied with how it had handled their complaints.³⁵ Responses varied in relation to the estimated average response time for resolution of a complaint, ranging from 1-2 days to several weeks.

Section 4 - Co-operation between government authorities and online marketplaces to enhance consumer protection

Box 7. Overview of responses (Section 4)

Obtaining seller contact information and the timely removal of illegal listings are key challenges for participating countries, particularly where online marketplaces and third-party sellers are overseas. Persuading online marketplaces to take proactive measures to enhance consumer protection, such as requiring sellers to verify the safety of products, gathering more identification information from sellers, and gathering data on emerging consumer issues also presents difficulties for authorities.

Participating marketplaces valued close co-operation with consumer protection authorities, but reported some difficulties in doing so. These difficulties sometimes included a lack of co-ordination between different government authorities with consumer protection responsibility, as well as potential enforcement gaps in some areas. Several participants also noted that reports on product safety matters could be made more precise to ensure they could be acted upon more quickly.

General engagement between online marketplaces and consumer protection authorities varies. Most participants reported general engagement activities, particularly in relation to product safety, anti-counterfeiting and scams/online fraud. However, the nature and extent varied, ranging from regular formal consultative groups or meetings at the national level with different authorities, to discussions on specific issues held by regional and international fora. Participating countries gave examples of how this led to changes to marketplaces' practices, but noted some businesses were more willing than others to engage voluntarily.

Participating countries are developing initiatives to encourage online marketplaces to commit to actions beyond their legal obligations to increase consumer protection. These included product safety pledges, co-operation agreements, trust marks and labels and were generally developed in consultation with relevant online marketplaces.

Participating marketplaces were generally not opposed to some amendment to consumer protection regulation to reflect changes brought about by growth in e-commerce. However, participants warned against regulation that does not consider different types of online marketplaces and their differing levels of involvement in transactions between third-party sellers and consumers.

Key challenges faced by government authorities

Participating countries reported a variety of challenges when working with online marketplaces to enhance consumer protection

Sixteen jurisdictions³⁶ noted difficulties in obtaining information from online marketplaces, including delays in obtaining contact details for relevant personnel at marketplaces with whom to discuss issues of concern, and, of this, eleven jurisdictions³⁷ identified difficulties arising where online marketplaces are located outside their borders. For example:

- Australia reported that it had experienced instances of overseas-based marketplaces not being responsive to information requests or requests to act in response to concerns despite goods on their platforms being marketed to Australian consumers.

- Switzerland reported that in one case it was only successful in establishing contact with an online marketplace after Swiss authorities blocked its website.
- To assist in contacting online marketplaces, Hong Kong (China) noted that it had established collaboration agreements for consumer dispute resolution with consumer organisations in Japan, Korea and Singapore, as well as selected cities in the People's Republic of China, to assist with complaints involving online marketplaces without an office in Hong Kong.

Many countries reported experiencing difficulties tracing third-party sellers quickly without the assistance of online marketplaces, especially as such assistance became essential where traders had left the marketplace. The Australian Competition and Consumer Commission has on occasion worked with online marketplaces to send a letter on its behalf to affected consumers who had purchased unsafe products in cases involving transient traders. Such letters included information on the product's hazards and on next steps to resolve the matter with the supplier and/or the marketplace. Singapore also reported encountering difficulties where marketplaces had not collected complete and up-to-date seller contact details. A number of responses also highlighted difficulties that participating countries experienced in enforcing their consumer protection laws across borders against third-party sellers based in other jurisdictions. For example, France noted that its legal actions against traders based outside Europe were limited, time-consuming and uncertain.

Online marketplaces' status as intermediaries was also cited as a major challenge for a number of countries³⁸ due to limitations in their laws on when marketplaces could be liable for the actions of third-party sellers. In particular, France and Norway noted concerns that the notice and takedown procedures in the European Union's E-Commerce Directive (2000/31/EC), which may place higher legal requirements on online marketplaces where they become aware of consumer protection violations by third-party sellers and do not take appropriate measures (e.g. removing non-compliant listings in a timely manner), may place too high an evidentiary burden on consumer protection authorities to be effective.

A number of responses noted that it was not always clear when liability fell on a marketplace and several countries raised concerns that this may affect some online marketplaces' investment in, and prioritisation of, consumer protection compliance generally.³⁹ Singapore also noted the lack of marketplace initiatives to provide education to sellers on applicable consumer protection regulations as a key area of concern. Canada also noted concerns about the continued reporting of merchandise and counterfeit scams operating from online marketplaces using fraudulent profiles despite efforts from some marketplaces to detect such activities.

Several countries also highlighted difficulties associated with consumers' level of understanding about their rights and the responsibilities of online marketplaces and third-party sellers. Austria noted that a key challenge for its consumer complaint-handling body was consumer confusion in identifying whether they had transacted with the online marketplace or a third-party trader, understanding their respective responsibilities and finding trader contact details. Canada also noted consumer empowerment as a key challenge, noting that consumers were often not aware of their rights and relevant protection measures when shopping in online marketplaces. Korea also reported difficulties relating to the increase in C2C sales via online marketplaces, including social media platforms, noting that consumer protection laws did not apply to such sales and that efforts were being made to raise public awareness about the risks.

Key challenges faced by online marketplaces when working with government authorities

Online marketplaces were invited to outline the key challenges they face when working with government authorities on consumer protection issues, along with any suggestions to overcome them.

The majority of participating marketplaces highlighted the value of close co-operation with consumer protection authorities. However, several expressed concern about the lack of coordination and co-operation between different government authorities with consumer protection oversight within the same jurisdiction and that this may slow down the process of resolving consumer protection concerns. One marketplace expressed concerns regarding complexity and inefficiency in market surveillance rules in the European Union. Another marketplace highlighted a potential enforcement gap in relation to online fraud and scams. It expressed concerns that the police, who generally handle such matters, may not give them adequate priority and may lack the required knowledge to successfully prosecute them.

Three marketplaces highlighted their reliance on government authorities for critical safety information, but noted that this could be improved by authorities using established reporting tools to make notifications and improving the clarity of such notifications. For example, by clearly identifying the organisation sending the notification and the affected products/listings, specifying the requested actions and providing a single government contact point for each report/request.

Several marketplaces indicated that they were not necessarily opposed to regulatory amendments to consumer protection laws applying to them. For example, one marketplace indicated that applicable regulation should be updated to avoid ambiguity and properly reflect the contemporary e-commerce environment. Two online marketplaces welcomed reform at the European level to remedy what they viewed as increasing regulatory fragmentation at the national level, which had increased compliance costs and complexity in operating across borders in the European Union (EU). Another marketplace suggested that an online marketplace could be made responsible and liable when a third-party seller offers products via that platform, but is not established in the EU and there is no manufacturer, importer or distributor established in the EU. This particular marketplace welcomed obligations for online marketplaces in the proposed General Product Safety Regulation (GPSR), but noted that it was concerned that the European Commission had not included adequate safeguards to protect EU consumers from being exposed to unsafe products from traders outside the EU (similar to its proposal) in either the GPSR or its proposed Digital Services Act.

However, a number of marketplaces noted concerns about governments not understanding the variety of business models and applying a “one size fits all” approach to regulating consumer protection in online marketplaces. This was a particular concern of those marketplaces that do not provide fulfilment services to their third-party sellers and those that generally facilitate local trade between consumer sellers of second-hand products. The latter classifieds-type marketplaces noted that their role in the transaction and consumer expectations differed from other online marketplaces. One marketplace that did not provide fulfilment services and facilitated payment but did not take physical possession of goods sold through its platform stated that it would be a disproportionate burden to require marketplaces like it to collect, review or verify the legitimacy of seller compliance with consumer product safety regulation.

Engagement activities between government authorities and marketplaces

Countries were also asked about their level of engagement with online marketplaces about consumer protection issues more broadly. Countries were asked to identify whether they had involved online marketplaces in consultative or advisory groups or whether they had held workshops with them on particular issues. They were also asked to identify any instances where online marketplaces had changed their practices to enhance consumer protection following such engagement.

Only a couple of participating countries reported formalised regular engagement with online marketplaces such as via consultative groups. For example, Japan reported that its Consumer Affairs Agency (CAA) was engaging regularly with online marketplaces to fulfil requirements under its new Act for the Protection of Consumers who use Digital Platforms⁴⁰ for a public-private council to discuss consumer protection measures on digital platforms. Korea reported that the Korea Consumer Agency (KCA) had launched a permanent consultative group consisting of the top five online marketplaces in Korea to share information on unsafe products and develop collective responses to protect consumers across marketplaces. Türkiye also reported that its Ministry of Trade had initiated a special project to meet regularly with online marketplaces to discuss key consumer protection issues, in order to increase marketplaces' understanding of their consumer protection obligations and build a stronger culture of compliance.

A number of jurisdictions noted that whilst they did not have formal consultative groups in place, they did regularly engage with industry representatives from online marketplaces about consumer protection issues as part of their broader outreach programs. Colombia noted that in 2019 it held several workshops with online marketplaces on consumer protection obligations, including sharing guidance on good online advertising practices. Chile noted that it had held webinars with online marketplaces on consumer protection issues relating to the COVID-19 pandemic.⁴¹ The United States noted that in recent years it had held a series of expert workshops on emerging consumer protection issues in which online marketplaces had participated.⁴²

Several marketplaces also highlighted how they had included online marketplaces in programs specifically directed at enhancing consumer and trader education. For example, the United Kingdom reported that it had engaged directly with eBay and Gumtree UK with a view to raising consumer awareness of the differential rights regime applying to C2C sales.

Several participating countries also noted their engagement with online marketplaces via workshops and other events organised by regional and international fora, including the OECD's CCP and its WPCPS, UNCTAD's Working Groups on E-Commerce and Consumer Product Safety and the European Commission.

A number of responses also highlighted positive engagement with industry groups representing online marketplace businesses. For example, Estonia reported that it had positive engagement with the Estonian E-commerce Association (EEA), an industry group representing online traders including major online marketplaces in Estonia. Estonia noted that the EEA often sought advice from its consumer protection authority on particular consumer protection issues and that this often resulted in changes to online marketplaces' practices.

Product safety was highlighted as the major area where participating countries had engaged the most with online marketplaces. Australia reported that, since 2017, the Australian Competition and Consumer Commission (ACCC) has regularly engaged with a number of online marketplaces⁴³ to encourage commitments regarding product safety compliance and education and to address emerging issues. For example, the ACCC engaged with a number

of marketplaces in the development of its Product Safety Pledge.⁴⁴ Denmark noted that whilst its engagement with online marketplaces on product safety matters generally occurred at the EU level, it had specific agreements with three online marketplaces regarding the removal of products that do not comply with relevant EU and national regulation.⁴⁵ Japan reported that its Ministry of Economy, Trade and Industry (METI) held periodical meetings with major online marketplaces to encourage greater co-operation from them in relation to identifying third-party sellers suspected of supplying unsafe products. Latvia also reported informal meetings on product safety related matters with one of the major online marketplaces active in its jurisdiction. The United Kingdom also noted that it was consulting with a number of online marketplaces as part of the review of its national product safety frameworks, including through roundtable discussions and industry surveys.⁴⁶

Anti-counterfeiting was also highlighted as a key area where countries had engaged with online marketplaces. Denmark reported that it regularly invited online marketplaces to speak at anti-counterfeiting seminars about their systems for removing IP infringing goods.⁴⁷ Denmark also reported that it had also had dialogues with certain online marketplaces about opportunities for Danish businesses to report intellectual property infringements to them directly in order to have illegal listings removed. Italy reported that its Ministry of Economic Development had engaged closely with a number of online marketplaces on anti-counterfeiting for a number of years.⁴⁸ It noted that this engagement had resulted in informal collaboration whereby the Ministry was able to directly report alleged counterfeiting to key contacts at certain marketplaces. It also noted that online marketplaces were often invited to meetings and other events hosted by the Italian authorities to discuss the protection of IP rights online.

Online fraud and scams were also cited as areas where consumer protection authorities regularly engaged with online marketplaces. Canada noted that it engaged with several online marketplaces about sharing information on fraudulent ads, accounts, profiles and transactions that they have processed in order to support charge backs for consumer credit card payments and takedown of such ads.⁴⁹

Several countries also highlighted instances where countries' engagement with online marketplaces had involved different levels of government and authorities with consumer protection responsibility to promote information-sharing and avoid duplication of engagement efforts. For example, Australia noted that its consumer protection authorities participate in a Consumer Product Safety Officials Network Online Marketplace Compliance Community of Practice, which allows regulators to discuss and share information about their activities involving online marketplaces, sometimes including guest presentations by online marketplaces themselves. Japan also reported that its CAA regularly holds an "Internet-based Consumer Transaction Liaison Meeting" attended by relevant government authorities, trade associations and other experts, to discuss issues relating to online marketplaces and develop counter measures. The United Kingdom also noted that its Office of Product Safety and Standards (OPSS) holds regular meetings with several online marketplaces and other regulators to share updates and intelligence about emerging issues.⁵⁰ The UK also highlighted engagement with online marketplaces via its Competition and Markets Authority's (CMA) Digital Markets Unit, which was established to gather evidence on digital markets and engage with stakeholders across industry, academia and at other regulators and levels of government. It noted that the CMA had established a Digital Regulatory Co-operation Forum with the UK Information Commissioner's Office, the Office of Communications and the Financial Conduct Authority to ensure a greater level of co-operation amongst regulators given the unique challenges posed by digital platforms, including online marketplaces.

A number of countries also noted concrete instances of how close engagement and outreach work with online marketplaces had resulted in enhancements to their consumer protection practices voluntarily without authorities needing to pursue administrative actions or legal proceedings (if available). For example, Australia noted that in 2020 the ACCC extensively engaged with several online marketplaces on measures they could take to address listings of banned small high-powered magnets (SHPM). Following discussions, marketplaces agreed to a number of protective measures to prevent and block listings. Initiatives raised in discussions included updates to marketplace filters to block listings based on certain keywords; requirements for sellers to submit information on the magnetic flux of their SHPM; geo-blocking to prevent sales of banned SHPM; and manual checks. Brazil noted that following a meeting with the National Telecommunications Agency ANATEL in 2021, online marketplace representatives committed to proactively removing misleading advertisements for certain products. Poland also noted a number of instances where informal requests had resulted in changes to online marketplaces' practices. For example, it noted that it had requested one online marketplace to change its platform to avoid cancellation of concluded agreements by its third-party sellers (e.g. improve its IT systems to better keep check of stock availability). The United Kingdom reported that its OPSS had made good progress in discussions with some online marketplaces on adding filters and carrying out manual sweeps for unsafe products.

A number of participating countries, however, noted that some online marketplaces were more willing than others to participate in discussions with consumer protection authorities and jointly search for solutions to consumer issues.⁵¹ For example, Australia noted that the level of engagement on product safety issues was to some extent reflected by whether or not they were signatories to its product safety pledge. Austria noted that it had so far been unsuccessful in its efforts to encourage the largest online marketplace in its jurisdiction to join the EU product safety pledge.

Government-led projects to further encourage marketplaces to commit to enhancing consumer protection

Countries were asked whether they had planned or recently developed any initiatives in collaboration with online marketplaces to encourage them to publicly commit to actions to protect consumers that go beyond their legal obligations.

A number of countries reported that they had developed, or were considering developing, product safety pledges in collaboration with online marketplaces to encourage higher standards around consumer product safety in online marketplaces. Product safety pledges generally refer to overarching voluntary commitments to improve consumer product safety open to all online marketplaces offering goods from third-party sellers. Such pledges go beyond the online marketplaces' legal obligations (e.g. commitments to remove unsafe product listings within a short time period following notification by a consumer product safety authority). In June 2021, the OECD's Working Party on Consumer Product Safety released a Communiqué calling for the development of more product safety pledges (OECD, 2021^[8]). The Communiqué outlines a number of key commitments that authorities and marketplaces should consider including in such pledges and builds on the OECD's Recommendation on Consumer Product Safety (OECD, 2020^[12]).

Australia reported that it had launched a product safety pledge in November 2020 that was developed in collaboration with the inaugural online marketplace signatories.⁵² Its first annual review of its pledge already showed significant benefits, with 90% of identified listings of unsafe products being removed by signatories within 2 days of notification by the ACCC.⁵³ Korea also reported that it developed a similar product safety pledge with the top online marketplaces in Korea in 2021.⁵⁴ A number of European Union member

countries participating in the questionnaire also referred to the European Commission's Product Safety Pledge, which was established in 2018.⁵⁵ Both Singapore and the United Kingdom noted that they were considering establishing similar product safety pledges in collaboration with online marketplaces active in their own jurisdictions. In their responses, several participating marketplaces referred positively to their signing of one or several of the product safety pledges referred to above.

Several countries also reported developing co-operation agreements with specific online marketplaces in relation to particular consumer protection areas. Colombia reported that in 2021 it had signed a co-operation agreement with Mercado Libre Colombia which aims to have Colombia's Superintendence of Industry and Commerce (SIC) and Mercado Libre:

- Share information on declared unsafe products and safety campaigns.
- Jointly agree on mechanisms to remove listings related to products that are declared unsafe.
- Work together to develop communication channels that allow the SIC to have access to consumer feedback on purchases through Mercado Libre.

Colombia also noted that it was working to establish similar agreements with other online marketplaces. Peru noted that in 2021 it had signed a similar product safety co-operation agreement with Mercado Libre Peru, and that in 2020 it had also signed a co-operation agreement on measures to stop the supply of counterfeit and pirated products.

Several countries also reported the development of labels and marks that online marketplaces could use provided they had shown certain commitments to consumer protection, which could be recognised by consumers as marks of trust. France reported that it had recently proposed a voluntary label recognising commitments made by online marketplaces to enhance their practices. France noted that the criteria for this label were still being determined, but would include criteria around consumer protection and social and environmental responsibility amongst others.⁵⁶ Mexico reported that it had developed a digital seal that could be used by online marketplaces that adhered to its 2021 Code of Ethics for E-Commerce, which sets out various consumer protection principles around responsible consumption, ethical and responsible advertising, the protection of vulnerable consumers and alternative dispute resolution amongst others.⁵⁷

Section 5 - Initiatives by online marketplaces to enhance consumer protection beyond their legal obligations

Box 8. Overview of responses (Section 5)

Most participating marketplaces have developed consumer education materials. This included advice to consumers about how they can protect themselves from unsafe or counterfeit goods, scams or deceptive or unfair practices. However, the extent of this education differed, with some providing information on a webpage and others developing engaging videos or participating in awareness campaigns.

Around 50% of participating marketplaces have signed up to a public commitment to enhance consumer protection beyond their legal obligations. Product safety pledges developed by consumer product safety authorities were the key type of commitment reported, followed by anti-counterfeiting and alternative dispute resolution commitments.

Participating marketplaces have proactively introduced measures to address a number of COVID-19 consumer issues. These include instances of marketplaces banning, temporarily blocking or placing pricing caps on certain essential products to prevent price gouging, as well as banning or requesting safety information for certain PPE products which may not be compliant with relevant safety standards.

Education for consumers to help them protect themselves from unsafe or counterfeit products, scams, and deceptive or unfair practices

Most participating marketplaces reported that they provided some education to consumers about the risks of unsafe or counterfeit products, scams or unfair practices and how to protect themselves. Two marketplaces however indicated that they did not currently provide any such training or education to consumers.

Responses differed in terms of the extent of education provided. Most marketplaces reported that they provided relevant information to consumers via help, FAQ and other dedicated consumer pages on their websites. However, some also reported that they had produced videos and other more engaging consumer content, or participated in awareness campaigns, to engage consumers about particular topics of interest or concern.

EBay reported that, in certain jurisdictions, it had participated in consumer education campaigns to raise awareness about certain product safety risks, for example the dangers of button batteries in toys. Gumtree Australia has released a series of videos on its Facebook pages encouraging consumers to report listings they feel may be scams or otherwise in breach of its policies.⁵⁸ OLX has produced humorous YouTube videos about consumer rights tailored to its communities in local languages.⁵⁹ Facebook has also developed a dedicated page on how to shop safely on its marketplace and avoid scams.⁶⁰ Schibsted also noted that it sent newsletters to consumers containing educational material, and that it participated in campaigns raising awareness about fraud in co-operation with law enforcement authorities. Allegro also offers a dedicated hotline for seniors to access information about how to shop safely on its platform.⁶¹ Mercari also reported that it offered training/education sessions for school students.

Adherence to voluntary commitments or undertakings developed by governments

Marketplaces were asked about public initiatives they had joined to improve their consumer protection practices beyond those required to fulfil their existing legal obligations. They were specifically asked whether they had joined any public voluntary commitment to consumer protection developed by government authorities for online marketplaces (see related discussion above in section 4). Online marketplaces were also asked to comment on the key benefits and challenges of any such initiatives.

Seven marketplaces reported that they had signed one or more of the product safety pledges created by Australia, Korea and the European Union. In terms of benefits, two marketplaces noted that these were a useful way of publicly expressing their responsibility in improving consumer protection, and several others also noted it was a way of deepening their co-operation with relevant authorities to combat unsafe products and share best practices. One marketplace stated that in its view a number of elements of the EU pledge (e.g. establishing a single point of contact for government requests) could easily be required by law to create a level playing field.

Several marketplaces noted that the key challenges in implementing product safety pledges were the difficulties they faced in obtaining enough information to efficiently identify which listings on their platforms matched unsafe products in notifications from government

authorities. One marketplace noted that it had closely considered joining consumer product safety pledges in several jurisdictions, but had not done so as it found their requirements were not feasible for it to live up to and it did not want to create false expectations. Whilst recognising pledges' worthwhile objectives and the fact that it already complied with some of the commitments contained in them, it stated that certain other commitments were impractical for it to comply with, as it did not have any control over the goods listed by its sellers, and it faced difficulties in detecting unsafe products and cross-checking across public databases because its platform content was 100% user generated and format-free (without surrounding data).

A number of marketplaces also reported joining public initiatives relating to anti-counterfeiting and consumer dispute resolution and redress. Three marketplaces, reported that they had signed the European Union Memorandum of Understanding on Counterfeit Goods.⁶² Mercado Libre also noted that it had committed to the voluntary Company Friend of Justice program developed by the Court of Sao Paulo in Brazil, which sets out an annual target for participating companies to resolve a certain number of consumer conflicts by way of alternative dispute resolution mechanisms, such as mediation and conciliation, to avoid them proceeding through the courts.⁶³

Initiatives specifically relating to the COVID-19 pandemic

Online marketplaces were also asked about any specific proactive measures they took to address consumer protection concerns on their platforms relating to the COVID-19 pandemic. Responses provide a range of examples of how some marketplaces acted quickly to address emerging consumer protection concerns amidst a very dynamic context in the early days of the pandemic.

The majority of participating marketplaces reported price gouging of essential products as a key issue emerging on their platforms during the pandemic and provided examples of how they had changed their policies to prevent it. Eight marketplaces stated that they had banned, temporarily blocked or placed pricing caps on certain products, particularly PPE and hygiene products such as hand sanitiser. eBay reported that it had introduced a global policy where only a small number of pre-approved sellers with business accounts could offer face masks and hand sanitisers,⁶⁴ and that it had banned auction format and listings from sellers with consumer accounts for certain essential goods.⁶⁵

Marketplaces also provided examples of changes to their policies to counter the problem of non-compliant unsafe PPE. Joom reported that it had begun to require sellers to provide supporting documents for certain types of PPE products to ensure conformity with relevant safety standards. eBay also reported that it had proactively decided to ban KN95 masks on its UK site after UK authorities informed it that they were seeing high numbers of masks of this type that did not comply with relevant PPE standards.

Several marketplaces also reported efforts to improve communication with consumer protection authorities during the dynamic period of change to the consumer landscape at the start of the pandemic. For example, Facebook reported that it used a dedicated reporting channel for governmental authorities to field reports about conduct that authorities found to violate their local laws.⁶⁶ Joom also reported appointing a responsible person within its business to ensure timely responses to requests from consumer protection authorities.

Several marketplaces also reported taking a proactive approach to reviewing misleading advertisements that might be scams, take advantage of consumer fears regarding COVID-19 or otherwise spread misinformation. Mercado Libre also reported launching a special webpage for consumers with information about COVID-19 prevention and how to safely shop online.

Section 6 - Government responses to consumer protection concerns relating to online marketplaces

Box 9. Overview of responses (Section 6)

Most participating countries have developed general educational material for buying and selling online that is also relevant to online marketplaces. In some cases this includes guidance for particular issues relating to online marketplaces, such as advice for consumers on how to identify third-party sellers and what their rights are on C2C marketplaces. However, educational resources specifically for online marketplace businesses themselves appears currently limited.

Most participating countries have undertaken surveillance activities and regulatory enforcement involving online marketplaces. Product safety compliance by third-party sellers is a key surveillance area, whereas enforcement actions against online marketplaces to date tend to have involved misleading claims. Some countries also reported conducting market studies and research, such as consumer surveys, to better understand consumer issues relating to online marketplaces.

Several participating countries reported they have implemented, or are considering, legislative reforms relating to online marketplaces. Such reforms generally require marketplaces to remove illegal content (e.g. unsafe products) from their platforms upon notification from authorities and trusted sources, clearly inform consumers about who they are buying from (B2C or C2C) and what their rights are, as well as making it easier for authorities to contact and take action against online marketplaces with no physical business address in their jurisdiction.

Education and guidance for marketplaces, consumers and third-party sellers

Countries were asked to outline educational material that they have developed in relation to enhancing consumer protection in online marketplaces (e.g. helping consumers identify scams or unsafe products).

All participating jurisdictions noted they had developed general educational material about online consumer rights and seller responsibilities that was also of relevance for consumers and third-party sellers in online marketplaces. This ranged from detailed guides, website FAQs and detailed online learning modules, to short videos and social media content. Some countries also developed educational material for businesses in collaboration with industry groups. For example, Peru noted that in 2021 it developed a Code of Good Practices in E-commerce jointly with the Peruvian Chamber of Electronic Commerce. A number of participating countries also noted holding webinars and training courses for e-commerce sellers on their consumer obligations.⁶⁷ A number of countries also reported developing education for specific groups of consumers about common risks when shopping online, including online marketplaces, particularly for the elderly⁶⁸ and students and young adults.⁶⁹

Several countries also noted the development of resources jointly with other jurisdictions. For example, the United States noted that it had led the development of econsumer.gov⁷⁰ which is used by members of the International Consumer Protection Enforcement Network⁷¹ to gather and share consumer complaints about international scams, including in online marketplaces. The website also provides consumers with information on complaint trends and tips to avoid scams. Several participating European jurisdictions also referred to relevant educational material developed by the European Consumer Centre

Network, whose members are jointly funded by the European Union and member countries to provide consumer advice.⁷²

Whilst countries were not asked how they promoted such material, many noted that they frequently engaged with consumers and businesses via their social media channels and regular newsletters. One jurisdiction also noted that it had taken out banner advertisements on a major online marketplace to promote its educational material.⁷³ Many participating jurisdictions also reported organising consumer awareness campaigns on specific e-commerce topics that may also affect consumers and sellers in online marketplaces. Consumer awareness campaigns were commonly reported in the areas of scams, anti-counterfeiting and product safety. Several countries noted in particular their involvement in the 2020 OECD product safety awareness campaign on buying safe toys online.⁷⁴ Responses noted that such campaigns took place through a variety of media channels including social media, television and radio.

A few countries also noted that they had developed specific educational material to engage with consumers using online marketplaces. Japan noted that it had produced a consumer handbook explaining how to shop safely on digital platforms.⁷⁵ Canada reported that in 2019 it published an alert to help consumers identify if they are buying from a third-party seller on a marketplace.⁷⁶ The alert noted that as more major retailers were incorporating online marketplaces into their sites where third parties could sell their goods, it was important for consumers to understand the different responsibilities between third-party sellers and the marketplace business. Several jurisdictions⁷⁷ also noted that they provided specific guidance for consumers on how to buy safely on social media or other marketplaces where C2C sales are prevalent and where consumers may not have the same rights as buying from business sellers. Poland noted that it had developed a fake social media marketplace to educate consumers about how to spot scams and other risks.⁷⁸

Some countries also noted guidance for online marketplace businesses themselves on particular issues. Australia reported it had developed a webpage with general guidance for online marketplaces on consumer product safety.⁷⁹ Brazil noted that it developed a guide for e-commerce platforms on anti-counterfeiting.⁸⁰ Norway also referred to the European Commission's guide on how coronavirus marketing could be in conflict with EU law.⁸¹ The guide describes the responsibilities of marketplaces such as Facebook, eBay and Amazon to help identify and stop illegal marketing and encourages them to take a more active role in removing illegal "corona-related" marketing and preventing new ads from being published. The United States has also recently released guidance for digital platforms on featuring online customer reviews.⁸²

A list with examples of relevant educational material noted by countries in their responses is provided at [Annex C](#).

Recent surveillance activities, market studies and legal enforcement actions

Countries were asked about recent market studies or research, surveillance activities and regulatory enforcement actions involving online marketplaces. They were also asked to note any instances of international or domestic co-operation with other authorities.

Market studies and research

Only a couple of countries reported undertaking formal market studies or inquiries in relation to online marketplaces. For example, Australia recently launched a market study into consumer and competition issues relating to general online marketplaces, including eBay Australia, Amazon Australia, Kogan and Catch.com.au.⁸³ Singapore noted that it had conducted an E-commerce Platforms Market Study of nine major online marketplaces,

comparing various characteristics such as their business models, operational role in transactions and internal procedures. The study was used to provide recommendations aimed at enhancing consumer protection that were tailored towards specific online marketplaces. Several other countries pointed to relevant broader market studies that related to e-commerce businesses, including online marketplaces. Chile noted that it had undertaken an e-commerce survey in 2019 that included information requests to 190 businesses, including online marketplaces. The survey considered privacy and data security, the level of information available in transactions, payment mechanisms used, after-sales service, and redress mechanisms.⁸⁴ The United Kingdom also noted that it had undertaken a Digital Advertising Market Study that considered and assessed how well the markets for search, social media, and digital advertising are working, and the role of Google and Facebook within them.⁸⁵

A number of countries reported undertaking other relevant research into issues relating to online marketplaces. Denmark noted that it had carried out a survey-based analysis of the prevalence of a number of psychological and behavioural tools used in marketing on digital platforms, including online marketplaces. The survey found that all platforms made extensive use of psychological tools in their marketing, and that it is expected to become even more personalised and targeted in future.⁸⁶ Poland reported a survey on consumer attitudes towards online marketplaces, which looked at issues such as understanding of terms and conditions and use of personal data and where consumers look for assistance when things go wrong.⁸⁷ Interestingly, the survey found that consumers frequently look for information about how to solve a problem not directly on the platform, but through a search engine such as Google.

Surveillance activities

The majority of participating jurisdictions noted that they had conducted market surveillance activities involving online marketplaces to detect potential non-compliance with consumer protection laws. Responses indicated that product safety compliance was the major area for surveillance activities, with eight jurisdictions reporting such activities in their responses.⁸⁸ These included desktop visual surveillance of listings, online “mystery shopping” and physical inspections and testing of purchased products.

Box 10. Product safety surveillance activities in online marketplaces: country examples

Australia reported that it had undertaken surveillance activities involving children’s toys and sleeping products available in online marketplaces to ensure they complied with relevant mandatory safety standards, as well as conducting surveillance to detect any listings of recalled Takata airbags on a number of online marketplaces.

Japan reported that it was conducting random surveillance of online marketplaces to check whether electrical appliances complied with applicable safety standards.

Singapore noted that, in addition to regular surveillance, it undertook a month-long activity on various online marketplaces in July 2020 to identify unsafe products and educate sellers on regulatory requirements, in which it had more than 1000 infringing listings removed.

United States noted that it has a team dedicated to online research, surveillance, data analysis, and sample collection. Their activities include, amongst others, daily surveillance of recalled and banned products on retail, wholesale and public auction online marketplaces as well as checks to determine the effectiveness of recalls for products sold via online marketplaces and other e-commerce channels.

Several countries also noted product safety surveillance activities specifically relating to the COVID-19 pandemic. The United Kingdom reported that in 2020 it conducted a surveillance activity regarding handheld/portable UV sanitisers marketed to consumers using online marketplaces or directly by UK businesses, which resulted in delisting of products and product recalls. Poland and the United Kingdom also noted similar activities to detect non-compliant hand sanitisers, disinfectants and PPE.

Several jurisdictions also noted online surveillance involving online marketplaces in relation to misleading marketing.

Box 11. Misleading marketing surveillance activities in online marketplaces: country examples

Japan noted that it had been conducting surveillance to uncover misleading advertising about health foods supplied via online marketplaces.

Hong Kong (China) reported that a recent online sweep it conducted found that, despite pledging to accept returns, less than 50% of return requests for products purchased on a number of online marketplaces were successful and the process was burdensome for consumers.

Mexico noted that it had focused surveillance activities around advertised delivery times for goods purchased from online marketplaces, as delays and non-delivery had become key challenges for consumers during the COVID-19 pandemic.

United Kingdom referred to an investigation in May 2020 into a number of online marketplaces' systems for addressing fake reviews.⁸⁹

Several participating countries also reported that they focused their surveillance activities relating to online marketplaces around particular events. For example, Argentina noted that it focused its activities particularly around digital events, such as Black Friday. A number of EU countries noted cross-border co-operation as part of the Consumer Protection Co-operation (CPC) network⁹⁰, which has co-ordinated online sweeps of e-commerce sites, including online marketplaces

Regulatory enforcement actions

The majority of countries reported taking regulatory enforcement action in relation to online marketplaces. Formal investigations against individual traders were resolved by a range of outcomes, including administrative actions, such as fines or warning letters, commitments from businesses to resolve concerns, as well as by way of court order following legal proceedings.

Box 12. Key areas for regulatory enforcement action relating to online marketplaces

Misleading claims were common focuses for regulatory enforcement actions relating to online marketplaces. Australia reported obtaining court orders against the online marketplace Kogan in 2020 in relation to misleading claims it made about the level of price reductions during promotional periods.⁹¹ Colombia reported that it had sent an administrative order to the online marketplace Falabella to implement a business plan that would allow it to optimise its logistics operations to meet delivery times and improve customer service. This followed the investigation of a large number of consumer complaints about delayed delivery, misleading advertising and difficulties for consumers to seek redress after experiencing a problem.⁹² Denmark noted that it had been working

with a number of other EU member countries in the CPC network on an investigation into an online marketplace that was offering unrealistic discounts and price reductions, and that the government was also pursuing criminal proceedings at the national level for misleading advertising.

Unfair terms and conditions is another area in which participating countries noted regulatory enforcement actions against online marketplaces. Austria noted that its Supreme Court had declared clauses in the general terms and conditions for vouchers on a large German online marketplace as unlawful.⁹³ Austria also noted a 2018 court case which found several clauses in Amazon’s general terms and conditions to be unlawful, including a choice of law clause, the charging of interest on arrears and clauses regarding the processing of customer data.⁹⁴

Fake ratings and reviews were also a key area of focus for enforcement actions. The United Kingdom noted that it had finalised an investigation into fake online customer reviews involving eBay and Facebook by securing enforceable undertakings from these marketplaces to do more to protect consumers from fake and misleading reviews.⁹⁵ The United States Federal Trade Commission recently settled allegations that an online fashion retailer blocked negative reviews of its products from being posted to its website. The settlement prohibits the fashion retailer from misrepresenting reviews or endorsements and required the company to pay monetary relief. The FTC also sent letters to 10 companies offering review management services, notifying them that avoiding the collection or publication of negative reviews violates the law, and it released new guidance for online retailers and review platforms to educate them on the law in the area of customer reviews.⁹⁶

Unsafe products were also an area of concern. France recently took a specific measure (provided for in EU law) against Wish.com, which involved blocking it from appearing in search engine results and impeding downloads of its mobile application for French consumers. This measure was adopted after Wish.com failed to respond to official requests to remove and stop selling a large number of unsafe products.

A number of participating countries also noted enforcement actions against marketplaces relating to the COVID-19 pandemic. Italy noted that in 2020 it finalised an investigation into Amazon, eBay and Wish after accepting commitments from them to improve their internal processes to identify and remove products from their marketplaces that contained misleading COVID-19 cure or prevention claims and to prevent COVID-19 related price gouging. Each marketplace committed to provide regular compliance reports on the implementation of their commitments, including a list of the twenty main sellers that infringe seller rules about offers referring to products linked to COVID-19. The United States reported that it had sent hundreds of warning letters to companies in relation to misleading claims about coronavirus prevention or cures, many of whom marketed their products via online marketplaces such as Facebook and Instagram.⁹⁷ The United States reported that following receipt of such letters, the relevant businesses generally ceased their claims and/or removed the relevant products.

Whilst service marketplaces were excluded from the definition of “online marketplace” used in the country questionnaire, a number of participating countries supplied useful examples of enforcement actions involving service marketplaces in the areas of ticketing, accommodation and gaming services. Canada noted that it had reached a consent agreement in 2020 with the ticketing marketplace Stub Hub for advertising unattainable prices for event tickets.⁹⁸ Poland also noted an intervention against ticketing marketplace KupBilecik.pl which resulted in the marketplace amending its terms and conditions and agreeing to offer consumers a full refund rather than a voucher where events were cancelled

by organisers. Several EU member countries mentioned the co-ordinated action by the CPC network involving accommodation services marketplaces Booking.com and Expedia, which resulted in commitments to improve transparency in the presentation of their search results in relation to price comparisons and discounts, room availability and popularity of destinations.⁹⁹ The United States reported a settlement against in-game advertising marketplace Tapjoy in relation to its failure to provide consumers with promised rewards after completing certain in-game activities. The settlement prohibits Tapjoy from misleading users about the rewards they can earn and requires Tapjoy to monitor its advertisers to ensure that they do what is necessary to enable Tapjoy to deliver the promised rewards to consumers.¹⁰⁰

Recent or forthcoming legislative reforms relating to online marketplaces

Countries were also asked whether they had recently implemented, or were developing, any legislative or policy reforms to enhance consumer protection in online marketplaces.

A number of participating EU member countries highlighted their implementation of the EU's recent Omnibus Directive (2019/2161)¹⁰¹ into their national laws. Amongst other things, the Directive requires online marketplaces to make clear to consumers whether a third-party seller is a professional (who would be subject to consumer protection laws) or a private individual (who would not be subject to consumer protection laws). It requires online marketplaces to make clear to consumers whether consumer protection laws apply to a given transaction and how consumer protection compliance responsibility is divided between the online marketplace and the third-party seller. In addition, it requires online marketplaces to make clear to consumers what parameters they use to rank their search results (e.g. price, consumer purchase history etc.). These amendments aim to increase transparency and consumer awareness of their rights and risks in different transactions, and help consumers identify who they should make contact with if they believe their rights are infringed.

The EU Directive also contains several elements directed at consumer reviews and dynamic pricing that are of particular relevance to online marketplaces. Firstly, it requires online traders, including marketplaces, to show whether and how they have verified that consumer reviews are genuine (i.e. made by consumers who have bought and used the relevant products). It also prohibits certain practices relating to reviews, such as posting false reviews, deleting negative reviews, transferring endorsements from one product to another, stating that consumer reviews have been authenticated and not disclosing paid reviews. The Directive also requires that where a trader proposes a discount, the base price against which the discount applies must have been available for at least 30 days prior to the discount applying. This aims to deter traders from manipulating the size of a discount by artificially inflating prices prior to offering a discount. The Directive also requires traders to indicate where the price of a particular product alters based on automated decision-making, such as automatic changes to reflect changing demand or those based on individual consumer data.

Japan also noted recent legislative enactment specifically directed towards online marketplaces with its Act for the Protection of Consumers who use Digital Platforms promulgated in May 2021.¹⁰² The Act requires online platforms, including online marketplaces, to provide consumers with proper avenues for dispute resolution, remove listings for unsafe goods upon request and provide additional information to consumers about the identity of third-party sellers. Mexico noted that its 2019 E-commerce Standard included definitions for marketplaces as intermediary suppliers, requiring them to be responsible for the terms and conditions of transactions made via their platform and to provide their contact information to consumers.¹⁰³

A number of EU member countries noted their support for legislative reforms currently proposed by the European Commission directed at online marketplaces and other digital platforms under its proposed Digital Services Act (DSA).¹⁰⁴ The DSA would complement the EU's existing E-commerce Directive, but would increase online marketplaces' liability in certain contexts by imposing obligations to address notifications of illegal content, put in place consumer-friendly notice and takedown mechanisms that would allow the notification of illegal content, establish internal complaint handling systems, engage in alternative dispute resolution to resolve conflicts with consumers, give priority to notifications by users that have been designated as "trusted flaggers" by consumer protection authorities and suspend third-party sellers that repeatedly infringe consumer protection requirements. The DSA also proposes reporting requirements in relation to actions taken to remove illegal content as well as provisions requiring greater transparency about the use of consumer data and online advertising, including requirements to clearly identify an advertisement, who is making it and why a consumer is seeing it. The DSA also proposes that online marketplaces supplying EU customers without an office in the EU must designate an EU legal representative who will be required to cooperate with relevant authorities and can be held liable for non-compliance.

Korea also reported planned revisions to its E-commerce Act to more clearly define the scope of online marketplaces' liability according to their level of involvement in transactions, particularly where marketplaces are in charge of core distribution networks.¹⁰⁵ Peru noted that it was considering a law requiring marketplaces that do not have a physical address in Peru to specify a national or international address for contact for the purpose of notifications and information requests.

The United States reported that platform liability was a point of current political debate domestically. In particular, it noted the legal challenges posed by section 230 of its Communications Decency Act (CDA), which limits online platform liability for third-party content posted on the platform. The United States also noted that there were several pending bills in the U.S. Congress that, if enacted, could change the law governing online platforms, including on the liability issue.¹⁰⁶

A number of countries also noted more general legislative amendments that would affect online marketplaces as well as other e-commerce businesses. Argentina reported that recent new laws requiring online traders to include a button on their websites or applications allowing consumers to withdraw from a transaction for a product or service as well as a link to its federal consumer complaints form.¹⁰⁷ Chile and Peru also noted that they were developing regulations to give consumers in online transactions the equivalent protection to that when transacting in-person. Denmark also noted amendments to its product safety legislation, implementing EU Regulation 2019/1020, to give authorities the power to block consumers' access to websites, including online marketplaces that sell dangerous products.¹⁰⁸ The United States also noted the passing of legislation in 2016 to protect consumers' ability to share honest opinions about a business' products, services, or conduct in any forum. In a transaction on an online marketplace, this would make it illegal to include a provision in the marketplace's terms and conditions that prohibits or punishes negative reviews by customers.¹⁰⁹

Several jurisdictions noted that they were closely watching legislative developments in other parts of the world as well as the emergence of particular issues relating to online marketplaces in order to respond with legislative amendments if necessary.¹¹⁰

Annex A. List of countries and economies responding to the questionnaire

Name	Contributing bodies
Argentina	National Directorate for Consumer Protection
Australia	Australian Competition and Consumer Commission (ACCC) Australian Treasury Access Canberra, Consumer Affairs Victoria, Energy Safe Victoria, New South Wales Fair Trading, Queensland Office of Fair Trading, South Australia Consumer & Business Services and Western Australia Consumer Protection
Austria	Federal Ministry of Social Affairs, Health, Care and Consumer Protection (BMSGPK) Internet Ombudsstelle
Brazil	National Consumer Secretariat, Ministry of Justice (SENACON) National Institute of Metrology Standardization and Industrial Quality (INMETRO) National Telecommunications Agency (ANATEL)
Canada	Competition Bureau Canada Canadian Anti-Fraud Centre Office of Consumer Affairs, Innovation, Science and Economic Development Canada
Chile	National Service for Consumers (SERNAC)
Colombia	Superintendence of Industry and Commerce of Colombia
Costa Rica	Ministry for Economy, Industry and Commerce (MEIC)
Denmark	Danish Competition and Consumer Authority
Estonia	Estonian Consumer Protection and Technical Regulatory Authority
France	French Authority for Competition, Consumer Protection and Fraud Prevention (DGCCRF)
Germany	Federal Ministry of Justice and Consumer Protection (BMJV)
Greece	Directorate for Consumer Protection
Hong Kong, China	Hong Kong Consumer Council
Iceland	Iceland Consumer Agency
Italy	Italian Competition Authority

Name	Contributing bodies
	Directorate General for Market Competition, Consumer Protection and Technical Provisions, Ministry of Economic Development
Japan	Consumer Affairs Agency of Japan (CAA) Ministry of Economy, Trade and Industry (METI)
Korea	Korea Fair Trade Commission (KFTC) Korea Consumer Agency (KCA)
Latvia	Internal Market Department, Competition, Retail and Consumer Rights Division, Ministry of Economics
Mexico	Federal Consumer Protection Agency (PROFECO)
Norway	Norwegian Consumer Authority
Peru	National Institute for the Defence of Free Competition and the Protection of Intellectual Property (INDECOPI)
Poland	Office of Competition and Consumer Protection
Singapore	Consumer Product Safety Office, Enterprise Singapore
Switzerland	Federal Consumer Affairs Bureau State Secretariat for Economic Affairs Federal Institute of Intellectual Property
Türkiye	Ministry of Industry & Technology Ministry of Health Ministry of Trade
United Kingdom	Competition and Markets Authority (CMA) Office for Product Safety and Standards (OPSS) Department for Business, Energy and Industrial Strategy (BEIS) Citizens Advice UK Advice Direct Scotland
United States	United States Federal Trade Commission (USFTC) United States Consumer Product Safety Commission (USCPSC)

Annex B. List of participating online marketplaces

Name	Markets served
Allegro	Eastern Europe
Bol.com	Western Europe
eBay	Global
Etsy	Global
Facebook Marketplace (Meta)	Global
Gittigidiyor	Türkiye
Gumtree Australia	Australia
Joom	Latin America & the Caribbean, Northern America, Eastern Asia, Central Asia, South-Eastern Asia, Western Asia, Eastern Europe, Northern Europe, Southern Europe, Western Europe
Leboncoin Groupe	France
Mercado Libre	Latin America & the Caribbean
Mercari	Japan, United States
OLX Group	Sub-Saharan Africa, Latin America & the Caribbean, Northern America, Central Asia, South-Eastern Asia, Southern Asia, Western Asia, Eastern Europe, Western Europe
Rakuten	Latin America & the Caribbean, Northern America, Eastern Asia, Eastern Europe, Northern Europe, Southern Europe, Western Europe
Schibsted Nordic Marketplaces	Northern Europe
<i>Anonymous</i>	Eastern Europe

Annex C. Examples of relevant educational resources published by consumer protection authorities

Country	Relevant publications and webpages
Argentina	<p>Argentine School of Consumer Education: free training platform with courses for both consumers and traders on rights and responsibilities when shopping/selling online: https://www.argentina.gov.ar/produccion/defensadelconsumidor/escuela-argentina-de-educacion-en-consumo</p> <p>Webinar: “Consumer protection in the digital environment” co-coordinated with Argentinian Chamber of Electronic Commerce (CACE): https://www.youtube.com/watch?v=j88pCBb2Yg&ab_channel=C%C3%A1maraArgentinadeComercioElectr%C3%B3nicoCACE</p>
Austria	<p>Information on consumer rights when shopping online: https://www.konsumentenfragen.at</p> <p>Information for consumers on online fraud and scams: https://www.watchlist-internet.at/</p>
Australia	<p>Product safety guidance for online selling platforms: https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/selling-online/guidance-for-online-selling-platforms</p> <p>Product safety guidance for online sellers: https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/selling-online#product-safety-laws-for-online-sellers</p> <p>Consumer guidance on online shopping: https://www.accc.gov.au/consumers/online-shopping/shopping-online</p> <p>Information for consumers on online scams: https://www.scamwatch.gov.au/</p>
Brazil	<p>Guide to good practices and guidelines for e-commerce platforms for implementing measures to combat the sale of pirated, smuggled products or, in any way, in violation of intellectual property: https://www.novo.justica.gov.br/news/conselho-nacional-de-combate-a-pirataria-lanca-guia-de-boas-praticas-e-orientacoes-as-plataformas-de-comercio-eletronico</p>
Canada	<p>Check out the seller before you check out: Recognize third-party sellers in online marketplaces to avoid shopping surprises”, consumer guidance: https://www.canada.ca/en/competition-bureau/news/2019/11/check-out-the-seller-before-you-checkout.html</p> <p>“Non-delivery scams: When nothing comes to those who wait” consumer guidance: https://www.canada.ca/en/competition-bureau/news/2021/03/non-delivery-scams-when-nothing-comes-to-those-who-wait.html</p>
Chile	<p>Information on consumer rights in e-commerce: https://www.sernac.cl/portal/604/w3-propertyvalue-62203.html</p>
Colombia	<p>Guide to Consumer Protection in Electronic Commerce (in Spanish): https://www.sic.gov.co/sites/default/files/files/2022/Gu%C3%ADa%20de%20comercio%20electronico%20-%20con%20firma%20-%20abr%2008%202022%20pq.pdf</p>
Costa Rica	<p>Advice and training for consumers and e-commerce businesses: www.consumo.go.cr</p>
Denmark	<p>Information for consumers and businesses on avoiding and reporting counterfeit goods online, including in online marketplaces: https://www.jegvaelgeraegte.dk/english/shopping-fakes/</p> <p>DSTA: Campaign (2018): “For godt til at være sandt” (Too good to be true) – campaign with the purpose of reminding consumers to think carefully before buying low-price products via unknown web shops from countries outside the EU: https://www.sik.dk/godt-vaere-sandt and https://www.instagram.com/not_supporting_organised_crime/?hl=da</p>

Germany	School projects and free teaching material, hoping to turn young people into critical consumers, including in relation to online shopping: https://www.test.de/unternehmen/jugend-schule-5017084-0/
Iceland	Information for consumers on shopping online: https://neytendastofa.is/neytendur/rafraen-vidskipti/
Italy	Information for consumers on online shopping: https://convienesaperlo.it/
Japan	<p>“How to deal with Digital Platforms” - a handbook for consumers on buying and selling through digital platform (in Japanese): https://www.caa.go.jp/notice/assets/future_caa_cms201_210420_02.pdf</p> <p>“Is it true? What is an affiliate marketing?: A leaflet to call attention to affiliate marketing (in Japanese): https://www.caa.go.jp/policies/policy/representation/fair_labeling/assets/CMS219_210528_02.pdf</p> <p>General outline of product safety legislation for businesses and consumers selling and buying online (in Japanese): https://www.meti.go.jp/product_safety/consumer/system/06.html</p> <p>Warning for Those Who Sell Products via the Internet (in English): https://www.meti.go.jp/english/policy/economy/consumer/pdf/warning.pdf</p>
Korea	<p>“Dark nudge, things to check when booking international flights and buying on social media marketplaces” (in Korean): https://www.kca.go.kr/smartconsumer/sub.do?menukey=7101&mode=view&no=1002968623&page=22</p> <p>Shopping on social media marketplaces (in Korean): https://www.kca.go.kr/smartconsumer/sub.do?menukey=7101&mode=view&no=1002998566&page=20 and https://www.kca.go.kr/smartconsumer/sub.do?menukey=7101&mode=view&no=1003012484&page=14</p>
Latvia	<p>Online trading requirements (in Latvian): https://www.ptac.gov.lv/lv/pirkumi-ar-elektronisko-sazinas-lidzeklu-starpniecibu</p> <p>Advice for consumers when purchasing goods and services on collective shopping or coupon sites: https://www.ptac.gov.lv/lv/padomi-pateretajiem-iegadajoties-precēs-un-pakalpojums-kolektivas-iepirksanaskuponu-portalos</p> <p>Consumer information campaign: How to choose safe e-shop: https://www.ptac.gov.lv/ka-izveleties-drosu-i-veikalu</p>
Mexico	Monthly consumer magazine from Federal Consumer Protection Agency with a range of articles on how to shop safely online and consumer rights, including specific articles relating to online marketplaces: https://www.gob.mx/profeco/articulos/revista-del-consumidor?idiom=es
Norway	<p>Guidance for consumers to avoid purchasing counterfeits online: https://www.forbrukereuropa.no/en/scams/counterfeit-products/</p> <p>Guidance for consumers to avoid fraud when shopping online: https://www.forbrukereuropa.no/en/scams/fraud/</p>
Peru	<p>“Guide for Trust in E-Commerce”, a guide for consumers to shop online safely (in partnership with the Association of Digital Entrepreneurs) (in Spanish): https://rutadigital.produce.gob.pe/new-content/archivos/Guia_sensibilizacion_y_confianza_online.pdf</p> <p>“Cyber Days Guide 2021”, a guide for consumers and online sellers on ensuring a positive consumer experience during the Cyber Days e-commerce event (in partnership with the Lima Chamber of Commerce) (in Spanish) https://cdn.www.gob.pe/uploads/document/file/1751052/Presskit%20CyberDays%202021%20%281%29.pdf.pdf</p>

Poland	<p>“Dropshipping? Check what rights you have as a consumer”: https://www.uokik.gov.pl/news.php?news_id=17002 Cyber-safe consumer active education”, an interactive educational tool for secondary students to disseminate knowledge about consumer rights online. The website simulates a social-networking site where shopping and other scams appear amongst normal posts. Website also includes lesson plans for teachers. Developed by ProPublika Foundation with funding from Poland’s consumer protection authority UOKiK: https://konsument.edu.pl/</p>
Singapore	<p>Four product safety tips when you shop online: https://www.consumerproductsafety.gov.sg/files/media-releases/2021-12-17-mr10921-annex-b-infographic-on-online-shopping-product-safety-tips.pdf</p>
Switzerland	<p>Consumer awareness campaign on anti-counterfeiting: https://www.stop-piracy.ch/presse/medienmitteilungen/?lang=en-US Brochure for consumers on how to identify possible online scams: https://www.news.admin.ch/news/message/attachments/19769.pdf</p>
Türkiye	<p>Video advertisement on online sales (in Turkish): https://tuketici.ticaret.gov.tr/yayinlar/kamu-spot-filmler-egitim-videolari/reklamlar-kamu-spotlari/mesafeli-satislara-iliskin-kamu-spotu</p>
United Kingdom	<p>2020 educational campaign on consumer scams: https://www.citizensadvice.org.uk/about-us/our-work/our-campaigns/all-our-current-campaigns/NCW/#:~:text=National%20Consumer%20Week%20is%20a,took%20place%2016%20%2D%2022%20November Materials for businesses and organisations: https://www.gov.uk/guidance/consumer-safety-awareness-campaigns-materials</p>
United States	<p>Featuring Online Customer Reviews - A Guide for Platforms: https://www.ftc.gov/business-guidance/resources/featuring-online-customer-reviews-guide-platforms General consumer education materials, including resources relevant to shopping in online marketplaces: https://www.consumer.ftc.gov General business guidance, including material relevant to selling in online marketplaces such as guidance on online advertising and ensuring reviews and endorsements are fair and not misleading: https://www.ftc.gov/tips-advice/business-center Consumer advice relating to coronavirus scams: https://www.ftc.gov/coronavirus/scams-consumer-advice</p>

References

- Burdon, T. (2021), *The role of online marketplaces in enhancing consumer protection*, [7]
https://goingdigital.oecd.org/data/notes/No7_ToolkitNote_ConsumerProtection.pdf.
- Coppola, D. (2021), *E-commerce worldwide - statistics and facts*, Statista, [3]
<https://www.statista.com/topics/871/online-shopping/>.
- Digital Commerce 360 (2021), *What are the top online marketplaces?*, [1]
<https://www.digitalcommerce360.com/article/infographic-top-online-marketplaces/> (accessed on 5 August 2021 August 2021).
- Drenik, G. (2021), *Marketplace Models Find Growth Opportunities Amidst The Power Of Amazon And The Pandemic*, [13]
<https://www.forbes.com/sites/garydrenik/2021/02/23/marketplace-models-find-growth-opportunities-amidst-the-power-of-amazon-and-the-pandemic/?sh=55>.
- Morton, K. (2021), *The world's top online marketplaces 2021*, [2]
<https://www.webretailer.com/b/online-marketplaces/> (accessed on 5 August 2021).
- OECD (2022), "Measuring Financial Consumer Detriment in E-commerce", *OECD Digital Economy Papers* No. 326, [17]
<https://doi.org/10.1787/4055c40e-en>.
- OECD (2022), "Policy guidance on product safety pledges", *OECD Digital Economy Papers* No. 325, [9]
<https://doi.org/10.1787/055a8a15-en>.
- OECD (2021), *Working Party on Consumer Product Safety Communique on Product Safety Pledges*, [8]
[https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS\(2021\)4/FINAL&docLanguage=En](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS(2021)4/FINAL&docLanguage=En).
- OECD (2020), *Exploitative pricing in the time of COVID-19*, [5]
<https://www.oecd.org/competition/Exploitative-pricing-in-the-time-of-COVID-19.pdf>.
- OECD (2020), *Protecting online consumers during the COVID-19 crisis*, [6]
<https://www.oecd.org/coronavirus/policy-responses/protecting-online-consumers-duringthe-covid-19-crisis-2ce7353c/>.
- OECD (2020), *Recommendation of the Council on Consumer Product Safety*, [12]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0459>.
- OECD (2019), *An Introduction to Online Platforms and Their Role in the Digital Transformation*, OECD Publishing, Paris, [16]
<https://doi.org/10.1787/53e5f593-en>.
- OECD (2019), *Roundtable on the role of online platforms in enhancing consumer product safety - Summary of Discussion*, [10]
[https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS\(2019\)13/FINAL&docLanguage=En](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP/CPS(2019)13/FINAL&docLanguage=En).
- OECD (2019), "Understanding online consumer ratings and reviews", *OECD Digital Economy Papers* No.289, [4]
<https://doi.org/10.1787/eb018587-en>.
- OECD (2017), "Trust in peer platform markets: Consumer survey findings", *OECD Digital Economy Papers* No.263, [15]
<https://doi.org/10.1787/1a893b58-en>.

OECD (2016), *Recommendation of the Council on Consumer Protection in E-Commerce*, [11]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0422>.

OECD (2003), *Recommendation of the Council concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders*, [14]
<https://doi.org/10.1787/9789264103573-en-fr>.

Notes

¹ Although, this should be qualified by the comparatively small number of responses to the business questionnaire and comments from several countries that had better engagement with some online marketplaces than others.

² The OECD GlobalRecalls portal is at: <https://globalrecalls.oecd.org/#/>

³ Such a requirement would also be consistent with the OECD Recommendation on Consumer Protection in E-Commerce (OECD, 2016^[11]), paragraph 28 of which provides that ‘Businesses engaged in e-commerce with consumers should make readily available information about themselves that is sufficient to allow, at a minimum: i) identification of the business; ii) prompt, easy and effective consumer communication with the business; iii) appropriate and effective resolution of any disputes that may arise; iv) service of legal process in domestic and cross border disputes; and v) location of the business.’

⁴ Such services are however not the focus of this report.

⁵ The survey also built the OECD Recommendation concerning Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Practices across Borders (OECD, 2003^[14]), as well as a 2019 OECD taxonomy on online platforms (OECD, 2019^[16]) and OECD consumer research on trust in peer platform markets (OECD, 2017^[15]).

⁶ Australia, Canada and the United Kingdom noted that in preparing their responses they had liaised with some regional government entities due to the shared responsibility for some consumer protection functions in their jurisdictions.

⁷ These were also highlighted as common product categories where consumer problems arise in a recent OECD survey on consumer detriment (OECD, 2022^[17]).

⁸ These issues were also highlighted as common consumer problems in the recent OECD survey on consumer detriment (OECD, 2022^[17]).

⁹ Australia noted that this figure may include direct sales as well as third-party sales due to the difficulty in separating the two.

¹⁰ Canada noted that it does not separate fraud reporting about online marketplaces outside of indicating the fraud occurred on the Internet or through social media. In 2020, approximately 73% (2,769 of 3,793 reports) of all Merchandise and Counterfeit Merchandise scams originated through the Internet and social media. While it is very likely that most of these are connected to online marketplaces, in an effort to support this request and provide a more accurate snapshot of consumer protection issues in online marketplaces, Canada conducted research based on a filter for Internet and social media reporting and including a key word search of the narrative section for “marketplace”.

¹¹ Germany's Centre for Protection against Unfair Competition (Wettbewerbszentrale, WBZ) registered a total of 109 complaints, including 64 cases relating to the fields of food, drugs and medical devices (biocides such as disinfectants, FFP2 masks, anti-hangover products) that are excluded from the survey, although they related to the COVID-19 pandemic.

¹² Korea reported this data in relation to complaints made in relation to prominent online marketplaces in its jurisdiction, including Naver, Kakao, 11st, Interpark, Gmarket, Auction, Coupang, WeMakePrice, Tmon.

¹³ Norway reported a total of 13 complaints for 2020 and 2021 related to online marketplaces as defined in the survey. It noted that from January 2021, the Norwegian Consumer Authority also mediates in specific disputes between consumers and businesses and had received a total of 5 complaints related to online marketplaces between January and May 2021.

¹⁴ Poland noted that these complaints related to Allegro, Amazon, eBay, Vinted, OLX and Empik.

¹⁵ Complaints to Singapore's Consumer Product Safety Office only.

¹⁶ These do not include complaints specifically pertaining to COVID-19-related scams related to online marketplaces, due to the difficulty in separating these from general online shopping scams.

¹⁷ This figure relates to complaints received by the Centre for Protection against Unfair Competition (Wettbewerbszentrale, WBZ). In 2020, the European Consumer Centre Germany (Europäisches Verbraucherzentrum Deutschland, EVZ) processed 1,844 complaints and 6,127 information requests (total = 7,971) relating to COVID-19. Unfortunately, a more detailed breakdown of marketplace-related requests was not possible due to the methodology used for categorising complaints.

¹⁸ These complaints related to face masks and hand sanitizers.

¹⁹ These complaints were identified by the CMA's COVID Taskforce in 2020 and related to price gouging on Amazon and eBay.

²⁰ Australia, Germany, Italy, Korea, Poland.

²¹ Germany, Italy, Korea, Poland.

²² Australia, Italy, Poland, United Kingdom.

²³ Bol.com indicated that it required sellers wishing to sell certain categories of products (e.g. in-ear headphones, lap-top batteries) to provide evidence that they had product liability insurance, a complaints and recalls process and whether they could produce certain tests and quality marks. Information is at: <https://partnerplatform.bol.com/nl/hulp-nodig/aanbod/verkooprechten/>

²⁴ eBay's product safety policies can be found at: <https://www.ebay.com.au/help/policies/prohibited-restricted-items/product-safety-policy?id=4300> (Australia); <https://www.ebay.de/help/policies/prohibited-restricted-items/product-safety-policy?id=4300> (Germany); <https://www.ebay.com/help/policies/prohibited-restricted-items/product-safety-policy?id=4300> (United States) and <https://www.ebay.co.uk/help/policies/prohibited-restricted-items/product-safety-policy?id=4300> (United Kingdom).

²⁵ eBay's 'Product safety guidance for sellers listing on the US, EU, UK and AU sites' is at: https://ir.ebaystatic.com/pictures/HelpHub/Product_Safety_Guidance.pdf

²⁶ Information on eBay's new online portal for regulators is at: <https://regulator.corp.ebay.com>

²⁷ For example see: <https://www.facebook.com/help/contact/634636770043106>

²⁸ For more information see Gumtree Australia's "Government Announcements" webpage at: https://help.gumtree.com.au/AU/articles/en_US/KB_Article/Government-Announcements-Table-of-Contents?vgroup1=PKB&c=PKB:Safety&vcategory2=Government_Announcements&s=

²⁹ For more information see Mercado Libre Transparency Report January/June 2021 at: <https://mercadolibre.gcs-web.com/static-files/0fc04d02-6610-439e-9f02-22928a23e679>

³⁰ eBay's money back guarantee policy can be found at: <https://www.ebay.co.uk/help/policies/ebay-money-back-guarantee-policy/ebay-money-back-guarantee?id=4210> and Rakuten's can be found at: <https://event.rakuten.co.jp/anshin/anshinshopping/>

³¹ See 'How does purchase protection work on Facebook' : <https://www.facebook.com/help/228307904608701>

³² See Schibsted's payment system Blocket's terms of use at: <https://www.blocket.se/tjanster/blocketpaketet/villkor>

³³ See information on Etsy's mediation service at: <https://help.etsy.com/hc/en-us/articles/115013375668?segment=shopping>

³⁴ See SENACON's online consumer dispute resolution tool at: www.consumidor.gov.br

³⁵ See information on FEVAD's mediation service at: <https://www.fevad.com/>

³⁶ Australia, Brazil, Canada, Denmark, France, Germany, Hong Kong (China), Iceland, Japan, Latvia, Mexico, Norway, Peru, Singapore, Türkiye, United Kingdom.

³⁷ Australia, Brazil, Canada, Denmark, France, Hong Kong (China), Latvia, Mexico, Norway, Peru, United Kingdom.

³⁸ Australia, Brazil, Denmark, France, Germany, Korea, United Kingdom, United States.

³⁹ Australia, Brazil, United Kingdom.

⁴⁰ Japan's Act for the Protection of Consumers who use Digital Platforms was passed on 28 April 2021. More information can be found here: https://www.japaneselawtranslation.go.jp/outline/34/210621192733_905R301.pdf

⁴¹ For more information on Chile's event, see: <https://www.sernac.cl/portal/604/w3-articulo-60210.html>

⁴² For example, the United States noted a series of workshops that the USFTC held on various consumer protection issues where online marketplaces had presented: see, e.g., Bringing Dark Patterns to Light (April 2021) <https://www.ftc.gov/news-events/events-calendar/bringing-dark-patterns-light-ftc-workshop>; That's the Ticket [online ticket sales] (June 2019) <https://www.ftc.gov/news-events/events-calendar/2019/03/online-event-tickets-workshop> ; and, Inside the Game: Unlocking the Consumer Issues Surrounding Loot Boxes (August 2019) <https://www.ftc.gov/news-events/events-calendar/inside-game-unlocking-consumer-issues-surrounding-loot-boxes>

⁴³ Australia reported that it regularly discusses product safety issues with Amazon Australia, eBay, Alibaba, Etsy, Gumtree Australia, Catch.com.au and MyDeal.com.au.

⁴⁴ More information on Australia's product safety pledge can be found at: <https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/australian-product-safety-pledge>

⁴⁵ Denmark reported that it had co-operation agreements with Snapchat, Facebook and Den Blå avis. regarding the removal of products that do not comply with relevant EU and national safety regulations.

⁴⁶ The United Kingdom's Product Safety Review Call for Evidence and Government Response is available here: <https://www.gov.uk/government/consultations/uk-product-safety-review-call-for-evidence>

⁴⁷ Denmark reported that it had engaged with Alibaba, Facebook, YouTube and eBay in relation to their anti-counterfeiting measures.

⁴⁸ Italy reported that it had engaged closely with Amazon, Alibaba, eBay and Facebook in relation to anti-counterfeiting matters.

[property/enforcement/memorandum-understanding-sale-counterfeit-goods-internet_en#:~:text=The%20Memorandum%20of%20understanding%20\(MoU,from%20appearing%20in%20online%20marketplaces.](#)

⁶³ Information on Brazil's Company Friend of Justice program is available at: <https://www.tjsp.jus.br/Conciliacao/Conciliacao/EmpresaAmigaJustica>

⁶⁴ For more information see eBay's 2020 media release 'eBay announces additional measures to tackle coronavirus-related price gouging' at: <https://www.ebayinc.com/stories/press-room/uk/ebay-announces-additional-measures/>

⁶⁵ For more information see eBay's 2020 media release 'eBay announces more Emergency Listing Restrictions in next phase of anti-price gouging measures' at: <https://www.ebayinc.com/stories/press-room/uk/ebay-announces-more-emergency-listing-restrictions-in-next-phase-of-anti-price-gouging-measures/>

⁶⁶ See, <https://www.facebook.com/safety/groups/law/guidelines/>

⁶⁷ Argentina, Chile, Colombia, Costa Rica, Latvia, Poland.

⁶⁸ Australia, Austria, Hong Kong (China), Poland.

⁶⁹ Australia, Austria, Colombia, Denmark, Germany, Hong Kong (China), Japan, Korea, Poland.

⁷⁰ Information on econsumer.gov can be found at: <https://econsumer.gov/en/News/Archives/2#crnt>.

⁷¹ For information on ICPEN's work see: <https://icpen.org/>

⁷² For example, the European Consumer Centres in Belgium and France have developed guidance for consumers on buying from an online selling platform at: <https://www.eccbelgium.be/themes/online-purchases/buying-from-an-online-platform> and <https://www.europe-consommateurs.eu/en/shopping-internet/buying-from-an-online-marketplace.html>

⁷³ Australia noted that Western Australia Consumer Protection had published advertisements to promote their education material on particular websites, including banner advertisements on Gumtree Australia.

⁷⁴ Information on the OECD's global awareness campaign on the safety of toys sold online is at: <https://www.oecd.org/sti/consumer/safe-toys-online/>

⁷⁵ Japan's consumer handbook for shopping in online marketplaces can be found at: https://www.caa.go.jp/notice/assets/future_caa_cms201_210420_02.pdf (in Japanese)

⁷⁶ See Competition Bureau Canada, news release (29 November 2019) "Recognize third-party sellers in online marketplaces to avoid shopping surprises" at: <https://www.canada.ca/en/competition-bureau/news/2019/11/check-out-the-seller-before-you-checkout.html>

⁷⁷ Hong Kong (China), Korea, Japan.

⁷⁸ Poland's educational tool can be found at: <https://konsument.edu.pl/>

⁷⁹ Information on Australia's high-level guidance for online selling platforms on consumer product safety is at: <https://www.productsafety.gov.au/product-safety-laws/compliance-surveillance/selling-online/guidance-for-online-selling-platforms>

⁸⁰ Information on Brazil's 2020 anti-counterfeiting guidance for marketplace sellers can be found here: https://www.gov.br/mj/pt-br/assuntos/noticias/conselho-nacional-de-combate-a-pirataria-lanca-guia-de-boas-praticas-e-orientacoes-as-plataformas-de-comercio-eletronico/Guiaboaspraticaseorientacoesasplataformasdecomercioeletronico_compressed.pdf (in Portuguese)

⁸¹ See European Commission advice on scams related to COVID-19 for consumers and traders: <https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement->

[consumer-protection/scams-related-covid-19_en](#); and the Norwegian Consumer Authority media release (24 March 2020) at: <https://www.forbrukertilsynet.no/felles-front-mot-ulovlig-korona-markedsforing>

⁸² The US Federal Trade Commission’s recent guidance ‘Featuring Online Customer Reviews: A Guide for Platforms’ can be found at: <https://www.ftc.gov/business-guidance/resources/featuring-online-customer-reviews-guide-platforms>

⁸³ Information on the ACCC’s market study into general online marketplaces can be found at: <https://www.accc.gov.au/media-release/competition-consumer-issues-in-general-online-marketplaces-to-be-examined>. Please note that the ACCC reported this study after responses to the survey were submitted.

⁸⁴ Information on Chile’s 2019 e-commerce survey can be found at: <https://www.sernac.cl/portal/619/w3-article-56291.html>

⁸⁵ Information on the UK’s Online platforms and digital advertising market study can be found at: <https://www.gov.uk/cma-cases/online-platforms-and-digital-advertising-market-study>

⁸⁶ Information on the Danish Competition and Consumer Authority’s 2020 study “Consumer behaviour in digital Markets” can be found at <https://www.kfst.dk/media/gbendccp/20201126-new-opportunities-and-challenges-for-consumers.pdf>

⁸⁷ Information on Poland’s consumer survey is at (in Polish): <https://www.uokik.gov.pl/download.php?id=19376>

⁸⁸ Australia, Brazil, France, Japan, Poland, Singapore, United Kingdom and the United States.

⁸⁹ Information about the UK Competition and Markets Authority’s investigation into fake reviews on online marketplaces can be found at: <https://www.gov.uk/government/news/cma-to-investigate-amazon-and-google-over-fake-reviews>

⁹⁰ The Consumer Protection Co-operation (CPC) Network is established under EU Regulation 2017/2394 on co-operation between national authorities responsible for the enforcement of consumer protection laws. Information on the CPC Network is at: https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/consumer-protection-cooperation-network_en#achievements-of-the-cpc-network

⁹¹ Information on the Australian Competition and Consumer Commission’s court action against Kogan is at: <https://www.accc.gov.au/media-release/kogan-to-pay-350000-for-misleading-tax-time-promotion>

⁹² Information on Colombia’s Superintendence of Industry and Commerce Resolution No. 26282 (June 2020) against Falabella is at: <https://www.sic.gov.co/boletin/juridico/informaci%C3%B3n/las-sic-ordena-falabella-de-colombia-sa-el-cese-de-pr%C3%A1cticas-vulneradoras-de-los-derechos-de-los-consumidores>

⁹³ Information on the Austrian Supreme Court decision in proceedings by the Federal Chamber of Labor against the online trading platform Jochen Schweizer GmbH can be found at: <https://verbraucherrecht.at/unzulaessige-klauseln-von-gutschein-vermittlungsplattform/5704>

⁹⁴ Information on the Austrian Ministry of Social Affairs 2018 judgment against Amazon EU Sarl can be found at: <https://verbraucherrecht.at/urteil-voller-erfolg-vki-gegen-amazon/3896>

⁹⁵ Information about the UK Competition and Markets Authority’s undertakings from eBay and Facebook can be found at: <https://www.gov.uk/government/news/facebook-and-ebay-pledge-to-combat-trading-in-fake-reviews>. The CMA is currently investigating similar issues in relation to Amazon and Google, see: <https://www.gov.uk/government/news/cma-to-investigate-amazon-and-google-over-fake-reviews>.

⁹⁶ Information on the case can be found at: US FTC, (25 January 2022) ‘*Fashion Nova will Pay \$4.2 Million as part of Settlement of FTC Allegations it Blocked Negative Reviews of Products*’

<https://www.ftc.gov/news-events/news/press-releases/2022/01/fashion-nova-will-pay-42-million-part-settlement-ftc-allegations-it-blocked-negative-reviews> .

⁹⁷ Information on the US Federal Trade Commission’s COVID-19 related warning letters to businesses can be found at: <https://www.ftc.gov/coronavirus/enforcement/warning-letters>

⁹⁸ Information on Competition Bureau Canada’s action against Stub Hub is at: <https://www.canada.ca/en/competition-bureau/news/2020/02/stubhub-to-pay-13-million-penalty-for-advertising-unattainable-prices-for-event-tickets.html>

⁹⁹ Information on the EU CPC Network’s co-ordinated actions against Booking.com and Expedia and resulting commitments can be found at: https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/accommodation-booking_en

¹⁰⁰ Information on the US Federal Trade Commission’s action against Tapjoy is at: <https://www.ftc.gov/enforcement/cases-proceedings/172-3092/tapjoy-inc-matter>

¹⁰¹ The EU Directive 2019/2161 of the European Parliament and of the Council (2019/2161) can be found at: <https://eur-lex.europa.eu/eli/dir/2019/2161/oj>

¹⁰² Information on Japan’s Act for the Protection of Consumers who use Digital Platforms is at: https://www.japaneselawtranslation.go.jp/outline/34/210621192733_905R301.pdf

¹⁰³ Mexico’s Ecommerce Standard (NMX-COE-001-SCFI-2018) is available at (in Spanish): <https://www.abogado.digital/wp-content/uploads/2019/06/NMX-COE-001-SCFI-2018.pdf>

¹⁰⁴ The Commission made the proposals in December 2020 and on 25 March 2022 a political agreement was reached on the Digital Markets Act, and on 23 April 2022 on the Digital Services Act. Information on the European Commission’s proposed Digital Services Act package can be found at: <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

¹⁰⁵ Information on Korea’s planned revisions to its E-commerce Act (in Korean) is at: http://www.ftc.go.kr/www/selectReportUserView.do?key=10&rpttype=1&report_data_no=8985

¹⁰⁶ For example, the Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act (INFORM Consumers Act), S. 3431, 116th Congress (2020). If passed, this would require online marketplaces that include third-party sellers of consumer products to verify the identity of “high-volume” third-party sellers on the platform, and hold e-commerce platforms liable for the products on their platform sold by third-party sellers. The FTC would have enforcement authority for the law, if passed, and the authority to seek civil penalties. In addition, the Platform Accountability and Consumer Transparency Act (PACT Act), S. 4066, 116th Congress (2020), if passed, would eliminate Section 230 as a defence in FTC enforcement actions, among other things.

¹⁰⁷ See Resolution 424/2020 and Resolution 274/2021 of the Secretariat of Domestic Trade, Argentina, at: <https://www.boletinoficial.gob.ar/detalleAviso/primera/235729/20201005> and <https://www.boletinoficial.gob.ar/detalleAviso/primera/242484/20210330>

¹⁰⁸ The Danish Act on Products and Market Surveillance which entered into force July 2020 can be found at: <https://www.sik.dk/en/business/legislation/product-safety/act-products-and-market-surveillance>

¹⁰⁹ Information about the United States’ Consumer Review Fairness Act (2016) is available at: <https://www.ftc.gov/tips-advice/business-center/guidance/consumer-review-fairness-act-what-businesses-need-know>

¹¹⁰ Hong Kong (China), Singapore, United Kingdom.