

線上電子市集之消費者：準則施行三年後

遞交OECD委員會關於電子商務之 消費者保護準則報告草案

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CONSUMERS IN THE ONLINE MARKETPLACE: THE GUIDELINES THREE YEARS LATER

Draft Report to the OECD Council on the Guidelines for Consumer Protection in the Context of Electronic Commerce

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I. 前言

1. OECD關於電子商務之消費者保護準則（以下簡稱為準則）明列線上B2C交易中有效保護消費者之核心要素。該準則係由OECD之消費者政策委員會（CCP）提出，並於西元一九九九年十二月九日經OECD Council通過，準則立法目的在於使線上購物之消費者所受保護不亞於在實體商店或郵購買賣之消費者保護，並冀求鼓勵消費者妥善利用法工具拓長買方地位。Council通過準則之際，Council另指示CCP應於二〇〇二年遞交報告說明該準則之施行狀況及經驗。此份報告即應此要求摘要部分OECD會員國之施行狀況，並於附件以國家為基準、以表格方式詳列各國之施行活動。此份報告亦論及數位經濟下消費者所扮演之角色、描述CCP持續於準則中所提及爭議之相關倡議，並指出委員會認為未來應與注意之範疇。

全球化數位經濟體制下之消費者

2. 自準則公佈以來已達三年，準則對於B2C線上市集具有漸進性之改革。過去眾人大多關注於網路公司市值之消長，網路公司泡沫化後，世人反倒容易看出線上零售業之成長。舉例而言，美國境內二〇〇二年第二季電

I. Introduction

1. The *OECD Guidelines for Consumer Protection in the Context of Electronic Commerce* (the *Guidelines*) set out the core characteristics for effective consumer for online business-to-consumer (B2C) transactions. Developed by the Committee on Consumer Policy (CCP), and approved by the OECD council on 9 December 1999, the *Guidelines* aim to ensure that consumers are no less protected online than when they buy from their local store or order from a catalogue. They also aim to encourage consumers to take advantage of all tools available to strengthen their position as buyers. In approving the *Guidelines*, the Council instructed the CCP to exchange information on progress and experiences in implementing the *Guidelines* and report to the council in 2002. This report summarises the results of implementation activities in OECD countries and includes in an Annex a table with selected activities organised on a country-by-country basis. The report also touches on the emerging role of consumers in the digital economy, describes a number of initiatives through which the CCP has itself continued to address issues raised in the *Guidelines*, and identifies several areas that the Committee has singled out for future attention.

Consumers in the global digital economy

2. The three years that have elapsed since the release of the *Guidelines* have seen a gradual evolution in the B2C online marketplace. Much attention has been focussed on the dramatic rise and fall of market valuations for Internet firms and, in the aftermath

子商務零售業營業額續相對於二〇〇一年第二季之營業額上漲24%，而二〇〇一年的營業額又高於二〇〇〇年營業額30%^①。而挪威的二〇〇一年的網際網路零售業相較於二〇〇〇年成長155%，加拿大亦報導其二〇〇一年之年增長率為67%^②。歐盟境內非官方估計線上消費於二〇〇一年間有48%的成長值、二〇〇〇年間有70%的成長值^③。

3. 儘管如此，電子商務B2C市場潛能尚未被完全激發。造成此景原因數個，但其中一個重要因素在於消費者對於線上消費的隱憂^④。二〇〇二年一月，據Consumer WebWatch報導，僅有十分之三的消費者信任販售產品或服務之網站^⑤。而Markle Foundation於二〇〇一年七月的調查亦顯示僅約有36%的民眾相信他們於線上購物所享有的權利與實體購物所享權利相同^⑥。Consumer International完成之研究亦指出上述隱憂並非毫無根據^⑦。

4. 意見調查中關於消費者之隱憂係伴隨著消費者對於政府機關處理網際網路問題的控訴日漸增長。二〇〇一年，根據美國與加拿大的聯合統計，Consumer Sentinel所接受的詐欺控訴中，其中40%為消費者針對線上問題之控訴。而Consumer Sentinel所接受網際網路相關控訴，穩健地自一九九八年11%成長為一九九九年26%，

of the “dot com” crash, it would be easy to overlook the consistently upward pattern of growth in online retail sales. For example, official second quarter 2002 figures for retail e-commerce in the United States are up 24% compared to the same period in 2001 and the 2001 figures were 30% higher than those for 2000.^① Retail Internet sales for 2001 in Norway are up 155% from 2000, and Canada reported a yearly increase of 67% for 2001.^② Unofficial estimates of European consumer spending online suggest a growth rate of 48% in 2001 and 70% in 2000.^③

3. Nevertheless, much of the potential for B2C e-commerce has yet to be realised. There may be a number of reasons for this, but an important factor appears to be consumers' continued concerns about shopping online.^④ In January 2002, Consumer WebWatch reported that only three in ten consumers trust Web sites that sell products or services.^⑤ A July 2001 survey by the Markle Foundation reports that only 36% of individuals believe that they have the same rights and protections when they are on the Internet as when they are not.^⑥ Research conducted by Consumers International suggests that these concerns are not without foundation.^⑦

4. The concerns identified in opinion surveys have been accompanied by increases in consumer complaints to government agencies about Internet problems. In 2001, consumer complaints about online problems accounted for 41% of all fraud complaints received by Consumer Sentinel, a joint US-Canadian complaint database. The percentage of Internet-related complaints in Consumer

至二〇〇〇年達31%，二〇〇一年則為41%⁸。

5. 有效數據顯示信心赤字亦惡化跨界交易。根據最近的Eurobarometer報告顯示，僅有32%的歐盟消費者認為跨界爭端受到妥善保護；相較之下，有56%的消費者認為其國內爭端受到妥善保護⁹。英國消費者調查顯示超過60%受訪者不會與他們所不知悉的跨界電子商務公司進行交易¹⁰。消費者行政機關提起的消費者訴訟衍生問題—政府處理跨界電子商務訴訟的新動機—包括從未收到商品、商品或服務之不實表示以及無法與出賣人取得聯繫¹¹。跨界訴訟的數量正在增加中。根據Consumer Sentinel二〇〇一年所紀錄之案件，大約13%的訴訟含有跨界性質，但一九九五年時僅有1%的跨界訴訟。Consumer Sentinel於二〇〇一年的15000個案件中，消費者約損失三千萬美元¹²。

6. 當然，經濟數據、調查意見及消費者訴訟並無法對電子商務於消費者之衝擊提供一個完整的藍圖。相較於離線時，消費者係接受網際網路較易於提供完整產品資訊的強大力量，遠端購物的機會擴充了商品的多樣性及服務的可提供性。在家購物的方便性與二十四小時的營業時間同受恭維。線上媒體的獨特性質使的消費者得以體驗商家提供的個人化服務。一些線上企業甚至為客戶量身訂做產品（例如dell.com的電腦），其他企業則針

Sentinel has risen steadily from 11% in 1998, to 26% in 1999, to 31% in 2000, to 41% in 2001.⁸

5. Available data shows the confidence deficit to be exacerbated in the cross-border context. A recent Eurobarometer report showed that only 32% of European consumers feel well protected in a cross-border dispute as compared with 56% when the dispute is domestic.⁹ A survey of UK consumers revealed that more than 60% would not engage in cross-border e-commerce with a company they did not already know.¹⁰ Problem areas identified in the consumer complaints filed with econsumer.gov—a new inter-governmental initiative for handling cross-border e-commerce complaints—include merchandise never received, misrepresentations about the product or service, and inability to contact the merchant.¹¹ The volume of cross-border complaints is also increasing. About 13% of complaints logged in Consumer Sentinel in 2001 had a cross-border element, up from only 1% in 1995. The 15000 cross-border Consumer Sentinel complaints in 2001 reported some USD 30 million in consumer losses.¹²

6. Of course, economic data, opinion surveys, and consumer complaints do not provide a complete picture of the impact of e-commerce on the consumer marketplace. Consumers have been exposed to the power of the Internet to provide easier access to more complete product information than is typically available offline. The opportunity to purchase at a distance vastly expands the variety of goods and services potentially available. The convenience of shopping from home is complimented by round-the-clock opening

對客戶需求提供個人化建議（例如Amazon.com的個人化建議），尚有一些企業允許消費者自行喊價（例如priceline.com的自行定價服務）。

7. 結果為消費者期待的逐漸變換、線上市場的增長性的總體改變（消費者需求所致）。消費者期待的改變散見於其他經濟觀點。消費者新興的急切需求將促使線上企業及實體企業更迅速地對消費者需求有所反應，鼓勵競爭，妥善應對挑戰的公司將獲得報償。然而，運用數位市場的錦繡前景需要相當高層次的消費者信賴，不難發現，那些成功的企業對於增長消費者信心具有較深關切。OECD和CCP在電子商務發展初期即以致力於促進建立消費者信心的政策。時下建立信心的急迫需求，特別是跨界交易中，予電子商務發展初期之需求相去不遠。廣義言之，OECD經濟體之經濟發展遲緩已足以佐證消費者消費之重要性，因此消費者信心實有助於經濟發展。

hours. The particular characteristics of the online medium permit consumers to experience individually tailored and personalised treatment from businesses. Some online businesses have responded with mass customisation service (e.g. “built to order” computers from dell.com), others offer personally tailored advice about what to buy (e.g. “personalised recommendations” from amazon.com), while still others permit direct consumer input into the price charged (e.g. “name your own price” service from priceline.com).

7. the result has been a gradual shift in consumer expectations and an increasingly bottom-up (consumer-demand driven) online marketplace. The changing nature of consumer expectation online should spill over into other aspects of the economy. The new consumer imperative will push businesses online and offline to react more quickly to changing consumer demands, encouraging competition, and rewarding companies that are most successful in meeting these challenges. Taking full advantage of the promises of the digital marketplace, however, requires a high level of consumer trust, and more successful businesses will be those that demonstrate a greater concern for bolstering consumer confidence. The OECD and the CCP have been engaged since the early days of e-commerce in promoting policies aimed at helping to build that trust. The trust-building imperative, particularly in cross-border context, is no less compelling today than in those early days. More broadly, the recent economic slowdown in OECD economies serves to illustrate the continued importance of consumer spending-and therefore consumer confidence-to a healthy economy.

OECD致力於電子商務及消費者政策之工作

8. OECD於一九九八年渥太華（Ottawa）部長會議通過「電子商務行動方案」[SG/EC（98）9/FINAL]，方案宗旨有三：建立使用者與消費者之信賴、建構數位電子市場基礎準則及加強電子商務資訊基礎建設。關於上述宗旨一，部長們透過電子商務消費者保護宣言（渥太華宣言）[DSTI/CP（98）12/FINAL]宣示意圖確保參予電子商務之消費者被提供一個透明、有效率層次的交易安全保護。鑑於電子市場全球性之本質，電子市場亦需要全球共同致力的消費者保護，渥太華宣言已注意到CCP於此部分的努力，並力促OECD建制一套準則以應付相關議題。

9.自從一九六九年，消費者政策委員會已經召集各個會員國之政策官員，設定全球性議程以應付源於日益增加的全球消費者市場之政策挑戰。委員會有一道內部命令企圖發展“對消費者而言有效率、透明以及公平的電子市場”之準則，並發展“在電子商務時代，有效實施上述準則及執行消費者相關法律”之機制¹⁵。CCP仍為唯一定期商討消費者政策隱憂的跨政府論壇，此外並無可比較的論壇在商討形構全球電子市場之消費者政策核心議題¹⁶。委員會早期對於建構消費者對全球電子市場的信任之努力，委員會之工作方案（與企業及消費者團體一道）促

OECD work on e-commerce and consumer policy

8. The OECD's *Action Plan for Electronic Commerce* [SG/EC (98) 9/FINAL] was endorsed by Ministers in Ottawa in 1998, and revolves around three themes: building trust for users and consumers; establishing ground rules for the digital marketplace; and enhancing the information infrastructure for electronic commerce. With respect to the first of these themes, Ministers stated their intention to “ensure that consumers who participate in electronic commerce are afforded a transparent and effective level of protection for electronic transactions” through a *Declaration on Consumer Protection in the Context of Electronic Commerce (Ottawa Declaration)* [DSTI/CP (98) 12/FINAL]. Recognising that the inherently international nature of the electronic marketplace requires a global approach to consumer protection, the Ottawa Declaration noted the work of the CCP in this area and urged the OECD to produce a set of guidelines to address these issues.

9. Since 1969, the Committee on Consumer Policy has brought together consumer policy officials from member country capitals to set international agenda for addressing the policy challenges arising out of an increasingly global consumer marketplace. The Committee has a mandate to develop principles for an “efficient, transparent, and fair global marketplace for consumers” and mechanisms “for the implementation of these principles and for the effective enforcement of consumers laws in an age of global electronic commerce.”¹⁵ The CCP remains the only inter-governmental forum that meets regularly to address consumer policy concerns, and there is no comparable

使發展消費者線上保護準則的工作得以整裝出發¹⁵。

準則之發展

10. 立基於渥太華宣言，委員會遂發展電子商務之消費者保護準則。歷經十八個月的討論及諮商而達成協議，協議於一九九九年十二月經Council採納[C (99) 184/FINAL]。上述結果可謂一大成功：電子商務中有效消費者保護之核心議題已達成共識。OECD以英文、法文及德文發行準則之小冊子，OECD的網站則另有十七種語言的翻譯版。一系列的常見問題亦隨同準則一道發行¹⁶。

11. 準則就傳統商務對消費者的現行法律保護加以檢討，鼓勵私部門的發展，包括消費者代表的參予、並強調政府、企業及消費者間合作的需求。旨在鼓勵公平合理的企業、廣告及行銷業務、線上企業本體的明確資訊、任何交易所提供的貨品或服務及其條件和契約內容、確認交易的透明化程序、付款機制的安全性、公平

venue for addressing the core consumer policy issues that are shaping the global marketplace.¹⁵ The Committee's prior efforts to build consumer trust in the global marketplace and its inclusive working methods (side by side with business and consumer groups) equipped it well for the task of developing guidelines for consumer protection online.¹⁶

Development of the Guidelines

10. Building on the Ottawa Declaration, the Committee developed *Guidelines for Consumer Protection in the Context of Electronic Commerce*. Agreement emerged after 18 months of discussion and negotiation, and the results were adopted by the Council in December 1999 [C (99) 184/FINAL]. The result has been a major success: international consensus on the core characteristics of effective consumer protection for e-commerce. The *Guidelines* were published in booklet form by the OECD in English, French, and German and translations are available on the OECD Web site in 17 languages. A set of Frequently Asked Questions was prepared to accompany the release of the *Guidelines*, which generated press around the world.¹⁶

11. The *Guidelines* reflect existing legal protection available to consumers in more traditional forms of commerce; encourage private sector initiatives that include participation by consumer representatives; and emphasise the need for co-operation among governments, business and consumers. They aim to encourage: fair business, advertising and marketing practices; clear information about

且及時的爭端解決及賠償機制、隱私保護以及消費者及企業教育。準則以全球合作及部門實踐為總結。

II. 準則之實施

12. 自準則的發行起，委員會不斷地致力於確保其成功的施行並評估其有效性。準則受到其他團體的讚賞—企業及消費者團體皆如是，部分的讚賞為包含性的程序，透過該程序這些團體都會受到諮商。更重要地，他們在會員國內被證實是具有影響力的。大部分的會員國皆以準則為基礎著手進行企業及消費者教育。在很多國家中，準則被視為發展B2C行為規範、信賴標章及自律方案的基礎。很多國家也持續檢視其內國法律及法規以確保線上消費者之保護達到準則所建議的模式。歐盟從事不少的創始活動足以強化準則的要素。除了OECD，亞太經濟合作發展組織（APEC）及美洲自由貿易區（FTAA）的消費者保護工作以都納入準則的規範。APEC的電子商務指導團隊正在發展他們自己對於線上消費者保護的建議，此部分建議實已具體化相似於OECD的許多要件¹⁰。

an online business's identity, the goods or services it offers and the terms and conditions of any transaction; a transparent process for the confirmation of transactions; secure payment mechanisms; fair, timely and affordable dispute resolution and redress; privacy protection; and consumer and business education. The *Guidelines* conclude with sections on implementation and global co-operation.

II. Implementation of the Guidelines

12. Since the release of the *Guidelines*, the Committee has been working to ensure their successful implementation and assess their effectiveness. The *Guidelines* were greeted with praise by all stakeholders, from business and consumer group alike—partly a tribute to the inclusive process through which they were negotiated. More importantly, they have proved influential in member countries. The majority of member countries have developed consumer or business education materials based on the *Guidelines*. In many countries, the *Guidelines* have served as a basis for the development of B2C codes of conduct, trustmark, and self-regulatory programmes. Many countries have also been reviewing their laws and regulations to ensure that consumers are protected online, as is recommended in the *Guidelines*. The European Commission has embarked on numerous initiatives that parallel and reinforce elements of the *Guidelines*. Outside the OECD, consumer protection work in the Asia-Pacific Co-operation (APEC) and the Free Trade Area of the Americas (FTAA) has also taken account of the *Guidelines*. APEC's Electronic Commerce Steering Group is now developing its own

13. 為了慶祝準則施行一週年，CCP在柏林舉行研討會，聚集了來自於會員國及非會員經濟體的政府、企業及消費者組織的120個代表，互相交換其實施準則意見並分享其對於下一步動作的想法¹⁶。研討會報告包含了該次討論主要論點的摘要¹⁷。結合此次研討會，委員會也發表了一份報告，報告中描述各會員國實施準則的成果。報告定期更新，讀者可就以下的討論窺探目前已採取的實施活動。各國的活動選擇性列於附件。

全球合作

14. 全球合作是實施準則的一個重要領域。較具雄心的例子為數個OECD會員國透過國際行銷監督網路（IMSN）發展的聯合計畫。二〇〇一年四月開始的“econsumer.gov”對於準則中所列算是一大躍進，特別是跨界執法合作及消費者教育和警覺。聯合計畫組成有二：（i）消費者可提起跨界電子商務訴訟的公共網站、得知其他國家的消費者保護獲取線上安全地交易之忠告；（ii）以密碼防護的政府網站，執法機關可於其上擷取econsumer.gov的訴訟並與其他國家執法機關保密地對

ercommendation for consumer protection online that appears to incorporate many elements of its OECD counterpart.¹⁷

13. To celebrate the first anniversary of the *Guidelines*, the CCP held a workshop in Berlin, bringing together more than 120 representatives from government, business and consumer organisations in member countries and non-member economies to exchange views on implementation efforts and share ideas about the next steps.¹⁶ A report on the proceedings was prepared that includes a summary of the main points that emerged from the discussions.¹⁷ In conjunction with the workshop, the Committee also released a report describing the various efforts undertaken in member countries to implement the *Guidelines*. That report has been updated periodically, and the discussion below provides a flavour of the types of implementation activities undertaken to date. A country-by country grouping of selected activities is attached as an Annex.

Global co-operation

14. Global co-operation is an area of significant in implementing the *Guidelines*. One of the more ambitious examples is a joint project of a number of OECD countries developed through the International Marketing Supervision Network (IMSN). The launch of “econsumer.gov” in April 2001 marked a major step towards addressing a number of aspects of the *Guidelines*, particularly cross-border enforcement co-operation and consumer education and awareness. The project has two components: (i) a public Web site through which consumers can file cross-border e-commerce

談。已有17個國家參與此聯合計畫，預期當欲來愈多的消費者知悉時，econsumer.gov將增加其重要性。

15. 就執法面而言，向來有相當顯著的合作，包含許多的雙邊或多邊合作協定。舉例而言，丹麥、芬蘭、挪威及瑞典的特派員藉著同意為彼此進行訴訟及交換跨界行銷的資訊，進而建立更為緊密的合作²⁰。另一種形式的全球合作為網際網路清掃日（Internet sweep days。通常與IMSN共同合作，國際清掃人（sweeps）包括至少30個國家中超過150個國籍的消費者事務執法機關。除了為了執法目標，清掃日也透過清掃人傳送至網站的訊息提供企業教育性資訊²¹。

公民教育及資訊行動

16. 教育及自覺係準則的關鍵要素，吾人可就實施準則的國家於此領域的努力得知。準則發行之際，很多國家也發行刊物並分發準則予大、小型企業、企業組織及消費者團體。有一些國家甚至舉辦研討會以教育企業及

complaints, learn about consumer protection in other countries, and obtain tips about shopping safely on line; and (ii) a password-protected government Web site where law enforcement agencies can access econsumer.gov complaints and communicate confidentially with agencies from other countries. With 17 countries now participating it is anticipated that the econsumer.gov will only increase in importance as additional consumers learn about it.

15. On the law enforcement front, there has been significant co-operation, including a number of bilateral and multilateral co-operation agreements. For example, the Ombudsmen of Denmark, Finland, Norway, and Sweden have established closer co-operation by agreeing to conduct lawsuits on behalf of each other and exchange information about marketing across national borders.²⁰ Global co-operation of a different type is involved in Internet sweep days. Often co-ordinated through the IMSN, international sweeps have engaged over 150 different national consumer affairs enforcement bodies in at least 30 countries. In addition to serving law enforcement objectives, sweep days also provide educational information to businesses through the use of notices sent to the Web sites identified during a sweep.²¹

Public education and information initiatives

16. Education and awareness are key elements of the *Guidelines*, as is evidenced by the multitude of stakeholder implementation efforts in this area. Upon their release, many countries issued press releases and distributed the *Guidelines* to small and large businesses,

消費者關於準則中所列原則。在挪威及瑞士，政府擴大其教育行動至學校系統，企圖教導青少年及兒童其身為消費者之權利及義務，包含參與電子市集之消費者²²。

17. 大部分會員國皆以準則為基礎，發展消費者及企業資訊教育教材。大部分的教材也可在個別的國家網站及OECD網站上獲得²³。其中一些國家，特別發展一特殊網站以教育消費者及企業何謂有效的消費者保護，網站可連結至其他相關資訊。企業組織、私人公司及消費者團體也利用傳統媒體資源、大幅廣告及連結提供資訊，在自己公司內或消費者組織的網站上公告警示。

18. 在一些國家中，企業及消費者團體共同合作發展聯合教育及資訊活動。舉例言之，美國境內萬事達卡國際組織及國際消費者聯盟發動一個聯合教育行動“Be e-Wise!”，此行動包含書面及線上資訊手冊²⁴。在其他國家，政府及私部門共同致力於類似的教育及資訊。在芬蘭，芬蘭資訊科技發展中心與消費者組織合作發展消費者及企業資訊，此行動亦是參考準則而為²⁵。

business associations and consumer groups. Some countries held workshops to educate businesses and consumers on the principles of the *Guidelines*. In Norway and Switzerland, the government expanded its education initiatives into the school systems in an effort to teach teenagers and children about their rights and responsibilities as consumers, including in the electronic marketplace.²²

17. The majority of member countries developed consumer and business information and education materials based on the *Guidelines*. Most of these materials are available on the respective country's Web sites and the OECD Web site²³. In several countries, special Web sites were developed that are dedicated to educating consumers and businesses on effective consumer protection, with links to other related information. Business associations, individual companies, and consumer groups also developed public education and information materials and campaigns, which included providing information through traditional media sources, banner advertisements and links, and posting tips for consumers on their own company and consumer association Web sites.

18. In some countries, business and consumer groups worked together to develop joint education and information campaigns. For example, in the United States, MasterCard and the National Consumers League launched a joint education initiative, “Be e-Wise!” which included a printed and online brochure that presents the benefits and risks of online shopping, online shopping tips, and other resources for similar information.²⁴ In other countries, the

自律、行為規範及信賴認證方案

19. 在很多國家中，準則被視為政府及私部門發展B2C的行為準則、信賴認證及自律方案。舉例而言，英國政府與電子企業聯盟（Electronic Business Alliance）及消費者協會（Consumer Association）共同組成非營利性組織—TrustUK，以認證電子商務的行為規範符合最低標準並提供消費者良好的保護²⁵。目前已被認證的行為規範為Webtrader，Webtrade係由比利時、法國、義大利、荷蘭、葡萄牙、西班牙及英國共同組成、管理之計畫²⁶。在美國，BBBOnline線上信賴認證封印計畫使得通過評估被認定符合計畫要求的公司得以於自己網站上展示該封印。聯合認證、消費者訴訟的國際計畫見諸於BBBOnline、Eurochambers、Federation of European Direct Marketing、Japanese Direct Marketing Association、Japanese Chamber of Commerce and Industry、the Korean Institute for Electronic Commerce之間的協議²⁷，其他不少的規範計畫也已相繼施行，其中並有一些見諸於歐盟的評估報告中²⁸。

government and private sector have joined forces to provide education and information. In Finland, the Finnish Information Technology Development Center has in co-operation with Consumer Ombudsman developed both consumer and business information, which refers to the *Guidelines*.²⁵

Self-regulation, codes of conduct, and trustmark programmes

19. In many countries, the *Guidelines* served as a basis for governmental and private sector development of business-to-consumer codes of conduct, trustmark, and self-regulatory programmes. For example, in the United Kingdom, the government worked with the Electronic Business Alliance and Consumers Association to develop a non-profit organisation, TrustUK, to accredit codes of conduct for electronic commerce, which meet minimum standards and offer consumers good protection.²⁵ Among the codes accredited to date is Webtrader, a program developed and administered by the consumers organisations of Belgium, France, Italy, the Netherlands, Portugal, Spain and the United Kingdom.²⁶ In the United States, the Better Business Bureau's BBBOnline Reliability Seal programme allows companies to display the seal on their Web site once they have been evaluated and confirmed to meet programme requirements. International co-operation in the development of joint trustmark programmes and consumer complaint system is evident in agreements among associations like the BBBOnline, Eurochambres, Federation of European Direct Marketing, Japanese Direct Marketing Association, Japanese Chamber of Commerce and Industry, and the Korean Institute for Electronic

法律及規章

20. 除了鼓勵自律的行動方案，準則也體認會員國間定期審查的需求，如有必要，應採行並通過法律以確保線上環境的消費者受到保護。未達成上述目標，歐盟及其會員國定期審查並修正法律以反省準則的相關原理³⁹。相同的，加拿大國家級及省級政府持續致力於調和消費者保護法以反應準則中心相關原理。其他相似的行動方案在其他會員國間皆已陸續進行。

III. 委員會關於消費者政策之後續工作

21. 準則之發行係委員會致力於建立消費者線上信賴機制的第一步。除了積極地鼓勵實行準則者，CCP也致力於詳細檢視準則中特定領域，如付款機制中持卡人的保護、訴訟外爭端解決、跨界執法合作、教育準則施行者準則的各式原理等。最後，委員會針對方興的線上爭議如線上拍賣網站的C2C交易、針對兒童之線上行銷及廣告等，舉辦討論會及交換意見⁴¹。

Commerce.³⁹ Numerous other code programmes have been put into existence, a number of which are evaluated in a recent European Commission study.⁴⁰

Laws and regulations

20. Beyond encouraging self-regulatory initiatives, the *Guidelines* also recognise the need for member countries to review, and, if necessary, adopt and adapt laws to ensure that consumers are protected in the online environment. To this end, the European Union (EU) and its member states have reviewed and updated their laws to reflect elements of the *Guidelines*.⁴⁰ Likewise, in Canada, the national and provincial governments have been working towards harmonised consumer protection laws that reflect the *Guidelines*. Similar initiatives have been completed or are underway in other member countries.

III. Follow-up work by the Committee on Consumer Policy

21. The release of the *Guidelines* was only a first step for the Committee in its efforts to help build consumer trust online. In addition to actively encouraging stakeholder implementation of the *Guidelines*, the CCP has undertaken its own efforts to examine in greater detail particular areas covered by the *Guidelines*. Particular emphasis has been placed in the areas of payment cardholder protections, alternative dispute resolution, and cross-border enforcement co-operation. Attention has also been devoted to educating stakeholders about various aspects of the *Guidelines*.

付款機制中持卡人之保護

22. 準則中強調付款機制中持卡人的保護之於線上市集發展之重要性角色。意見調查不斷地指出消費者怯於線上使用信用卡付款，此舉對於線上購物係一大障礙。全世界的政策制定者皆認真看待此問題。準則實施者以發展一連串的行動方案，試圖打擊信用卡付款詐欺、促進線上交易安全，並加強持卡人的保護。CCP體認教育消費者線上持卡保護及如何安全地線上使用信用卡之需求，惟此方可促進消費者對電子商務之信心。二〇〇二年六月，CCP發布付款機制中持卡人之消費者保護報告（Report on Consumer Protections for Payment Cardholders [DSTI/CP (2001) 3/FINAL]）。報告中敘述委員會持續分析線上持卡付款人可得保護之努力，並公佈上述保護之於消費者的可利用性。準備這份報告時，委員會於會員國間進行一項關於線上持卡付款保護之法律及其他消費者保護機制的調查，並於二〇〇一年三於於柏林舉辦圓桌會議探討相關議題。此份報告以教育持卡人的重要性總結，而委員會也發起一項教育計畫“Using Payment Cards Online : Frequently Asked Questions”^⑳。

Finally, the Committee has held discussion and exchanged information on emerging online issues like consumer-to-consumer (C2C) transactions via online auction sites, and online marketing and advertising to children.^㉑

Payment cardholder protections

22. The *Guidelines* highlight the important role of payment cardholder protections in the development of the online marketplace. Opinion surveys consistently identify consumer fears about the safety of using payment cards online as an obstacle to greater online shopping. Policy makers around the world are taking these concerns seriously. Stakeholders have developed a number of initiatives aimed at combating payment card fraud, improving the security of online transactions, and boosting consumer protections for cardholders. The CCP has recognised the need to educate consumers about protections for payment cardholders and the safe use of payment cards online, which could serve to boost consumer confidence in e-commerce. In June 2002, the CCP issued a *Report on Consumer Protections for Payment Cardholders* [DSTI/CP(2001)3/FINAL]. The Report represents a sustained effort by the Committee to analyse the protections available to users of payment cards and publicise the availability of such protections to consumers. In preparing the Report, the Committee conducted a survey of legal and other consumer protections for payment cardholders in member countries. It also held roundtable meeting devoted to the issue in Berlin in March 2001. The Report concludes with a section highlighting the importance of cardholder education and the Committee's own contribution to this

訴訟外爭端解決

23. 準則中強調發展關於跨界爭端之有效補償機制的重要性。其中較具重要性的即為訴訟外爭端解決(ADR)。所謂訴訟外爭端解決係指於法庭外，由中立第三者以快速、價錢低廉的方式解決消費者爭端的方法。與OECD資訊安全工作及隱私小組合作，CCP已完成不少計畫指出訴訟外爭端解決的爭議。二〇〇〇年十二月，OECD在海牙舉辦由國際商會(ICC)及國際私法的海牙會議(HCOPIIL)共同組織的線上訴訟外爭端解決研討會。討論焦點集中於小額B2C爭議，會後並有一份報告摘要當日討論重點⁴³。

24. 接續海牙會議，有一項工作計畫以法治教育觀點探討訴訟外爭端解機制。通作計畫的法制面探討旨在概述會員國之B2C訴訟外爭端解決之法制環境，使的大家對於適用訴訟外爭端解決機制對於現存法律規範之衝擊有一份了解。另有一份報告係根據會員國對於其國內ADR相關法規調查的回應而作成⁴⁴。供作計畫的教育面向旨在告知準則施行者ADR的可用性以及其潛在利益。工作計畫並設計一系列的問題幫助消費者決定線上ADR可否幫助消費者解決爭端⁴⁵。最後，OECD藉著幫助國際商會列

issue: an educational piece entitled “Using Payment Cards Online: Frequently Asked Questions” .⁴²

Alternative dispute resolution

23. The *Guidelines* stress the importance of developing effective redress mechanisms for problems arising out of cross-border disputes. Of particular interest is alternative dispute resolution (ADR), which consists of practical out-of-court methods involving a neutral third-party to resolve consumer disputes in a quick and inexpensive way. Working jointly with the OECD's Working Party on Information Security and Privacy, the CCP has completed several projects addressing the issues surrounding ADR. In December 2000, the OECD held a conference on online ADR organised with the International Chamber of Commerce (ICC) and the Hague Conference on Private International Law (HCOPIIL) in The Hague. The focus of the discussions was small value B2C disputes, and a report on the proceedings summarises the discussion and main points.⁴³

24. The Conference in The Hague was followed up with a work programme focused on legal and educational aspects of ADR. The legal part of the programme aimed to generate an overview of national legal regimes applicable to B2C ADR in member countries, with a view to understanding if and how existing legal provisions impact recourse to ADR. A report was developed on the basis of member country responses to a survey on existing laws and regulations related to ADR.⁴⁴ The educational aspect of the programme aimed to inform stakeholders about the availability of

示全世界的ADR計畫，促進ADR實用性之資訊流通。相關報告及世界ADR列表可於國際商會網站獲得⁴⁵。

跨界執法合作

25. 準則中第四部份強調全球合作的重要性，特別是對抗詐欺、不公平行銷行為執法合作之需求，因為上述行為將導致消費者對電子商務的信心驟減。二〇〇〇年三月，CCP舉辦論壇探討國際合作的挑戰及可能性。以美國及加拿大狀況為經驗，該經驗為論壇提供對抗跨界詐欺問題的概觀⁴⁷。委員會於兩年後再舉辦一次後續論壇，此次論壇討論先前論壇中所指涉之挑戰，以及關於會員國內消費者保護執法機關全能調查⁴⁸。論壇中已有相當注意力集中於IMSN對跨界補償機制發現，一份關於國際行銷監督網路（IMSN）會員國境內執法挑戰的簡潔宣言⁴⁹。此為CCP與IMSN在此領域的共同整頓，並將持續進行。

ADR and its potential benefits. A set of questions was produced that are designed to help consumers determine whether online ADR can help them resolve a dispute.⁴⁵ Finally, the OECD helped to produce further information regarding the availability of ADR by assisting the ICC to produce an inventory of ADR programs world-wide. The resulting report and inventory are available on the ICC Web site.⁴⁶

Cross-border enforcement co-operation

25. Part IV of the *Guidelines* emphasises the importance of global co-operation in general, and highlight in particular the need for enforcement co-operation to combat deceptive and unfair marketing practices that dilute consumer confidence in electronic commerce. In March 2000, the CCP held a Forum Session to explore the challenges and possibilities associated with international co-operation. Taking the experiences of the United States and Canada as a practical experience, the session provided an overview of ongoing efforts to combat the growing problem of cross-border fraud and deception.⁴⁷ Two years later the Committee held a follow-up Forum Session, during which it discussed the challenges identified in a preliminary report on this topic, along with their results of a survey on the authority of consumer protection enforcement agencies in member countries.⁴⁸ Considerable attention at the session was also devoted to the IMSN Findings on Cross-border Remedies, a succinct statement of the enforcement challenges facing ISMN members.⁴⁹ This is an area where close co-ordination between the CCP and the IMSN has and will continue to be essential.

教育、自覺及拓廣

26. 準則明示教育及自覺係建立線上消費者信賴之核心要素，委員會已著手於關於教育及自決的一連串行動方案。委員會詳盡闡述一系列的案例指出實踐準則的最好方式。此份文件有助於提供關於準則實用且具體的資訊以教育企業及消費者。最佳實踐案例於二〇〇二年七月發布⁴⁰。為補充準則，CCP另發布公共部門消費者保護法清單（Inventory of Public Sector Consumer Protection Laws）、電子商務政策及其實踐（Policies and Practices Applied to Electronic Commerce）⁴¹。上述文件幫助準則施行者檢視其公共部門法規。此外，與ADR及付款持卡人保護的教育方案證明CCP對於教育的具體承諾。

27. 為了幫助消費者、企業及政府獲取更多關於線上消費者保護的資訊，CCP於其網站發展兩項新的區域—www.oecd.org/sti/consumer-policy。第一部分包含會員國境內的教育及資訊行動方案之線上目錄⁴²。第二部分包含會員國境內消費者保護機關的連結⁴³。網站另含括CCP各會議及新進關於B2C統計副本⁴⁴。

28. CCP拓廣活動亦為後續工作的一重要面向。準則

Education, awareness and outreach

26. The Guidelines make clear that education and awareness are essential elements to building consumer trust online, and the Committee has embarked on a variety of initiatives in this regard. The Committee developed a set of examples to illustrate best practices under the *Guidelines*. This document helps provide practical and concrete information to educate businesses and consumers about the *Guidelines*. These best practice examples were released in July of 2002.⁴⁰ To complement the *Guidelines*, the CCP prepared an *Inventory of Public Sector Consumer Protection Laws, Policies and Practices Applied to Electronic Commerce*.⁴¹ This document has assisted stakeholders in reviewing public-sector laws and policies in connection with the *Guidelines*. In addition, the educational projects attached to the work on ADR and payment cardholder protections provide a tangible reminder of the CCP commitment to education.

27. To help consumers, businesses, and governments gain more information about online consumer protection, the CCP developed two new sections for its Web site—www.oecd.org/sti/consumer-policy. The first section contains an online catalogue of educational and information initiatives in member countries.⁴² The second section contains links to the consumer protection authorities of member countries.⁴³ The Site also includes copies of presentations of the latest B2C statistics that are regularly presented and discussed at CCP meetings.⁴⁴

28. CCP outreach activities have also been an important aspect

特別要求各會員國共同洽商、合作並與非會員國分享關於消費者保護議題之資訊，也邀請非會員經濟體於檢視自身消費者保護政策時將準則納入考量。CCP另頒布命令邀請非會員經濟體一道參與ADR及準則之討論會。透過與其他國際組織間的互動，如APEC、FTAA、歐盟聯合國經濟委員會（United Nations Economic Commission for Europe；UNECE）、ISO消費者政策委員會（ISO's Consumer Policy Committee；COPOLCO）及海牙國際私法會議（Hague Conference on Private International Law；HCOFIL），CCP亦達成其拓展至非會員經濟體之目的。

IV 未來展望

29. 自準則發行後的三年期間，各式不同的實踐行動方案陸續展開，此舉意味著準則對於線上消費者保護之貢獻不亞於非線上消費者保護。然而，相當明顯地，建立線上電子市場消費者信賴機制的方案尚須準則實施國長期的努力。儘管國際上已有關於線上消費者保護議題之零星討論，CCP將持續扮演促進及檢視準則之實踐之重要角色。除此之外，委員會內多數領域也有其他的貢獻。二〇〇三年至二〇〇四年間，CCP工作方案的重點在於建立主要消費者保護的共識、跨界執法合作以及新興科技和商業方法衍生衝擊。此外，委員會也將持續評估準則之影響及有效性，其中一部份將藉由五年更新一次準則。

of its follow-up work. The *Guidelines* specifically call for member countries to consult, co-operate and facilitate information sharing with non-members on consumer protection issues and invites non-member economies to take account of the *Guidelines* in reviewing their own consumer protection policies. The CCP has acted on this mandate by involving non-member economies in its public workshop on ADR and the *Guidelines*. It has also facilitated outreach to non-members through interaction with other international organisations like APEC, FTAA, United Nations Economic Commission for Europe (UNECE), the ISO Committee on Consumer Policy Committee (COPOLCO), and the Hague Conference on Private International Law (HCOFIL)

IV. Future directions

29. The number and variety of implementation initiatives launched during the three-year period since the *Guidelines* were completed suggests that the *Guidelines* have already made an important contribution to ensuring that online consumers are no less protected than those in the offline world. It is equally clear, however, that the project of building consumer trust in the online marketplace will require a long-term commitment by all stakeholders. Although there are now a number of international fora considering issues related to consumer protection online, the CCP will continue to have a crucial role in encouraging and reviewing implementation of the *Guidelines*. Moreover, in a number of areas the Committee is poised to make additional contributions itself. Highlights from the CCP work

30. 消費者保護的共識建立為另一核心，可作為提供消費者及企業進行跨界電子商務可預測性的功能。準則仔細省思會員國間關於許多消費者保護重要準則之較高層次協議。然而，會員間仍有許多實施準則的歧異，會員國間消費者保護之實體法亦有差異。上述事實已於準則第四部份的建議反應，並要求會員國應共同合作以建立消費者保護之共識。CCP首先致力於極具前景的領域建立共識：旨在保護消費者免受詐欺之國內法。藉由發展執法合作的建議以對抗詐欺行為將有助於建立此領域的共識。CCP嗣後工作將朝向建立其他領域的共識，例如對抗不公平商業行為的法律。

31. 時下及未來另一個重要領域為跨界執法合作。會

programme for 2003-2004 include work on consensus-building on core consumer protections, cross-border enforcement co-operation, and the impact of new technologies and emerging business models. In addition, the Committee will continue to assess the impact and effectiveness of *Guidelines*, in part by organising a public forum on the five-year anniversary of the release of the *Guidelines*.

30. One area for continued attention is consensus-building on core consumer protections, which can serve the important function of providing predictability to both consumers and businesses in conducting cross-border e-commerce. The *Guidelines* reflect high-level agreement among member countries about a number of important principles for consumer protection. There remain, however, differences in the manner in which member countries implement *Guidelines*, and differences in the substantive consumer laws in OECD countries. This fact reflected in the *Guidelines* recommendation in Part Four, which explicitly calls for member countries to work toward building consensus on core consumer protections. The CCP will focus first on the most promising area for building consensus: domestic laws that aim to protect consumers from fraud and hard-core deception. It will attempt to build consensus in this area by developing a recommendation focussed on enforcement co-operation to combat such practices. The CCP will then work toward building consensus in broader area, such as laws aimed at combating deceptive and unfair commercial practices generally.

31. An important area of current and future attention is cross-

員國內已紛紛建立負責執行消費者保護法的機構。日益增加的跨界B2C電子市場對於現存的執法體制實為一大挑戰。準則第四部份已強調跨界執法合作的重要性，特別強調應予合作以預防詐欺及不公平行銷手法，以防削弱消費者對電子商務的信心。特別指出，近來委員會於此領域的工作已出現一些爭議，包括管轄權間資訊流通、廣泛授權保護內國消費者免於受外國企業詐欺、預防上述行為的能力、以及為消費者爭取金錢補償的能力。上述挑戰皆列屬CCP應優先工作事項，其中部分工作已持續進行中，將以建議書方式呈現以加強執法的有效性並制止及預防跨界詐欺。此份建議書將於未來數月間遞交OECD Council，建議書之通過可視為此領域的一大進展。

32. 新興科技及商業方法替企業及消費者提供機會。舉例而言，行動商務提供消費者隨時隨地的服務，日益增進的寬頻接取也正為其他創新服務鋪路。然而，上述發展也呈現新興消費者保護的議題。如果未妥善提出上

border law enforcement co-operation. Member country bodies charged with enforcing consumer protection laws were set up for a largely domestic marketplace. The increasingly cross-border B2C marketplace poses significant challenges to the existing enforcement structures. Part Four of the *Guidelines* emphasises the importance of cross-border co-operation in general, and highlights in particular the need for co-operation to prevent deceptive and unfair marketing practices that dilute consumer confidence in e-commerce. More specifically, a number of issues have emerged from recent Committee work in this area, including the need for: increased information sharing among jurisdictions; broader authority to protect domestic consumers from foreign businesses engaged in fraud and hard-core deception; broader authority to protect foreign consumers from domestic businesses engaged in fraud and hard-core deception; better ability to halt such conduct; and better ability to obtain monetary redress for consumer victims. Addressing these challenges is a priority for the CCP and work is underway on a recommendation designed to enhance the effectiveness of enforcement efforts to stop and prevent cross-border fraud and hard-core deception. It is intended that this recommendation will be submitted to the OECD Council for approval in the coming months, and will prove to be an important contribution in this area.

32. New technologies and emerging business models provide exciting opportunities for businesses and consumers alike. For example, mobile commerce offers the promise of providing services to consumers where and when they want them, while increased access

述議題，可能會惡化消費者信心，並妨礙企業成功。藉由獲取科技發展所致消費者保護隱憂的即時資訊，將有助於會員國內經濟之獲益。

33. 最後，二〇〇四年十二月係為準則施行五週年紀念，亦為一恰當時間對準則之實作一評斷。第一階段評估已於二〇〇一年於柏林舉行的公開會議進行。作為接續工作，CCP將評估並探討過去五年來準則之於線上電子市場的發展，並發布一份公開報告。公開的研討會將於二〇〇四年底舉行以評估準則之影響。研討會藉由一系列的準則實施活動之調查進行之，並將接續發表描述準則實施有效性的報告。

NOTES

- ① 參考 www.census.gov/mrts/www/current.html.
- ② OECD, 'ICT資料庫', 2002年8月。
- ③ 參考 www.nua.com/surveys/analysis/graphs_charts/comparisons/

to broadband paves the way for innovative service offerings. However, such developments can also present novel consumer protection issues that, if not addressed, can undermine consumer confidence and impede their success. By obtaining timely information about consumer protection concerns raised by technological developments and emerging business models, the CCP will position itself to contribute to the policy debate, and thereby to assist in bringing their full benefits to member country economies.

33. Finally, December 2004 will mark the five-year anniversary of the *Guidelines for Consumer Protection in the Context of Electronic Commerce*, an appropriate time to take stock of the effectiveness of the *Guidelines*. The first stock-taking exercise culminated in 2001 with a public conference in Berlin. As a follow-up, the CCP intends to evaluate and discuss the *Guidelines* in the context of developments in the online marketplace over the previous five years and issue a public report. A public conference will be held in late 2004 to assess the impact of the *Guidelines*. The conference will be preceded by a survey of implementation activities and followed by the publication of a report describing the effectiveness of efforts to implement the *Guidelines*.

註釋

- ① See www.census.gov/mrts/www/current.html.
- ② OECD, ICT database, August 2002.
- ③ See www.nua.com/surveys/analysis/graphs_charts/comparisons/

[consumer_spending_europe.html](#). 相較於零售業的整體產值，線上零售仍屬小量——約略佔零售業1%產值。以二〇〇〇年為例，英國之線上零售業佔其境內零售業總產值之1.04%、美國為0.9%、加拿大為0.4%、法國則為0.1%。[OECD Information Technology Outlook: ICTs and the Information Economy (2002), p. 142]. 然而，如果零售業產值佔多達半數以上之經濟產出，那麼即使只是少部分的零售業仍屬重要，（例如，美國二〇〇〇年的電子商務零售業營業額為290億美元），參考 [www.census.gov/eos/www/papers/estatstext.pdf](#).

- ④舉例而言，根據二〇〇一年一月發表之Ernst & Young's "Global Online Retailing"報告，高額之貨物運送費係全世界線上消費者之最大關切。參考[www.ey.com/global/Content.nsf/US/Media-Release-01-15-01DC](#).
- ⑤Princeton Survey Research Associates (2002年1月), "A Matter of Trust: What Users Want from Web Sites", p.1, available at [www.consumerwebwatch.org/news/1_abstract.htm](#).
- ⑥Markle Foundation (2002年7月), "Toward a Framework for Internet Accountability", p. 31, available at [www.markle.org/news/_news_pressreport_index.stm](#).
- ⑦參考，Consumers International (2001年9月), "Should I buy? Shopping online 2001: An International comparative study of electronic commerce", available at [www.consumersinternational.org/CI_School_I_buy.pdf](#). 此份報告係延續一九九九年之"Consumers@shopping"，根據報告，儘管部分問題已見改善，但消費者下單前提供資訊、商品運送及退貨之容許性等領域仍存有許多問題。

[consumer_spending_europe.html](#). Compared to the overall volume of retail sales, online sales remain small — often less than 1% of total retail sales. For example, for 2002, the online retail sales amounted to 1.04% of total retail sales in the United Kingdom, 0.9% in the United States, 0.4% in Canada, and 0.1% in France [OECD Information Technology Outlook: ICTs and the Information Economy (2002), p.142]. However, given that overall retail sales amount to more than half of total economic output, even a tiny percentage of overall retail sales is significant (e.g. USD 29 billion in retail e-commerce in 2000 in the United States). See [www.census.gov/eos/www/papers/estatstext.pdf](#)

- ④For example, according to Ernst & Young's "Global Online Retailing" report, released in January of 2001, high shipping costs are the biggest concern of online buyers around the world. See [www.ey.com/global/content.nsf/US/Media-Release-01-15-01DC](#).
- ⑤Princeton Survey Research Associates (January 2002), "A Matter of Trust: What Users Want from Web Sites", p.1, available at [www.consumerwebwatch.org/news/1_abstract.htm](#).
- ⑥Markle Foundation (July 2002), "Toward a Framework for Internet Accountability", p.31. available at [www.markle.org/news/_news_pressreport_index.stm](#).
- ⑦See Consumers International (September 2001), "Should I buy? Shopping online 2001: An International comparative study of electronic commerce", available at [www.consumersinternational.org/CI_School_I_buy.pdf](#). This report followed up on a 1999 study "Consumers@shopping", finding that, although there had been improvements since 1999, problems remained in areas like: the information provided consumers prior to placing an order, delivery of goods, and availability of refunds.

- ⑧根據National Association of Consumer Agency Administrators (NACAA) 及Consumer Federation of America (CFA) 執行之消費者保護署調查，網際網路案件之平均數量分別相較前一年，二〇〇〇年上漲62%，一九九九年上漲38%，一九九八年上漲39%，一九九七年上漲23%。上述期間隻累積成長為382%。參考 www.nacaanet.org/surveyreport01.htm。
- ⑨“Flash Eurobarometer 117: Consumer Survey” (2002年1月), available at http://europa.eu.int/comm/public_opinion/flash/fl117_en.pdf。
- ⑩UK National Consumer Council (2000年8月), “E-commerce and Consumer Protection”, available at www.ncc.org.uk/pubs/pdf/ecommerce.pdf。
- ⑪參考 www.econsumer.gov。
- ⑫參考“FTC Staff Comments on EU Green Paper”, (2002年2月6日) available at http://europa.eu.int/comm/consumers/policy/developments/fair_comm_pract/responses/other_governmental/us_trade.pdf。
- ⑬二〇〇一年底，OECD Council仔細考慮CCP的工作，更新CCP的命令至二〇〇四年[C(2001) 239/REV1]。新命令參考資料的措辭強調此項工作的全球重要性（延伸此重要性至其他非會員國）及其與其他經濟政策面向的內部相關性（強調OECD內部其他工作間的交錯相關）。參考<http://www.oecd.org/pdf/M00017000/M00017725.pdf>，第27頁。
- ⑭有一些區域組織開始從事消費者政策議題。例如歐盟健康及消費者保護總理事會便不時地強化委員會的努力。參考 http://europa.eu.int/comm/consumers/index_en.html。亞太經濟合作組織（APEC）的電子商務指導團體——www.ita.doc.gov/td/industry/

- ⑧According to Survey of consumer protection agencies conducted by the National Association of Consumer Agency Administrators (NACAA) and the Consumer Federation of America (CFA), the average number of Internet complaints received in 2000 was up 62% from the prior year, following an increase of 38% in 1999, 39% in 1998, and 23% in 1998. The cumulative growth during this period was 382%. See www.nacaanet.org/surveyreport01.htm。
- ⑨“Flash Eurobarometer 117: Consumer Survey” (January 2002), available at http://europa.eu.int/comm/public_opinion/flash/fl117_en.pdf。
- ⑩UK National Consumer Council (August 2000), “E-commerce and Consumer Protection”, available at www.ncc.org.uk/pubs/pdf/ecommerce.pdf。
- ⑪See www.econsumer.gov。
- ⑫See “FTC Staff comments on EU Green Paper”, (6 February 2002) available at http://europa.eu.int/comm/consumers/policy/developments/fair_comm_pract/responses/other_governmental/us_trade.pdf。
- ⑬At the end of 2001 the OECD Council considered the work of the CCP and renewed the mandate of the CCP through 2004 [C (2001) 239/REV1]. The terms of reference of the new mandate highlight both the global importance of this work (putting increased emphasis on the importance of outreach to non-member economies) and its inter-relatedness with other aspects of economic policy (emphasising cross-linkages with other work within the OECD). See <http://www.oecd.org/pdf/M00017000/M00017725.pdf> at p.27.
- ⑭There are regional organisations that take up consumer policy issues. For example the work of the European commission’s Health and Consumer Protection Directorate-General often parallels and reinforces Committee efforts. See http://europa.eu.int/comm/consumers/index_en.html. The E-

otea/ecommerce/apec/—美洲自由貿易區（FTAA）的工作團隊—www.ftaa-alca.org/SPCOMM/COMMEC_E.ASP—也傳達了電子商務的相關消費者政策議題。具有較高國際代表性的其他組織之特定計畫偶爾也會碰觸到消費者議題。舉例而言，國際私法海牙會議的公約草案（HCOPIL）即包含了消費者契約條款：www.hech.net/e/workprog/jdgm.html。歐洲的聯合經濟委員會（UNECE）也一直持續不斷地關切消費者爭議之線上爭端解決議題，www.unece.org/press/pr2002/02opa09e.htm。其他組織包括設定標準的組織如消費者政策委員會之ISO委員會（COPOLCO），www.iso.ch/iso/en/aboutiso/isostructure/COPOLCO.html。

- 15 準則及電子商務相關工作之前，CCP之注意力透過消費者貨品運送物流、消費者賠償、電子資金移轉及郵購買賣等計畫，集中於關於消費者電子市集日益擴增的全球性挑戰。
- 16 常見問題請參考 www.oecd.org/pdf/M000014000/M00014340.pdf
- 17 草案可參考 www.ita.doc.gov/td/industry/otea/ecommerce/apec/meeting/022302/draft_consumer_protection_guidelines020402.htm
- 18 非會員國經濟體之代表包括阿根廷、智利、中國、香港、馬來西亞、斯洛維尼亞共和國、南非及中華台北。
- 19 研討會報告[DCTI/CP（2001）5]及研討會其他資料可參考 www.oecd.org/EN/document/0..EN-document-44-1-no-20-1246-

commerce Steering Group of the Asia Pacific Economic Co-operation (APEC) - www.ita.doc.gov/td/industry/otea/ecommerce/apec/ - and a working group of the Free Trade Area of the Americas (FTAA) - www.ftaa-alca.org/SPCOMM/COMMEC_E.ASP - also address e-commerce related consumer policy issues. And particular projects of the other organisations with wider international representation sometimes touch on consumer issues. For example, a draft Convention being negotiated under the auspices of the Hague Conference on Private International Law (HCOPIL) contains a provision on consumer contracts: www.hech.net/workprog/jdgm.html. The United Nations Economic Commission for Europe (UNECE) has been considering issues related to online dispute resolution for consumer disputes, www.unece.org/press/pr2002/02opa09e.htm. Other fora include bodies that do work on standards like the ISO Committee on Consumer Policy Committee (COPOLCO), www.iso.ch/iso/en/aboutiso/isostructure/COPOLCO.html.

- 15 Even prior to its work on electronic commerce and *Guidelines*, the CCP focused attention on the challenges relating to the increasingly global character of the consumer marketplace through projects on delivery logistics for consumer goods, consumer redress, electronic fund transfers, and mail order trading.
- 16 The FAQs are available at www.oecd.org/pdf/M000014000/M00014340.pdf
- 17 A draft is available at www.ita.doc.gov/td/industry/otea/ecommerce/apec/meeting/022302/draft_consumer_protection_guidelines020402.htm
- 18 Non-member economies represented included Argentina, China, Honk Kong, Malaysia, Slovemia, South Africa and Chinese Taipei.
- 19 The Report of the Workshop [DSTI/CP (2001) 5] and other Workshop materials are available at www.oecd.org/EN/document/0..EN-document-44-

[0.00.html](#).

20 協議可參考 www.fs.dk/uk/acts/misc/noraftal.htm 描述該協議的發行
未可參考 www.fs.dk/uk/misc/p010618e.htm

21 清掃日可能為某一選定的特定日期或一段特定期間，參與者於清
掃日檢查網站並試圖找出可能衍生問題或未遵循準則的網站。再
經由電子郵件寄發教育訊息予那些被找到的網站，告知其未達到
哪項準則或其所從事活動違反法規。即使網站無法確定網站是否
違法，仍會發送電子郵件予相關執法機關以獲取如何遵循相關法
規的資訊。

22 與教學輔助/學校網路之國家中心合作 (<http://skolenttnet.nls.no/>)，
挪威消費者委員會於學校系統中介紹與網際網路相關的消費者資
訊，學校網路以義務教育（前十年）及較高年級的中級學校的老
師及學生為主要對象。消費者教育被視為經濟及資訊處理下的另
一主題。

23 參考 [http://www.oecd.org/EN/countrylist/0,,EN-countrylist-44-1-no-
no-106-0.00.html](http://www.oecd.org/EN/countrylist/0,,EN-countrylist-44-1-no-no-106-0.00.html).

24 參考 www.nclnet.org/eWISEbroch.html

25 www.tieke.fi/kauppa/aapinen 及 www.tieke.fi/kauppa/index.htm 消費
者組織的相關資訊可參考 www.kuluttajavirasto.fi

26 參考 www.trustuk.org.uk

27 參考 www.which.net/webtrader

[1-no-20-1246-0.00.html](#).

20 The agreement is available at www.fs.dk/uk/acts/misc/noraftal.htm. A copy
of the press release describing the agreement is available at
www.fs.dk/uk/misc/p010618o.htm.

21 Sweeps occur on a chosen date or over a particular time period when staff of
an organisation spend the day (s) looking at Web sites and trying to find sites
that appear to raise concerns or fail to meet identified principles. The sites
identified are then sent educational e-mail messages that their sites fail to
meet the identified principles or the site appears to be engaged in an activity
that may be regulated. Where a possible violation of a law may be at issue,
the e-mail message also refers the site to the regulatory body to obtain
information on how to comply with the appropriate laws or regulations.

22 In co-operation with the National Centre for Teaching Aids/School-net
(<http://skolenettnet.nls.no/>) the Norwegian Consumer Council introduced
consumer information related to the Internet into the school systems. School-
net is targeted to teachers and students in the compulsory primary and
secondary school (ten-year) as well as secondary education schools at
advanced level. Consumer education is treated as a separate subject within
Economics and Information Processing.

23 See [http://www.oecdo.org/EN/countrylist/0,,EN-countrylist-44-1-no-no-106-
0.00.html](http://www.oecdo.org/EN/countrylist/0,,EN-countrylist-44-1-no-no-106-0.00.html).

24 See www.nclnet.org/BeWISEbroch.html.

25 Information from the Centre is available at www.tieke.fi/kauppa/aapinen and
www.tieke.fi/dauppa/index.htm. Information from the Consumer Agency and
Ombudsman is available at www.kuluttajavirasto.fi.

26 See www.trustuk.org.uk.

27 See www.which.net/webtrader.

- 23 參考 www.bboonline.com/about/press.2002.022702.asp
- 24 European Commission Joint Research Centre, "E-commerce and Consumer Protection : A Survey of Code of Practice and Certification Processes"(2001)
- 25 官方轉貼公告列示於 http://europa.eu.int/celex/htm/celex_en.htm 歐
盟中關於電子商務之消費者保護指令，包括電子商務指令
(2000/31/EC)、不實廣告指令(97/55/EC)、不公平契約條款指令
(93/13/EC)，及遠距買賣指令(97/7/EC)。
- 26 線上拍賣的討論會於二〇〇〇年九月舉辦，討論場提供關於線上
C2C交易的法規及政策議題作為背景資料[DSTI/CP(2000)11]。
並於二〇〇一年二月由挪威代表向CCP遞交後續資料[DSTL/CP/RD
(2001)]。針對兒童的線上廣告及行銷之審查結果見諸於一份公開
報告，讀者可參可 [www.olis.oecd.org/olis/_1999doc.nsf/
LinkTo/DSTL/CP/RD92001](http://www.olis.oecd.org/olis/_1999doc.nsf/LinkTo/DSTL/CP/RD92001) 3-FINAL。挪威代表所遞交的后續文
件為[DSTI/CP/RD92001]2]。
- 27 報告可於此網站獲得 [www.olis.oecd.org/olis/2001doc.nsf/linkto/dsti-
cp\(2001\)3-final](http://www.olis.oecd.org/olis/2001doc.nsf/linkto/dsti-cp(2001)3-final)
- 28 研討會報告及其他資料者參考 [www.oecd.org/EN/document/0,,EN-
document-44-1-no-20-1300-0,00.html](http://www.oecd.org/EN/document/0,,EN-document-44-1-no-20-1300-0,00.html)。
- 29 該份報告名為“Legal Provisions Related to Business -to-Consumer
ADR in Relation to Privacy and Consumer Protection”
[DSTI/ICCP/REG/CP(2002)1/FINAL]，讀者可參考 [www.olis.oecd.org/olis/2002doc.nsf/linkto/dsti-iccp-
1-final](http://www.olis.oecd.org/olis/2002doc.nsf/linkto/dsti-iccp-1-final)。

- 23 See www.bboonline.com/about/press/2002/022702.asp.
- 24 European Commission Joint Research Centre, "E-commerce and Consumer Protection: A survey of Codes of Practice and Certification Processes" (2001)
- 25 Official transposition notifications are listed at [http://europa.eu.int/
celex/htm/celex_en.htm](http://europa.eu.int/celex/htm/celex_en.htm). European Union Directives related to consumer protection in electronic commerce, include the Electronic Commerce Directive (2000/31/EC), Misleading Advertising Directive (97/55/EC), Directive on Unfair Contract Terms (93/13/EC), and the Distance Selling Directive (97/7/EC).
- 26 The discussion of online auctions was held in September of 2000 on the basis of a background document that provided an overview of the legal and policy issues related to online C2C transactions [DSTI/CP(2000)11]. A follow-up paper was prepared for CCP discussion in February 2001 by the Delegation of Norway [DSTI/CP/RD(2001)1]. The examination of online advertising and marketing directed to children resulted in a public report, [DSTI/CP(99)1/FINAL], available at [www.olis.oecd.org/olis/1999doc.nsf/
LinkTo/DSTI-CP\(99\)1-FINAL](http://www.olis.oecd.org/olis/1999doc.nsf/LinkTo/DSTI-CP(99)1-FINAL). A follow-up paper was prepared for CCP discussion in February 2001 by the Delegation of Norway [DSTI/CP/RD(2001)2].
- 27 The report is available at [www.olis.oecd.org/olis/2001doc.nsf/linkto/dsti-cp
\(2001\)3-final](http://www.olis.oecd.org/olis/2001doc.nsf/linkto/dsti-cp(2001)3-final).
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- 37 議程報告收錄於DSTI/CP(2000)6/FINAL，讀者也可參考 [www.olis.oecd.org/olis/2000doc.nsf/LinkTo/DSTI-CP\(2000\)6-FINAL](http://www.olis.oecd.org/olis/2000doc.nsf/LinkTo/DSTI-CP(2000)6-FINAL)
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- 41 [DSTI/CP(2002)5/FINAL]，讀者可參考 [www.olis.oecd.org/olis/2000doc.nsf/LinkTo/DSTI-CP\(2000\)5-FINAL](http://www.olis.oecd.org/olis/2000doc.nsf/LinkTo/DSTI-CP(2000)5-FINAL)
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