

CHAPTER 20

CONSUMER PROTECTION

Article 20.1 **Objectives**

1. The objectives of this Chapter are to:
 - (a) promote transparent and effective measures to protect consumers;
 - (b) promote effective enforcement of consumer protection measures;
 - (c) enhance consumer trust and welfare; and
 - (d) facilitate cooperation between the Parties' respective national consumer protection agencies or other relevant bodies on matters related to consumer protection.
2. The Parties recognise that, in addition this Chapter, there are provisions in other Chapters of this Agreement that seek to enhance cooperation among the Parties on consumer issues or that otherwise may be of particular benefit to consumers. In particular, the Parties note the provisions benefitting consumers engaged in online commercial activities set out in Chapter 15 (Digital Trade), including Article 15.11 (Unsolicited Commercial Electronic Messages – Digital Trade) and Article 15.13 (Personal Information Protection – Digital Trade).

Article 20.2 **Consumer Protection Law**

1. Each Party shall maintain measures against fraudulent, deceptive, misleading, or unfair commercial activities. Fraudulent, deceptive, misleading, or unfair commercial activities include:
 - (a) making misrepresentations or false claims as to material qualities, price, suitability for purpose, quantity, or origin of goods or services;
 - (b) advertising goods or services for supply without intention to supply;
 - (c) charging consumers for goods or services for supply without intention to supply; or
 - (d) charging or debiting consumers' financial, telephone, or other accounts without authorisation.

2. Each Party shall maintain measures that:
 - (a) require goods provided to be of reasonable and satisfactory quality at the time of delivery and consistent with the supplier's claims regarding the quality of the goods;
 - (b) require services provided to be performed with reasonable skill and care, in a reasonable time, and consistent with the supplier's claims regarding the quality of the services; and
 - (c) provide consumers with appropriate redress when a supplier breaches the measures described in subparagraphs (a) and (b).

Article 20.3 Online Consumer Protection

Each Party shall provide consumers engaged in online commercial activities with a level of protection not less than that provided under its law to consumers engaged in other forms of commerce.¹

Article 20.4 Transparency

1. The Parties recognise the value of transparency in relation to consumer protection law.
2. Each Party shall publish information on the consumer protections it provides to consumers, including for consumers engaged in online commercial activities. That information shall include how:
 - (a) consumers can pursue remedies; and
 - (b) enterprises can comply with any legal requirements.
3. Each Party shall encourage enterprises to publish their policies and procedures related to consumer protection.

¹ The form of protection provided by each Party may be different as between online and other forms of commerce, provided that the level of protection provided to consumers engaged in online commercial activities is, in its effect, not less than that provided to consumers engaged in other forms of commerce.

Article 20.5
Consumer Redress in Cross-Border Transactions

1. The Parties recognise the importance of robust, effective, and accessible consumer redress mechanisms in protecting consumers engaged in cross-border trade, and promoting the continued growth of cross-border trade in goods and services.
2. The Parties shall cooperate to identify obstacles to consumers in accessing redress mechanisms for claims involving consumers of a Party transacting with suppliers of the other Party, and consider appropriate measures to enhance the ability of consumers to seek, and suppliers to facilitate, effective and timely redress.

Article 20.6
Cooperation

1. The Parties shall cooperate on matters of mutual interest related to consumer protection, including with respect to:
 - (a) enforcement of consumer protection laws and regulations against fraudulent, deceptive, misleading, or unfair commercial activities; and
 - (b) online consumer protection, including building consumer confidence in digital trade.

Such cooperation shall be in a manner compatible with each Party's respective law and within their available resources.

2. The Parties acknowledge the importance of cooperation and coordination internationally and the work of multilateral organisations in this area, including the OECD Committee on Consumer Policy, and the International Consumer Protection and Enforcement Network.

Article 20.7
Consultations

1. In order to foster understanding between the Parties, or to address specific matters that arise under this Chapter, a Party shall enter into consultations upon request by the other Party. In its request, the requesting Party shall indicate, if relevant, how the matter affects trade or investment between the Parties.
2. The Party addressed shall accord full and sympathetic consideration to the concerns of the requesting Party and shall reply promptly to the request.

3. To facilitate discussion of the matter that is the subject of the consultations, each Party shall endeavour to provide relevant non-confidential, non-privileged information to the other Party.
4. This Article shall not apply to matters arising under Article 20.3 (Online Consumer Protection).

Article 20.8
Non-Application of Dispute Settlement

Neither Party shall have recourse to dispute settlement under Chapter 31 (Dispute Settlement) for a matter arising under this Chapter, except for matters arising under Article 20.3 (Online Consumer Protection).