

CJI/RES. 227 (LXXXIX-O/16)

INTERNATIONAL PROTECTION OF CONSUMERS

THE INTER-AMERICAN JURIDICAL COMMITTEE,

ACKNOWLEDGING that the need for greater international protection of consumers in the context of cross-border transactions is a topic of increasing global importance and is being addressed at the international level in a number of different forums, including the United Nations, and it is also a subject of growing concern within the American Hemisphere;

RECALLING that for some years, the Organization of American States has been discussing various ways to address this issue at the regional level and that in 2015, the Inter-American Juridical Committee decided to include the subject on its agenda, and asked four of its members to serve as Co-Rapporteurs (Ana Elizabeth Villalta Vizcarra, José A. Moreno Rodríguez, Gélin Imanès Collot and David P. Stewart);

CONSIDERING the growing attention given to the issues of consumer protection by national legislatures within our Hemisphere, and taking into account the work already undertaken in other international bodies, including but not limited to the United Nations (General Assembly 70/186 (2015)), the Organization for Economic Cooperation and Development (OECD), the International Law Association (Report at the Sofia Conference in 2012 and Resolution 1/2016 adopted 11 August 2016), and the Caribbean Community (revised Treaty of Chaguaramas of 2001),

RESOLVES:

1. To recognize the challenges that individual consumers face in their cross-border dealings and, that as a consequence, they often need special protection, including access to effective, efficient and affordable methods of dispute settlement.
2. To acknowledge at the same time the importance of preserving the ability of sellers and providers to compete in the market place, in order to ensure that consumers are provided with a broad range of products and services appropriate to their needs and desires while also ensuring their health, safety and need for special protection.
3. To urge countries to consider the recommendations of international organizations for the adoption of appropriate principles and mechanisms in the areas of applicable law, dispute settlement procedures and best business practices for the providers of goods or services destined for consumers in cross-border transactions.
4. To emphasize the need for States to establish mechanisms of international cooperation and coordination in the area of consumer protection.
5. To focus its efforts on issues relating to mechanisms for online settlement of disputes arising from cross-border consumer transactions.

This resolution was unanimously adopted at the session held on October 13, 2016 by the following members: Drs. David P. Stewart, Hernán Salinas Burgos, Fabián Novak Talavera, Ana Elizabeth Villalta Vizcarra, João Clemente Baena Soares, Carlos Mata Prates, Gélin Imanès Collot and José A. Moreno Rodríguez.