

Sixth Intergovernmental Group of Experts on

Consumer Law and Policy

18-19 July 2022

Room XVII, Palais des Nations, Geneva

Voluntary Peer Review of Consumer Protection Law and Policy:

Thailand

Presentation

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18 - 19 July 2022, Palais des Nations



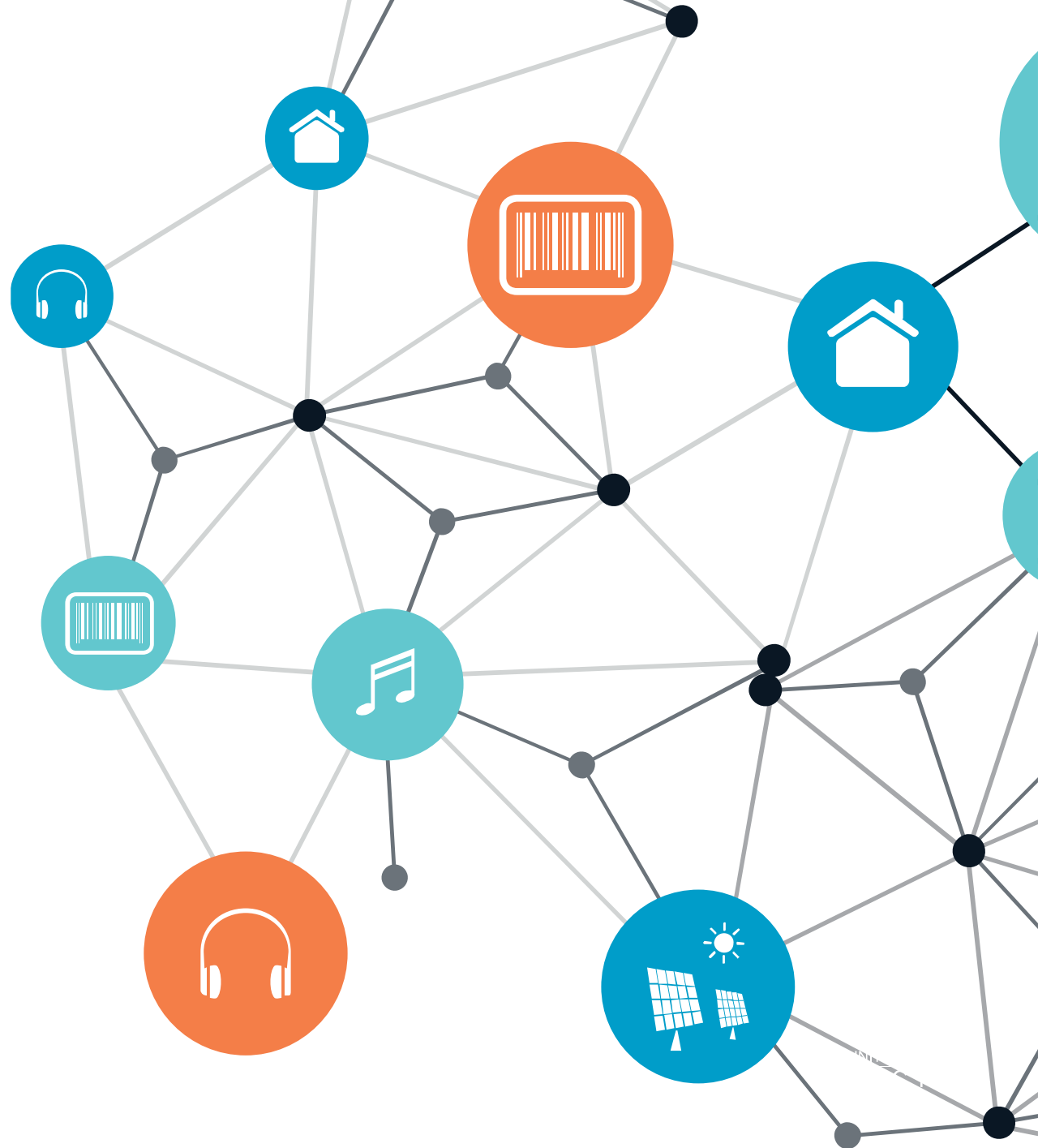
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Consumer Protection Law and Policy

Voluntary Peer Review of Consumer Protection Law and Policy: Thailand

Tuesday, 19 July 2022
10.00 – 11.15, Room XVII





1. Define the beneficiaries of consumer protection law.
 - Term '*consumer*' differently defined in the Consumer Protection Act 1979 and the Unfair Contracts Terms Act 1997.
 - Consumer Case Procedure Act 2008 permits entrepreneurs to also use the truncated process as plaintiffs.
 - Extend protection of consumer protection also to other disadvantaged groups?
e.g. self-employed, small scale farmers, fishermen, microbusinesses



2. Cater for disadvantaged and vulnerable consumers

OCPB to consider needs of

“consumers who are especially at risk from the consumption of goods, such as children, pregnant women, the elderly, patients, and the disabled” as a criterion to determine the safety of goods offered to consumers.

Consumer Protection Act section 29/2

Adopt:

- ISO 22458 Consumer vulnerability - Requirements and guidelines for the design and delivery of inclusive services.
- ISO 30071-1 Code of practice for creating accessible ICT products and services.



3. Protect consumers in the electronic market place.

Enhance consumer law relating to warranties, control of advertisements, regulation of contracts, data protection and security.

Harness platform providers as gatekeepers for consumer protection:

- Impose third-party liability on e-commerce platform providers for conduct of online sellers – payments, unsafe goods, complaints resolution.
- Platform providers can withhold payment till the goods are delivered. They can also have claw-back clauses in their service contracts with third party suppliers, for conduct that is unfair or deceptive.



4. Ensure efficacy of ADR

Dispute Mediation Act 2019 has accelerated development pre-litigation mediation.

As of November 2021 registered:

- 614 mediation centres (82 government agency centres, and 532 non-government)
- 3,748 mediators (1,808 government agency and 1,940 non-government)

Need for: (i) coordination, (ii) standardisation of procedures, (iii) training for quality, (iv) audits, and (v) guidance for consumers.



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Access to justice calls for both substantive rights and procedural rights.

Procedural rights cannot provide what substantive law has not already conferred.



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Thank you

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