

ASEAN Self-Assessment Toolkit on Consumer Protection



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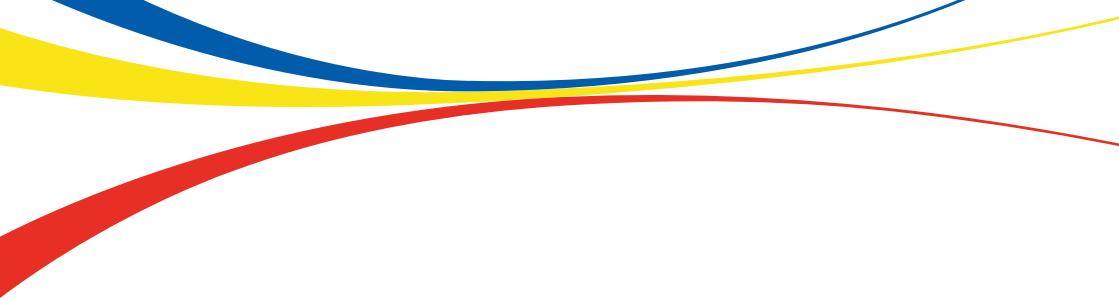
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The ASEAN Secretariat
Jakarta



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List of Abbreviations

ACCP	ASEAN Committee on Consumer Protection
ADR	Alternative Dispute Resolution
AEC	ASEAN Economic Community
AHLP	ASEAN High-Level Principles on Consumer Protection
AMS	ASEAN Member States
ASAPCP	ASEAN Strategic Action Plan on Consumer Protection
ASEAN	Association of Southeast Asian Nations
GDPR	General Data Protection Regulation
ICT	Information Communication Technologies
ODR	Online Dispute Resolution

1 Introduction

The ASEAN Economic Community (AEC) by 2025 is envisaged to become a highly integrated and cohesive; a more competitive, innovative and dynamic as well as a resilient and inclusive region which generates prosperity for all stakeholders, including consumers and businesses. Strengthening the consumer protection systems in the ASEAN Member States (AMS) is considered an integral part of a people-oriented and people-centred AEC and plays a central role in creating a modern, efficient, effective and fair marketplace.

The ASEAN Strategic Action Plan on Consumer Protection (ASAPCP) 2016-2025 charts the course of the work to be undertaken by the ASEAN Committee on Consumer Protection (ACCP) during this ten-year period, with a view towards ensuring a more integrated consumer protection framework in the region; a higher level of consumer empowerment and protection; enhanced consumer confidence in the AEC and cross-border transactions; as well as mainstreaming consumer concerns into ASEAN policies. To achieve these goals, the ASAPCP 2025 foresees an ASEAN Consumer Policy Peer Review Mechanism to periodically assess the strength and scope of consumer protection systems in the AMS.

This Self-Assessment Toolkit on Consumer Protection is intended as an intermediary or preparatory step for the Peer Review process, guiding AMS in gathering relevant data and information that can form the basis for a more in-depth analysis of selected aspects or areas. Comprising a questionnaire to be answered by representatives of the national consumer protection authorities/agencies (i.e. the ACCP Members), the Self-Assessment provides a bird's eye view of the consumer protection landscape in the country, notably:

- the policy and legal framework;
- relevant institutions mandated to protect consumer rights and interests;
- activities related to consumer education, research and advocacy;
- as well as available resources for strategic planning, human resource development, and knowledge management.



The Toolkit is tailored to the ASEAN context and attempts to take into consideration the varying levels of development of consumer protection systems in the AMS. The Self-Assessment results are expected to help the ACCP in tracking the progress of consumer protection in the region over time, and to reveal the gaps or challenges that need to be addressed within each AMS. If used regularly and continuously, it can assist in directing the attention towards prioritized actions as well as steer capacity building and external (technical) assistance. This is particularly important as not all AMS may be able to undergo a comprehensive and comparatively resource-intensive Peer Review process.

Furthermore, linking the questionnaire for the Self-Assessment to the ASEAN High-Level Principles on Consumer Protection (AHLP) establishes a general benchmark for effective consumer protection enforcement, based on international good practices. On a more pragmatic level, the Self-Assessment helps promote the regional dialogue and exchange between ACCP Members and related stakeholders about their respective consumer protection systems. A close alignment with the content and structure of the Handbook on ASEAN Consumer Protection Laws and Regulations, which broadly describes the consumer protection systems in all ten AMS, ensures that results can easily be utilized for updating the Handbook.

Finally, it should be noted that it is beyond the scope of this Self-Assessment Toolkit to evaluate, either qualitatively or quantitatively, the net impacts of consumer protection systems in ASEAN on consumer welfare. Full responses to the questionnaire and a region-wide scoring would only provide an approximate indication of whether AMS possess and effectively apply all the necessary tools to protect consumers in every aspect. Different kinds of studies would be required to assess, in more detail, the impact of consumer protection efforts in specific areas, both over time as well as across countries. Concerning the actual degree of consumer empowerment, including the awareness, knowledge and perceptions of consumers about their rights and the consumer protection system in their respective country, the so-called ASEAN Consumer Empowerment Index (ACEI) can be referred to.

Assessing the Scope and Strength of Consumer Protection Systems in ASEAN

According to the Handbook on ASEAN Consumer Protection Laws and Regulations¹, a general or principal consumer protection law lies at the core of a comprehensive consumer protection system, among others prescribing the basic rights and responsibilities of consumers, and prohibiting various business practices that violate these rights and cause harm to consumers. In addition to the law, other essential components of a consumer protection system include the consumer protection agency, consumer organisations/associations, the role played by responsible businesses, as well as the existence and effective operation of mechanisms for dispute resolution and redress.

The ASEAN High-Level Principles on Consumer Protection (AHLP) go into more detail in describing what should be considered as essential elements of a strong consumer protection system in the specific ASEAN context. Below table briefly indicates these various components of a consumer protection system as inferred from the AHLP.

¹ See <<https://asean.org/storage/2018/05/Handbook-on-ASEAN-Consumer-Protection-Laws-and-Regulation.pdf>> for more details.



ASEAN High-Level Principles on Consumer Protection	Corresponding components of a consumer protection system
Principle 1  Enforcement of Consumer Protection Laws are Fair, Consistent, Effective and Proportionate	Consumer protection law Consumer protection agency
Principle 2  Consumers are Equipped with the Skills, Knowledge, Information and Confidence to Exercise their Rights	Consumer education
Principle 3  Consumers are Protected from Harmful Goods and Services	Product safety regime
Principle 4  Consumers Have Access to Appropriate and Convenient Sources of Advice and Redress including Alternative Dispute Resolution (ADR)	Dispute resolution and redress
Principle 5  Consumers Understand the Impact of Consumption Decisions on the Shared Environment	Sustainable consumption
Principle 6  Strong Consumer Advocacy is Promoted	Consumer Advocacy
Principle 7  High Levels of Cooperation between Different Levels of Government and with Business and Other Stakeholders	Inter-agency coordination Consumer protection policy
Principle 8  Consumers in E-commerce are Protected	Consumer protection in e-commerce

Taking guidance from the Handbook and the AHLP, this Toolkit contains a questionnaire with 72 questions in total, covering three main categories of criteria that are essential in assessing to which extent a consumer protection system is 'comprehensive', 'strong' and 'effective':

1

Policies, Laws and Regulations (incl. the scope and content of consumer protection policies, the principal consumer law, as well as other relevant laws and regulations).

2

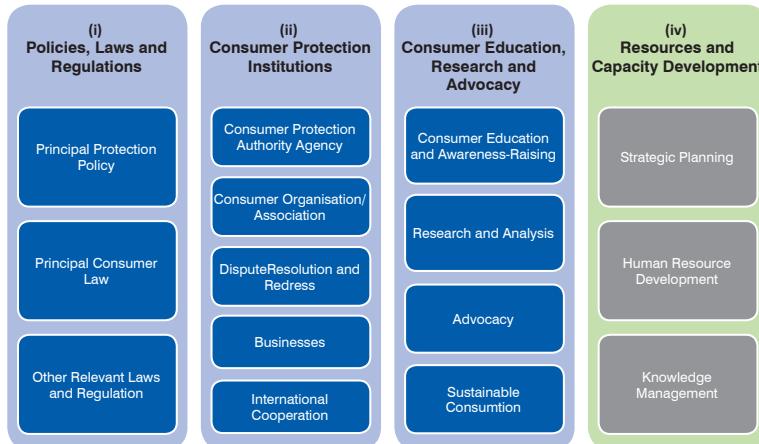
Consumer Protection Institutions (incl. consumer protection authority/agency, consumer organisation/association, dispute resolution and redress, the role played by businesses in protecting consumers, as well as international cooperation activities by the consumer protection authorities/agencies).

3

Consumer Education, Research and Advocacy (incl. consumer education and awareness-raising activities, research and analysis, advocacy, as well as activities promoting sustainable consumption).

Another category on **Resources and Capacity Development** (with 10 additional questions) is added to help assess the internal processes and mechanisms of the national consumer protection authorities/agencies with respect to their strategic planning, human resources development and knowledge management. However, as this essentially constitutes a sub-set the criteria in category (ii), it is not included in the scoring envisaged for this Self-Assessment.

The figure below illustrates the categories and criteria used in the Self-Assessment:



These broad categories and criteria might not cover all individual aspects of the consumer protection systems in each AMS. Rather, for the purpose of comparison and benchmarking, they try to capture only aspects that are common to all systems and for which there is a broad consensus that their existence and effectiveness would contribute to the overall strength of a consumer protection system. Aspects that are more specific to consumer protection in individual AMS can be reflected in the narrative report formulated on the results of the Self-Assessment, and/or through a full Peer Review.

2.1

Policies, Laws and Regulations



Consumer Protection Policy

It is generally recognised as a 'good' practice that governments demonstrate their commitment to protect consumers in their country in a high-level policy document, statement or framework. 'Consumer protection' in developing countries often gets overshadowed by more pressing issues, such as poverty reduction, infrastructure development, trade and investment, etc. Having such a high-level commitment would place consumer protection in a prioritised position when it comes to policymaking and budget allocation. It would also help ensure policy coherence across different areas or sectors, providing the maximum level of safety for the consumers who know their interests are recognised and protected.



Principal Consumer Law

Another essential feature of a comprehensive consumer protection system is the adoption of a general law on consumer protection with a broad scope of application, recognising the basic rights/legitimate needs of consumers, in particular the protection of vulnerable and disadvantaged groups. Such laws ideally cover consumer protection issues in all sectors and all types of goods and services, prescribe settlement procedures for consumer disputes and redress, and might also include a mandate/commitment to undertake consumer education in the country.



Other Relevant Laws and Regulations

In case the general law exempts specific sectors or special types of goods and/or services, the interests of consumers should still be protected by other relevant laws and regulations, for example sectoral laws. Countries could also adopt specific laws and regulations to protect consumers with respect to issues, such as product packaging, information and labelling; product safety/quality/liability; unfair contract terms; unfair promotional marketing and sales practices (including misleading advertisement and indication); unconscionable conducts and other unfair practices; and restrictive business practices.

Consumers should be able to enjoy the same level of protection when they engage in e-commerce as compare to traditional forms of commerce. Consumer protection in e-commerce could either be prescribed within the general consumer protection law or under a separate legal instrument.

Another issue gaining significance in the digital economy today is consumer privacy and data protection. Traditionally, many consumer protection statutes have prescribed that the personas shared by consumers when entering into transactions in the market would be protected by businesses receiving or processing such information, and that the sharing of consumers' personal information should only be done upon explicit consent and approval by the consumers. However, in the context of the digital economy, the scope and nuances of what is considered 'personal data' have expanded, thus the need for respecting and protecting the consumers' right to privacy has become dire. Many countries are therefore considering the adoption of specific legal instruments on data protection, similar to the European Union's General Data Protection Regulation (GDPR) which came into effect in 2017.

2.2

Consumer Protection Institutions



Consumer Protection Authority/Agency

At the core of a comprehensive and strong consumer protection system is the national consumer protection authority/agency. Such institutions are either independent/autonomous bodies or subordinate to a ministry/minister with the overall responsibility for consumer protection in the country. They are either governed under the principal consumer law or a separate statute. They could also be entrusted with either policymaking or enforcement powers or both, and provided with necessary tools and resources to be able to carry out their tasks effectively.



Consumer Organisation/Association

Another institution that plays a very important role in protecting consumers is the non-governmental consumer organisation/association. Even though these consumer organisations/associations are often membership-based and non-governmental in nature, their incorporation and operations should still be governed under the principal consumer law or other specific laws, and they could still receive public funding for their work in defence of the public interests. These consumer organisations/associations could engage in consumer education and advocacy activities, among others providing legal advice and/or dispute resolution services, such as reconciliation and mediation to consumers. They could also represent consumers, both member and non-members, before the court and proceed with private or collective actions. In some countries, the consumer organisations/associations are also consulted during the policy-making process on matters related to the interests of and impacts on consumers.



Dispute Resolution and Redress

A key objective of all consumer protection systems is putting into place effective and low-cost ways for consumers to resolve disputes and receive replacements or monetary compensation for any sustained losses. Consumers should be able to obtain redress through judicial channels. Due to certain particular features of consumer disputes, there should be a specialised judicial mechanism for consumer complaints, for example small-claims tribunals, consumer courts, or expedited judicial procedures for disputes between consumers and businesses below a certain threshold etc.

Other than these official channels, alternative dispute resolution (ADR) can offer consumers a quick, effective and affordable way to obtain a remedy without the burden and expense of taking formal legal action. There is a wide variety of ADR mechanisms; among the most common forms are mediation, conciliation, assisted negotiation, and arbitration.

In recent years, there has been an increasing use of information communication technologies (ICT) in ADR processes. In particular, the growth of the internet during the 1990s provoked great interest in online ADR, or online dispute resolution (ODR). ODR mechanisms are particularly useful for resolving consumer disputes in e-commerce or cross-border cases, even though these disputes could also still be handled via traditional dispute resolution channels.

Finally, in some countries, there is a procedure available for legal action to be filed by groups of private individuals who have suffered similar harm as a result of the actions of the same defendant. Typically associated with the class action lawsuit in the United States, in recent years this type of action has been gaining in popularity in many other countries as a consumer protection mechanism. Collective action can be particularly useful in cases where large numbers of consumers have each suffered small losses. It offers an avenue for redress to consumers who, due to the low value of the claim, would otherwise not be willing to undertake the burden and cost of legal action individually.



Businesses

In addition to governmental interventions in the market to protect consumers, and self-protection actions of consumers, businesses also have an important role to play in a comprehensive consumer protection system. Companies are increasingly setting up customer hotlines, inquiry desks and consumer complaint-handling sections/departments to respond to the needs of consumers. Furthermore, businesses could undertake other self-regulation and co-regulation initiatives, such as committing to ensure fair and equitable treatment for consumers, promoting disclosure of information and transparency, and committing to sustainable production and environmental protection. They could also contribute to or participate in organising consumer education and awareness-raising activities for consumers, alongside the governments and consumer organisations/associations.



International Cooperation

To ensure that consumers are protected not only within territorial boundaries of individual countries, but also when they participate in transactions with foreign suppliers of goods and services, and to eliminate cross-border fraudulent and deceptive commercial practices affecting consumers, it is crucial that consumer protection authorities/agencies enter into cooperative arrangements with each other. Such arrangements could be formal agreements (such as bilateral, regional and/or multilateral treaties and agreements) or informal ones (such as a memorandum of understanding or an exchange of letters between two agencies). They allow consumer protection authorities/agencies to extend their enforcement powers beyond their respective jurisdictions. Other types of agreements include agreements to share information and evidence, agreements to conduct joint investigations and/or technical assistance and capacity building activities. International cooperation is particularly crucial in light of growing trade across borders, both of the traditional and online kind. As can be seen in ASEAN, it constitutes a key commitment and cornerstone of a functioning regionally integrated market.

2.3

Consumer Education, Research and Advocacy



Consumer Education and Awareness-Raising

One of the basic rights of consumers is the right to consumer education, i.e. to be provided with necessary knowledge and skills to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them. Therefore, consumer education and awareness-raising activities could be undertaken, separately or jointly, by the consumer protection authorities/agencies, consumer organizations/associations and/or any other relevant institutions, in the form of workshops, seminars, information sessions, television and radio programs, social media posts, maintaining a consumer hotline or distributing educational materials, etc. Such activities could be designed for the general public, or tailor-made to the needs of specific groups such as for vulnerable and disadvantaged consumers, or institutionalized into a teaching subject in schools, colleges or universities.



Research and Analysis

The consumer protection authorities/agencies and other organizations/associations (including consumer organizations/associations, the academia, and/or any other relevant agencies/organizations) should also actively engage in research and analysis on various topics related to consumer protection. These research and analysis serve multiple purposes: product testing and product information, forecasting consumption trends, providing inputs to consumer education and information initiatives, providing the evidence base for the policymaking process, capacity development, as well as institutional development.



Advocacy

Advocacy activities can take on different forms, all directed towards the overarching goal of protecting consumers' interests and promoting their welfare. For instance, countries could celebrate the World Consumer Rights Day on the 15th of March every year, or choose to celebrate a National Consumer Rights Day on the same or a different day. The consumer protection authorities/agencies and/or the consumer organizations/associations could also conduct campaigns to protect/promote the interests of consumers in general or in a specific sector.

Other advocacy activities include policy recommendations to promote the interests of consumers, public speeches about consumer protection issues by representatives of the consumer protection authorities/agencies, initiation of collective actions to defend the public interests (as relevant to consumer protection), and newspaper articles or reporting about consumer protection-related issues.



Sustainable Consumption

The AHLP on Consumer Protection recommend that 'consumers understand the impact of consumption decisions on the shared environment'. This essentially means that the topic of sustainable consumption should be promoted at best by all relevant institutions and stakeholder groups in ASEAN, through policy instruments, publication of guidelines and other educational and information materials, advocacy, research and analysis, public campaigns, and mass media publications. Sustainable consumption is an emerging issue around the world and of particular concern in developing countries with a growing middle class.

Resources and Capacity Development



Strategic Planning

To be effective in their work, the consumer protection authorities/agencies should have a conscious and transparent process for setting goals and priorities, and planning steps or milestones to accomplish them. In doing so, they would not only respond to external claims or pressures, whether in the form of complaints from consumers, or requests for action by public bodies, such as legislatures or government ministries. Consumer protection authorities/agencies should therefore proactively develop a strategic plan that defines what they seek to achieve in the short to medium term.

As concerns other internal measures for institutional development, the consumer protection authorities/agencies could conduct periodic operational and budget planning, and regular evaluations of their organisational structures, management methods and operational procedures.



Human Resource Development

Human resource development is another aspect which is crucial to the success of consumer protection authorities/agencies. They should have a well-designed human resource management policy and a structured orientation programme for new staff, undertake regular staff performance appraisals, and organise internal staff training or research. They could also consider offering opportunities for their staff to join in-depth training or relevant academic programmes outside the consumer protection authority/agency and/or outside the country, and/or have staff exchange/secondment programmes with counterparts in other jurisdictions within and beyond the ASEAN region.



Knowledge Management

To build strong consumer protection authorities/agencies, it is important that as much individual staff expertise as possible (such as know-how and experience) is turned into an accessible, institutional asset now and in the future. Expertise acquired in previous cases should be available to other current and future staff. This institutional knowledge management requires developing tools facilitating easy access to precedents (in particular by junior staff), while ensuring confidentiality of information where necessary. Knowledge management systems designed to support sharing knowledge between employees include: an intranet, a systematic electronic document management system (where all case documents are registered, categorized, tracked and monitored); specific applications to facilitate storing, retrieving and sharing large volumes of data; and the use of shared folders.

Additional mechanisms to facilitate the 'human side' of knowledge management include onboarding sessions and regular in-house trainings or 'brown bag lunches' (exchanges), as well as debriefings from outgoing staff or those who have participated in international meetings or trainings.

Scoring, Aggregation and Reporting

Although the Self-Assessment exercise in itself does not necessarily have to also incorporate a scoring, this can – to some extent – facilitate comparisons over time and across countries, and aid in the visualisation of the results. In order to limit the number of assumptions that need to be made when scoring the results, the questions used in this Self-Assessment Toolkit are all binary. A score could be assigned to each possible answer, with the scores varying on a 0-1 scale (0 point for a negative answer, 1 point for a positive answer).

For the 72 main questions, the total highest score is 72:

- Category/sub-score (i) – 20 points
- Category/sub-score (ii) – 30 points
- Category/sub-score (iii) – 22 points

The higher a country scores, the more comprehensive and presumably stronger its national consumer protection system is. AMS could also track their aggregate scores and sub-scores over time to identify areas where there is a need for improvements or reforms, so as to be able to better protect consumers in their respective countries. AMS could further choose to share the results of Category/sub-score (iv) publicly, or use them internally *only* as a tool for tracking and improving the performance of their respective national consumer protection authorities/agencies.



Last but not least, in order to capture all specific details and nuances, a narrative report should be prepared, comprising the results of the Self-Assessment in at least the first three categories. It is recommended to add a SWOT analysis along with a future plan of action, to highlight areas where improvements in the coming year(s) are necessary and targeted follow-up actions foreseen. For example, the results of the Self-Assessment could point to the need for an amendment of specific policies, laws or regulations, improve existing redress mechanisms, or call for more extensive activities to reach out and educate consumers.

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Self-Assessment Questionnaire

Self-Assessment Questionnaire

S.N	Question	Yes (1) No (0)	Annotations
POLICIES, LAWS AND REGULATIONS			
<i>Consumer Protection Policy</i>			
1.	Is your government's commitment to protect consumers reflected in any high-level policy document/ statement/ framework?		<p>Some examples of high-level policy document/ statement/ framework include State of the Nation Address, Mid-Term Development Plan, Constitution, Resolution of the Political Party, etc <i>inter alia</i>.</p>
<i>Principal Consumer Protection Law</i>			
2.	Does your country have a general law on consumer protection?		<p><i>If yes, please provide the name and years of adoption/major revisions of the law.</i></p>
3.	Does the consumer protection law provide for/recognise the fundamental rights/legitimate needs of the consumers?		<p><i>The UN Guidelines on Consumer Protection traditionally recognised the following eight (08) fundamental rights (also called 'legitimate needs') of the consumers:</i></p> <ul style="list-style-type: none"> • <i>Right to essential goods and services (also called 'the right to basic needs')</i> • <i>Right to safety</i> • <i>Right to be informed</i> • <i>Right to choose</i> • <i>Right to be heard</i> • <i>Right to redress</i> • <i>Right to consumer education</i> • <i>Right to a healthy environment</i> <p><i>Note that not all countries might stipulate all those rights in their consumer legislation, but only a number of rights, depending on the respective country contexts.</i></p> <p><i>The 2015 revision of the UN Guidelines also add three more rights regarding the protection of vulnerable and disadvantaged consumers, consumer protection in e-commerce and protection of consumer privacy, bringing the number of rights/needs to eleven (11) in total.</i></p>

4.	<p>Does the consumer protection law provide for the protection of vulnerable and disadvantaged consumers?</p>	<p><i>See above.</i></p> <p><i>The protection of vulnerable and disadvantaged consumers is now well recommended to form one part of the consumer protection law. There is currently no commonly accepted definition of 'vulnerable and disadvantaged consumers' yet, but one simple way is to understand that the protection of vulnerable and disadvantaged consumers include initiatives of any kind that address the specificities and needs of the most needy of protection among all the different groups of consumers in a country/market, for example the poor, people with disabilities, children and senior citizens, those living in remote areas, and those historically disadvantaged, etc.</i></p> <p><i>One of the first countries in the world to explicitly recognise the significance of protecting vulnerable and disadvantaged consumers is South Africa. Article 3 of the South African Consumer Protection Act 2008 says, “1. The purposes of this Act are to promote and advance the social and economic welfare of consumers in South Africa by... (b) reducing and ameliorating any disadvantages experienced in accessing any supply of goods or services by consumers— (i) who are low-income persons or persons comprising low-income communities; (ii) who live in remote, isolated or low-density population areas or communities; (iii) who are minors, seniors or other similarly vulnerable consumers; or (iv) whose ability to read and comprehend any advertisement, agreement, mark, instruction, label, warning, notice or other visual representation is limited by reason of low literacy, vision impairment or limited fluency in the language in which the representation is produced, published or presented...”.</i></p> <p><i>Another example is the Unfair Commercial Practices Directive 2005 of the European Commission, which prohibits “commercial practices which are likely to materially distort the economic behaviour only of a clearly identifiable group of consumers who are particularly vulnerable to the practice or the underlying product because of their mental or physical infirmity, age or credulity...”.</i></p>
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5.	Does the consumer protection law prescribe procedures for resolving consumer disputes?		<p><i>There are various ways/methods for resolving B-2-C (business-to-consumer) disputes, including through internal complaints handling processes by businesses, administrative procedures (with the involvement of the governmental consumer protection authority), judicial proceedings (at the court) and other alternative dispute resolution mechanisms (such as mediation, conciliation, assisted negotiation, and arbitration). The AHLCP also highlights the need for consumers to have access to appropriate and convenient sources of advice and redress including Alternative Dispute Resolution (ADR).</i></p> <p><i>Please note that this question only addresses the legal provisions of the law, not the actual existence/set-up of the dispute resolution mechanisms/procedures, which would be dealt with in the subsequent sections involving 'Institutions'.</i></p>
6.	Does the consumer protection law prescribe ways/methods for consumers to obtain redress/compensation, including through judicial channel?		<p><i>If the consumers could get compensated for the harms they suffer from as a result of business wrongdoings, usually through judicial channels, this is one step ahead of merely providing for B-2-C dispute settlement procedures.</i></p> <p><i>Please note that this question only addresses the legal provisions of the law, not the actual existence/set-up of the redress mechanisms, which would be dealt with in the subsequent sections involving 'Institutions'.</i></p>
7.	Does the consumer protection law prescribe sanctions, fines and other measures to be applied in case of violations of the law?		<p><i>Examples of such sanctions and fines might include monetary fines, administrative measures (e.g. revoking licenses) or public notice/ correction.</i></p> <p><i>Please specify the types of sanctions and/or other measures available in your country, maximum amount for sanction/ measure allowed by the consumer protection law (in USD), etc.</i></p>
8.	Does the consumer protection law provide for compensation and other remedial measures for consumers suffering from harms?		<p><i>The compensation and other remedial measures for consumers suffering from harms might include financial compensation for material and immaterial harms suffered by the consumers, replacement/repair/re-provision of the goods and services involved, etc.</i></p> <p><i>Please specify the types of compensation and other remedial measures available in your country, maximum amount for compensation, e.g. triple damage award (in some countries), allowed by the consumer protection law (in USD), etc.</i></p>

9.	<p>Does the consumer protection law describe a mandate/commitment for consumer education and/or empowerment?</p>		<p><i>The AHLPCP strongly recommends that consumers be equipped with the skills, knowledge, information and confidence to exercise their rights; and that strong consumer advocacy is promoted in all ASEAN Member States.</i></p> <p><i>The mandate/commitment for consumer education and/or commitment is usually mentioned in the general clauses/articles of the consumer protection law. For example, in the ASEAN region:</i></p> <ul style="list-style-type: none"> • <i>Article 5(4) of the Consumer Protection Law of Vietnam stipulates that the Government is committed to mobilizing all available resources for the strengthening of the national consumer protection agency, promoting the provision of advisory services and support to consumers, as well as providing information and consumer education.</i> • <i>Article 2 of the Law No. 8 of 1999 on Consumer Protection of Indonesia stipulates that, "The protection of consumers shall be aimed at: a. promoting the consciousness, capability and independence of consumers to protect themselves..."</i>
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Other Relevant Laws and Regulations

10.	<p>Does the consumer protection law cover consumer protection issues in all sectors/vis-a-vis all types of goods and services?</p>		
11.	<p>If some sectors/specific types of goods and services are excluded from the purview of the consumer protection law, are the interests of consumers protected under relevant sectoral laws?</p>		<p><i>Some specific types of goods and services, such as banking and financial services, utility sectors, etc might be excluded from the purview of the principal consumer protection law, due to their special characteristics. The provision and consumption of these goods and services might be stipulated under relevant sectoral laws. In this case, to ensure the comprehensiveness of the consumer protection system, these sectoral laws should also contain provisions protecting the interests of consumers as well.</i></p>

12.	Is product packaging, product information and labelling covered under your consumer protection law or any other specific law?		<p><i>The term 'product' is usually used to refer to both goods (tangible) and services (intangible), and could be used interchangeably. In this question, 'product packaging' and 'labelling' apply only to tangible goods, whereas 'product information' includes the responsibility of both sellers and service providers to provide necessary information about the relevant goods and services.</i></p>
13.	Is product safety/quality/liability covered under your consumer protection law or any other specific law?		<p><i>See above. In this question, 'product' refers to both 'goods' and 'services'. As a result, the provisions of the law(s) regarding safety, quality and/or liability should apply to both goods and services.</i></p> <p><i>The AHLPCP also stresses the need for consumers to be protected from harmful goods and services.</i></p>
14.	Is food safety covered under your consumer protection law or any other specific law?		
15.	Are unfair contract terms covered under your consumer protection law or any other specific law?		
16.	Are unfair promotional marketing and sales practices (including misleading advertisement and indication) covered under your consumer protection law or any other specific law?		
17.	Are consumers protected under your consumer protection law or any other specific law when they engage in e-commerce?		<p><i>This question is meant to check the availability of legal instruments protecting the consumers' interests when engaging in e-commerce. The next question goes one step further by delving into the substance/level of the protection accorded to consumers there. The AHLPCP also highlights the importance of consumer protection in E-commerce.</i></p>
18.	Do consumers in your country enjoy the same level of protection when they engage in e-commerce as compared to traditional commerce?		<p><i>The UN Guidelines on Consumer Protection (revised in 2015) recommends 'A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce' as one of the legitimate needs of consumers. This means, for example, legal provisions that ensure consumers' fundamental rights, including the right to safety, right to be informed, right to choose, right to redress, should be equally applied vis-a-vis e-commerce and traditional commerce.</i></p>

19.	<p>Is consumer privacy and data protection covered under your consumer protection law or any other specific law?</p>		<p><i>Traditionally, many consumer protection statutes have prescribed that the personal details shared by consumers when entering into transactions in the market would be protected by businesses receiving/processing such information, and that the sharing of consumers' personal information should only be done upon explicit consent and approval by the consumers. However, in the context of the digital economy, the scope and nuances of what is considered 'personal data' have grown and the need for respecting and protecting the consumers' right to privacy has become dire. Hence many countries all over the world are now considering the adoption of specific legal instruments on data protection.</i></p>
20.	<p>Are consumers protected from restrictive business practices under your consumer protection law or any other specific law?</p>		<p><i>Restrictive business practices are rent-seeking practices which companies engage into that have a negative impact on the business competitive process such as cartels, abuses of dominant positions, or anticompetitive mergers and acquisitions, etc. These practices could be regulated separately under the competition/antitrust law or regulated together with other issues related to consumer protection in the case a country chooses to follow a hybrid approach of combining (either legally or institutionally) consumer protection and competition (due to the special linkages between these two areas). Certain restrictive business practices might have negative impacts on consumers, such as price-fixing cartels, market/customer division agreements that deprive consumers of choice, or exploitative practices by dominant businesses/monopolists, etc hence this question.</i></p>
SUB-SCORE (1)		/20 points	

S.N	Question	Yes (1) No (0)	Annotations
CONSUMER PROTECTION INSTITUTIONS			
Consumer Protection Authority			
21.	Is there a specific/main consumer protection authority in your country?		<p><i>This question is meant to check on the existence/ set-up of a specialised body, whose primary mandate is to protect consumers in a country, or which has been mentioned in/established as a result of the principal consumer protection law or its implementing regulation(s).</i></p> <p><i>This authority should be differentiated from line ministries, for example the ministry of trade/ commerce, ministry of industry, and/or ministry of health, etc or other specialised governmental agencies, for example the national standards body, or the market control authority, etc who nevertheless might play important roles in consumer protection.</i></p> <p><i>This authority might bear different names and have different positions (within the governmental structures) in respective country contexts. But throughout this questionnaire, for the purpose of simplicity and generalisation, it would be referred to as the 'consumer protection authority'.</i></p> <p><i>Please specify the name, contact details, year of creation, annual budget in USD, structure & organization, total number of staff, total number of staff directly engaged in consumer protection tasks, etc and other relevant details about the consumer protection authority of your country to the degree possible.</i></p>

22.	<p>Is there a network of sub-national/provincial/ state-level governmental agencies responsible for consumer protection issues at the local level in your country?</p>		<p><i>This question is most pertinent in the context of countries with large territories, federal countries, or countries with special geographical characteristics (e.g. archipelago), which makes it difficult to protect consumers with a single, centralized consumer protection authority.</i></p> <p><i>For this question, countries with smaller territories such as Singapore and Brunei (which have no province, or state, etc) would automatically score 1 point (Yes), if they score Yes already for Q.22; and similarly no point (No), if they score No already for Q.22. This is on the presumption that the existence of one single/ centralised consumer protection authority should be sufficient for their whole territories. The normal scoring systems would apply for the rest of ASEAN Member States.</i></p> <p><i>To answer this question, please provide a list of agencies, contact details, and other relevant information.</i></p>
23.	<p>Other than the consumer protection authority, are there any other governmental agencies/ sectoral bodies responsible for consumer protection issues in the relevant sectors in your country?</p>		<p><i>Please provide a list of agencies, contact details and any other relevant information.</i></p> <p><i>For this question, countries would score 1 point (Yes) if they have at least one sectoral body responsible for consumer protection issues.</i></p>
24.	<p>Regarding policy-making, has your consumer protection authority issued any policies on consumer protection in the past calendar year?</p>		<p><i>Please specific number of policies issued during the specified period, name/number of sectors or specific consumer issues, other highlights.</i></p> <p><i>For this question, countries would score 1 point (Yes) if their consumer protection authorities have issued at least one policy on consumer protection in the past calendar year.</i></p>

25.	<p>Regarding enforcement, has your consumer protection authority handled at least 50% of consumer complaints of all types in the past calendar year?</p>		<p><i>Please specify the number of complaints handled during the specified period, the name and number of sectors/goods and services involved, and any other highlights.</i></p> <p><i>For the purpose of this question, we might count all the complaints that the authority has started/commenced working upon (i.e. handling) in the specified period, including both those complaints which have been completely/successfully resolved, and thus closed and those complaints which are still being processed.</i></p> <p><i>Only the complaints handled/processed by the consumer protection authority would be counted in this question, and not by any other relevant agencies or the court. If the complaints were received by the consumer protection authority, but then passed on to other relevant agencies and/or the court without any handling or follow-up, they should not be counted here.</i></p>
26.	<p>Has your consumer protection authority imposed any sanctions and/or other measures on businesses in your country for violations of the principal consumer protection law in the past calendar year?</p>		<p>Refer to Q.8</p> <p><i>Please specify the number of sanctions/other measures imposed during the specified period, highest amount for any sanction (in USD), etc.</i></p> <p><i>For this question, we only count the sanctions/measures imposed by the consumer protection authority of the country for any violations found, not by any other relevant agencies or the court, to avoid complexity. Countries would score 1 point (Yes) if their consumer protection authorities have imposed at least one sanction/measure in the past calendar year.</i></p>
27.	<p>Does your consumer protection authority maintain an official website where information about consumer protection in your country is accessible by any interested party?</p>		
28.	<p>Is there a coordinating mechanism amongst all relevant governmental agencies engaged in consumer protection issues in your country?</p>		<p><i>For this question, any type of coordination mechanisms, either formal (instituted on the basis of MOU/MOA amongst the agencies) or informally (cooperation on a case-to-case basis) would count. Most often, the coordination includes case referral, exchange of information, joint planning, etc.</i></p> <p><i>The AHLPCP also stresses the need for high levels of cooperation between different levels of government and with business.</i></p>

Consumer Organisations			
29.	Are there any non-governmental consumer organisations/ associations in your country?		<p><i>For this question, any registered non-governmental organisation(s) whose primary mandates include the protection of consumer interests, regardless geographical coverage, in the country would count. These organisations might bear different names and might also work on other areas/issues. There might be more than one such organisation in each ASEAN Member State. For the purpose of simplicity, throughout this questionnaire, all of them would be referred to as 'consumer organisations'.</i></p> <p><i>Please specify the name, contact details, year of creation, total number of staff, etc of each consumer organisation in existence that you are aware of in your country. The existence of at least one such organisation would help the countries to score 1 point (Yes).</i></p>
30.	Is there a coordinating mechanism between the consumer organisations and the consumer protection authority in your country?		<p><i>Please specify all relevant details where applicable.</i></p> <p><i>Most often, the coordination include case referral, exchange of information, joint planning and joint activities. Any formal or informal coordination would also count for this question.</i></p>
31.	Are the consumer organisations in your country governed under the principal consumer protection law or any other specific law?		<p><i>Please specify the name of the governing law, mandate and responsibilities, etc</i></p>
32.	Is it possible for consumer organisations in your country to receive public funding/ assistance?		<p><i>Due to the resource constraint that many consumer organisations are often faced with, it is a good/well-recommended practice for governments to provide them with some funding and other types of assistance, where the governments see the potential for these organisations to contribute to the overall consumer protection process of the countries. However, the process for awarding such funding/ assistance should be carried out with the utmost level of accountability and transparency.</i></p> <p><i>Please specify the mechanism for awarding such funding/assistance in your country.</i></p>
33.	Are consumer organisations in your country consulted in the policy-making process?		

34.	Do consumer organisations in your country provide advisory services, including legal advice, to consumers?		
35.	Do consumer organisations in your country engage in consumer dispute resolution, i.e. reconciliation and mediation services?		
36.	Do consumer organisations in your country represent consumers (members and/or non-members) before the court (including private interests and collective actions)?		
Dispute Resolution & Redress			
37.	Is there a specialized judicial mechanism for consumer complaints in your country?		<i>Refer to Q.7</i>
38.	Do you have collective redress/ class actions for consumer complaints in your country?		
39.	Are there any collective redress/ class action cases initiated and/ or resolved in your jurisdiction in the past calendar year?		<i>Please specify the number of cases, the details (e.g. goods and services involved, content of the cases), the amount of damage award in USD, etc For this question, at least one collective redress/ class action case, either just filed/initiated, ongoing or completed in the past calendar year would count, regardless of the final result.</i>
40.	Are there any out-of court/ alternative consumer dispute resolution mechanisms (including reconciliation, mediation, arbitration) available in your jurisdiction?		<i>Refer to Q.6 Please provide the name of agencies/institutions, contact details and any other relevant details. The existence of at least one ADR would count for this question.</i>
41.	Is there a specific mechanism for resolving consumer disputes in e-commerce in your country?		<i>Please provide relevant details about the mechanism, including name of agency, contact details, etc.</i>
42.	Is there any mechanism for resolving cross-border consumer disputes in your country?		<i>Please provide relevant details about the mechanism, including name of agency, contact details, etc.</i>

Businesses			
43.	Is there a voluntary code of [good/ethical] conduct for businesses in your country on consumer protection?		<p><i>The UN Guidelines on Consumer Protection recommended a list of six (06) good business practices, including: fair and equitable treatment for consumers, responsible commercial behaviours, disclosure of information and transparency, engagement in education and awareness raising, protection of consumers' privacy, maintaining mechanisms for resolving consumer complaints and disputes.</i></p> <p><i>This question is meant to collect information on the existence of general, cross-sectoral code of conduct for businesses on consumer protection, such as General guidance on dos and don'ts.</i></p>
44.	Are there any self-regulation initiatives from businesses on consumer protection in your country?		<p><i>e.g. fair and equitable treatment for consumer, responsible commercial behaviour, disclosure of information and transparency, education and awareness-raising, protection of privacy, consumer complaints and disputes</i></p> <p><i>This question is meant to collect information on the existence of self-regulation initiatives from businesses for specific sectors and businesses, including by industry associations.</i></p>
45.	Is there any certification scheme in your country for businesses trusted by consumers?		<p><i>Please specify all relevant details where applicable</i></p>
46.	Do natural monopolists/ incumbent companies in utility sectors (e.g. electricity, water, telecommunications, etc) have universal service obligations in your country?		<p><i>Refer to Q. 4</i></p> <p><i>In order to ensure consumers' access to those goods and services which are essential to guarantee their health, safety, and general welfare, especially in sectors where natural monopolies or incumbent companies tend to exist (such as water, electricity, telecommunications, petroleum and diesel, etc), some countries impose on these monopolies or incumbent businesses the legal obligation to provide universal service throughout the respective countries (i.e. ensuring that all consumers have access to quality and affordable goods and services).</i></p>

International Cooperation		
47.	Is your country the signature party to any international agreements (e.g. bilateral/ regional/ multilateral treaties and agreements) which have the general theme/topic being consumer protection or include at least one chapter on consumer protection?	<i>Please specify the names, years of signing/ ratifying, main contents of these agreements. Examples include the regional agreements in ASEAN on consumer protection or other free trade agreements concluded by ASEAN Member States individually or as a group with external parties (countries/regions).</i>
48.	Has your consumer protection authority entered into any cooperation arrangements (including agreements or memorandum of understanding) at the agency level or participated in any international organisation/ network on consumer protection?	<i>Please specify the names, years of signing, years of accession, main content, etc.</i> <i>This question mainly focuses on enforcement, exchange of information, technical assistance/ cooperation.</i>
49.	Does your consumer protection authority have the power to share information and evidence regarding cross-border fraudulent and deceptive commercial practices affecting consumers?	
50.	Has your consumer protection authority had any experience in cross-border cooperation on enforcement?	<i>Refer to Q. 49 and Q.50</i> <i>This question focuses on the actual engagement of the consumer protection authority of a country in matters involving extra-territorial elements.</i> <i>Examples include actual joint investigations, case referral, exchange/sharing of information and evidence.</i>
SUB-SCORE (2)		/30 points

S.N	Question	Yes (1) No (0)	Annotations
CONSUMER EDUCATION, RESEARCH & ADVOCACY			
<i>Consumer Education & Awareness-Raising</i>			
51.	Does your consumer protection authority carry out consumer information and education initiatives?		<i>Please specify the number of initiatives carried out, name/topic/ sector, number of beneficiaries, etc</i>
52.	Does your consumer protection authority provide specific education and information initiatives for vulnerable and disadvantaged consumers?		<i>Please specify the number of initiatives carried out, name/topic/ sector, number of beneficiaries, etc</i>
53.	Do consumer organizations in your country provide education and information initiatives?		<i>Please specify the number of initiatives carried out, name/topic/sector, number of beneficiaries, etc to the extent possible.</i>
54.	Is there a special hotline in your country maintained by the consumer protection authority and/or the consumer organisations to provide information and advice to consumers?		<i>Refer also to Q.35</i>
55.	Do any other sectoral institutions/ agencies/ organisations in your country provide education and information initiatives for consumers?		<i>Please specify the number of initiatives carried out, name/topic/sector, number of beneficiaries, etc</i>
56.	Are there any specific guidelines and/or informational/educational materials for consumers on how to obtain redress in your country?		<i>The guidelines/materials could be produced by any agencies/ organisations including the consumer protection authority and non-governmental consumer organisations to be counted for this question. At least one guide/material would count.</i>
57.	Is consumer protection taught as a topic in schools/colleges/ universities in your country?		<i>Please specify the details where applicable, including all levels of education</i>

Research & Analysis			
58.	Does your consumer protection authority conduct research and analysis on consumer protection issues?		<i>Please specify the number of studies carried out, name/topic/sector, link to online publication if any, etc</i>
59.	Do other organizations in your country (including consumer organisations, the academia, and any other relevant organisations) conduct research and analysis on consumer protection?		<i>Please specify the number of studies carried out, name/topic/sector, link to online publication if any, etc</i>
60.	Is there any periodic publication in your country which is wholly dedicated to consumer protection issues?		<i>The periodic publication could be either a magazine, a research journal or research bulletin, maintained by the consumer protection authority or any non-governmental, and/or academic bodies, featuring research and analysis on consumer protection issues, including consumer policies, product testing, etc. This is distinguishable from other common journalistic publications which provide general information.</i>
Advocacy			
61.	Does your country celebrate the World/National Consumer Rights' Day?		<i>The World Consumer Rights' Day is celebrated on the 15th of March. Many countries have chosen to celebrate this day, or adopted it into a National Consumer Rights' Day, to advocate for the protection of consumers' interests in the country and/or around the globe.</i> <i>Countries could also consider celebrating the promulgation date of the consumer protection law, or the birthday of the consumer protection authority, or any other dates of similar significance.</i>
62.	Has your consumer protection authority made any policy proposals/recommendations on actions to be taken to promote the interests of consumers during the past calendar year?		<i>Please specify the number of proposals/recommendations, name/topic/sectors, and any other relevant details, etc. At least one policy proposal/recommendation made public/submitted by the consumer protection authority to the relevant policy-making bodies would count.</i>

63.	Have the consumer organisations in your country made any policy proposals/ recommendations on actions to be taken to promote the interests of consumers during the past calendar year?		<i>Please specify the number of proposals/ recommendations, name/topic/sectors, and any other relevant details, etc. At least one policy proposal/recommendation made public/submitted by the consumer organisation(s) to the relevant policy-making bodies would count.</i>
64.	Have any programmes/ campaigns to protect/promote the interests of the consumers been conducted in your country in the past calendar year?		<i>Please specify the number of campaigns, name/topic/sectors, and any other relevant details, etc. The campaigns/programmes could be led by any organisation including the consumer protection authority, and the consumer organisations, and ideally should follow a multi-stakeholder approach. At least one programme/campaign would count.</i>
65.	Does the media in your country regularly report on consumer protection-related issues?		<i>Please specify the number of articles written, topic/sector, any other details, etc</i>
<i>Sustainable Consumption</i>			
66.	Is there an overarching policy/ commitment by your government to promote sustainable consumption [and production]?		<i>The policy/commitment to promote sustainable production and consumption in a country could be a separate national action plan/strategy, or could form a part of the Mid-term Development Plan, or State of the Nation Address, or Resolution of the Political Party.</i>
67.	Have any guidelines been published on the topic of sustainable consumption for consumers in your country?		<i>Please specify the number of guidelines, name/topic/sector, link to online publication if any, other details, etc.</i> <i>The guidelines could be published by the consumer protection authority, consumer organisations or any other relevant organisations in the country. The existence of at least one guide would count.</i>
68.	Have any information and education initiatives for the public on the topic of sustainable consumption been conducted in your country?		<i>Please specify the number of initiatives, name/topic/sector, other details, etc</i> <i>The initiatives could be conducted by the consumer protection authority, consumer organisations or any other relevant organisations in the country. The existence of at least one initiative would count.</i>

69.	Has any research and analysis on the topic of sustainable consumption been conducted in your country?		<i>Please specify the number of studies, name/topic/sector, other details, etc The studies could be conducted by the consumer protection authority, consumer organisations or any other relevant organisations in the country. The existence of at least one study would count.</i>
70.	Have any policy proposals/recommendations been made on actions to be taken to promote sustainable consumption in your country?		<i>Please specify the number of proposals/recommendations, name/topic/sector, other details, etc. The proposals/recommendations could be made by the consumer protection authority, consumer organisations or any other relevant organisations in the country. The existence of at least one proposal/recommendation would count.</i>
71.	Is sustainable [production and] consumption taught as a topic in schools/ colleges/ universities in your country?		
72.	Does the media in your country regularly cover sustainable consumption-related issues?		<i>Please specify the number of articles written, topic/sector, any other details, etc</i>
SUB-SCORE (3)		<i>/22 points</i>	
TOTAL SCORE (1) – (3)		<i>/72 points</i>	

S.N	Question	Yes (1) No (0)	Annotations
RESOURCES AND CAPACITY DEVELOPMENT			
Strategic Planning			
73.	Does the consumer protection authority have its own strategic plan?		<p><i>To be effective in its works, the consumer protection authority should have a conscious process for setting goals and planning steps to accomplish them. To do otherwise is to be the passive captive of external demands, whether in the form of complaints from consumers, or requests for action by public bodies such as legislatures or government ministries. Consumer protection authorities therefore should develop a strategic plan that defines what it will seek to achieve in the coming year or series of years.</i></p> <p><i>Such strategic plans might include inter alia its vision and mission, enforcement and advocacy plan of action, mapping of capacity needs and capacity development plan, and ethical principles, etc.</i></p>
74.	Does the consumer protection authority conduct periodic operational and budget planning?		
75.	Does the consumer protection authority periodically undertake evaluations of its organizational structures, management methods, and operational procedures?		<p><i>As a part of the strategic planning process, the consumer protection authority might also consider having an evaluation program to assess the quality of its internal operations – the mix of managerial methods and organisational choices that determine how the authority allocates and applies its resources. This approach treats management and organisation as critical inputs into the implementation of the consumer protection law and seeks to identify improvements in how the authority operates. The logic is that progress toward superior managerial and organisational techniques will increase the likelihood that the authority's substantive outputs generally promote the realisation of the consumer protection law's objectives (i.e. outcomes).</i></p>

Human Resource Development			
76.	Do the staff members of the consumer protection authority undergo periodic performance appraisals?		
77.	Does the consumer protection authority have staff exchange/secondment programmes with any other counterparts in other jurisdictions within and beyond the ASEAN region?		
78.	Does the consumer protection authority have a structured orientation programme for new staff?		
79.	Does the consumer protection authority organize internal training activities or staff research?		
80.	Does the consumer protection authority offer opportunities for its staff to join in-depth training/academic programmes outside the agency and/or outside the country?		
Knowledge Management			
81.	Does the consumer protection authority have an internal document management system and/or case database for references by staff?		
82.	Is there a mechanism for knowledge transfer (e.g. debriefing) and sharing within the consumer protection authority?		
SUB-SCORE (4)		<i>/10 points</i>	

