



**CROSS-BORDER ENFORCEMENT OF CONSUMER  
PROTECTION MATTER:  
FINDING AN OPTIMAL MODEL FOR CARICOM**

# CROSS-BORDER ENFORCEMENT OF CONSUMER PROTECTION MATTERS:

## FINDING AN OPTIMAL MODEL FOR CARICOM<sup>1</sup>

### Abstract

Consumer protection laws prohibit conduct by business enterprises that serve to exploit consumers as well as protect them from harmful goods. Additionally, National Consumer Organisations (NCOs) provide a place where consumers can seek redress. However, the consumer protection laws and NCOs that exist in the Single Market are national in scope and do not consider the “regional consumer” or cross-border enforcement. This paper reviews three models for cross-border consumer protection enforcement for CARICOM with the aim of finding an optimal model that is best suited to the circumstances of CARICOM Member States. The models are assessed on the basis of five objective criteria. The results should be of interest to all who are actively involved in consumer protection law enforcement in the region.

## I. INTRODUCTION

Consumer spending is important to achieving the economic benefits of the Caribbean Community (CARICOM) Single Market. Consumers have the potential to be a driving force behind regional competitiveness, if they seek out the best offers (particularly if this is done regardless of national borders), rewarding CARICOM’s best and most innovative business enterprises. Indeed, consumer spending is also often regarded as a key driver of economic growth. As CARICOM Member States transition towards becoming free market economies consumer demand is integral to the process of allocating and distributing economic resources.

The economic importance of consumers in the Single Market can be gauged from national household final consumption expenditure statistics (see **Figure 1**). Household final consumption expenditure (or private consumption) is the market value of all goods and services, including durable products (such as cars, washing machines, and home computers), purchased by households. It excludes purchases of dwellings but includes imputed rent for owner-occupied dwellings<sup>2</sup>. In most CARICOM Member States private consumption is the largest component of their aggregate demand. According to statistics from the United Nation’s National Accounts Database, in 2012 real private consumption (in 2005 prices) in the Single Market ranged from 91.5 percent of Gross Domestic Product

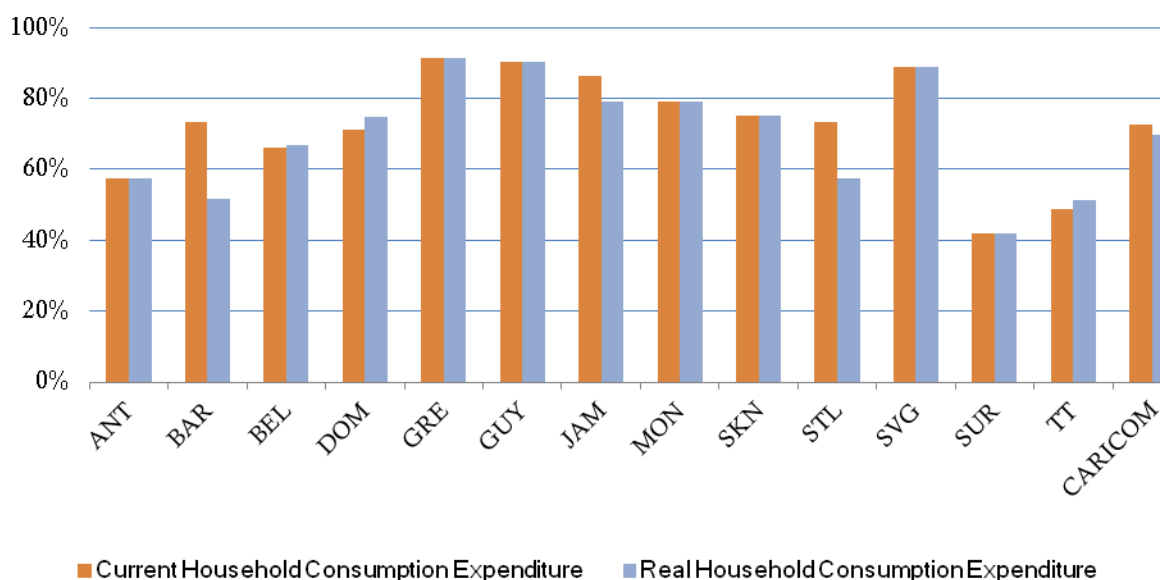
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<sup>1</sup> For any questions relating to this paper please contact Mr. Rommell Hippolyte at [researcheconomist@ccc.sr](mailto:researcheconomist@ccc.sr)

<sup>2</sup> See the World Bank and OECD for full definitions of household final consumption expenditure.

(GDP) in Grenada, to 42 percent of GDP in Suriname. For the same year, the average real private consumption for the region was also estimated at 69.6 percent of GDP.

**Figure 1: Real and Current Household Final Consumption Expenditure for CARICOM in 2012 (%GDP)**



Source: United Nations National Accounts Database<sup>3</sup>

Another indicator that highlights the prominence of private consumer spending to aggregate demand is the marginal propensity to consume. The marginal propensity to consume is an estimate of the changes in consumer spending as a result of changes in their income. Although no regional statistic for the Single Market currently exists, research conducted on the eight countries of the Eastern Caribbean Currency Union (ECCU) suggests that the magnitude of the marginal propensity to consume for this group is 0.79<sup>4</sup>. This statistic implies that on average households across the ECCU may be inclined to allocate approximately 79 cents of every additional dollar in income earned directly to consumption.

<sup>3</sup>Data can be sourced at <https://unstats.un.org/unsd/snaama/selbasicFast.asp>

<sup>4</sup>See Sutherland and Craigwell (2001). "Private Consumption Expenditure in the Eastern Caribbean Currency Union" The eight countries of the ECCU are: Anguilla, Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Lucia, St. Kitts and Nevis, and St. Vincent and the Grenadines. The publication is available at: [http://ccmf- uwi.org/files/publications/misc/roland\\_craigwell/Determinants\\_of\\_Private\\_Consumption\\_Expenditure\\_in\\_the\\_ECCU\\_1.pdf](http://ccmf- uwi.org/files/publications/misc/roland_craigwell/Determinants_of_Private_Consumption_Expenditure_in_the_ECCU_1.pdf)

In recognition of the significance of consumers to the regional economy, the Community Consumer Protection Policy, as outlined in Chapter VIII of the Revised Treaty of Chaguaramas (RTC), aims to protect individuals in CARICOM Member States from exploitation and deceptive practices that may be undertaken by business enterprises as well as from using goods and services that are unsafe. This is done by obligating CARICOM Member States to enact harmonised national consumer protection legislation that includes provisions to address these issues<sup>5</sup>.

Consumer protection laws offer comfort to consumers by prohibiting certain conduct by business enterprises. In addition, National Consumer Organisations (NCOs) provide a place where consumers can seek redress. However, the consumer protection laws and NCOs that exist in the Single Market are national in scope and do not consider the “regional consumer” or cross-border enforcement. Given that the aim of CARICOM is to achieve a more integrated and more effective Single Market, consumers from each CARICOM Member State must have an equally high level of confidence in products, traders, selling methods, as well as consumer protection, no matter where they decide to make their purchases within the Single Market. Consequently, an enforcement mechanism must exist in the region to address cross-border consumer protection issues.

The purpose of this article is to evaluate three possible models that can be used by CARICOM to deal with the issue of cross-border consumer protection enforcement. These models are: (1) the establishment of a Community Consumer Protection Commission (CCPC)<sup>6</sup> which would be a regional institution responsible for investigating and adjudicating consumer protection issues of a cross-border nature; (2) the expansion of the mandate of the CARICOM Competition Commission (CCC) to handle cross-border consumer protection issues; and (3) the establishment of a CARICOM Cooperation Framework among the NCOs in Member States to ensure that consumer protection laws are enforced across the Single Market. The article assesses each potential model on the basis of five objective criteria. Additionally, the experience of the CCC as a cross-border enforcement agency for competition law and policy in the region will be referenced at regular intervals to aid in the selection of an optimal model for CARICOM.

The remainder of the article is organised as follows. Section II presents the models for cross-border consumer protection enforcement and their assessment based on a set of objective criteria. Section III concludes and presents a proposed way forward for CARICOM as it relates to cross-border consumer protection enforcement.

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<sup>5</sup> See Article 185 RTC.

<sup>6</sup> The CCPC is included as a required action in the Draft Strategic Action Plan for Consumer Protection in CARICOM to address the issue of cross-border consumer protection enforcement. The Strategic Action Plan alternatively suggests that the role of the CCC could be expanded to fulfill this responsibility.

## **II. MODELS FOR CROSS-BORDER CONSUMER PROTECTION ENFORCEMENT**

The objective of this section is to provide a brief overview of each potential model for cross-border consumer protection in the Single Market as well as assess their feasibility.

### **Model 1: Community Consumer Protection Commission (CCPC)**

The CCPC would be established as a regional organisation with enforcement powers similar to what the CCC has in the area of competition law and policy. An obvious advantage of the CCPC is that it could boost the profile of consumer protection in CARICOM. This is since the agency would also be responsible for conducting research on consumer protection matters, providing technical assistance to Member States, and promoting the rights of consumers in the Single Market.

### **Model 2: Expanding the role of the CCC**

The current mandate of the CCC with respect to consumer protection in the region is outlined in Article 186 RTC. Based on this provision, the CCC's main role is as an advocate for consumer protection law and policy and its enforcement in each CARICOM Member State. Article 186 RTC also indicates that the CCC has no enforcement functions or capabilities at the regional level. Consequently, enforcement remains the exclusive jurisdiction of each CARICOM Member State. The expanded function of the CCC to deal with cross-border consumer issues could therefore be viewed as an evolutionary step for the institution, given that the agency already has cross-border enforcement powers in the Single Market in the area of competition law and policy.

### **Model 3: CARICOM Cooperation Framework**

The European Union (EU) employs a Cooperation Framework to address cross-border consumer protection enforcement. The legal foundation behind the EU Cooperation Framework is entitled Regulation (EC) No. 2006/2004<sup>7</sup> (EU Regulation). The Cooperation Framework outlines the general conditions and a framework for cooperation between the national enforcement authorities in the EU. It covers situations where the collective interests of consumers are at stake and allows authorities to stop breaches of consumer rules

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<sup>7</sup>For more information on Regulation (EC) No. 2006/2004 see: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004R2006:20130301:EN:PDF>

when the trader and the consumer are established in different countries. The EU Cooperation Framework and its scope are reviewed by the European Commission (EC). The EC reports every two years on the application of the Cooperation Framework combining the views of EU Member States with its own experience.

The EU Cooperation Framework therefore provides a workable model that CARICOM can review and possibly use for its own intra-regional consumer protection enforcement. The region could develop a CARICOM Cooperation Framework based on a CARICOM Cooperation Agreement<sup>8</sup> (Agreement) that contains similar provisions to that of the EU Regulation.

### **Evaluation of each Model**

The models identified above are assessed on five objective criteria. These criteria are: (1) financial requirements to implement the options; (2) legislative requirements for each model at the national and regional levels; (3) human resources needed for each initiative; (4) strength of the enforcement process which also includes the length of time for determinations to be made on consumer protection issues; and (5) the implementation agenda or timeframe it will take to successfully operationalize the model. With respect to the criteria, it should be noted that the ideal arrangement should score low on both the financial and human resource requirements, but high on enforcement strength. The legislative requirement for the ideal option should also be minimal.

**Figure 2** presents a comparative assessment of the three models for cross-border consumer enforcement. When the three models are evaluated on the set of objective criteria, the finding is clear that the CARICOM Cooperation Framework presents the most feasible option.

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<sup>8</sup> The use of an Agreement is in recognition of the differences between the legal systems of CARICOM and the EU. The EU has a system of direct applicability where Regulations require no implementing legislation with individual Member States.

**Figure 2: Evaluation of Each Cross-Border Consumer Protection Enforcement Model**

	MODEL 1	MODEL 2	MODEL 3
CRITERIA	CCPC	CCC+ <sup>9</sup>	Cooperation Framework
Financial Requirements	High	Medium	Low
Legislative Requirements	Medium	Medium	Low
Human Resource Requirements	High	Medium	None
Enforcement Strength	Medium to High	Medium to High	High
Implementation Agenda/Timeframe	Medium to Long-Term	Medium-Term	Short to Medium-Term

(i) *Financial Requirements*

Estimated 5-year budgets for the three proposals are presented in **Appendices I-III**<sup>10</sup>. The appended budgets demonstrate that the financial resources that would be required to establish the CCPC or to expand the role of the CCC are high and medium respectively. The finances needed for the CCPC are high given the start-up costs that are associated with this option. These start-up costs stem from the procurement of equipment, furniture, software and possibly other resources for the use of the staff, e.g. books on consumer protection<sup>11</sup>. The CCPC would also face operational or recurrent costs of maintaining an office, and employing and training staff in the areas of consumer complaint handling, investigating and adjudicating on consumer protection matters. Together, it is estimated that the start-up and the recurrent costs of the CCPC would amount to approximately USD 746,250.15 in its first year of establishment and USD 2,831,187.57 in total over the first 5 years.

<sup>9</sup> CCC+ denotes the expanded functions of the CCC.

<sup>10</sup> Appendix I is based on the 5-year budget proposal of establishing an NCO that was presented at the 36<sup>th</sup> Meeting of the COTED in 2013, plus additional information from the CCC relating to non-recurrent costs. Appendix II and III are based on information received from the CSME Unit on the human resource needs of an NCO and the cost of convening a regional 2-day meeting for Member States, respectively.

<sup>11</sup> The possibility of the built-up costs of the CCPC being sourced from the European Development Fund (EDF) is also considered. However, more important to consider is the cost of pursuing alternative regional projects that are forgone in pursuit the option of the CCPC. This is especially critical to think about when other lower-cost options to the CCPC are available.

With regard to expanding the role of the CCC this model would similarly require employing and training additional staff to deal with consumer matters, equipment and software. However, since the CCC is already a functioning office, the additional operational costs will be lower than the CCPC model. Specifically, a comparative analysis of **Appendices I and II** shows that over a 5-year period the additional cost of expanding the role of the CCC would in total amount to approximately 62.1 percent less than the total cost of establishing and maintaining the CCPC.

However, based on the estimated budgets, it is clear that the CARICOM Cooperation Framework would require the least amount of financial resources for its implementation. This is since each CARICOM Member State would already have established, and fully functioning, NCOs. Consequently, funds will only be needed for annual training of the NCOs in CARICOM Member States in the procedures required to initiate, and respond to, cross-border complaints. Based on **Appendices I-III**, the total cost of the annual training of the NCOs over a 5-year period would represent approximately 7.9 percent of the total cost of establishing and maintaining the CCPC and 20.8 percent of the total additional cost required to expand the role of the CCC.

Another important point to consider from the financial aspect is the sustainability of each model. Currently, all of the regional institutions established in CARICOM require contributions from CARICOM Member States in order to maintain their operations and to carry out their mandates and on-going work programmes. Therefore, consideration must be paid to whether CARICOM Member States can afford to support the operations of yet another regional organisation such as the proposed CCPC, or provide additional financial support to an expanded CCC. This is especially bearing in mind two things: the lingering fiscal challenges that most of the countries in the region continue to face since the Global Economic Crisis; and the fact that some regional institutions experience difficulty in receiving contributions from CARICOM Member States in a timely manner<sup>12</sup>. Based on these constraints it may not be appropriate for the CARICOM Member States to incur additional expenses and opt for the CARICOM Cooperation Framework.

(ii) *Legislative Requirements*

Without the creation of an appropriate legal framework, any initiative that is pursued to facilitate cross-border consumer enforcement protection in CARICOM cannot be effectively realised. At the regional level there is currently no legal framework to support either the establishment of the proposed CCPC model or to give the CCC model jurisdiction

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<sup>12</sup> For example, CROSQ identified this challenge in one of their newsletters available at <https://www.crosq.org/index.php/e-library/category/20-newsletters?download=91:crosq-newsletter-vol-1-issue-1>



or enforcement power in the area of consumer protection. As such, to give effect to either model, amendments to the RTC would be first required.

The issue of jurisdiction in itself, however, also raises the interesting issue of how would the powers of the CCPC, or the CCC, be exercised at the national level if either of these options were pursued. In the area of competition law and policy, Article 170.3(a) RTC mandates each CARICOM Member State – with the exception of The Bahamas<sup>13</sup> - to cooperate with the CCC in achieving compliance with competition rules. Accordingly, most CARICOM Member States have made provisions in their national competition legislations (or current draft national competition Bills) to provide the CCC with jurisdiction (e.g. investigative powers and determinations or judgments which are treated as if emanating from the national supreme courts)<sup>14</sup>. Therefore, with regard to cross-border consumer protection, consideration will have to be given to whether or not national consumer protection laws will also have to be amended to provide the proposed CCPC or the CCC with similar jurisdiction.

Based on the issue raised above with respect to the exercise of jurisdiction by the proposed CCPC and the expanded CCC models, the CARICOM Cooperation Framework model may offer a more clear-cut solution. Firstly, Article 184.1(h) RTC is very instructive as it points to a presumption of the protection of consumer interests within the Community in cases of cross-border supply. In this regard, Article 184.1(h) RTC could provide a legal basis for which a regional Agreement could be developed to formalise the cooperation process between CARICOM Member States. The provision states that:

“1. The Member States shall promote the interests of consumers in the Community by appropriate measures that:

(h) Protect consumers by prohibiting discrimination against producers and suppliers of goods produced in the Community and against service providers who are nationals of other Member States of the Community”

Secondly, the CARICOM Cooperation Framework would follow the precedent set by CARICOM Member States when they agreed to establish the CARICOM Rapid Alert

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<sup>13</sup> Chapter VIII of the RTC only applies to countries of the Single Market. Although The Bahamas is a member of CARICOM it is not a signatory to the CSME initiative.

<sup>14</sup> For example see the Barbados Fair Competition Act Cap.326C at <http://www.commerce.gov.bb/Legislation/Documents/Fair%20Competition%20Act,%20Cap%20326C.pdf> and the Guyana Competition and Fair Trading Act (2006) at [http://www.sice.oas.org/investment/NatLeg/GUY/ComptFairTrad\\_e.pdf](http://www.sice.oas.org/investment/NatLeg/GUY/ComptFairTrad_e.pdf)

System for Exchange of Information on Dangerous (non-food) Goods (CARREX)<sup>15</sup>. In essence, the CARREX commits CARICOM Member States to cooperate in the sharing of information on inherently dangerous non-food products in the Single Market. Provision for the CARREX will be included in the national consumer laws of CARICOM Member States to give the alert system a legal basis.

The CARICOM Cooperation Framework model therefore provides an opportunity to develop a comprehensive arrangement between CARICOM Member States on matters relating to consumer protection. Through a regional Agreement, the CARICOM Cooperation Framework would not only serve to formalise cooperation between CARICOM Member States on sharing information on dangerous goods (i.e. the CARREX), but to expand the level of cooperation to include mutual assistance on consumer protection enforcement, Third Party Agreements<sup>16</sup> and technical assistance. As such, instead of provisions for the CARREX alone being included in the national consumer legislations of CARICOM Member States, the regional Agreement could be referenced.

### *(iii) Human Resource Requirements*

Central to the efforts of consumer protection is the employment of expert staff to: process individual complaints; investigate and resolve serious allegations of deceptive practices by business enterprises; comment and make recommendations on national laws and regulations to ensure that consumer rights are protected; conduct consumer education activities; and work to encourage fair business practices among private firms.

Based on the criterion of human resource requirements, the CARICOM Cooperation Framework once again proves to be the ideal model. This is since unlike the other two options, there would be no need to recruit staff to handle the above mentioned consumer protection matters. Each NCO would already have in their own agencies the human resources needed to address cross-border enforcement matters.

It is also important to understand that recruiting staff with experience and training in specialised areas, such as competition law and policy and consumer protection, continues to be a problem in the Single Market. In the area of competition law and policy, the reason behind the lack of well-trained persons in the region is mainly due to the fact that no permanent modules on competition law and policy exist at the regional Universities. Given

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<sup>15</sup> The recommendation to establish the CARREX was made and adopted in at a regional meeting of consumer representatives in 2010. The recommendation was endorsed at the 32<sup>nd</sup> Meeting of the COTED in 2011. The 33<sup>rd</sup> Meeting of the COTED mandated that the CARREX be officially operationalized in 2012.

<sup>16</sup> Third Party refers to Agreements between CARICOM Member States and important trading partners outside of the CARICOM region, e.g. USA.

that there are also no permanent modules on consumer protection law at the Universities in the region, it is anticipated that the proposed CCPC as well as the CCC - if its role is expanded - would have difficulty recruiting well-trained staff to deal with cross-border consumer protection enforcement.

*(iv) Enforcement Strength*

Enforcement strength in the context of this paper refers to the ability of a consumer protection agency to encourage business enterprises to abide by consumer protection laws. The enforcement strength of a consumer protection agency can be derived from using “soft” mechanisms such as advocacy, or “hard” mechanisms such as pecuniary measures, in order to encourage compliance.

From an enforcement perspective each of the proposed models for cross-border consumer protection enforcement has the potential to be very robust. Although regional institutions are central to the proposed CCPC and the expanded CCC models, ultimately the real enforcement strength will be dependent on cooperation from the NCOs in CARICOM Member States. In light of this, it is believed that the CARICOM Cooperation Framework model, of which NCOs are its focus, can be equally as robust as the two alternative options.

A decisive factor to consider for the enforcement aspect, however, is the length of time the enforcement process for each model could take, i.e. from a consumer complaint to a determination from an adjudicating body. In this regard, a related issue that must be also considered is the manner in which cross-border consumer complaints will be brought to the attention of the CCCPC, the CCC or through the CARICOM Cooperation Framework.

Article 175 RTC highlights the various methods that complaints can be brought to the attention of the CCC with respect to competition law and policy. These methods are: (a) through a CARICOM Member State and (2) through the Council for Trade and Economic Development (COTED). The CCC can also address areas of concern on its own volition through Article 176 RTC. The interesting question therefore is will consumer complaints be brought to the attention of the proposed CCPC or the CCC in a similar manner, or will consumers address the regional body directly?

There are obvious disadvantages to each of the above mechanisms for bringing consumer complaints to the attention of the proposed CCPC or the CCC. For instance, complaints from CARICOM Member States and COTED could potentially be a long bureaucratic process. On the other hand, either the CCPC or the CCC could become overwhelmed from direct consumer complaints from individuals.

Subsequent to the complaint either the CCPC or the CCC will then have to investigate the consumer matter. Again, similar to the competition aspect of the RTC, the regional institution may have to mobilise the resources of CARICOM Member States to assist in the investigation. In other words, the cooperation of the NCOs will still be required.

It is based on these factors that the CARICOM Cooperation Framework presents the best option available. Similar to the EU Cooperation Framework each NCO in the Single Market would have the investigation and enforcement powers necessary for the application of the regional Agreement and exercise them in conformity with their national laws. Such a provision would address concerns of which national laws should be applied when dealing with cross-border enforcement. The regional Agreement would also obligate NCOs in CARICOM Member States to pursue the enforcement of cross-border consumer matters as though acting on behalf of consumers in their own country and on their own account. This provision is important as it could potentially be a less bureaucratic process and reaffirms the point that the enforcement strength of CARICOM Cooperation Framework is dependent on the strength of the NCOs themselves.

Another point to highlight is that the EU Regulation contains provisions where the EC can assist in the enforcement process if necessary. A provision like this in a regional Agreement would allow the CCC to be a part of the enforcement process if needed. Such participation in the enforcement process by the CCC is consistent with Article 186.1(f) RTC which states:

“1. The Commission shall, for the purpose of providing support to the Member States in the enhancement of consumer education and consumer welfare:

(f) Confer, on request, with consumer organisations of the Member States and offer such **advice** and information as may be appropriate for the resolution of their consumer problems.”

(v) Implementation Agenda/Timeframe

Given the importance of consumers to the economies of CARICOM Member States, and to the region as a whole, a required action will be to implement a mechanism for cross-border consumer protection enforcement in as short a timeframe as possible. From this perspective the CARICOM Cooperation Framework could possibly be fully functional in the short-to-medium term, i.e. at most 3 years. This view was reached since most of the CARICOM Member States already either have national consumer protection laws or have draft national competition Bills. Most of the CARICOM Member States also either have an established NCO or a government department that discharges similar functions. It is

estimated that since the Model CARICOM Consumer Bill was drafted, the process of having consumer protection legislation throughout the region will be soon in effect.

In contrast, the expanded CCPC and CCC models are dependent on the revision of the RTC<sup>17</sup>. Regarding the proposed CCPC model, other decisions will also have to be made, and activities undertaken, before this institution could become fully functional. These decisions and activities include: where the agency will be headquartered; staffing; and possibly the development of rules of procedures for consumer investigations and adjudications. It must be noted that the CCC was established in 2008, after the decision for the agency to be headquartered in Suriname was made in 2004<sup>18</sup>. The CCC also only became fully functional in 2009. The length of time it can sometimes take to establish regional institutions suggests that the CCPC could be a long-term solution to cross-border consumer protection enforcement.

### **III. THE WAY FORWARD FOR CROSS-BORDER CONSUMER PROTECTION ENFORCEMENT IN CARICOM**

The results of the assessment of the three proposed models for cross-border consumer enforcement broadly point to the CARICOM Cooperation Framework being the optimal solution for CARICOM. Not only does the CARICOM Cooperation Framework outperform the other two alternatives, with regard to the criteria used, this type of arrangement could also lend to the strengthening of the CARICOM identity through regional cooperation amongst the various NCOs in the Single Market. Thus, besides practical benefits, there are intangible benefits to be gained from this type of arrangement that would be beneficial to the entire region going forward.

Putting the assessment of the models aside, it is important to highlight that the CARICOM Cooperation Framework provides a workable model that is currently being employed by the EU. This means that CARICOM can review the progress of the EU Cooperation Framework through its two-year review mechanism in an attempt to make its own Framework a better enforcement system. In addition, the EU Regulation itself contains several useful elements that can be used by CARICOM if the development of a regional Agreement is considered. For example, the Articles in Chapter II (Mutual Assistance) of the EU Regulation provide a procedural outline that CARICOM can adopt for its own cross-border consumer protection enforcement. This procedural outline can be formalised into

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<sup>17</sup> In the Draft Strategic Action Plan for Consumer Protection in CARICOM the CCPC and expanded CCC models are considered as long-term projects.

<sup>18</sup> See <http://www.caricomcompetitioncommission.com/en/about-us/history>

general Rules for CARICOM Member States to follow when conducting cross-border enforcement.

It is also essential to note that there are elements of the EU Regulation that are compatible with some of the provisions of the Community Consumer Protection Policy. As mentioned above, provisions are made for the EC, if invited by EU Member States, to participate in the enforcement process. This is consistent with Article 186.1(f) RTC where upon request the CCC can provide advice to CARICOM Member States on the resolution of consumer problems. Additionally, Article 21 (Reports) of the EU Regulation ensures that every EU Member State communicates to the EC the text of any provisions of national consumer protection law that they adopt. The Article also mandates the EC to report on the application of the Regulation and that these reports are made publicly available. Specifically, the report shall address: new information on the EC and other NCOs; trends on intra-Community infringements; statistics on enforcement techniques; and judgements. The two functions mandated by the EC under Article 21 of the EU Regulation correspond to the responsibilities of the CCC as mandated by Article 186.1(h) RTC and Article 186.1(i) RTC. Article 186.1(h) RTC refers to collecting and collating information in respect of matters affecting the interests of consumers, while Article 186.1(i) RTC refers to publicising enactments of CARICOM Member States and making recommendations to COTED.

Lastly, it is worth mentioning that any effort to pursue the CARICOM Cooperation Framework model should be followed by steps to harmonise all aspects of consumer protection enforcement in the region. Already, as mentioned above, the region has a Model CARICOM Consumer Bill that ensures all of the prohibitions under Article 184 RTC are enshrined in the national consumer protection legislations of CARICOM Member States. This Bill should, however, be complemented by a Model Consumer Protection Rules of Procedures to ensure the convergence of consumer enforcement rules and procedures in CARICOM Member States to some common points and standards. Such an initiative would ensure consistency in investigation and decision making procedures with respect to consumer protection matters throughout the Single Market.

**APPENDIX I – MODEL 5-YEAR BUDGET FOR ESTABLISHING A CONSUMER AFFAIRS COMMISSION**

	Y1	Y2	Y3	Y4	Y5	TOTAL
	USD	USD	USD	USD	USD	USD
<b>AGGREGATE FINANCIAL OUTLAYS</b>						
<i>RECURRENT EXPENDITURE</i>						
<b>Commissioners (5)</b>						
Stipend	11,298.00					
<b>Tribunal (3)</b>						
Stipend	14,317.50					
Administration Costs	30,000.00					
<b>TOTAL TRIBUNAL COSTS</b>		55,615.50	55,615.50	56,727.81	56,727.81	57,862.37
<b>Commission Secretariat</b>						
Emoluments	353,830.68	360,907.30	368,125.44	375,487.95	394,262.35	1,852,613.72
Training	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	50,000.00
Office Space Rental	33,977.54	33,977.54	34,657.09	34,657.09	35,350.23	172,619.49
Electricity	9,600.00	10,080.00	10,584.00	11,113.20	11,668.86	53,046.06
Telephone/Facsimile & Internet	6,525.00	6,525.00	6,525.00	6,525.00	6,525.00	32,625.00
Stationery	7,258.17	7,258.17	7,258.17	7,258.17	7,258.17	36,290.85
Other Recurrent Expenditure	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	100,000.00
<b>TOTAL RECURRENT EXPENDITURE</b>	<b>496,806.89</b>	<b>504,363.51</b>	<b>513,877.51</b>	<b>521,769.22</b>	<b>542,926.98</b>	<b>2,579,744.11</b>
<i>NON-RECURRENT EXPENDITURE</i>						
Motor Vehicles	50,000.00					
Computers and Office Equipment	114,199.70					
Office Furniture	48,156.50					
Library	31,531.50					
<b>TOTAL NON-RECURRENT EXPENDITURE</b>	<b>249,443.26</b>	0.00	0.00	0.00	2,000.00	251,443.26
<b>TOTAL EXPENDITURE</b>	<b>746,250.15</b>	<b>504,363.51</b>	<b>513,877.51</b>	<b>521,769.22</b>	<b>544,926.98</b>	<b>2,831,187.37</b>

**APPENDIX II – 5-YEAR ESTIMATES OF ADDITIONAL COSTS OF EXPANDING THE ROLE OF THE CCC**

	Y1		Y2	Y3	Y4	Y5	TOTAL
	USD	USD	USD	USD	USD	USD	USD
<b>AGGREGATE FINANCIAL OUTLAYS</b>							
<i>RECURRENT EXPENDITURE</i>							
<b>Commissioners (7)</b>							
Stipend	28,000.00						
<i>TOTAL ADJUDICATION COSTS</i>		28,000.00	28,560.00	29,131.20	29,713.82	30,308.10	145,713.12
<b>Commission Secretariat</b>							
Emoluments		154,500.00	163,047.00	166,307.94	169,634.10	173,026.78	804,024.20
Training		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	50,000.00
Electricity		1,200.00	1,260.00	1,323.00	1,389.15	1,458.61	6,630.76
Telephone/Facsimile & Internet		1,200.00	1,260.00	1,323.00	1,389.15	1,458.61	6,630.76
Stationery		500.00	525.00	551.25	578.81	607.75	2,762.82
Other Recurrent Expenditure		10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	50,000.00
<b>TOTAL RECURRENT EXPENDITURE</b>		<b>205,400.00</b>	<b>209,195.00</b>	<b>213,070.25</b>	<b>217,027.57</b>	<b>221,068.84</b>	<b>1,065,761.66</b>
<i>NON-RECURRENT EXPENDITURE</i>							
Motor Vehicles	0.00		0.00	0.00	0.00	0.00	
Computers and Office Equipment	3,000.00						
<b>TOTAL NON-RECURRENT EXPENDITURE</b>		<b>3,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,000.00</b>	<b>6,000.00</b>
<b>TOTAL EXPENDITURE</b>		<b>208,400.00</b>	<b>209,195.00</b>	<b>213,070.25</b>	<b>217,027.57</b>	<b>221,068.84</b>	<b>1,071,761.66</b>



**APPENDIX III – ESTIMATED COST OF TRAINING NCOs OVER 5 YEARS**

	<b>Y1 USD</b>	<b>Y2 USD</b>	<b>Y3 USD</b>	<b>Y4 USD</b>	<b>Y5 USD</b>	<b>TOTAL USD</b>
<b>AGGREGATE FINANCIAL OUTLAYS</b>						
<b>CONFERENCE EXPENSES</b>						
Conference Room	1,300.00	1,365.00	1,433.25	1,504.91	1,580.16	<b>7,183.32</b>
Rental of Equipment	600.00	630.00	661.50	694.58	729.30	<b>3,315.38</b>
Stationery	250.00	262.50	275.63	289.41	303.88	<b>1,381.41</b>
Miscellaneous	600.00	630.00	661.50	694.58	729.30	<b>3,315.38</b>
<b>TOTAL CONFERENCE EXPENDITURE</b>	<b>2,750.00</b>	<b>2,887.50</b>	<b>3,031.88</b>	<b>3,183.47</b>	<b>3,342.64</b>	<b>15,195.49</b>
<b>TRAVEL EXPENDITURE</b>						
Airfare	15,862.04	16,655.14	17,487.89	18,362.29	19,280.40	<b>87,647.76</b>
Over-night expenses	3,840.14	4,032.14	4,233.75	4,445.44	4,667.71	<b>21,219.18</b>
<b>TOTAL TRAVEL EXPENDITURE</b>	<b>19,702.17</b>	<b>20,687.28</b>	<b>21,721.64</b>	<b>22,807.73</b>	<b>23,948.11</b>	<b>108,866.94</b>
<b>PER DIEM</b>	<b>17,805.52</b>	<b>18,695.80</b>	<b>19,630.59</b>	<b>20,612.12</b>	<b>21,642.72</b>	<b>98,386.75</b>
<b>TOTAL EXPENDITURE</b>	<b>40,257.69</b>	<b>42,270.58</b>	<b>44,384.11</b>	<b>46,603.31</b>	<b>48,933.48</b>	<b>222,449.17</b>