

Memorandum on the Establishment and Operation of the International Consumer Protection and Enforcement Network (ICPEN)

1. The Memorandum was agreed to at a meeting held in London on 26-27 October 1992.

The Memorandum was amended:

- At a meeting held in Montreux on 18-19 March 2002.
- At a meeting held in Port Douglas on 2-4 April 2003.
- At a meeting held in Helsinki on 9-10 October 2003.
- At a meeting in Jeju on 26-28 March 2006. The amended Memorandum entered into force at the end of the first meeting under the Polish Presidency held in Warsaw on 22-24 October 2006.
- In March 2016 concerning Article 14 about finances via a written procedure according to Article 19 of the Memorandum.
- In May 2025 via a written procedure according to Article 19 of the Memorandum.

Introduction

2. At the “Supervision of Marketing” conference in Copenhagen in October 1991, it was agreed in principle that it would be desirable to establish an informal Network of organisations from various countries in the consumer field involved primarily with the enforcement of fair-trading practices. These would mainly be governmental organisations. The purpose was stated as being to find ways of cooperating on tackling consumer problems connected with cross-border transactions in both goods and services, and to help ensure exchanges of information among the participants for mutual benefit and understanding. These arrangements would be on an informal and voluntary basis and rely on the high level of goodwill among those involved to make such a Network effective. The Network would build on the many excellent contacts, which already existed among the organisations concerned.

At the meeting in London, it was agreed to establish such a Network. The Network will be called the International Marketing Supervision Network. To better reflect the work

of the Network, the name of the Network was agreed to be changed at a meeting held in Sydney in September 2002. The name of the Network was amended to the International Consumer Protection and Enforcement Network (ICPEN or the Network). Its objectives and methods of operation are set out in this Memorandum.

Objectives of the Network

3. The main common objective of the Network is to encourage practical action to prevent cross-border marketing malpractice. The Network should also encourage exchanges of information, which may provide more general knowledge of such practices and the way they are dealt with in the various countries. It is not intended to cover product safety or the prudential regulation of financial institutions. Nor will it normally be directly concerned with specific redress for individual consumers.

The long-term goals of the Network are:

- (a) To generate and share information and intelligence on consumer protection issues;
- (b) To share best practices in legislative and enforcement approaches to consumer protection;
- (c) To take action to combat cross-border breaches of consumer protection laws;
- (d) To facilitate effective cross-border remedies;
- (e) To identify and promote measures for effective consumer protection enforcement;
and
- (f) To promote and encourage wider participation and cooperation with other consumer protection enforcement organisations.

4. The Network will:

- (a) Establish and maintain up-to-date contacts from each participating organisation;
- (b) Maintain regular contact, in particular by means of at least one annual conference, and exchanges of views on matters of topical interest through bilateral and multilateral contacts of all kinds;
- (c) Mutually exchange information to enable participating organisations to build up a picture of each other's methods and legal and administrative arrangements; and
- (d) Cooperate at an operational level in preventing marketing malpractices as they arise. Cooperation will be on an informal basis. Participating organisations should endeavour to help each other, subject to national law and practice and availability of resources.

Participation in the Network

5. Composition of the Network

- (a) The Network comprises three types of participating organisations: Members (Article 6), Partners (Article 7) and Observers (Article 8).
- (b) Member or Partner status will normally be reserved for one single national governmental organisation from each country that is involved with the promotion and enforcement of fair-trading practices, though for certain countries other arrangements may be necessary. Exceptions are possible and are to be decided on a case-by-case basis. Only active Members have the right to take part in the decision-making.
- (c) The list of Members, Partners and Observers can be found on the ICPEN website¹.

6. Members

- (a) Member status is given to Partners that have met the annual requirements for activity as set out in Article 6(b) for a period of 24 months after the date of obtaining the Partner status.
- (b) In order to be considered active, Members must show demonstrated commitment to the Network during the preceding 12 months as determined by the President. This may include:
 - 1. Attending a Network conference or workshop in person;
 - 2. Contributing substantively to a Network conference or workshop remotely (e.g., planning or participating in a session, moderating a breakout);
 - 3. Fulfilling a leadership role within the Network (e.g., steering group lead, coordinator role);
 - 4. Actively participating in a recurring activity of the Network (e.g., Fraud Prevention Month, Internet Sweep, Intelligence Reporting);
 - 5. Actively participating in a Network working group.

Members and Partners are expected to submit the requested annual activity statement so that the Presidency can determine their active status. The Presidency will use its best efforts to maintain an overview of all Members and Partners attending their conferences and workshops in person.

¹ The list of the Members, Partners and Observers at the time of the adoption of the 2025 amendments of the Memorandum can be found in the Annex.

(c) The Presidency will verify whether a Member is considered active when any of the situations below arise:

1. A Member submits a candidacy for the position of Presidency, Secretariat or Webmaster;
2. A Member nominates an organisation for Partner status;
3. A Member submits an objection in an Article 19 written procedure.

(d) Any Member not meeting the activity criteria in Article 6(b) for the preceding 12 months will be considered inactive. In case the procedure set out in Article 6(c) reveals that the concerned Member is to be considered inactive, their candidacy for the position of Presidency, Secretariat or Webmaster, nomination for Partner status or objection in an Article 19 written procedure will be considered void.

(e) Inactive Members that attend a Network conference in person will be considered active again after the end of the conference. Other demonstrated commitment to the Network will be considered from the date of that commitment and cannot be applied retroactively, this includes not being permitted to vote on prior circulated Article 19 written procedures.

7. Partners

(a) If a Member is approached by an organisation seeking to become a Partner, the Member should inform the organisation of the procedure foreseen by this Article and notify the Presidency.

(b) The Presidency, if approached with an application for Partner status, shall communicate in writing the requirements for Partners in the Network.

(c) To meet the requirements for Partners in the Network, the applicant shall:

1. Be the primary organisation which is occupied with the promotion and enforcement of fair trading practices;
2. Subscribe to the Network's principles of cooperation;
3. Present an overview of consumer protection in the jurisdiction in which it is based, and describe its enforcement powers and scope of activities;
4. Set out its reasons for applying for Partner status, linking them to the long-term goals set out in Article 4; and
5. Agree to meet the activity requirements as set out in Article 6(b).

- (d) Organisations will be considered a Partner after an organisation's application for Partner status has been presented to the Network, and the organisation has been nominated by at least five Members with no objections.
- (e) Partners that do not meet the annual activity requirements as set out in Article 6(b) within the period of 24 months after the date of obtaining Partner status will not obtain Member status and will remain Partners. Member status can be obtained once a Partner meets the activity requirements within two consecutive 12 month periods.

8. Observers

Participation in the Network is also open, on an observer basis, to governmental, international or public organisations involved in consumer protection enforcement, and shall be granted on a case by case basis.

Presidency

- 9. One of the Members will act as President of the Network. This position will rotate annually, starting on the first of July.

10. The responsibilities of the Presidency will be:

- (a) To host at least one conference for Members, Partners and Observers, at which Members will review and plan the activities of the Network.
- (b) The Presidency may choose to host and organise other events in conjunction with a conference such as a Best Practices Workshop. The Presidency may at its discretion invite other governmental organisations occupied with the promotion and enforcement of fair-trading practices that are not Members, Partners or Observers. The Presidency has the discretion to charge a fee from any such body (i.e. non-ICPEN participating organisations) to cover additional costs incurred;
- (c) To lead the Advisory Group (Article 12);
- (d) To maintain the list of Network contacts or to entrust this task to the Secretariat;
- (e) To act as a focal point for information regarding the operation of the Network;
- (f) To provide a central email address to which all notifications regarding the list of Network contacts should be sent.

11. Presidency selection

- (a) Within the first six months of its Presidency term, the incumbent Presidency will launch a call for expressions of interest to apply for the Presidency term following that of the President-elect. Members will receive at least two months to submit their

candidacy. If multiple candidacies are received, the Network will look for an appropriate solution. The selected candidate will be confirmed by the Network through an Article 19 written procedure.

- (b) Partners can only apply if they are in the position to become a Member by the time they would take up the Presidency role, subject to them meeting the requirements to become a Member. It is expected that Partners, that are confirmed as candidate President, will demonstrate meeting the activity requirements to become a Member as set out in Article 6(b) throughout the period leading up to their Presidency term.
- (c) In the event that there are no candidacies for the Presidency submitted by the given deadline, other arrangements will be taken, as appropriate. These arrangements can take precedence over Article 6(e).

Advisory Group

12. The Advisory Group supports the Presidency. It is composed of:

- (a) The President;
- (b) The former President; and
- (c) The President-elect. The President-elect will serve for a year as Vice-President, during which time it should collaborate with the Presidency and the former Presidency in the operation of the Network.

As the Presidency deems necessary, the Advisory Group can be extended to include other Members and Partners. In that case, the Presidency will seek candidates by consulting all Members and Partners in a transparent procedure, and will seek geographical representation and rotating participation of different Members and/or Partners.

Operation of the Network

13. No languages will be formally designated as working language. Meetings will normally be conducted in English. The list of contacts may indicate language skills in order to facilitate effective communication.

14. Finance

- (a) All costs associated with hosting Network events, such as annual conferences and trainings, shall be borne by the event host.
- (b) As outlined in Article 10(b), it is at the Presidency's discretion to charge a nominal fee for invited guests of the Presidency, who are non-ICPEN participating organisations, to attend Network events, such as annual conferences and trainings.

- (c) Other expenses to participate in Network events shall be borne by each participating organisation for its own nominated delegates. Participating organisations may seek financial assistance among themselves and may agree to such assistance on a bilateral basis.
 - (d) Member, Partner, and Observer monetary contributions to the Network's operational finances are collected for the sole purpose of operating the Network's activities. Funds may be collected based on a project plan or a funding plan, which is sent to the Network, drawn up by the Member, Partner or Observer that bears the costs, on the advice of the Advisory Group. Members, Partners and Observers declare explicitly if they are able to contribute or not. The ICPEN webmaster can seek financial contributions from the Network to cover the costs of maintaining the ICPEN website.
15. Members, Partners and Observers will use their best endeavours to ensure timely notification of changes to Network contacts.
16. Cooperation, bilateral and multilateral, will be for individual participating organisations to initiate among each other as and when required. The Presidency is not responsible for facilitating such contacts.
17. Where cases and issues arise for which responsibility does not lie with participating organisations, the latter will do their best to put the requesting organisation into direct contact with other relevant bodies or organisations, perhaps at local level or in the private sector (especially in the case of a self-regulatory body).
18. Decisions to be made by the Network are categorized as follows:
- (a) Decisions concerning changes to this Memorandum, applications by new Partners or Observers, or public statements of the Network regarding positions on particular issues shall be taken by consensus (unanimity) only.
 - (b) For all other decisions of the Network, the Presidency will seek compromise through consensus. If consensus cannot be reached within sixty days, the proposal of the Presidency will be circulated for consideration. The proposal will be accepted without further debate unless at least five Members object within fourteen days after the circulation to the Network.
19. The written procedure
- (a) The written procedure is coordinated by the Presidency or another Member designated by the Presidency.
 - (b) The Presidency or its designee shall send the proposal to be decided on as well as all relevant documentation to all Members at the same time.

- (c) Members not replying within the required period are considered to be in agreement with the proposal.

ANNEX to the ICPEN Memorandum of Understanding

Motion agreed to at the Jeju ICPEN Conference – 26-28 March 2006) on procedures in order to improve upon on the decision-making process, streamline our meetings, and increase productivity (to be considered in connection with article 18 of the ICPEN Memorandum).

As an annex to the MoU, and in order to improve upon the decision-making process, streamline our meetings, and increase productivity, the Network also informally adopts the following practical steps:

(1) Advanced Discussion of Issues

Important issues should be briefed and discussed in advance of the meeting by the members (or a relevant group such as this one). This can be accomplished through written drafts and/or teleconferences. Members can reach a consensus in advance (through, for example, negative option) or a relevant group can circulate a proposal in advance to have an abbreviated discussion during the meeting.

(2) Limited Discussion During Meetings

The Presidency should set strict time limits for discussion of issues at meetings. Once that time limit has been reached the Presidency should gauge if there is a consensus. If there is, the issue is decided. If there is not, the Presidency stops the discussion and takes steps to continue the discussion elsewhere (see below). The meeting can then continue to tackle other important issues in the agenda.

(3) Continued Discussion Outside of the Meeting

If Members could not reach a consensus through pre-briefing, and during the time limit set in the agenda, the Presidency should select a subgroup of Members (for instance, those Members in opposite sides of an argument) and task them to work out a compromise to be proposed to all Members (either later on at the meeting, or to be continued after the meeting).

(4) Inability to Reach a Consensus After All These Steps

If after pre-briefing, meeting discussion, side discussions, and subgroup proposal, the Members still cannot reach a consensus, it would appear that the issue is important by definition. Otherwise, a consensus would have been reached already. If Members cannot reach a consensus after all these steps, we suggest that the issue should continue to be discussed between meetings until a consensus is attained. But we do not hope that this will occur very often.

List of ICPEN Members, Partners and Observers at the time of the adoption of 2025 amendments

Members

Angola	National Institute for Defence of Consumer
Australia	Australian Competition & Consumer Commission
Austria	Federal Ministry of Social Affairs, Health, Care and Consumer Protection
Azerbaijan	State Agency for Antimonopoly and Consumer Market Control under the President of the Republic of Azerbaijan
Barbados	Fair Trading Commission
Belgium	Directorate General for Economic Inspection
Botswana	Competition & Consumer Authority
Bulgaria	Commission for Consumer Protection
Bulgaria	Ministry of Economy and Industry
Canada	Competition Bureau Canada
Chile	Servicio Nacional del Consumidor
China	State Administration for Market Regulation
Colombia	Superintendence of Industry and Commerce
Costa Rica	Dirección Apoyo al Consumidor Ministerio de Economía Industria y Comercio
Cyprus	Consumer Protection Service Ministry of Energy, Commerce and Industry
Czech Republic	Czech Trade Inspection Authority
Denmark	Danish Consumer Ombudsman
Dominican Republic	Proconsumidor
Egypt	Consumer Protection Agency
El Salvador	Defensoría del Consumidor
Estonia	Consumer Protection and Technical Regulatory Authority
Eswatini	Eswatini Competition Commission
Fiji	Fijian Competition & Consumer Commission
Finland	Finnish Competition and Consumer Authority

France	Direction générale de la concurrence, de la consommation et de la répression des fraudes
Gambia, The	The Gambia Competition & Consumer Protection Commission
Germany	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection
Germany	Federation of German Consumer Organisations
Greece	Ministry of Development
Hungary	Hungarian Competition Authority
Hungary	Ministry for National Economy
Ireland	Competition and Consumer Protection Commission
Israel	Israel Consumer Protection and Fair Trade Authority
Italy	Autorità Garante della Concorrenza e del Mercato
Japan	Consumer Affairs Agency
Japan	National Consumer Affairs Center of Japan
Kenya	Competition Authority of Kenya
Korea, Republic of	Korea Consumer Agency
Korea, Republic of	Korea Fair Trade Commission
Kosovo	Consumer Protection Department Ministry of Industry, Entrepreneurship and Trade
Latvia	Consumer Rights Protection Centre
Lithuania	State Consumer Rights Protection Authority
Luxembourg	Ministère de l'Agriculture, de l'Alimentation et de la Viticulture Direction de la protection des consommateurs
Malawi	Competition and Fair Trading Commission
Malta	Malta Competition and Consumers Affairs Authority
Mexico	Procuraduría Federal del Consumidor
Mongolia	Anti-Monopoly Agency of Mongolia
Morocco	Ministry of Industry and Trade
Netherlands	Authority for Consumers & Markets
New Zealand	Commerce Commission Te Komihana Tauhokohoko
Nigeria	Federal Competition and Consumer Protection Commission

Norway	Norwegian Consumer Authority
Panama	Autoridad de Protección al Consumidor y Defensa de la Competencia
Papua New Guinea	Independent Consumer & Competition Commission
Peru	Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual
Philippines	Fair Trade Enforcement Bureau - Department of Trade and Industry
Poland	Office of Competition and Consumer Protection
Portugal	Consumer Directorate-General Ministry of Economy and the Digital Transition
Qatar	Consumer Protection and Commercial Anti-fraud Department Ministry of Economy and Commerce
Saudi Arabia	Ministry of Commerce
Seychelles	Fair Trading Commission
Singapore	Competition and Consumer Commission of Singapore
Slovak Republic	Slovak Trade Inspection
South Africa	National Consumer Commission
Spain	Dirección General de Consumo Ministerio de Consumo
Sri Lanka	Consumer Affairs Authority State Ministry of Co-operative Service, Marketing Development and Consumer Protection Ministry of Trade
Suriname	Consumer Affairs Department Ministry of Economic Affairs, Entrepreneurship and Technological Innovation
Sweden	Swedish Consumer Agency - Konsumentverket
Switzerland	State Secretariat for Economic Affairs
Türkiye	Directorate General for Consumer Protection and Market Surveillance Ministry of Trade
United Arab Emirates	Dubai Corporate for Consumer Protection and Fair Trade
United Kingdom	Competition & Markets Authority
United States	Federal Trade Commission
Vietnam	Vietnam Competition and Consumer Authority Ministry of

Industry and Trade

Zambia Competition and Consumer Protection Commission

Partners

Argentina Undersecretariat for Consumer Defense and Fair Trade

Armenia Competition Protection Commission of the Republic of Armenia

Croatia State Inspectorate of the Republic of Croatia

Georgia Georgian Competition and Consumer Agency

India Department of Consumer Affairs

Indonesia Ministry of Trade - Directorate of Market Surveillance of Goods and Services

Paraguay The Secretariat for the Defense of Consumers and Users (Secretaría de Defensa del Consumidor y Usuario)

Romania Romania National Authority for Consumer Protection

Tonga Ministry of Trade and Economic Development (Consumer Protection of Fair Trade Division)

Zimbabwe Consumer Protection Commission

Observers

COMESA COMESA Competition Commission

EU Directorate General Justice & Consumers | European Commission

FIAGC Ibero-American Forum of Consumer Protection Agencies

GPEN Global Privacy Enforcement Network

OECD Comité on Consumer Policy | Directorate for Science, Technology and Industry | Organization for Economic Co-operation and Development

UNCTAD United Nations Conference on Trade and Development

The World Bank International Bank for Reconstruction and Development (IBRD) - International Development Association (IDA)