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"Cross-Border E-Commerce and Consumer Rights: A Comparative Study of Legal Challenges in Iran, Italy, and the EU"

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Table of Contents

Table of Figurs

Abstract

The evolution of consumer protection laws reflects a dynamic interplay between economic growth, social justice, and the harmonization of international legal frameworks. This thesis provides a comprehensive and comparative analysis of consumer protection systems in Iran, Italy, and the European Union (EU), highlighting their historical trajectories, regulatory frameworks, identified weaknesses, and potential improvements. By examining these systems through the lens of international uniform private law, the study emphasizes their relevance in fostering equitable cross-border transactions, enhancing consumer confidence, and ensuring market fairness.

The thesis initiates with a comprehensive examination of Iran's consumer protection legislation, outlining its historical development from informal trading customs based on Islamic law to the contemporary regulatory system created by the 2009 Law on Consumer Protection. The core principles of Islamic law, including Gharar (prohibition of uncertainty), Maysir (prohibition of speculative activities), and Tazir (punishment for deceit), are demonstrated to support early market interactions, promoting trust and equity in local bazaars. Nevertheless, as Iran moved toward a more intricate and interconnected economy, the shortcomings of these informal systems became evident. The 2009 legislation marks an important achievement, implementing compulsory quality standards, guarantees, post-sale services, and dispute resolution systems. Even with these improvements, challenges persist in maintaining consistent enforcement, raising public awareness, and regulating digital markets. Suggestions are taken from Italy and the EU to recommend actionable reforms intended to align Iran’s structure with global norms.

Italy’s consumer protection framework is depicted as a model of legal progress, influenced by historical events, national reforms, and alignment with EU regulations. The thesis explores how principles of Roman law, including Actio Redhibitoria and Actio Quanti Minoris, established the basis for contemporary ideas of warranties and remedies regarding defective products. With the passage of time, these principles were incorporated into a unified legal structure, leading to the adoption of the Codice del Consumo (Consumer Code) in 2005. This code combines different consumer protection laws into one easy-to-access document, focusing on product safety, unfair business practices, and contractual rights. Italy's focus on after-sales assistance, educating consumers, and prioritizing sustainability is noted as a model for best practices. Nonetheless, issues like enforcement inconsistencies between urban and rural areas, complexities in procedures, and the difficulties presented by digital markets are recognized. Suggested measures consist of implementing centralized monitoring systems, streamlining dispute resolution processes, and improving digital literacy initiatives.

The EU’s consumer protection system is analyzed as one of the most comprehensive frameworks globally, designed to harmonize laws across member states while adapting to the challenges of a modern, interconnected marketplace. Key directives such as the Consumer Sales and Guarantees Directive (2019/771), the Unfair Commercial Practices Directive (2005/29/EC), and the General Data Protection Regulation (GDPR) are explored for their role in establishing consistent consumer rights. These directives ensure conformity of goods, transparency in business practices, and robust data privacy protections. The EU’s integration of digital goods and services into its consumer protection framework is particularly noteworthy, addressing the evolving needs of a digital economy. However, the thesis

identifies persistent weaknesses, including inconsistent enforcement across member states, limited consumer awareness, and emerging challenges such as counterfeit goods and platform accountability in e-commerce. By learning from Italy's consolidated legal framework and proactive regulatory measures, the EU can enhance its enforcement mechanisms, improve cross-border dispute resolution processes, and adapt its regulations to emerging technologies.
A key contribution of this thesis is the proposal of a new, globally informed framework for consumer protection that synthesizes the best practices from Iran, Italy, and the EU. This framework emphasizes harmonized enforcement mechanisms, greater adaptability to digital commerce, and robust consumer education initiatives. Centralized monitoring systems are proposed to address enforcement gaps, while targeted educational campaigns aim to empower consumers with knowledge of their rights and remedies. In addition, the framework advocates for integrating sustainability into consumer protection laws, drawing inspiration from Italy's initiatives promoting circular economy practices and environmentally conscious consumption.
The findings of this research have significant implications for the acceptance and implementation of international uniform private law, particularly in addressing disparities between national and international legal systems. By fostering greater alignment with global standards, the proposed framework seeks to enhance consumer trust in both domestic and cross-border transactions. This alignment is especially critical in the context of globalization and the rise of digital markets, where legal uncertainties and inconsistencies can undermine consumer confidence and market efficiency.
In conclusion, this thesis underscores the necessity of a cohesive and adaptive approach to consumer protection, one that balances the interests of consumers and businesses while addressing the complexities of modern marketplaces. By bridging the gaps between national legal systems and international standards, this research contributes to the broader discourse on achieving fairness, transparency, and accountability in consumer transactions worldwide. The proposed framework provides a pathway for policymakers, businesses, and international organizations to strengthen consumer protection systems, ensuring equitable participation in the global economy.

Keywords: Consumer Protection Law, E-Commerce Regulations, Comparative Legal Study, Online Dispute Resolution (ODR), Legal Framework, Legal Harmonization

Chapter 1

1. Introduction

1.1 **Background and Importance of Consumer Protection Law**

Consumer protection law plays a vital role in contemporary economic policy, safeguarding consumer rights against changing market forces[1]. The growth of it shows the acknowledgment of the natural power disparity between buyers and sellers or service providers. This set of laws includes various rules and laws designed to make sure that consumers, who are essential for the economy, are treated fairly and protected from harmful practices that could erode their trust in the market[2].

Consumer protection can be traced back to basic market transactions, but its importance has increased with industrialization, mass production, and the digital revolution[3]. Due to the growing complexity of products and services, along with the rise of globalization and e-commerce, the opportunities for consumer exploitation have increased. In reaction, consumer protection laws have developed from simple protections against dishonest weights and measures to complex regulations that encompass a wide range of consumer rights[4].

These regulations usually cover a few main areas: stopping deceptive behaviour; ensuring the safety and quality of products; giving precise information to buyers; creating fair contract terms; and outlining solutions for faulty goods and services. Consumer protection laws aim to address the imbalance of information between consumers and producers; lower costs associated with transactions and foster an environment conducive to trust.

Consumer protection involves more than just providing benefits to consumers. These laws help to maintain the overall health of the economy by ensuring transparency and fairness[5]. Their support in maintaining consumer confidence in the market ultimately drives increased spending and investment from consumers. Additionally, consumer protection laws promote competition among businesses, leading to innovation, efficiency, and improved quality by ensuring a fair competitive environment.

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[1] Benöhr, 'The United Nations Guidelines for Consumer Protection: Legal Implications and New Frontiers', 43 *Journal of Consumer Policy* (2020) 105.

[2] Mathur, Kshirsagar and Mayer, 'What Makes a Dark Pattern... Dark? Design Attributes, Normative Considerations, and Measurement Methods', in *Proceedings of the 2021 CHI Conference on Human Factors in Computing Systems* (2021) 1.

[3] Howells, 'Protecting Consumer Protection Values in the Fourth Industrial Revolution', 43 *Journal of Consumer Policy* (2020) 145.

[4] A. I. Al-Sharu, 'Legal Protection for Consumers against Misleading Advertisements: A Case Study of Malaysian Consumer Protection Act 1999; and Its Lesson to Jordan' (2020) (doctoral thesis, Universiti Utara Malaysia/available at https://etd.uum.edu.my/8971/).

[5] Howells, *supra* note 3.

The European Union (EU) demonstrates how consumer protection laws can be unified across various regions to establish a more cohesive and effective market. The European's customer Rights Directive (2011/83/ecu) is an essential legislation that standardizes consumer rights within the European, especially in phrases of information before signing a settlement, the ability to cancel contracts made at a distance, and unfair agreement clauses[6]. This Directive, at the side of laws like the general statistics protection law (GDPR), suggests the EU's dedication to protecting customers in a constantly converting market panorama. Much like the United States, the Magnuson-Moss assurance Act is a big development for client safety, highlighting the significance of concise guaranteed situations and with no trouble available options for clients searching for redress[7]. This regulation, mixed with additional federal and state laws, establishes a sturdy framework for defensive consumers, addressing various concerns consisting of misleading advertising and marketing and online privacy.

Technological improvements and globalization of trade have also played a function in shaping the development of purchaser protection legal guidelines[8]. The emergence of digital platforms and on-line transactions has delivered approximately new problems like cyber fraud, facts breaches, and the trafficking of faux products, highlighting the need for revisions and enhancements in present day regulation. Efforts to cooperate across the world and harmonize have turn out to be greater vital in successfully addressing client problems that cross borders. Purchaser protection legal guidelines pass past surely regulating market transactions, displaying that they may be greater encompassing[9]. They constitute the values of justice, equality, and honouring patron independence within the market. As markets evolve similarly, legal guidelines want to regulate to new instances to guard client rights in the midst of advancing technologies and worldwide change practices[10]. In the future, consumer protection law will probably aim to improve digital rights, enhance international collaboration on consumer matters, and ensure that new business models and technologies uphold consumer rights. This change will need a careful equilibrium of innovation and

[6] Greer, S.L., Rozenblum, S., Fahy, N., Brooks, E., Jarman, H., de Ruijter, A., Palm, W. and Wismar, M., 2022. Everything you always wanted to know about European Union health policies but were afraid to ask. World Health Organization. Regional Office for Europe.

[7] Georgiadis and Poels, 'Towards a Privacy Impact Assessment Methodology to Support the Requirements of the General Data Protection Regulation in a Big Data Analytics Context: A Systematic Literature Review', 44 *Computer Law & Security Review* (2022) 105640.

[8] Ahi, Sinkovics and Sinkovics, 'E-Commerce Policy and the Global Economy: A Path to More Inclusive Development?', 63 *Management International Review* (2023) 27.

[9] E. J. Swan, *Internet Law: A Concise Guide to Regulation Around the World* (2022).

[10] M. Kwass, *The Consumer Revolution, 1650–1800* (2022), at 1650–1800.

regulation, with the goal of creating a space where consumers feel both protected and empowered[11].

1.2 The Concept and Evolution of Consumer Protection Law

The adventure of consumer safety regulation from its inception to its contemporary nation is a testimony to the evolving relationship among customers, corporations, and the markets wherein they have interaction. within the earliest days of change, the principle of caveat emptor, or "allow the client beware," prevailed, placing the onus on customers to defend themselves from deceit or harm. However, as societies advanced and markets elevated, the limitations of this precept have become more and more obvious[12]. The complexity of services and products, coupled with the sophistication of marketing strategies, often left purchasers at a drawback, unable to absolutely apprehend or examine the dangers associated with their purchases[13]. The appearance of industrialization marked a pivotal shift in the customer-manufacturer dynamic. The mass production of goods delivered a range of recent merchandise to the market, but it also brought about new varieties of patron damage, which include risky products and misleading advertising practices. Those tendencies triggered early legislative responses aimed at defensive customers, consisting of the pure meals and Drug Act of 1906 in the USA, which sought to prevent the adulteration and mislabelling of foods and prescription drugs[14]. The twentieth century witnessed giant milestones inside the evolution of client safety law. The first-rate melancholy and the subsequent New Deal reforms inside the USA. As an example, noticed the introduction of legal guidelines designed to alter economic markets and guard consumers from predatory lending practices[15]. Similarly, in Europe, the submit-warfare technology added approximately a heightened attention of consumer rights as an essential factor of social welfare, main to the establishment of comprehensive customer safety measures. Another pivotal moment become the consumer movements of the Nineteen Sixties and Nineteen Seventies, which stimulated the public to

[11] Fletcher, A., Crawford, G.S., Crémer, J., Dinielli, D., Heidhues, P., Luca, M., Salz, T., Schnitzer, M., Morton, F.M.S., Seim, K. and Sinkinson, M., 2023. Consumer protection for online markets and large digital platforms. *Yale J. on Reg.*, *40*, p.875.

[12] Shi, Qi and Mu, 'Accelerating the Construction of a Unified Domestic Market to Promote Sustainable Economic Development: Mechanisms, Challenges and Countermeasures—A Perspective Based on the General Law of the Market Economy and Chinese Reality', 15 *Sustainability* (2023) 8329.

[13] Ahmad, N. and Rasheed, H.M.W., 2024. SMEs and digital marketing: A perspective of behavioral reasoning theory. *Tourism and Hospitality Research*, p.14673584241300600.

[14] Kracov, 'Eugenics and the Development of U.S. Food and Drug Law The Path Forward: Seeking Racial Equity in Food and Drug Law', 77 *Food and Drug Law Journal* (2022) 135.

[15] G. W. Ball, *The Past Has Another Pattern: Memoirs* (2022).

embrace more patron rights and produced vital legislative successes[16]. The emergence of patron advocacy businesses and the global government's reputation of client rights as a pinnacle policy objective spotlight the increasing settlement on the importance of safeguarding purchasers amid progressively elaborate marketplace situations. Improvements in era all through the latter part of the twentieth century and continuing into the twenty first century have endured to exchange how consumers engage with the market, bringing in virtual commerce and global online marketplaces[17]. These improvements have broadened the scope and influence of customer dealings whilst also bringing approximately new boundaries, along with cyber threats, privations issues, and the complexity of handling global online commerce. Customer protection legal guidelines have had to change to address those shifts, introducing new regulations that prioritize online patron rights, statistics protection, and coordinated international enforcement movements[18]. Globalization has had a primary impact on the development of modern consumer safety rules. With products and services without problems transferring throughout borders, its miles turning into clearer that there's a growing need for worldwide collaboration and alignment of patron protection regulations. Companies just like the united countries and the business enterprise for economic Co-operation and development (OECD) have created guidelines and standards to make this procedure less complicated, with the aim of safeguarding customers irrespective of their location or the origin in their purchases. The improvement of consumer safety legal guidelines mirrors a wider acknowledgement in society of the sizable contribution customers make to the financial system and the moral obligation to safeguard their welfare[19]. This change in perspective, from "consumer pay attention" to an extra proactive stance on client protection, represents a considerable shift in how legal systems perceive the role of the purchaser within the market. Consumer safety laws have multiplied to cowl a spread of topics which include product liability, truthful trading, settlement law, and opposition regulation, with the intention of promoting a fair and equitable market[20]. Furthermore, the dialogue on safeguarding customers is continuously growing, tackling new issues like sustainable shopping, the ethical obligations of agencies, and the capacity to restore products.

[16] M. McKean, *Environmental Protest and Citizen Politics in Japan* (2023).

[17] Gajdzik, Jaciow and Wolny, 'Types of E-Consumers and Their Implications for Sustainable Consumption—A Study of the Behavior of Polish E-Consumers in the Second Decade of the 21st Century', 15 *Sustainability* (2023) 12647.

[18] Zard and Sears, 'Targeted Advertising and Consumer Protection Law in the European Union', 56 *Vanderbilt Journal of Transnational Law* (2023) 799.

[19] Amin, 'Maqasid-Based Consumer Preference Index for Islamic Home Financing', 38 *International Journal of Ethics and Systems* (2021) 47.

[20] Amellia and Berlianto, 'Factors That Affect Customer Satisfaction and Brand Loyalty for the Apple Brand in Indonesia', 13 *Manajemen Bisnis* (2023) 09.

Consumer protection laws must stay flexible to protect consumers' rights and interests in a constantly changing market landscape driven by evolving consumer needs and market dynamics[21].

Overall, consumer protection law has evolved and expanded over time to address the changing needs of consumers, showcasing a legal system that is dynamic and adaptable. By enacting laws, advocating, and collaborating internationally, consumer protection legislation is now a necessary component of a fair and equitable society, benefiting consumers as well as ensuring market integrity and economic well-being[22].

1.3 Previous Comparative Analyses in the Context of Consumer Protection

Studying comparative analyses in consumer protection law is essential for understanding how various jurisdictions protect consumer rights[23]. These comparative studies provide an overall look at consumer protection on a global scale, showing a variety of legal frameworks influenced by different cultural, economic, and regulatory settings. By comparing different situations, researchers and decision makers can observe trends, make connections, and pinpoint differences in how consumer protection is understood and put into practice globally.

Comparative analyses scrutinize the essential aspects of consumer protection legislation, exploring sections concerning unfair trade practices, warranties, product safety, and consumer redress mechanisms, among other things. Through the comparison of these components, scholars can evaluate the varying abilities and limitations of distinct legal frameworks in safeguarding consumers. One example is when certain areas may possess well-established regulations regarding online business and electronic transactions, showing a proactive stance towards safeguarding consumers in the modern digital era. On the other hand, some individuals may perform exceptionally well in conventional fields like ensuring the safety and quality of products, having implemented strong procedures for testing, certification, and recalls.

Comparative studies have shown that cultural and economic contexts play a crucial role in shaping and implementing consumer protection laws. For instance, nations with a long history of market regulation and government involvement in the economy may implement

[21] George and George, 'Revolutionizing Manufacturing: Exploring the Promises and Challenges of Industry 5.0.', 1 *Partners Universal International Innovation Journal* (2023) 22.

[22] Patel, 'Revolutionizing Consumer Data Analysis: The Development and Impact of a Unique Customer Identifier', 71 *International Journal of Computer Trends and Technology* (2023) 61.

[23] Thomas, 'Amending China's Notion of a "Consumer": Lessons from Comparative Analysis of the PRC Consumer Protection Law', 45 *Journal of Consumer Policy* (2022) 435.

stricter consumer protection laws[24]. On the other hand, individuals who believe in a hands-off approach to economics may prefer industry-led standards and self-regulation. These distinctions are not just theoretical; they impact consumers and businesses in real-world situations, affecting consumer protection and company compliance requirements.

Comparative analyses also emphasize the importance of international and regional organizations in advancing the alignment of consumer protection standards. For example, the European Union has taken a leading role in this endeavour by implementing guidelines that establish minimum consumer protection requirements for every member state, guaranteeing a strong level of consumer protection throughout the single market[25]. Likewise, the United Nations Guidelines aim to ensure that consumers worldwide are protected at a uniform level by offering fundamental principles for governments to follow[26].

Nevertheless, there are numerous challenges involved in the process of harmonization. Differences in legal customs, regulatory focuses, and economic growth levels differ greatly between nations, complicating the implementation of a universal consumer protection strategy. Comparative studies reveal these difficulties, highlighting the discussions and concessions that frequently arise when attempting to harmonize consumer protection regulations globally[27].

Furthermore, comparative research is essential for gaining insights into policy development and legal improvements. Policymakers can learn valuable lessons for their own jurisdictions by studying and adopting successful practices and innovative methods from various countries worldwide[28]. For example, a nation seeking to enhance its consumer complaint processes could examine the approaches utilized in different nations, like dedicated consumer tribunals, mediator programs, or internet dispute resolution services. This method of crossbreeding could speed up the creation of better and more adaptable consumer protection legislation.

Comparative analyses not only focus on effective strategies but also shed light on typical mistakes in consumer protection. These could involve complicated or bureaucratic procedures for resolving complaints that deter consumers from seeking solutions, or regulatory gaps that leave specific consumer groups vulnerable. Comparative studies offer a

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[24] Huang, ''Strong Regulations' of China's Platform Economy: A Preliminary Assessment', 15 *China Economic Journal* (2022) 125.

[25] Dettori, M., Arghittu, A., Deiana, G., Castiglia, P. and Azara, A., 2022. The revised European Directive 2020/2184 on the quality of water intended for human consumption. A step forward in risk assessment, consumer safety and informative communication. *Environmental Research*, *209*, p.112773.

[26] Mone and Mitharwal, 'Guardians of Privacy: Exploring the Viability of a United Nations-Backed Global Data Governance', 14 *International Journal of Intellectual Property Management* (2024) 194.

[27] Thomas, *supra* note 23.

[28] Li, Taeihagh and Tan, 'What Factors Drive Policy Transfer in Smart City Development? Insights from a Delphi Study', 84 *Sustainable Cities and Society* (2022) 104008.

guide for jurisdictions to improve consumer protection frameworks by highlighting potential pitfalls and ways to increase effectiveness[29].

Despite providing valuable insights, comparative analyses in consumer protection law encounter various methodological obstacles. Legal systems are intricate and have many aspects, making it challenging to separate the effects of individual consumer protection measures from other factors that can affect market results[30]. Moreover, the efficacy of consumer protection laws is determined not solely by their actual content, but also by enforcement procedures, which may differ greatly within a single jurisdiction.

In summary, past comparisons of consumer protection laws are crucial for enhancing our comprehension of how various regions safeguard consumer rights. This research offer a wealth of knowledge for academics, decision-makers, and professionals, giving understanding into various legal methodologies, the difficulties of standardization, and the opportunity for learning and reform in policies and laws. As consumer markets evolve due to technological advances and international trade, the significance of comparative analysis in developing efficient consumer protection frameworks cannot be emphasized enough.

1.4 Historical Evolution of Consumer Trade Regulations

The history of consumer trade regulations is an intriguing tale that illustrates how market practices have changed and how consumer rights have become essential in legal systems around the globe[31]. This transformation does not just document changes in laws, but also mirrors shifts in societal beliefs, economic situations, and technological progressions. By examining this past, we learn about the influences that have formed the current regulatory policies overseeing consumer transactions.

The origins of consumer trade laws can be linked to ancient societies, where rules and regulations were created to guarantee equality and prevent deception in market transactions. One of the earliest deciphered writings of considerable length in the world is the Code of Hammurabi, which set forth regulations for trade such as controlling weights and measures to avoid dishonest practices in the market[32]. Just like in ancient Rome, the Lex Julia de Annona

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[29] Oriji, O., Shonibare, M.A., Daraojimba, R.E., Abitoye, O. and Daraojimba, C., 2023. Financial technology evolution in Africa: a comprehensive review of legal frameworks and implications for ai-driven financial services. *International Journal of Management & Entrepreneurship Research*, *5*(12), pp.929-951.

[30] Chawla and Kumar, 'E-Commerce and Consumer Protection in India: The Emerging Trend', 180 *Journal of Business Ethics* (2022) 581.

[31] Dwivedi, Y.K., Hughes, L., Baabdullah, A.M., Ribeiro-Navarrete, S., Giannakis, M., Al-Debei, M.M., Dennehy, D., Metri, B., Buhalis, D., Cheung, C.M. and Conboy, K., 2022. Metaverse beyond the hype: Multidisciplinary perspectives on emerging challenges, opportunities, and agenda for research, practice and policy. *International journal of information management*, *66*, p.102542.

[32] B. S. Jackson, *Jewish Law in Legal History and the Modern World* (2023).

controlled the distribution and sale of grain, safeguarding buyers from unfair pricing and maintaining food stability[33].

During the medieval and early modern eras, the expansion of trade routes and the development of more advanced markets highlighted the necessity for more extensive trade laws. During this period, guilds and trade associations were essential in establishing norms for the quality of products and fair business practices. These organizations had the power to examine goods, uphold standards, and penalize members who broke trade rules[34]. Furthermore, sumptuary laws were implemented in different regions of Europe to control consumption and guarantee that goods were available to all social classes.

The Industrial Revolution represented a major shift in the development of consumer trade laws. The rise of mass production and new markets led to never-before-seen challenges, such as the wide dissemination of dangerous products and misleading marketing strategies. For the duration of this time, legal guidelines were created to defend clients, focusing on topics like food protection, labelling, and monopolies[35].

The pure meals and Drug Act of 1906 and the Federal trade fee Act of 1914 were vital laws inside the US that hooked up the basis for brand new purchaser protection regulations.

Likewise, the Sale of Goods Act 1893 in the United Kingdom established the requirement for goods to meet quality standards and be suitable for their purpose.

Consumer movements gained momentum in the 20th century due to influential books like Ralph Nader's "Unsafe at Any Speed" and Rachel Carson's "Silent Spring," exposing risks of unregulated products and industries[36]. These groups supported consumers' rights to safety, information, choice, and representation, resulting in important legal accomplishments. The upward thrust of patron advocacy businesses and governments prioritizing purchaser rights global exhibit a shared reputation of the necessity to guard purchasers.

Globalization and technological innovation have described the second one half of the 20th century and the start of the 21st century. Virtual trade and worldwide online marketplaces have absolutely modified the patron enterprise thanks to the virtual revolution[37].

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[33] N. Barca, *Roman Aquileia: The Impenetrable City-Fortress, a Sentry of the Alps* (2022).

[34] Kaptein, 'A Paradox of Ethics: Why People in Good Organizations Do Bad Things', 184 *Journal of Business Ethics* (2023) 297.

[35] Hassoun, A., Cropotova, J., Trif, M., Rusu, A.V., Bobiş, O., Nayik, G.A., Jagdale, Y.D., Saeed, F., Afzaal, M., Mostashari, P. and Khaneghah, A.M., 2022. Consumer acceptance of new food trends resulting from the fourth industrial revolution technologies: A narrative review of literature and future perspectives. *Frontiers in nutrition*, *9*, p.972154.

[36] R. J. Lazarus, *The Making of Environmental Law* (2023).

[37] Grinin, 'Revolutions and Historical Process', in J. A. Goldstone, L. Grinin and A. Korotayev (eds.), *Handbook of Revolutions in the 21st Century: The New Waves of Revolutions, and the Causes and Effects of Disruptive Political Change* (2022) 139.

These advancements have required consumer protection laws to be revised and expanded to tackle emerging vulnerabilities and challenges, such as cybersecurity risks, privacy issues, and regulating cross-border online trade.

The need for standardizing consumer protection guidelines has grown more significant in this scenario. International entities like the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) have been crucial in fostering conversations and deals to guarantee a just and secure global market for consumers[38].

Presently, consumer trade regulations are constantly changing to address new issues like sustainable consumption, corporate ethical obligations, and the influence of artificial intelligence on consumer transactions. The lessons learned from the historical development of these regulations highlight how legal systems can adapt and remain resilient amidst changing market conditions[39].

In summary, the evolution of consumer trade laws over time reflects society's constant effort to maintain a fair and safe marketplace for both consumers and producers. Looking ahead, the valuable insights gained from this extensive past will surely guide the approaches taken to maneuverer through the intricacies of contemporary business, guaranteeing that safeguarding consumer interests continues to be a crucial aspect of global legal and regulatory systems.

1.5 Background of Consumer Trade Regulations

Purchasers change guidelines are an important a part of the legal gadget that goals to protect consumer pastimes in the market. They act because the standards for honest exchange behaviours, making sure that the transactions between customers and sellers are completed in an ethical and transparent way[40]. These policies show how market economies have evolved from a time whilst it changed into entirely the responsibility of the buyer to now having explicit protections for consumer rights in vicinity[41].

Customer change regulations originated in historical marketplace societies that operated on believe and reciprocal exchanges of goods[42]. But, as economies expanded and industrialization became commonplace, consumer transactions grew greater complex. The emergence of mass production and the boom of markets past neighbourhood areas brought

[38] M. A. Rahman, The Inceptions of the World Trade Organization (WTO) in Escalating International Trade, 4519007, 4 June 2023.

[39] Alotaibi, 'Investigating the Resilience of Islamic Law: An Analysis of Family, Criminal, and Commercial Law', 20 *Migration Letters* (2023) 533.

[40] Susanti, 'THE ELECTRONIC MARKET (MARKETPLACE) ON ELECTRONIC TRADE (E-COMMERCE) IN INDONESIA', 7 *NOTARIIL Jurnal Kenotariatan* (2022) 24.

[41] Fletcher, G.P., 1985. The right and the reasonable. *Harvard Law Review*, pp.949-982.

[42] Bietti, 'Self-Regulating Platforms and Antitrust Justice Essay', 101 *Texas Law Review* (2022) 165.

about clean boundaries in guaranteeing product first-class and honest pricing. It was inside this framework that the necessity for a respectable series of hints to manipulate consumer trade started to become apparent[43].

The economic revolution represented a primary shift, with customer items increasing unexpectedly in both amount and variety. This style of options, even though effective in several elements, additionally raised the risk of exploitation and fraud[44]. Gadgets that were being added into the market were no longer consistently reliable, and the restricted facts available to customers concerning the goods they were buying commenced to raise alarm. Without right regulation, the unequal strength dynamic between customers and sellers may want to result in great exploitation. As the sector moved into the twentieth century, the upward push of consumerism highlighted the significance of consumer rights[45]. The acknowledgment that consumers play a vital function within the economy, warranting safeguarding and equitable remedy, resulted inside the introduction of patron exchange laws. These policies started to cowl a much broader range of topics, which include safety standards for merchandise to protect purchasers and laws on advertising to stop misleading advertising practices. Technological advances and globalization in the latter half of the 20th and early 21st centuries further accelerated the development of those guidelines. The digital generation introduced in online shopping, electronic agreements, and digital marketing, commencing up novel avenues for purchaser transactions and, therefore, clean risks[46]. Globalization made it simpler for goods and offerings to transport throughout borders, creating demanding situations in implementing customer protections and emphasizing the importance of international collaboration in regulating client change. These days, policies in client trade cope with an extensive variety of issues that mirror the complex nature of present-day enterprise[47]. Those include:

Making sure that every item available for purchase adheres to rigorous safety regulations is a key aspect of laws designed to safeguard consumers and prevent any possible risks. Stringent testing and certification processes are frequently necessary before a product can be launched to comply with safety standards. In line with the European Union's general safety directive,

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[43] H. Kerzner, *Project Management Metrics, KPIs, and Dashboards: A Guide to Measuring and Monitoring Project Performance* (2022).

[44] Murinde, Rizopoulos and Zachariadis, 'The Impact of the FinTech Revolution on the Future of Banking: Opportunities and Risks', 81 *International Review of Financial Analysis* (2022) 102103.

[45] Sharma and Bishnoi, 'The Resonating Legislations: Consumer Protection Act, 2019 & Competition Act, 2002', 5 Issue 2 *Indian Journal of Law and Legal Research* (2023) 1.

[46] Grinin, *supra* note 37.

[47] Zhang, H., Zang, Z., Zhu, H., Uddin, M.I. and Amin, M.A., 2022. Big data-assisted social media analytics for business model for business decision making system competitive analysis. *Information Processing & Management*, *59*(1), p.102762.

products should ensure the safety of the consumer in expected or foreseeable circumstances. To achieve this, it is important to evaluate possible risks and provide clear safety guidelines. The process of certification may include various stages, like laboratory tests, risk evaluations, and compliance inspections, all of which are essential to minimize harm to customers. Advertising regulations are important for safeguarding consumers and aim to shield them from deceptive or misleading ads. These standards are designed to guarantee that every marketing message is truthful and not deceptive, giving consumers the ability to make educated decisions. For instance, rules might necessitate providing proof for all statements regarding a product's abilities, to guarantee that consumers are not deceived about the product's potential. Furthermore, regulations for advertising frequently stipulate that pricing must be transparent, necessitating clear communication of all costs related to a product or service to the customer from the beginning. This involves steering clear of undisclosed charges or unclear pricing formats. Moreover, these guidelines guarantee that all potential dangers linked to using products are explicitly stated, aiding consumers in comprehending the complete consequences of their purchase.

Agreement terms are crucial for guaranteeing fairness in the sales terms, encompassing clauses about warranties and the option to return faulty products. Consumer protection laws are designed to avoid unjust terms in contracts that may put the consumer at a disadvantage the goal of the Unfair Contract Terms Directive in the European Union is to safeguard consumers against standard terms that unfairly tip the scale of rights and responsibilities, leaving the consumer in a disadvantaged position[48]. This involves making sure warranty conditions are just and suitable, and that customers can conveniently exchange or return faulty products. These rules typically require that all parts of the agreement must be clearly and easily understood, ensuring that consumers understand their rights and responsibilities before agreeing.

Dispute resolution mechanisms are crucial elements of consumer protection systems, offering organized processes for settling conflicts between buyers and sellers. Consumers can choose from various options such as mediation, arbitration, consumer courts, and online dispute resolution (ODR) platforms to effectively address their problems. Mediation is when a mediator assists in facilitating discussions between the buyer and the seller in order to come to a mutually agreed upon resolution. On the other hand, arbitration includes a neutral arbitrator who listens to the arguments of both sides and reaches a final ruling. Consumer

[48] C. Riefa and S. Saintier, *Vulnerable Consumers and the Law: Consumer Protection and Access to Justice* (2020).

courts are established to address consumer complaints and provide an official legal means of resolving disputes[49].

In addition, the rise of digital technology has resulted in the creation of ODR platforms, providing consumers with a convenient and readily available way to resolve conflicts online. These platforms often have tools like automated negotiation, electronic document submission, and video conferencing, which can quicken the resolution process and provide greater flexibility. Collaborating, these approaches ensure clients have multiple avenues to pursue compensation, enhancing their confidence in the industry and ensuring their entitlements are upheld.

The continuous evolution of consumer alternate regulations displays the continued effort to balance the pursuits of purchasers and sellers in a rapidly converting marketplace. As new challenges emerge, from the rise of artificial intelligence and gadget studying to environmental concerns and sustainability problems, policies will want to conform to defend consumers at the same time as fostering innovation and boom[50].

The history of client trade guidelines, consequently, is not always only a record of legal evolution, however a story of society's development closer to a greater equitable and transparent market gadget. It underscores the significance of regulatory frameworks in preserving consumer self-assurance that is indispensable for the health and stability of the worldwide financial system[51].

1.6 Key Principles Governing Consumer Transactions

Several basic principles underpin consumer protection law, guaranteeing fair treatment for consumers worldwide and safeguarding the authenticity of consumer transactions[52]. Fairness, transparency, redress, and privacy are key principles that shape laws, rules, and actions to safeguard consumers in various market settings. Exploring the meaning, use, and difficulties connected to these principles allows for a deeper understanding of how they influence the legal framework of consumer protection.

Consumer protection law places a strong emphasis on fairness, promoting equality and justice within the marketplace. It aims to guarantee that businesses treat customers ethically and do

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[49] Tiwary and Pati, 'Harnessing Online Dispute Resolution (ODR) for Effective Conflict Resolution in E-Commerce Platforms: Opportunities and Challenges', 28 *NATURALISTA CAMPANO* (2024) 1933.

[50] Haleem, A., Javaid, M., Khan, I.H. and Mohan, S., 2023. Significant Applications of Artificial Intelligence Towards Attaining Sustainability. *Journal of Industrial Integration & Management*, *8*(4).

[51] Gulati and Singh, 'Financial Self-Efficacy of Consumers: A Review and Research Agenda', 48 *International Journal of Consumer Studies* (2024) e13024.

[52] Nguyen, 'Consumer Protection Against Unfair Contract Terms in the Age of Smart Contracts', 51 *Federal Law Review* (2023) 487.

not engage in exploitative practices. Fairness covers a wide range of issues, such as the cost of items and services, the conditions of agreements, and the standard of goods. Legal systems enforce this principle by enacting laws that forbid deceptive advertising, misleading labelling, and other types of unfair commercial practices. Regulators and enforcers face the task of genuinely defining and figuring out what qualifies as "unfairness" in a way this is understandable to organizations and safeguards purchasers[53]. Transparency requires businesses to be open and clean when interacting with consumers. This principle plays an important position in assisting customers to make informed choices when shopping for products. Transparency involves the clear and comprehensible disclosure of vital info regarding services and products like pricing, capabilities, dangers, and phrases of sale[54]. The increased popularity of online shopping has led to a greater emphasis on transparency, with laws frequently requiring detailed information for digital transactions and agreements. Despite these attempts, the constant changes in marketing strategies, especially on digital channels, continue to create difficulties in maintaining transparency successfully.

The redress principle guarantees consumers the ability to resolve disputes and obtain compensation or remedies for complaints effectively through accessible mechanisms. This rule is essential for consumer confidence in the market; it guarantees that consumers' rights will be respected, and they can seek help if they are not satisfied[55]. Across the globe, legal systems enforce this principle through different means such as consumer protection agencies, ombudsman services, and specialized courts. Yet, the efficiency of redress methods frequently differs, as obstacles like complicated procedures, expensive fees, and prolonged resolution periods reduce their availability and usefulness for customers.

Privateers have come to be a vital element of purchaser protection in brand new marketplace. This principle offers with how businesses accumulate, use, and share non-public records. As virtual transactions emerge as extra commonplace, customers are placing more non-public statistics in the fingers of groups, main to issues approximately records safety and the chance of exploitation. Privateer's rules, like the GDPR within the European, set up recommendations for protecting facts and provide people manipulate over their private statistics[56]. Notwithstanding the safeguards in area, the ever-evolving technology and

[53] Selbst and Barocas, 'Unfair Artificial Intelligence: How FTC Intervention Can Overcome the Limitations of Discrimination Law', 171 *University of Pennsylvania Law Review* (2022) 1023.

[54] de Marcellis-Warin, N., Marty, F., Thelisson, E. and Warin, T., 2022. Artificial intelligence and consumer manipulations: from consumer's counter algorithms to firm's self-regulation tools. *AI and Ethics*, *2*(2), pp.259-268.

[55] van Gelder and Rainey, 'Consumer Online Dispute Resolution Pathways in Europe : Analysing the Standards for Access and Procedural Justice in Online Dispute Resolution Procedures', (2022) 1.

[56] Couretas, 'Cyber Policy, Doctrine, and Tactics, Techniques, and Procedures (TTPs)', in J. M. Couretas (ed.), *An Introduction to Cyber Analysis and Targeting* (2022) 13.

superior information processing strategies are continuously pushing the boundaries of purchaser privacy in transactions.

The core values that direct the creation and implementation of consumer protection measures are fairness, transparency, redress, and privacy, according to the key principles of consumer protection law. The fact that they are used in various locations shows a collective dedication to protecting consumers, even if the methods and obstacles differ. The constant change in markets, especially with the introduction of digital technology and globalization, requires a consistent review and adjustment of these principles to tackle novel consumer protection concerns[57].

As stated in this review, the rules that control consumer transactions can change in order to adapt to evolving consumer needs and market trends. The academic and legal research on these principles offers useful perspectives on how they are implemented and the impact of associated laws and policies. This study aims to find ways to improve consumer protection frameworks by examining and comparing how these principles are implemented in different legal systems like Iran, Italy, and Europe. In the end, the aim is to help build a market that is dynamic, innovative, and fair, transparent, and respects consumer rights.

1.7 Consumer Protection Law, Artificial Intelligence, and Defective Product Liability

The rise of artificial intelligence (AI) has transformed many sectors, changing the way consumer products and services are offered. AI technologies, present in smart home devices and autonomous vehicles, provide unparalleled convenience and customization options. Nevertheless, these progressions bring about notable obstacles for safeguarding consumer rights. As AI becomes more common in daily life, it is important to evaluate the applicability of current consumer protection laws to AI-based products and services, and to think about the necessity of new regulations that address the specific challenges posed by AI[58].

AI-powered products offer improved features, effectiveness, and user satisfaction. One instance is smart home devices that can understand user preferences and handle household chores automatically, self-driving cars aim to decrease traffic accidents by removing human mistakes, and virtual assistants can tailor services using personalized user information. However, current consumer protection frameworks may not adequately tackle the substantial risks and challenges that come with these benefits[59].

[57] I. Brown and C. T. Marsden, *Regulating Code: Good Governance and Better Regulation in the Information Age* (2023).

[58] Du and Xie, 'Paradoxes of Artificial Intelligence in Consumer Markets: Ethical Challenges and Opportunities', 129 *Journal of Business Research* (2021) 961.

[59] Chawla and Kumar, *supra* note 30.

Safety is a significant issue. Conventional safety guidelines mainly target tangible products, concentrating on avoiding physical injuries to customers. Nonetheless, AI products frequently consist of intricate software systems prone to malfunctioning or behaving erratically. An example would be if the AI system of a self-driving car misunderstood sensor information, resulting in accidents. Guaranteeing the security and dependability of products powered by AI necessitates thorough testing and certification processes that take into consideration the ever-changing and flexible characteristics of AI algorithms.

Maintaining privacy poses a major challenge as well. AI systems frequently depend on extensive datasets, which may contain personal data, in order to operate efficiently. This gathering of information raises worries about the utilization, storage, and sharing of personal data. The GDPR sets out a strong system for data protection in the European Union, requiring transparency, consent, and minimal data usage. Nevertheless, the swift advancement of AI technology could surpass existing regulations, requiring revisions to address concerns related to automate decision-making and AI-powered profiling.

Transparency and Explain ability are crucial concerns as well. AI algorithms are very complex and difficult for consumers to understand, due to uncertainty about how decisions will affect consumers. Consumers may question their decisions or find it difficult to understand the risks associated with AI products due to a lack of understanding, leading to a loss of trust. For example, if an AI-enabled financial service rejects a loan application, a person must be qualified to understand the basis of the decision and the standards adopted by the program.

Another important issue is responsibility. Establishing responsibility when AI systems are responsible for causing harm can be challenging. Traditional legal systems have difficulty determining liability when private systems come into play. If a personal car fails, it can be difficult to decide who is to blame: the manufacturer, the programmers, or someone else.

Current consumer protection laws may not adequately address these unique challenges posed by AI. Regulations for traditional physical products may not be sufficient for ensuring the safety of AI products due to their software and algorithmic components. Although the GDPR lays a solid groundwork for data protection, it may need additional revisions to address risks specific to AI. For example, the GDPR requires transparency and accountability when handling personal data, and grants individual’s rights over their data. This encompasses the right to receive information on data collection and usage, the right to access data, and the right to request data correction or deletion. Nevertheless, the regulations surrounding automated decision-making and profiling in the GDPR are continuously developing, sparking debates on the most effective ways to safeguard individuals in a world dominated by artificial intelligence.

Due to the specific challenges presented by AI technologies, there is an increasing agreement that new rules are needed to guarantee that AI is created and implemented in a way that safeguards consumers. The emphasis should be on multiple main areas according to these rules.

1. **Safety and Reliability:** It is important to ensure that AI powered products meet safety and reliability standards. This may include establishing a certification process for AI technologies, such as those used in current products, to ensure they are safe for consumers. One possibility is to thoroughly test AI systems in different scenarios to guarantee their reliable and safe performance.
2. **Transparency and Explain ability**: It should be mandatory for companies to offer transparent and comprehensible details on the functionality of their AI systems. This involves detailing the standards employed by algorithms for decision-making and their possible effects on consumers. Ensuring transparency is essential to build trust with customers and contribute to decision-making. The rules may require companies to disclose the data sources used in their AI systems, the reasoning behind their decision-making processes and the vulnerabilities that influenced the results.
3. 3. Privacy and data protection: Strengthening your data protection strategy is critical to meeting the unique challenges that intelligence presents. This includes ensuring that people have the right to control their personal information and that AI systems comply with privacy laws. Legislation should consider the risks of AI-based information generation and automated decision-making to avoid direct consumer discrimination. Consumers can challenge decisions made by artificial intelligence without accessing AI-based indicators.
4. **Accountability and Redress**: It is crucial to create systems for holding companies responsible for the behaviour of their AI technology. This involves developing legal structures that determine responsibility for damages caused by AI products and guaranteeing that users can seek recourse if they are negatively impacted by AI technologies. Rules might require companies to keep thorough records of AI system actions and decision-making procedures, which could be examined if there is a disagreement or harm.

Global collaboration is essential for implementing uniform and efficient rules because of the global reach of AI advancements and utilization. Groups like EU, UN, and OECD are taking an active role in creating global AI standards to be used as a basis for local laws. These endeavours strive to guarantee the security, openness, and protection of consumer rights in AI technologies worldwide[60].

An example of this is the proposed Artificial Intelligence Act by the European Union, which aims to establish a comprehensive regulatory framework for AI, with a focus on safety, transparency, accountability, and governance. AI systems are grouped by their level of risk in the legal system, leading to the implementation of tailored regulations. Strict rules must be adhered to ensure transparency, reliability, and accountability in high-risk AI systems, like those utilized in critical infrastructure and healthcare.

Likewise, the OECD's Principles on Artificial Intelligence promote ethical progress and integration of AI technology, emphasizing values such as transparency, accountability, and fairness. These principles set a standard for global AI governance and urge countries to integrate comparable guidelines in their legislation.

With AI's ongoing impact on the market, it is essential for consumer protection laws to adapt accordingly. Tackling the distinct obstacles presented by AI and enforcing fresh regulations can guarantee that AI technologies are advantageous to consumers while protecting their rights. This research will investigate the existing regulatory environment, pinpoint areas lacking and obstacles, and suggest ways to improve safeguarding consumers in the era of AI. We strive to help create a fair and reliable market environment that embraces technological advancements by learning from global best practices and international standards.

By thoroughly examining the regulations in place in Iran, Italy, and Europe, this research will offer an in-depth look at how various regions are tackling the issues related to artificial intelligence in protecting consumers. Through pinpointing the advantages and disadvantages of these structures, we can provide specific suggestions to enhance consumer protection regulations to align with the fast-paced advancement of AI technologies. In the end, we aim to guarantee consumer protection in a society where AI has a growing presence, promoting trust and confidence in the market.

Imperfect item obligation may be a basic viewpoint of buyer security law, guaranteeing that producers, merchants, and retailers are held responsible for any hurt caused by flawed items. This subsection digs into the lawful systems administering imperfect item risk, highlighting its centrality in ensuring buyers, promoting fair exchange hones, and cultivating belief within the commercial center.

Inadequate item risk alludes to the lawful duty of producers and venders for wounds or damages caused by an inadequate item. This risk is grounded within the principle that

[60] Feijóo, C., Kwon, Y., Bauer, J.M., Bohlin, E., Howell, B., Jain, R., Potgieter, P., Vu, K., Whalley, J. and Xia, J., 2020. Harnessing artificial intelligence (AI) to increase wellbeing for all: The case for a new technology diplomacy. *Telecommunications Policy*, *44*(6), p.101988.

customers ought to be ensured from hurt coming about from items that are hazardous or don't meet anticipated security and unwavering quality benchmarks. Imperfect items envelop a wide range of issues, counting plan blemishes, fabricating surrenders, and lacking notices or enlightening.

1.8 Types of Product Defects

1. **Design Defects**: Design defects occur when a product's design is inherently unsafe, even if it is manufactured correctly. These defects exist before the product is manufactured and affect all products in the line. For example, a car model designed with a high center of gravity that makes it prone to rollover accidents during sharp turns is considered to have a design defect. Addressing design defects typically involve redesigning the product to eliminate the inherent risk.
2. **Manufacturing Defects**: Manufacturing defects arise during the production process and result in products that deviate from their intended design, making them unsafe. Unlike design defects, manufacturing defects affect only certain batches or units of a product. An example might be a batch of medication contaminated during production, leading to adverse health effects for consumers. Ensuring strict quality control measures during the manufacturing process is crucial to prevent such defects.
3. **Marketing Defects**: Also known as failure-to-warn defects, these involve inadequate instructions or warnings about the product's proper use or potential dangers. Even if a product is designed and manufactured correctly, it can still be considered defective if it lacks sufficient warnings about its risks. A common example is a pharmaceutical company failing to provide clear warnings about the potential side effects of a medication, leading to harm for users who are not adequately informed about the risks.

Laws about defective product liability differ but typically hold manufacturers and sellers strictly responsible, requiring consumers to only show a defect and harm, not negligence. The Product Liability Directive in the EU ensures that producers can be held responsible for defects, even if they are not negligent, to ensure fairness in the market and protect consumers[61]. In the US, manufacturers can be held responsible for injuries resulting from defects through the legal doctrine of strict liability in tort, as seen in cases such as Greenman v. Yuba Power Products, Inc. This method, backed by Restatement (Second) of Torts, Section 402A, offers a means for safeguarding consumers.

[61] Hacker, 'The European AI Liability Directives – Critique of a Half-Hearted Approach and Lessons for the Future', 51 *Computer Law & Security Review* (2023) 105871.

The importance of defective product liability lies in safeguarding consumers by providing compensation and discouraging the distribution of unsafe products. It makes it easier for consumers to file claims and prompts manufacturers to focus on safety measures. Nevertheless, difficulties arise when it comes to demonstrating flaws in intricate items and holding individuals accountable in worldwide distribution networks, through which products traverse various markets.

Both consumers and businesses are advantaged by strict liability laws. Consumers are able to seek restitution without having to demonstrate negligence, receiving compensation for any harm experienced. Prioritizing safety and quality in business can help establish trust and reputation, which in turn can lead to increased profits. Despite difficulties in implementation, holding manufacturers accountable for faulty products is crucial for protecting consumers and upholding the integrity of the marketplace.

As technology evolves and markets shift, the range of product liability for defects must adapt to mitigate emerging risks. Authorities need to consider how technologies such as AI and IoT affect consumer safety, particularly in products like self-driving cars. The growth of online shopping brings difficulties too, as it can be difficult to determine liability for faulty items on e-commerce websites. Some areas are exploring novel methods to ensure online platforms are responsible for these matters.

Global cooperation plays a crucial role in establishing uniform regulations on defective product liability, with entities such as the EU, UN, and OECD concentrating on crafting universal standards. These initiatives are focused on ensuring consumer protection regardless of the origin or location of products[62].

Ensuring consumer protection is vital through defective product liability, where manufacturers and sellers are held accountable for the safety and quality of their products. With the ongoing advancements in technology and globalization, it is crucial for liability laws to adapt and stay current to effectively address changes in consumer behavior. This research will investigate the existing condition of liability for faulty products in Iran, Italy, and Europe, pinpointing areas that could be enhanced to enhance consumer protection. The research seeks to enhance consumer protection laws by examining and contrasting various frameworks to support rights and fairness in the marketplace.

The main goal of this research is to conduct a thorough analysis and comparison of consumer protection laws and trade regulations in the unique legal landscapes of Iran, Italy, and the broader European context. This study carefully examines how these laws affect certain

[62] Rodríguez de las Heras Ballell, 'The Revision of the Product Liability Directive: A Key Piece in the Artificial Intelligence Liability Puzzle', 24 *ERA Forum* (2023) 247.

products or services, shedding light on how different jurisdictions view consumer rights and market fairness.

To reach this goal, the research lays out several important objectives, each aimed at understanding the intricacies of consumer protection frameworks and how they function in the selected regions. The objectives include the following:

Studying the legislative, administrative, and judicial aspects of consumer protection systems in Iran, Italy, and Europe is necessary for understanding how they are built and how well they work. This means studying the organization of these systems, such as the procedures for creating laws, carrying out tasks, and settling disputes. Laws and regulations that define consumer rights and business obligations are the foundation of consumer protection. In Iran, the Consumer Protection Law establishes fundamental consumer rights and business responsibilities, while in Italy, the Consumer Code combines multiple laws to create a thorough framework. Within the European Union, regulations like the Consumer Rights Directive (2011/83/EU) set consistent criteria among member nations, guaranteeing a strong level of consumer safeguarding across the unified market[63].

Administrative components include governmental and regulatory entities in charge of enforcing laws that safeguard consumers. Groups like Iran's Consumer Protection and Production Support Organization, Italy's Autorità Garante Della Concorrenza e del Mercato (AGCM), and the European Consumer Centres Network (ECC-Net) are essential in overseeing adherence, examining infractions, and enforcing sanctions. The success of these organizations depends heavily on their resources, jurisdiction, and legal framework.

Legal processes involve the steps that customers can take to resolve conflicts and receive reimbursement. This includes consumer courts, special small claims courts, and alternative dispute resolution methods like mediation and arbitration. The significance of these legal procedures is in how easily and quickly they allow consumers to defend their rights without encountering unnecessary obstacles.

Through comprehending the complexities of these systems, we can assess their benefits and pinpoint areas for possible enhancement, guaranteeing their efficient operation in protecting consumer rights.

This research intends to evaluate the advantages and disadvantages of consumer protection systems in various jurisdictions through a detailed examination of their legal structures. The assessment will analyse the extent and variety of legal protections offered to consumers, the efficiency of enforcement procedures, and the availability of remedies and support for

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[63] Campo Comba, 'The Relationship and Coordination Between EU Consumer Directives and the Rome I Regulation', in M. Campo Comba (ed.), *The Law Applicable to Cross-Border Contracts Involving Weaker Parties in EU Private International Law* (2021) 169.

consumers. One example of the European Union's system's effectiveness is its standardized legal framework, ensuring uniform protections and promoting cross-border commerce within member states. Nevertheless, a possible downside is the inconsistent enforcement levels across member states, resulting in disparities in consumer protection.

Italy possesses a robust Consumer Code which offers a structured legal framework covering various aspects of consumer protection, including unfair commercial practices and product liability. Nevertheless, there are still challenges that need to be addressed in order to guarantee compliance and understanding among consumers. In Iran, the Consumer Protection Law offers a solid legal basis, but its impact may be limited because of inadequate enforcement resources and consumer awareness. This comprehensive assessment will emphasize the benefits of each system, while also pinpointing any drawbacks and areas that require enhancement. Policymakers can improve consumer protection through well-informed decisions based on an understanding of both the strengths and weaknesses involved.

Examining difficulties in current consumer markets: The research will evaluate how existing consumer protection laws tackle the changing challenges of the 21st-century market. Particular focus will be given to digital transactions and e-commerce because of the distinct hazards and benefits they present to both purchasers and vendors. The study will analyse how these rules change to keep up with technological progress and the growing popularity of internet shopping. An example is the GDPR of the European Union which establishes strict rules for data privacy, dealing with issues concerning the gathering and utilization of personal information in online transactions.

Furthermore, the research will investigate the increase in global sales driven by globalization and the digital economy, examining how varying governments tackle legal concerns across borders and safeguard consumer rights in a worldwide market. This involves studying the impact of global agreements like the United Nations Guidelines for Consumer Protection on domestic legislation to ensure a uniform standard of consumer protection globally. The study will also analyse the function of online dispute resolution (ODR) platforms, which offer consumers convenient and effective ways to resolve disputes in the online market.

To suggest ways to improve: By examining different aspects of consumer protection systems, the research seeks to offer actionable advice for strengthening these policies. These recommendations will be drawn from successful practices seen in the areas being studied, with the goal of enhancing legal structures, enhancing enforcement tactics, and informing consumers and vendors about their responsibilities and entitlements. One suggestion could be to improve the collaboration between national and regional consumer protection agencies to maintain uniform enforcement and exchange successful strategies.

Another suggestion is to boost funding for consumer education initiatives, enabling consumers to better grasp their rights and learn how to utilize them. This may involve campaigns to raise public awareness, educational resources, and collaborations with consumer advocacy organizations. Furthermore, the research could propose implementing stronger online dispute resolution systems, offering consumers a more convenient and effective way to settle disputes, especially in the realm of digital transactions.

The goal is to create a more robust consumer protection system that can adapt to market shifts, protecting consumer rights and encouraging ethical business practices. Implementing these suggestions can enhance the efficacy of consumer protection measures, creating a fair competitive environment for both consumers and businesses. With the increasing use of artificial intelligence in consumer products, there are pros and cons in terms of consumer safety. This research aims to evaluate current rules and legislations regarding AI-related concerns, such as smart home gadgets and autonomous vehicles. Identifying flaws in laws and offering recommendations can improve consumer safeguards in the age of artificial intelligence. Laws regarding product liability are crucial in holding manufacturers accountable for defective products. This research will assess the effectiveness of product liability mechanisms in Iran, Italy, and Europe. This involves assessing how these frameworks deal with various kinds of product issues such as design flaws, production errors, and advertising problems, as well as the options for consumers to seek compensation. The study's goal is to find the most effective practices and suggest enhancements for strong consumer protection by examining these systems. The goal is to create suggestions that improve the responsibility of companies and offer reliable options for compensation to consumers, ultimately promoting a safer and more trusted market.

The research aims to significantly contribute to the conversation on consumer protection by achieving these goals. It seeks to provide light on the relative advantages and disadvantages of various legal frameworks for defending consumer rights, providing a wealth of information that may advise decision-makers in government, the legal community, and academic research.

Additionally, the study aims to close gaps in understanding and application of modern market transaction regulation. The research aims to provide a roadmap for the future creation of more unified, efficient, and adaptable consumer protection regulations by addressing the nuances of

In the end, this study's conclusions and suggestions are meant to be an invaluable tool for anyone concerned.

Chapter 2

2. Consumer Goods Regulations

2.1 Consumer Sale Goods Regulations

Consumer sale goods regulations play a vital role in upholding fair and transparent market practices, safeguarding consumers in their transactions, and ensuring ethical business standards are followed[64]. These rules cover various topics, such as product quality, consumer rights, liability, dispute resolution, and digital content. This portion will discuss the historical background of regulations on consumer sale goods, explore present laws and practices in critical areas, and evaluate the pros and cons of current regulatory structures concerning global, local, and emerging legal issues[65].

2.1.1 Historical Context of Consumer Sale Goods Regulations

The idea of controlling the trade of merchandise has an extensive and diverse past, originating from ancient societies. As trade grew from local bartering to worldwide trading networks, there was a greater demand for standardized regulations for buying and selling products[66].

In ancient communities, simple yet efficient legal systems ensured that products adhered to minimum levels of fairness. The Code of Hammurabi dates to approximately 1754 BC and is one of the most ancient legal codes concerning trade and business. It specified specific rules regarding the responsibilities of merchants, penalties for dishonest behaviors, and protection for consumers against unscrupulous sellers. Likewise, Roman law, specifically with Lex Aquilia, dealt with the accountability of merchants in guaranteeing that products sold were not flawed or dangerous, laying the groundwork for contemporary product liability[67].

In the medieval era, the growth of guilds and merchant associations throughout Europe was crucial in establishing trade regulations. These groups implemented quality checks, standardized measures for products, and settled disagreements between sellers and customers. Guilds established regulations regarding product quality and pricing transparency to guarantee that goods available in markets adhered to the community's standards[68]. This

[64] Widijowati and Denysenko, 'Securing Consumer Rights: Ethical and Legal Measures against Advertisements That Violate Advertising Procedures', 10 *Lex Publica* (2023) 28.

[65] R. Baldwin, M. Cave and M. Lodge, *Understanding Regulation: Theory, Strategy, and Practice* (2011).

[66] B. M. Hoekman and M. M. Kostecki, *The Political Economy of the World Trading System: The WTO and Beyond* (2009).

[67] S. Whittaker, *The Development of Product Liability* (2014).

[68] Prak, 'Guilds and the Development of the Art Market during the Dutch Golden Age', 30 *Simiolus: Netherlands Quarterly for the History of Art* (2003) 236.

established the foundation for more organized regulations on the sale of goods in future centuries.

The Industrial Revolution, which occurred in the 18th and 19th centuries, drastically changed the organization of production and trade[69]. Mass production led to items being made in factories instead of by individual artisans, requiring increased regulation to protect consumers. Products were sold across greater distances, often in international marketplaces, and buyers could no longer depend on personal trust or localized reputation when purchasing[70].

In reaction to these changes, legal systems began formalizing consumer protection. A significant advancement during this period was the Sale of Products Act 1893 in the United Kingdom, which formalized the principles regulating the sale of products, including the requirement that commodities must be "fit for purpose" and of merchantable quality. This Act served as a prototype for other laws globally, laying the groundwork for contemporary consumer rights in the sale of products[71].

Due to fast-growing consumerism and product complexity, consumer protection became a prominent political and social issue in the mid-20th century. Consumer Reports in the US and Which? In the UK advocated for consumer legal rights, resulting in significant legislative changes.

1962 President John F. Kennedy declared the Consumer Bill of Rights, guaranteeing consumers safety, knowledge, choice, and representation. This pronouncement spurred global consumer protection laws. All 50 US states use the 1950s-era Uniform Commercial Code (UCC), which regulates commercial transactions, including goods sales[72]. The Consumer Sales Directive (1999/44/EC) standardized European consumer rights by requiring sellers to deliver goods that met contractual specifications and allowing consumers to repair, replace, or refund[73].

2.1.2 Current Laws and Practices

Currently, consumer goods sales rules are established to guarantee that products supplied adhere to certain quality, safety, and equity criteria. These statutes provide recourse for

[69] P. N. Stearns, *The Industrial Revolution in World History* (5th ed., 2020).

[70] Clemons, E.K., Wilson, J., Matt, C., Hess, T., Ren, F., Jin, F. and Koh, N.S., 2016. Global differences in online shopping behavior: Understanding factors leading to trust. *Journal of Management Information Systems*, *33*(4), pp.1117-1148.

[71] Hagemann, Huddleston Skees and Thierer, 'Soft Law for Hard Problems: The Governance of Emerging Technologies in an Uncertain Future', 17 *Colorado Technology Law Journal* (2018) 37.

[72] M. Loos, Repairing Consumer Sales Law, 4983658, 9 October 2024; A. Wiewiórowska-Domagalska, *Consumer Sales Guarantees in the European Union* (2012).

[73] Loos, *supra* note 72.

customers in cases of non-conforming products and delineate the obligations of vendors[74]. While they share fundamental principles, various countries possess unique frameworks that embody their legislative traditions, market situations, and cultural perspectives on consumer protection.

2.1.2.1 European Union: Consumer Sales and Guarantees Directive (2019/771)

The EU Consumer Sales and Guarantees Directive (2019/771) is a crucial consumer law. Given the rise of digital items and services, modernizing and harmonizing consumer sales legislation is important[75]. The 2019 Directive protects physical and digital consumer rights, superseding the 1999/44/EC Directive.

Conformity with the Contract

One fundamental principle of the directive is that products must meet the sales agreement terms when sold to customers[76]. This implies that items are required to meet the agreed specifications, be of satisfactory quality, and suit their intended purpose. Items must:

- Match the seller's description and possess the qualities shown to the consumer in any model or sample.
- Be fit for any particular purpose made known to the seller, and if applicable, match the advertisement's or promotional materials' specifications.
- Meet the quality and performance standards that consumers can reasonably expect based on the product type and price range.

If items don't satisfy contract requirements, consumers may repair, replace, reduce price, terminate the contract, or get a complete refund. Consumers may use these rights without proving the seller's misconduct, improving accessibility and consumer protection[77]. Sellers cannot charge extra for repairs or replacements if purchased goods are faulty.

Two-Year Liability Period

The directive requires a seller to be accountable for any defects or lack of conformity that may occur for a period of two years. This liability period starts when the consumer receives the goods[78]. If the item fails or does not meet the contract terms during the two years, the seller is obligated to offer solutions like fixing or exchanging it for the consumer.

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[74] Yahiaoui and Aiad, 'Pre-Intervention Commitment to Prior Self-Control on Product Conformity', 11 *مجلة الباحث للدراسات الأكاديمية* (٢٠٢٤) ٧٦٢.

[75] Antonio, 'THOUGHTS ON THE EU DIGITAL SINGLE MARKET STRATEGY AND THE NEW CONSUMER SALES DIRECTIVE', *Legal Issues in the Digital Age* (2022) 81.

[76] Beheshti, 'The Circular Economy and the Implied Terms of Contract in English Sales Law', 13 *Journal of Property, Planning and Environmental Law* (2020) 31.

[77] Widijowati, 'Enhancing Consumer Protection in Electronic Commerce Transactions', 3 *Research Horizon* (2023) 283.

[78] M. Douglas and B. Isherwood, *The World of Goods* (2021).

In the initial six months of this liability period, defects that occur are assumed to have been present at the time of delivery unless the seller can demonstrate otherwise. The reverse burden of proof boosts consumer rights by ensuring consumers do not have to prove a product was defective upon receipt, thus strengthening their position[79]. After six months, the consumer is responsible for confirming their case.

It is important to note that EU member states can prolong these two years, and some countries, such as Sweden and Finland, have chosen to extend consumer protection regulations to offer even greater safeguards for consumers, occasionally extending up to three years.

Digital Goods and Services

One of the key updates in Directive 2019/771 is its explicit acknowledgment of digital content and digital services, showing the increasing importance of these products in today's consumer market[80]. Digital goods like software, video games, e-books, and downloadable media now enjoy the same level of Protection as physical goods.

Digital content must comply with set standards, function as promised, be suitable for the consumer's system, and work properly. Additionally, the sellers must offer essential updates and bug repairs to guarantee the ongoing operation of digital goods. If the digital service does not meet these criteria, the consumer can receive repair, replacement, or a refund, just like physical products[81].

Complementary EU Legislation

The Consumer Sales and Guarantees Directive are further complemented by other EU regulations, including:

- The Unfair Commercial Practices Directive (2005/29/EC): This order bans fraudulent advertising, product claims, and other commercial activities. It prevents customers from being duped into buying.
- The General Data Protection Regulation (GDPR): The GDPR protects consumer transaction data and holds firms liable for data privacy and security.

These rules offer a complete legal framework that protects consumer rights while buying goods in-store, online, or digitally[82].

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[79] Ayres and Schwartz, 'The No-Reading Problem in Consumer Contract Law', 66 *Stanford Law Review* (2014) 545.

[80] N. Panahov, 'The Role of Consumer Protection in European Private Law /' (2024) (Vilniaus universitetas./available at https://epublications.vu.lt/object/elaba:191367362/).

[81] Lee and Lee, '"Untact": A New Customer Service Strategy in the Digital Age', 14 *Service Business* (2020) 1.

[82] Zhang, Patel and Lowery, 'Protecting Low-Income Consumers in the Era of Digital Grocery Shopping: Implications for WIC Online Ordering', 15 *Nutrients* (2023) 390.

2.1.2.2 United States: Uniform Commercial Code (UCC)

Consumer goods sold in the United States are regulated mainly by the Uniform Commercial Code (UCC), a uniform set of rules that all 50 states have adopted. Article 2 of the UCC focuses on the sale of goods, establishing a thorough legal structure for sales contracts, warranties, and consumer relief for goods that do not meet the required standards[83].

Implied Warranties

Under the UCC, two types of implied warranties automatically apply to the sale of goods:

- Implied Warranty for Merchantability: This warranty ensures products sold by a vendor meet a standard level of quality and are suitable for their intended purposes. As an illustration, when a customer buys a dishwasher, it should have the ability to clean dishes, as one would expect.
- Implied Warranty of Fitness for a Particular Purpose: This warranty is valid if the seller is aware that the buyer depends on their knowledge on choosing a product for a particular purpose. Suppose a customer requests a refrigerator that will function in a freezing environment, and the one provided does not work properly. In that case, the seller may be responsible for violating the implied warranty.

These guarantees assure consumers that the products they buy will work as intended. Should the products not meet these criteria, the seller has the duty to offer solutions, regardless of whether they provided a warranty or not.

Express Warranties

The vendor gives an express warranty when they guarantee the items' quality, condition, or functioning. Advertising, product labeling, and seller statements may create these guarantees. An express warranty is created when a firm promotes a smartphone as waterproof. Sellers are accountable for warranty breaches if products fail to satisfy this guarantee.

Express warranties protect customers from implied guarantees, especially when a merchant makes specific product claims[84].

Remedies for Non-Conforming Goods

When goods fail to conform to the terms of the contract, the UCC provides several remedies for consumers:

- Right to Reject: If the goods delivered are defective or non-conforming, the consumer has the right to reject them and request new, conforming goods.

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[83] R. E. Scott, The Uniform Commercial Code and the Ongoing Quest for an Efficient and Fair Commercial Law, 4212754, 7 September 2022.

[84] Marks, 'Online and ‘as Is’', 45 *Pepperdine Law Review* (2018) 1.

- Right to Repair or Replacement: Consumers may demand that the seller repair the defect or replace the non-conforming product with one that meets the terms of the contract.
- Right to Damages: If the breach of warranty or contract results in losses for the consumer, they may claim damages, including compensation for financial losses and inconvenience caused by the defective product.

Additional Federal Protections

Federal statutes like the Magnuson-Moss Warranty Act provide minimum written guarantees besides the UCC. This statute makes warranties explicit, understandable, and completely stated so customers know their rights when buying products. If a vendor violates the guarantee, the statute allows consumers to sue in federal court[85].

The UCC and federal laws like the Magnuson-Moss Warranty Act protect US consumers by guaranteeing that items satisfy basic quality requirements and that customers may sue for rights violations.

2.1.2.3 Iran: Law on Consumer Protection (2009)

The primary law governing sales in Iran is the Law on Consumer Protection (2009)[86]. It protects consumers by ensuring items satisfy minimal quality requirements, and vendors give accurate product information. This regulation requires firms to be transparent and accountable in the market.

Quality Assurance

Sellers must guarantee product quality under the Consumer Protection Law. This implies products must fulfill requirements and work as planned. Consumers may demand repairs or replacement for faulty items[87]. This quality assurance is crucial in electronics, cars, and home appliances, where flaws may affect customer happiness and safety.

Product producers and dealers must also publish safety warnings, use directions, and lifetime estimates under the regulation. This prevents product quality issues by informing customers before they buy[88].

After-Sales Service

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[85] Steverson and Munter, 'Then and Now: Reviving the Promise of the Magnuson-Moss Warranty Act', 63 *University of Kansas Law Review* (2014) 227.

[86] Hussain and Mari, 'Legal Protection of Customer Privacy on E-Commerce: A Comparative Study of Iranian and American Law', *International Journal of Marketing, Communication and New Media* (2023) , available at http://u3isjournal.isvouga.pt/index.php/ijmcnm/article/view/717 (last visited 8 January 2025].

[87] Y. Akao, *Quality Function Deployment: Integrating Customer Requirements into Product Design* (2024).

[88] Wang and Hazen, 'Consumer Product Knowledge and Intention to Purchase Remanufactured Products', 181 *International Journal of Production Economics* (2016) 460.

Iran's consumer protection legislation emphasizes after-sales service. Sellers must help customers after the transaction. Repair, maintenance, and troubleshooting are included. The legislation requires after-sales assistance to protect customers from issues after purchase.
After-sales care is crucial for high-value commodities like cars, electronics, and household appliances, where flaws or difficulties may become evident after usage. The rule ensures merchants are responsible for their items after sale to boost customer trust[89].

Enforcement Mechanisms

The Consumer Protection and Production Support Organization enforce Iran's consumer protection legislation[90]. This agency handles consumer complaints, investigates infractions, and ensures companies follow the law. It may also be OK firms that breach consumer rights to prohibit unfair conduct. Mediation, arbitration, and other dispute-resolution processes allow Iranian customers to get restitution without protracted court fights.

2.1.3 Strengths and Weaknesses of Existing Regulations

Although the existing consumer sale products legislation greatly enhances consumer protection, several obstacles restrict its efficacy[91]. The advantages and disadvantages of these frameworks are thoroughly examined below, with particular attention to how they are used in various geographic areas.

2.1.3.1 Strengths

1. Comprehensive Protection: "There is a gradual improvement in the economy following the economic downturn." Thorough Protection: The extensive nature of modern consumer goods regulations is one of their main advantages. For instance, within the European Union, harmonized directives guarantee equal consumer protection in all member states. This alignment minimizes legal ambiguity, particularly in cross-border dealings within the EU, and guarantees a uniform level of consumer safeguarding. In the United States, the Uniform Commercial Code (UCC) provides a standard set of regulations for the sale of goods, ensuring consistent consumer rights and predictability nationwide. This consistency is advantageous for customers and companies as it establishes a straightforward legal structure for addressing conflicts.

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[89] Zaboli, P., Hashemi-Meshkini, A., Varmaghani, M., Gholami, H., Vazirian, I., Zekri, H.S., Eslamitabar, S. and Kebriaeezadeh, A., 2016. Pharmaceutical laws and regulations in Iran: an overview. *Journal of research in pharmacy practice*, *5*(3), pp.155-161.

[90] *Ibid.*

[91] D. Vogel, *Trading Up: Consumer and Environmental Regulation in a Global Economy* (2009).

2. Digital Goods and Services: Another significant advantage is incorporating digital products and services into contemporary consumer protection laws. The Consumer Sales and Guarantees Directive (2019/771) of the EU acknowledges the significance of digital content and guarantees that consumers who buy software, apps, or digital services are afforded the same safeguards as those purchasing physical items[92]. This is substantial progress, especially with the growing popularity of online transactions and the specific difficulties presented by digital goods (such as updates, compatibility, and security risks).
3. Remedies for Consumers: Contemporary laws offer consumers numerous options for recourse if products fail to meet contract expectations. These solutions, such as fixing, changing, or reimbursing, are crucial in upholding consumer trust and ensuring businesses are responsible. In the EU, consumers are allowed to decide between repairs or replacement if a product is defective, preventing businesses from escaping accountability by providing insufficient options.
4. Warranties and After-Sales Services: Numerous regions provide robust Protection through implied warranties, guaranteeing that products meet quality standards and are suitable for the intended use. In the United States, the UCC ensures implied warranties are protected unless explicitly waived, offering a minimum level of safeguard for consumers[93]. In the same way, Iran's Law on Consumer Protection requires companies to provide after-sales service to guarantee that customers receive assistance after making a purchase.

2.1.3.2 Weaknesses

1. Inconsistent Enforcement: Notwithstanding the extensive scope of contemporary consumer protection legislation, enforcement continues to pose a considerable difficulty, especially in underdeveloped regulatory contexts. The European Union has implemented standardized consumer protection legislation; however, enforcement significantly differs between member states[94]. Certain nations may lack the institutional ability or resources to comprehensively administer and enforce specific policies, making consumers more susceptible to exploitative behaviors in specific areas. In some regions globally, particularly in developing nations, enforcement is

[92] Zdraveva, 'DIGITAL CONTENT CONTRACTS AND CONSUMER PROTECTION: STATUS QUO AND WAYS FURTHER', 5 *EU and Comparative Law Issues and Challenges Series (ECLIC)* (2021) 398.

[93] Block-Lieb and Janger, 'Fit for Its Ordinary Purpose: Implied Warranties and Common Law Duties for Consumer Finance Contracts', 59 *Houston Law Review* (2021) 551.

[94] Rösner, Haucap and Heimeshoff, 'The Impact of Consumer Protection in the Digital Age: Evidence from the European Union', 73 *International Journal of Industrial Organization* (2020) 102585.

erratic owing to weak regulatory bodies, corruption, or insufficient consumer knowledge. This inconsistency in enforcement diminishes the efficacy of consumer protection legislation and engenders inequities in consumer rights.

2. Complexity and Accessibility: Consumer protection laws are supposed to protect the public, yet they are occasionally written in technical language that may confuse consumers. Due to the intricacy of the regulations and the hurdles to obtaining remedies, people may give up on their rights. This is particularly difficult for vulnerable clients who lack the resources or skills to navigate the legal system[95]. In a dispute, businesses have more legal resources than consumers, creating a power imbalance. While many nations provide mediation and arbitration, consumers may find it challenging to seek remedy since these methods is not always readily accessible or well-publicized.
3. Cross-Border Transactions and E-Commerce: The growth of international trade and e-commerce has presented new difficulties for consumer protection. Different legal systems apply to cross-border transactions, and it may be difficult for customers to get compensation for problems with items they bought from foreign suppliers. Despite the European Union's notable advances in standardizing consumer protection across its member states, global frameworks are still dispersed[96]. For instance, because non-EU merchants are exempt from EU regulations, EU customers buying items from these sellers would not be able to count on the same degree of Protection. Online marketplaces like Amazon and eBay, where independent vendors from around the globe may contact customers, exacerbate this problem even further. These platforms often disclaim responsibility regarding faulty items supplied by independent merchants, giving customers no legal recourse. Cross-border collaboration is encouraged by the United Nations Guidelines for Consumer Protection[97]. However, more robust international frameworks are still required to handle the issues brought on by global commerce and online marketplaces.
4. Digital Goods Liability and Emerging Technologies: Even though consumer protection rules have recently been updated to address digital products, there are still issues, especially regarding accountability for faulty digital services or content. For instance, users may incur catastrophic effects from faulty or cyberattack-prone software, yet there may be no legal redress. Artificial intelligence (AI) and the

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[95] Newman, Mant and Gordon, 'Vulnerability, Legal Need and Technology in England and Wales', 21 *International Journal of Discrimination and the Law* (2021) 230.

[96] Greenleaf, 'The Influence of European Data Privacy Standards Outside Europe: Implications for Globalization of Convention 108', 2 *International Data Privacy Law* (2012) 68 , at 108.

[97] Benöhr, *supra* note 1.

Internet of Things (IoT) offer new risks that existing consumer protection laws may not address[98]. AI-driven goods like driverless cars and smart homes create complicated liability, data privacy, and safety issues. These gadgets use complex algorithms that might change over time, making malfunctions hard to blame. Consumer protection rules must change as AI develops to safeguard customers from threats. Consumer sale products regulation has developed dramatically from ancient legal codes to present global trade regulations. Current rules protect consumers, especially in the EU and US, but enforcement, accessibility, digital products, and cross-border transactions remain issues. Policymakers must update consumer protection legislation to meet current market needs and solve these issues. This involves improving enforcement, streamlining consumer legal processes, and creating global standards to safeguard international and online transactions. As AI and digital products continue to change the market, authorities must anticipate new hazards and keep consumer protection laws current[99]. This research lays the groundwork for improving consumer protection, fair trade, and market trust by identifying the strengths and limitations of present consumer sale product legislation.

2.2 Consumer Purchase Goods Regulations

Modern consumer protection relies on consumer purchase goods legislation to assure fairness, safety, and openness in business-consumer interactions. These restrictions safeguard customers from fraud, dangerous goods, and deception while setting clear seller obligations[100]. Consumer purchasing regulations have developed throughout the ages to keep up with commerce, technology, and globalization. These policies balance consumer interests with contemporary trade by providing comprehensive Protection across jurisdictions. This section discusses the history of consumer purchase goods regulations, current laws and practices, and the strengths and weaknesses of these regulations, including how they work in different legal systems and how they adapt to new market challenges.

2.2.1 Historical Context of Consumer Purchase Goods Regulations

Consumer purchasing regulation has a long history of ensuring fair commerce and protecting purchasers from faulty products and unscrupulous dealers[101]. Ancient civilizations, including

[98] Nizioł, 'The Challenges of Consumer Protection Law Connected with the Development of Artificial Intelligence on the Example of Financial Services (Chosen Legal Aspects)', 192 *Procedia Computer Science* (2021) 4103.

[99] Fletcher, G.P., 1985. The right and the reasonable. *Harvard Law Review*, pp.949-982.

[100] P. Blumberg, *The Predatory Society: Deception in the American Marketplace* (2023).

[101] Nizioł, *supra* note 98.

the Mesopotamian, Roman, and Greek empires, formalized merchants' and customers' rights with legal codes.

The Code of Hammurabi, written about 1754 BCE in ancient Mesopotamia, is one of the oldest commercial laws. It protected buyers against merchant fraud. Merchants who sold substandard or misleading items were penalized to protect purchasers. This early consumer protection case shows the continuing need to control market behavior to protect purchasers.

Merchants and craftspeople who sold harmful items were liable under the Lex Aquilia in ancient Rome[102]. Roman law required dealers to ensure their items were defect-free and accountable for any damage they caused. These legal foundations led to current product responsibility, where sellers are responsible for product quality and safety.

Merchant guilds and trade groups regulated business activities as commerce developed and marketplaces got more complicated in the medieval era. Guilds helped develop quality, fair pricing, and conflict resolution norms. Guilds are generally self-regulated, imposing rules to ensure members meet quality and fairness criteria. Merchants in Europe's developing urban centers faced more competitive marketplaces, making these tactics crucial[103].

By mediating buyer-seller disputes, the guild system protected consumers. Buyers might appeal to the guild for arbitration if they thought they sold faulty or misrepresented products. The guild would examine the complaint and punish or expel the merchant if necessary. This self-regulation approach helps sustain market confidence by giving customers a way to complain about unfair trading practices.

Beginning in the late 18th century, the Industrial Revolution transformed commodities manufacturing and sales. Mass manufacture of items, many sold in foreign markets, resulted from the change from artisanal to mechanical production[104]. This marketplace revolution made consumer protection harder since consumers could no longer depend on personal contacts or local reputations to assure product quality.

The first modern consumer protection laws were created in the 19th and early 20th century to address these developments. The UK Sale of Goods Act 1893 is a notable early example. This rule formalized several common law concepts about selling things, including the need to be "fit for purpose" and "merchantable quality." Customers might seek restitution under the Act if items were faulty or did not satisfy requirements[105].

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[102] Becker, 'Contextualizing the Lex Metilia Dicta Fullonibus and Other Laws Legislating Material Quality', 71 *Historia* (2022) 282.

[103] M. M. Rahim, *Legal Regulation of Corporate Social Responsibility: A Meta-Regulation Approach of Law for Raising CSR in a Weak Economy* (2013).

[104] J. Mokyr (ed.), *The Economics of the Industrial Revolution (Routledge Revivals)* (2018).

[105] A. Vasani, 'Shipbuilding Disputes: Influence of Industry Norms on Law and Contracts' (2018) (doctoral thesis, City, University of London/available at https://openaccess.city.ac.uk/id/eprint/21138/).

The 1906 Pure Food and Drug Act was a breakthrough in US consumer protection. Public concern about food and pharmaceutical adulteration and mislabeling prompted its passage. To help customers choose items, the legislation mandated proper labeling and no dangerous chemicals.

As consumer advocacy organizations gained power in the early 20th century, improvements continued. These organizations advocated consumer protection in food safety, labeling, and price[106]. They helped create more extensive consumer protection laws and regulatory institutions to enforce them.

Consumer protection became public policy in many developed countries after World War II. Mass consumerism and product and service complexity necessitated stronger legal protections for consumers. In 1962, President John F. Kennedy's Consumer Bill of Rights changed consumer protection legislation in the US. According to Kennedy, consumers have the right to safety, information, choice, and hearing. Many US and international consumer protection legislation were based on these rights.

The European Economic Community (EEC), subsequently the European Union, harmonized consumer protection regulations throughout Europe. This procedure led to the Consumer Sales Directive (1999/44/EC), establishing fundamental consumer rights in goods sales. The directive created a Europe-wide legal framework to safeguard consumers when buying products[107].

2.2.2 Current Laws and Practices

Currently, rules governing consumer purchases are dictated by an extensive framework of laws and directives to safeguard consumers in various transactions, including tangible products acquired in retail establishments and digital material purchased online. These statutes include critical domains such as product quality, guarantees, responsibility, and redress mechanisms, guaranteeing consumer confidence in purchased items and access to remedies in the event of issues[108].

2.2.2.1 European Union: Consumer Sales and Guarantees Directive (2019/771)

Consumer purchase goods legislation in the EU is based on the Consumer Sales and Guarantees Directive (2019/771). This law protects EU consumers regardless of the

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[106] N. Freudenberg, *Lethal But Legal: Corporations, Consumption, and Protecting Public Health* (2014).

[107] G. Howells, C. Twigg-Flesner and T. Wilhelmsson, *Rethinking EU Consumer Law* (2017), available at https://library.oapen.org/handle/20.500.12657/23205 (last visited 8 January 2025].

[108] Eze, 'ANALYSIS OF THE LEGAL FRAMEWORK ON CONSUMER PROTECTION IN E-COMMERCE', *ALEX-EKWUEME FEDERAL UNIVERSITY FACULTY OF LAW LL.B PROJECTS* (2024) , available at https://nigerianjournalsonline.com/index.php/FUNAILAWPROJECTS/article/view/5556 (last visited 8 January 2025].

transaction by covering physical items and digital content. The guideline requires products to meet sales contracts[109]. The commodities must fulfill the purchasing criteria, be of acceptable quality, and be suitable for their intended use.

Consumers may repair, replace, or lower the price if the items don't meet the contract. If repairs or replacements are impossible or would cause severe inconvenience, the customer may cancel the contract and get a full refund. These remedies prevent customers from receiving substandard products and provide fair and efficient dispute resolution[110].

The rule also holds sellers liable for flaws and nonconformity for two years. Unless the seller can show otherwise, any problems in the first six months are deemed to have existed at delivery. This reversal burden of evidence simplifies faulty product claims, strengthening consumer rights.

The 2019 Directive protects digital products and services, which is essential. Software, e-books, and video streaming services are selling more as the digital economy grows. The regulation protects digital content buyers the same way real commodities buyers do. Digital content sellers must guarantee product quality and performance. Consumers may request repair, replacement, or a refund if digital material is faulty or does not match specifications.

Besides the Consumer Sales and Guarantees Directive, the EU has passed numerous consumer protection laws. The Unfair Commercial Activities Directive (2005/29/EC) outlaws misleading advertising and other unfair commercial activities to protect consumers from misinformation[111]. The GDPR protects transaction-related personal data, holding firms liable for privacy and security.

2.2.2.2 United States: Uniform Commercial Code (UCC) and Magnuson-Moss Warranty Act

All 50 US states use the Uniform Commercial Code (UCC) for consumer purchases. Sales contracts, guarantees, and remedies for faulty or non-conforming items are covered under UCC Article 2.

The UCC defines implicit and explicit warranties. The sale of products immediately includes implied guarantees to ensure quality and suitability. The implied merchantability warranty ensures that the items are of average quality and appropriate for regular usage. The implied

[109] Silva, M.S., Nicolussi, A., Wendehorst, C., Coderch, P.S., Clément, M. and Zoll, F. eds., 2024. *Routledge Handbook of Private Law and Sustainability*. Taylor & Francis.

[110] C. Twigg-Flesner, *Consumer Product Guarantees* (2017).

[111] Leahy, 'The Unfair Commercial Practices Directive and Regulation of Online Commercial Platforms: Online Penny Auctions Examined', 4 *Edinburgh Student Law Review* (2020) 11.

guarantee of suitability for a particular purpose occurs when the supplier knows the consumer uses their knowledge to choose a product.

Sellers may provide express guarantees concerning product quality, performance, and condition in addition to implicit warranties. These guarantees might come from product descriptions, ads, or merchant promises. The seller is accountable if a merchant gives an explicit guarantee, and the items don't fulfill expectations[112].

The UCC gives customers many remedies for contract-violating products. Consumers may reject faulty products and seek replacement, repair, or damages. These remedies allow customers to get compensation for faulty or non-conforming items.

The Magnuson-Moss Warranty Act increases consumer protection by defining minimum written warranty criteria for consumer items in addition to the UCC[113]. The statute compels merchants to fully disclose warranties and provide customers with accurate warranty terms and conditions. It also allows customers to sue sellers in the federal court for warranty breaches.

2.2.2.3 Iran: Law on Consumer Protection (2009)

The Law on Consumer Protection (2009) regulates consumers purchasing items in Iran to ensure quality. Businesses must provide product information and be liable for flaws. It also requires merchants to give after-sales assistance to customers.

The Iranian Law on Consumer Protection requires items to meet standards and be defect-free. Consumers may demand repair or replacement for faulty products. The legislation also compels merchants to publish use directions, safety warnings, and product dangers[114].

The legislation emphasizes after-sales service. Sellers must help customers after the transaction. Repair, maintenance, and troubleshooting are included. The legislation requires after-sales assistance to protect customers from issues after purchase.

The Consumer Protection and Production Support Organization examine consumer complaints and ensure companies follow the law[115]. The group may also penalize firms that breach consumer rights, deterring unfair behavior.

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[112] Posner, 'Let Us Never Blame a Contract Breaker', 107 *Michigan Law Review* (2008) 1349.

[113] Steverson and Munter, *supra* note 85.

[114] Paez and La Marca, 'The Internet of Things: Emerging Legal Issues for Businesses Cyber-Security Issue', 43 *Northern Kentucky Law Review* (2016) 29.

[115] J. K. Winn, *Consumer Protection in the Age of the 'Information Economy'* (2016).

2.2.3 Strengths and Weaknesses of Existing Regulations

The existing regulatory structures overseeing consumer transactions provide substantial Protection in several domains but also encounter considerable problems. This document provides a comprehensive study of the strengths and shortcomings of this legislation, elucidating their operation across several jurisdictions and identifying existing gaps[116].

2.2.3.1 Strengths of Consumer Purchase Regulations

Comprehensiveness is strength of current consumer buy goods rules. These regulations cover product quality, warranties, and remedies in the EU and US, protecting consumers regardless of the transaction. These policies include physical and digital items, reflecting the diversity of current consumer marketplaces.

These restrictions prioritize consumer redress and strength. EU and U.S. customers may repair, replace, or refund when items don't meet contracts[117]. This protects customers from faulty items and allows them to seek solutions without expensive court fights. Modern legislation protects customers who purchase software, e-books, and other digital items like they do physical things.

Many consumer protection regimes benefit from international norms. The EU has harmonized consumer protection rules among member nations. This guarantees the same Protection for EU consumers buying items from merchants in other member states. Global frameworks like the UN Guidelines for Consumer Protection help countries design and implement consumer protection laws, promoting cooperation and harmonizing consumer rights in cross-border transactions[118].

2.2.3.2 Weaknesses of Consumer Purchase Regulations

Despite these virtues, restrictions on consumer purchase of goods have significant limitations. Inconsistent enforcement is a major issue. Many governments have robust consumer protection laws, but enforcement varies, especially in developing nations. Regulatory bodies may lack the resources or power to enforce the law, exposing customers to fraud or exploitation.

[116] Brown and Marsden, *supra* note 57.

[117] J. E. Stiglitz, *Rewriting the Rules of the American Economy: An Agenda for Growth and Shared Prosperity* (2015).

[118] D. R. Mishra and D. Varshney, Consumer Protection Frameworks by Enhancing Market Fairness, Accountability and Transparency (FAT) for Ethical Consumer Decision-Making: Integrating Circular Economy Principles and Digital Transformation in Global Consumer Markets, 4964532, 8 July 2024.

Another drawback is these laws' intricacy and accessibility. The restrictions safeguard customers but are hard for normal consumers to grasp[119]. Legal complexity, procedural constraints, and unclear information might prohibit consumers from exercising their rights, particularly without legal support. Businesses have more significant legal resources than customers, producing a power imbalance in conflicts.

Cross-border purchases further complicate consumer protection. International frameworks encourage collaboration, while cross-border transactions complicate consumer protection. Consumers buying from overseas suppliers may have trouble getting redress due to jurisdictional concerns, legal framework discrepancies, and a lack of efficient dispute resolution systems[120]. This is especially true in e-commerce, where customers may buy items from foreign suppliers, making disputes and consumer rights enforcement difficult.

Finally, digital goods and services are still under regulated, notwithstanding current advances. Digital content has unique difficulties, including software liability, data privacy, and online platform responsibility. As digital goods grow more prominent in the consumer economy, authorities must modify their frameworks to meet these new risks and safeguard consumers.

Consumer purchase goods rules have been developed to safeguard consumers in today's complex and dynamic market. Modern regulations guarantee that customers obtain goods that meet their expectations, are safe, and provide restitution for defects[121]. Enforcing and adapting current rules to the digital era is difficult, but they provide strong Protection in many areas.

Policymakers must update consumer protection legislation to meet current market needs and solve these issues. This involves improving enforcement, streamlining consumer legal processes, and protecting digital products and services[122]. They will strengthen consumer purchase goods legislation to safeguard customers regardless of where, what, or how they buy.

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119 Elvy, 'Commodifying Consumer Data in the Era of the Internet of Things', 59 *Boston College Law Review* (2018) 423.

120 Chawla and Kumar, 'E-Commerce and Consumer Protection in India: The Emerging Trend', 180 *Journal of Business Ethics* (2022) 581.

121 Rejeb, Keogh and Treiblmaier, 'How Blockchain Technology Can Benefit Marketing: Six Pending Research Areas', 3 *Frontiers in Blockchain* (2020) , available at https://www.frontiersin.org/journals/blockchain/articles/10.3389/fbloc.2020.00003/full (last visited 8 January 2025].

122 C. Riefa and S. Saintier, *Vulnerable Consumers and the Law: Consumer Protection and Access to Justice* (2020).

2.3 Application of the United Nations Guidelines for Consumer Protection to Buyers and Sellers

The United Nations Guidelines for Consumer Protection (UNGCP) provides a global structure to safeguard consumers, focusing mainly on the purchasing aspect of market exchanges[123]. While not legally binding, these guidelines, first introduced in 1985 and later updated to reflect current market trends, provide a framework for governments to use when developing consumer protection laws. The regulations prioritize the importance of secure products, transparent and reliable details, and equitable transaction processes to protect and strengthen consumers. Even though the focus is on consumers, sellers are also significantly affected by the rules as they are required to abide by the duties outlined in consumer protection frameworks[124].

2.3.1 Buyer Protection under the UNGCP

The primary focus of the UNGCP is to safeguard consumer interests, especially in inherent power asymmetry between purchasers and vendors. The regulations outline vital concepts to ensure customers receive fair treatment and are safeguarded against deceitful or harmful business practices[125]. These guidelines, focused mainly on consumer rights, consist of:

1. Protect consumers from dangerous items. The guidelines advocate that governments require all products to meet safety standards to safeguard consumers from harmful or malfunctioning goods. Food, pharmaceutical, and electronics safety problems may be significant. Before sale, EU laws like the General Product Safety Directive (2001/95/EC) require products to meet safety criteria.
2. The UNGCP emphasizes consumers' right to clear, accurate, and transparent product and service information. Include product labeling, price clarity, and sales terms. Sellers must disclose product parts, performance, and risks. This right is protected by the EU Unfair Commercial Practices Directive (2005/29/EC), which prohibits misleading advertising and concealing important buying information[126]. The US FTC controls advertising and marketing to avoid fraud.
3. Consumers need affordable, diverse products and services. The UNGCP promotes open, competitive marketplaces where customers may compare vendors. Monopolies

[123] Ezechukwu, 'Consumer Protection and Trade Governance: A Critical Partnership?', 46 *Journal of Consumer Policy* (2023) 191.

[124] Graef and Berlo, 'Towards Smarter Regulation in the Areas of Competition, Data Protection and Consumer Law: Why Greater Power Should Come with Greater Responsibility', 12 *European Journal of Risk Regulation* (2021) 674.

[125] Riefa and Saintier, *supra* note 122.

[126] van Eijk, Hoofnagle and Kannekens, 'Unfair Commercial Practices: A Complementary Approach to Privacy Protection', 3 *European Data Protection Law Review (EDPL)* (2017) 325.

and price-fixing violate this right. The EU's Competition Law and the U.S. Sherman Antitrust Act protect markets against monopolies and price-fixing.

4. Remedy availability is crucial to consumer safety. The rules require customers to be able to seek compensation or redress for faulty items or unfair company practices. Examples include repair, replacement, refund, and legal or alternative dispute resolution alternatives. The EU Consumer Rights Directive (2011/83/EU) gives customers substantial rights to return items, seek remedies for defective products, and get reimbursements. The Magnuson-Moss Guarantee Act in the U.S. sets minimum guarantee requirements and requires vendors to disclose warranty conditions[127].

2.3.2 Obligations for Sellers under the UNGCP Framework

The UNGCP prioritizes consumer protection, but sellers and enterprises are important to its success. Sellers must be fair and transparent to safeguard customers under the standards. Businesses must comply with national UNGCP standards that compel them to provide safe, quality goods and honest services[128].

1. Product Safety Obligations: UNGCP suppliers must ensure their items fulfill safety criteria. This involves safety inspections, labeling, warning compliance, and product recalls. Sellers must meet strict safety standards in various countries. The EU General Product Safety Directive (2001/95/EC) requires manufacturers and distributors to ensure product safety before sale, while the US Consumer Product Safety Act (CPSA) authorizes the Consumer Product Safety Commission (CPSC) to regulate product safety and recall unsafe products.
2. Accurate Information and Advertising: Businesses must avoid deceptive or misleading statements and give accurate product information. This lets shoppers make educated purchases with credible information. Sellers must disclose product features, prices, warranties, and hazards. Sellers cannot deceive customers or omit essential information under the EU's Unfair Commercial Practices Directive (2005/29/EC) [129]. The Truth in Advertising Act and FTC standards guarantee merchants' statements are factual, non-deceptive, and supported in the U.S.
3. Fair Treatment and Contract Transparency: Sellers must treat customers properly in contracts and transaction conditions. Contracts cannot place unfair conditions or unjustified duties on customers. The EU Unjust Contract Terms Directive

[127] Steverson and Munter, *supra* note 85.

[128] Best and Struwig, 'A Framework to Include Sustainability in Consumer Protection Policies', in S. D. Carter (ed.), *COVID-19, Supply Chain, Climate Change, and Sustainable Development in Africa* (2023) 57.

[129] Vaqué, 'Directive 2005/29/EC on Unfair Commercial Practices and Its Application to Food-Related Consumer Protection', 10 *European Food and Feed Law Review* (2015) 210.

(93/13/EEC) provides fair and transparent contract terms and allows consumers to challenge unjust conditions in court. Many nations' UNGCP-based laws prohibit vendors from imposing harsh or one-sided terms on customers.

4. Post-Sales Service and Redress: Sellers must provide clear channels for redress if customers encounter issues with their purchases. This involves issuing refunds, repairs, or replacements for defective items and informing customers of their legal rights. Consumer protection laws compel retailers to issue warranties and guarantees so customers may return faulty items or seek compensation. The U.S. Magnuson-Moss Warranty Act compels sellers to disclose warranty conditions and redresses customers if sellers don't respect guarantees[130].

As e-commerce and digital goods grow, vendors must comply with data protection requirements to safeguard customers' personal information during transactions. Businesses that collect, handle, or retain personal data must comply with the EU's GDPR[131]. Sellers must manage customer data ethically, securely, and with permission. Penalties for violating these restrictions include fines and punishments.

2.3.3 International Cooperation and Harmonization

The UNGCP also stresses the necessity of international consumer protection cooperation, particularly in globalized trade and e-commerce. Consumers and sellers have hurdles in cross-border transactions. Different national legislation and legal jurisdictions might complicate disputes when customers buy from overseas suppliers[132]. The principles urge governments to integrate consumer protection legislation and collaborate on cross-border conflicts.

UNCTAD has helped implement the UNGCP and promote worldwide consumer protection cooperation. The principles encourage governments to adopt comparable regulatory norms to build a more uniform worldwide framework for consumer protection and corporate fairness[133]. To resolve disputes, consumers and sellers may use cross-border dispute resolution methods like the EU's Online Dispute Resolution (ODR) portal.

The UN Guidelines for Consumer Protection also promote alternative dispute resolution (ADR) mechanisms, which allow consumers and sellers to resolve disputes faster and

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[130] Plass, 'Modernizing Notice of Breach Rules to Preserve Contract Remedies', 57 *University of Michigan Journal of Law Reform* (2023) 57.

[131] Sirur, Nurse and Webb, 'Are We There Yet? Understanding the Challenges Faced in Complying with the General Data Protection Regulation (GDPR)', in *Proceedings of the 2nd International Workshop on Multimedia Privacy and Security* (2018) 88.

[132] P. Muchlinski, *Multinational Enterprises and the Law* (2021).

[133] Ezechukwu, *supra* note 123.

cheaper than litigation. Consumer protection legislation in many countries includes ADR mechanisms like mediation and arbitration. The Alternative Dispute Resolution Directive (2013/11/EU) mandates EU member states to provide consumers with ADR bodies to address merchant issues[134].

United Nations Guidelines for Consumer Protection concentrate on safeguarding consumers, but sellers must also guarantee their goods and services are safe, fairly advertised, and openly provided. These rules provide customers with explicit rights to safety, knowledge, and remedy while holding sellers responsible for fair market practices. By influencing national legislation worldwide, the UNGCP fosters a balanced marketplace where buyers and sellers may operate in openness, trust, and responsibility. To address global trade and e-commerce concerns, the recommendations encourage nations to align their consumer protection legislation and cooperate internationally[135]. This cooperative strategy protects consumers in cross-border purchases and keeps firms competitive and fair across borders.

[134] Plevri, A., 2020. Alternative Dispute Resolution (ADR) & Online Dispute Resolution (ODR) for EU Consumers: The European and Cypriot Framework. *EU Internet Law in the Digital Era: Regulation and Enforcement*, pp.367-392.

[135] Tu and Shangguan, 'Cross-Border E-Commerce: A New Driver of Global Trade', in J. Agarwal and T. Wu (eds.), *Emerging Issues in Global Marketing: A Shifting Paradigm* (2018) 93.

Chapter 3

3. Case Study

3.1 Case Study: Iran

Iran's consumer protection system is influenced by its distinct legal, economic, and socio-cultural environment, incorporating aspects of Islamic law, civil law traditions, and contemporary regulatory structures[136]. With the Iranian market becoming more intricate, the necessity for thorough consumer protection regulations has become more evident. This part offers a comprehensive examination of the historical evolution of consumer protection legislation in Iran, reviews the existing rules concerning the buying and selling of goods, highlights deficiencies and opportunities for enhancement, and finishes with a comparative study that learns from Italy and Europe[137].

3.1.1 Historical Development of Consumer Protection Law in Iran

Iran's method for consumer protection has changed considerably over time, mirroring shifts in economic frameworks, legal customs, and social requirements. The historical path of consumer protection in Iran can be categorized into three primary stages: initial dependence on informal trading customs and Islamic morality, the codification of trade regulations during the Pahlavi period, and the creation of an extensive modern consumer protection system in the post-revolution era[138]. The timeline (Fig. 1) illustrates important milestones in the evolution of consumer protection legislation in Iran.

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[136] Bakhtiari and Nikou <1991>, 'Italian Products Journey in Iran After Sanctions', (2022) , available at http://dspace.unive.it/handle/10579/21687 (last visited 8 January 2025].

[137] Parsa, 'A Comparative Study of Automotive Consumer Rights in the US, Australian and Iranian Laws', 14 *Comparative Law Review* (2023) 635.

[138] Yalcintas and Alizadeh, 'Digital Protectionism and National Planning in the Age of the Internet: The Case of Iran', 16 *Journal of Institutional Economics* (2020) 519.

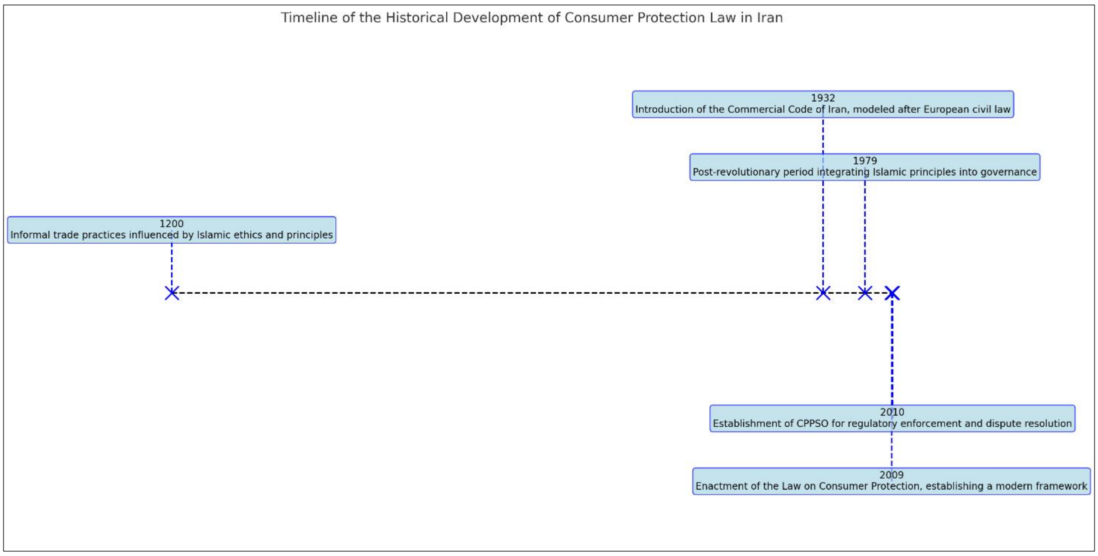

Figure 1: Timeline of Key Milestones in the Development of Consumer Protection Laws in Iran

3.1.1.1 Early Trade Practices and Islamic Jurisprudence

Traditionally, Iran's economy revolved around its lively bazaars, serving as self-regulating marketplaces[139]. These marketplaces served as centers for economic activity, social engagement, and cultural exchange, where trust and reputation were crucial in upholding fair-trading practices. Without centralized regulatory organizations, trade practices were regulated by unwritten norms, traditions, and community supervision.

The practices were deeply shaped by Islamic ethics and principles. At the heart of Islamic jurisprudence (Fiqh) are fundamental ideas that influenced the ethical foundation of trade:

- "Gharar" (Prohibition of Uncertainty): Contracts involving excessive uncertainty or ambiguity were considered invalid under Islamic law. For example, a seller was required to disclose all relevant details about a product, ensuring that buyers were not misled.
- "Maysir" (Prohibition of Gambling): Transactions involving speculative or risky practices, such as unfair pricing or fraudulent schemes, were discouraged to maintain equity in trade.
- "Tazir" (Punishment for Fraud and Deceit): Sellers engaging in deceptive practices, such as misrepresenting the quality or quantity of goods, were subject to penalties. These punishments were designed to deter unethical behavior and reinforce accountability.

[139] R. B. E. Jr and R. F. Hébert, *A History of Economic Theory and Method: Sixth Edition* (2013).

Merchants were required to maintain integrity and openness, guaranteeing that products were of suitable quality and truthfully represented. Transgressions of these principles were not just legal offenses but also violations of ethical and religious duties[140]. In smaller communities, informal social repercussions, like public embarrassment or being excluded from the market, served as deterrents to unethical behavior.

Nonetheless, although these principles carry significant moral importance, the informal character of market regulation left consumers with few options in instances of conflict or deception. There were no uniform methods for settling disputes, and enforcement depended greatly on community dynamics and the merchant's standing. This system performed fairly well in local markets but was insufficient for tackling the complexities of larger, more interconnected economies[141].

3.1.1.2 Formal Legal Developments

The emergence of modernization and industrialization in the Pahlavi period (1925–1979) indicated a move toward formalizing laws regarding trade and consumer protection[142]. The creation of contemporary infrastructure, including factories and railways, broadened trade beyond local markets, requiring a legal system to govern economic dealings.

One of the key advancements during this time was the establishment of the Commercial Code of Iran (1932). Inspired by European civil law traditions, this code established a legal framework for commercial transactions, tackling matters like contracts, trade conflicts, and merchants' obligations[143]. Although the code was mainly created to manage business-to-business interactions, it established a foundation for more extensive consumer protection initiatives by presenting ideas such as:

- Contractual Fairness: Contracts need to be clear, enforceable, and equitable for all parties involved.
- Liability for Defects: Sellers were held responsible for delivering goods that were conformed to agreed-upon terms.

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[140] Mustafa and Rehman, 'Islamic Jurisprudence on Labor Laws: Principles, Practices, and Contemporary Applications', 4 *Al Manhal Research Journal* (2024) , available at https://almanhal.org.pk/ojs3303/index.php/journal/article/view/183 (last visited 9 January 2025].

[141] Albin and Foley, 'Barriers and Bounds to Rationality: Essays on Economic Complexity and Dynamics in Interactive Systems', (2021) 1.

[142] Marashi, '"Rich Fields in Persia": Parsi Capital and the Origins of Economic Development in Pahlavi Iran, 1925–1941', 56 *Iranian Studies* (2023) 61 , at 1925–1941.

[143] J. Merryman and R. Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America, Fourth Edition* (2018).

In spite of these developments, the 1932 Commercial Code did not emphasize the rights of individual consumers. Its stipulations primarily aim at guaranteeing equity in commercial dealings among companies, overlooking consumer complaints[144]. Moreover, the enforcement mechanisms were ineffective, and consumers frequently did not have the knowledge or resources to seek legal remedies.

The period following the revolution (after 1979) resulted in a significant transformation of Iran’s legal and regulatory environment[145]. With the formation of the Islamic Republic, incorporating Islamic principles into governance emerged as a primary goal. Consumer protection laws were likewise restructured to conform to Islamic principles that prioritize social justice, fairness, and ethical trading practices.

One of these principles was "Haq al-Nas" (Rights of the People), emphasizing the ethical and legal duty of businesses to prioritize consumer welfare. This notion strengthened the belief that vendors need to offer precise details, refrain from deceptive tactics, and maintain the standard of their products. Islamic teachings emphasized the significance of safeguarding vulnerable individuals in society, such as low-income consumers, from being exploited in the marketplace[146].

Throughout this time, governmental bodies started to take a more involved approach in market regulation. Regulatory agencies were created to monitor product standards, pricing, and trade practices, but their reach and efficacy continued to be constrained.

3.1.1.3 Modern Consumer Protection Framework

The primary development in consumer protection legislation in Iran took place with the introduction of the Consumer Protection Law (2009)[147]. This law marked a significant change in the nation’s strategy for protecting consumer rights, tackling enduring shortcomings in the legal framework and bringing Iran’s practices in line with global standards.

The Consumer Protection Law of 2009 established a thorough framework designed to govern multiple facets of consumer transactions, such as product quality, guarantees, and resolution of conflicts[148]. Main aspects of this legislation consist of:

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144 Leff, 'Unconscionability and the Code—The Emperor’s New Clause', in *Contract - Freedom and Restraint* (2000).

145 M. Kamali, *Revolutionary Iran: Civil Society and State in the Modernization Process* (2018).

146 Hassan, 'The Role of Islamic Loans in Advancing Financial Inclusion and Socio-Economic Development', 4 *CURRENT ADVANCED RESEARCH ON SHARIA FINANCE AND ECONOMIC WORLDWIDE* (2024) 31.

147 Belwal, Shibli and Belwal, 'Consumer Protection and Electronic Commerce in the Sultanate of Oman', 19 *Journal of Information, Communication and Ethics in Society* (2020) 38.

148 Poncibò, 'Networks to Enforce European Law: The Case of the Consumer Protection Cooperation Network', 35 *Journal of Consumer Policy* (2012) 175.

1. **Mandatory Quality Standards**: Sellers are required to ensure that goods meet minimum quality standards and conform to the descriptions provided at the time of sale. For example, food products must adhere to strict safety guidelines enforced by the Food and Drug Administration of Iran.
2. **Right to Information**: The law mandates that businesses provide consumers with clear and accurate information about their products, including:
   - Ingredients or materials used.
   - Instructions for safe usage.
   - Potential risks or side effects.
3. **After-Sales Services**: For high-value items, such as automobiles and electronics, sellers must provide after-sales services, including repairs and maintenance. This provision ensures that consumers are not left without recourse after purchasing durable goods.
4. **Warranties and Guarantees**: The law establishes seller liability for defective products, granting consumers the right to demand repairs, replacements, or refunds.
5. **Dispute Resolution Mechanisms**: The **Consumer Protection and Production Support Organization (CPPSO)** were established to enforce the law and handle consumer complaints. This body serves as a mediator between consumers and sellers, with the authority to investigate complaints, impose fines, and mandate corrective actions.

The 2009 Consumer Protection Law represented an important advancement in establishing a more just marketplace in Iran. Through the codification of consumer rights and the creation of enforcement mechanisms, the law established a legal basis for resolving consumer complaints and enhancing transparency in business dealings[149].

Nonetheless, obstacles persist, especially regarding enforcement, consumer awareness, and adjustment to contemporary market dynamics like e-commerce. These problems highlight the necessity for additional reforms to enhance the consumer protection system in Iran.

The historical progress of consumer protection law in Iran showcases a gradual shift from informal, community-driven regulation to a structured legal system that conforms to international standards. Although the initial dependence on Islamic ethics promoted trust and equity in local markets, the establishment of the Commercial Code of Iran (1932) and the 2009 Consumer Protection Law represented important milestones in the nation's progression toward safeguarding consumer rights[150]. Despite these progressions, deficiencies in

[149] Becher, 'Unintended Consequences and the Design of Consumer Protection Legislation', 93 *Tulane Law Review* (2018) 105.

[150] Hunter, T.S., Kraśniewski, M., Malinauskaite, J. and Czarnecka, M. eds., 2024. *Routledge Handbook of Consumer Protection and Behaviour in Energy Markets*. Taylor & Francis.

enforcement, consumer awareness, and adjustment to emerging market challenges highlight the necessity for ongoing enhancement in Iran’s regulatory environment. By leveraging its historical groundwork and adopting international best practices, Iran can establish a more efficient and fair consumer protection system[151].

3.1.2 Consumer Sale and Purchase Goods Regulations in Iran

The Consumer Protection Law of 2009 establishes the basis of Iran's consumer protection system, detailing a thorough array of rights for consumers and responsibilities for sellers. This legislation seeks to guarantee fairness, openness, and responsibility in every transaction connected to the buying and selling of goods[152]. By overseeing different elements of consumer transactions, it aims to shield consumers from unethical practices, foster trust in the market, and maintain elevated standards for product safety and quality. The legislation is supported by specific regulations and enforcement strategies that guarantee adherence throughout various sectors[153].

3.1.2.1 Product Safety and Quality Standards

The foundation of Iran’s consumer protection laws is the requirement that all products available in the market adhere to minimum quality criteria and match the descriptions given by vendors. This clause guarantees that consumers are protected from defective, unsafe, or inferior products[154]. The regulations mandate that companies must:

- Guarantee that goods are free from defects and meet the expectations set during the transaction.
- Provide detailed usage instructions to ensure the proper handling of the product, minimizing risks of misuse.
- Issue safety warnings for products that may pose potential hazards during normal use.
- Ensure that goods are fit for their intended purpose, whether explicitly stated or implied by the nature of the product.

[151] VALIZADEH FARD, 'European Union and Iranian Competition Law with an Emphasis on Civil Remedies', (2021) , available at https://sfera.unife.it/handle/11392/2488216 (last visited 9 January 2025].

[152] Riazi, Doroodian and Afshar-Nadjafi, 'Improving the Sales Process of Profitable Perishable Goods: An Inventory Control Strategy in a Planned Economy', 52 *International Journal of Retail & Distribution Management* (2024) 721.

[153] Akbari and Hajian, 'Resale of Goods (Self-Help and Emergency Sales) in the Convention on International Sale of Goods (1980) and Iranian Law with Emphasis Transportation Laws', 5 *Journal of Comparative Law* (2021) 7.

[154] Bagheri and Hassan, 'Access to Information and Rights of Withdrawal in Internet Contracts in Iran: The Legal Challenges', 31 *Computer Law & Security Review* (2015) 90.

For sensitive product groups like food, drugs, and cosmetics, Iran's Food and Drug Administration imposes extra safety regulations[155]. These standards encompass criteria for ingredient clarity, contamination management, and testing procedures. Sure! Please provide the text that you would like me to paraphrase.

- Food products must display accurate nutritional information and expiration dates, with strict penalties for non-compliance.
- Pharmaceuticals must undergo rigorous testing to ensure safety and efficacy before being approved for sale.
- Cosmetic products must list all ingredients and potential allergens on their labels.

Failure to adhere to these standards may lead to significant penalties for sellers, such as fines, business license suspensions, and required product recalls. The aim of these actions is to establish a secure marketplace where buyers can rely on the quality and honesty of the products they acquire.

3.1.2.2 Warranties and After-Sales Service

A notable aspect of Iran's consumer protection system is its significant focus on warranties and after-sales support, especially for long-lasting and expensive products[156]. This stipulation guarantees that consumers have a means of redress in case of product malfunctions or flaws post-purchase.

- Warranties: Sellers must provide warranties for goods, specifying the terms under which consumers can claim repairs, replacements, or refunds. For example:
    - Automobiles are required to have warranty periods that cover manufacturing defects and certain maintenance needs.
    - Electronics such as televisions, refrigerators, and smartphones must come with warranties that outline repair or replacement options for faulty components.
- After-Sales Service: Businesses are obligated to provide after-sales services for a specified period, particularly for products with long lifespans. This includes:
    - Repair and maintenance services for malfunctioning products.
    - Technical support to assist consumers with issues related to installation or usage.
    - Ensuring the availability of spare parts and accessories for the duration of the product’s lifecycle.

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[155] Bastani, P., Dehghan, Z., Kashfi, S.M., Dorosti, H., Mohammadpour, M., Mehralian, G. and Ravangard, R., 2021. Strategies to improve pharmaceutical supply chain resilience under politico-economic sanctions: the case of Iran. *Journal of pharmaceutical policy and practice*, *14*, pp.1-14.

[156] Islam and Huda, 'Reverse Logistics and Closed-Loop Supply Chain of Waste Electrical and Electronic Equipment (WEEE)/E-Waste: A Comprehensive Literature Review', 137 *Resources, Conservation and Recycling* (2018) 48.

The legislation also requires that sellers offer clear details regarding warranty terms, including the criteria for requesting repairs or replacements. This openness aids in minimizing misinterpretations and guarantees that buyers understand their rights prior to making a purchase.

After-sales support is especially crucial in Iran's automotive and electronics industries, where products frequently entail considerable financial commitments for buyers[157]. These actions foster confidence in the marketplace, motivating consumers to participate in significant transactions with assurance.

3.1.2.3 Information Disclosure and Labeling Requirements

The primary objective of the 2009 Consumer Protection Law is to enable consumers to make knowledgeable choices[158]. To accomplish this, the legislation enforces stringent requirements for information transparency and product labeling. Vendors are required to give buyers clear, precise, and thorough information regarding the products they sell. Important elements of these criteria encompass:

1. Product Labeling:
    - Labels must include the product’s origin, manufacturer details, and batch numbers.
    - For food and pharmaceutical products, labels must provide ingredient lists, nutritional information, and potential allergens.
    - Safety warnings must be prominently displayed for products that pose risks, such as electrical appliances or chemical cleaners.
2. Risk Disclosure:
    - Sellers are required to disclose any limitations or risks associated with the use of their products. For example, products containing hazardous materials must include clear warnings and usage instructions to minimize risks to health and safety.
3. Pricing and Warranty Information:
    - Pricing details must be transparent, with no hidden fees or charges.
    - Information about warranties, including coverage, duration, and claim procedures, must be provided at the time of purchase.

[157] Bakhtiari and Nikou <1991>, *supra* note 136.

[158] Howells, *supra* note 3.

These criteria are designed to minimize the chances of conflicts and guarantee that consumers fully understand the terms and conditions related to their purchases[159]. Moreover, precise labeling and transparency practices boost consumer trust and foster equitable competition among companies.

3.1.2.4 Dispute Resolution Mechanisms

To tackle complaints and settle disputes between buyers and sellers, the 2009 Consumer Protection Law provides various methods for resolving conflicts[160]. These mechanisms aim to offer consumers accessible, effective, and equitable ways to pursue compensation.

1. Consumer Protection and Production Support Organization (CPPSO):
    - The CPPSO serves as the primary regulatory body responsible for enforcing consumer protection laws and handling complaints.
    - Consumers can file complaints with the CPPSO if they believe their rights have been violated. The organization investigates these complaints and can impose penalties on businesses found to be non-compliant.
2. Mediation and Arbitration:
    - For less severe disputes, consumers and sellers can engage in mediation or arbitration through local trade associations or chambers of commerce.
    - These processes are often faster and less formal than court proceedings, providing an alternative to litigation.
3. Judiciary:
    - If disputes cannot be resolved through mediation or arbitration, consumers have the option to escalate their cases to the judiciary.
    - Iranian courts handle cases related to defective goods, misleading practices, or breaches of warranty. While this process can be time-consuming, it provides a legal avenue for consumers to seek compensation or justice.
4. Specialized Consumer Courts:
    - In larger cities, specialized consumer courts have been established to handle disputes more efficiently. These courts focus exclusively on consumer-related cases, streamlining the resolution process.

The presence of these conflict resolution methods is an essential part of Iran's consumer protection system[161]. By offering various options for resolution, the system guarantees that

[159] Kim, Ferrin and Rao, 'A Trust-Based Consumer Decision-Making Model in Electronic Commerce: The Role of Trust, Perceived Risk, and Their Antecedents', 44 *Decision Support Systems* (2008) 544.

[160] Scott, 'Chapter 18: Enforcing Consumer Protection Laws', (2018).

consumers can handle complaints in a way that aligns with their needs and situations. The flowchart (Fig. 2) illustrates the actions a consumer may follow to settle disputes.

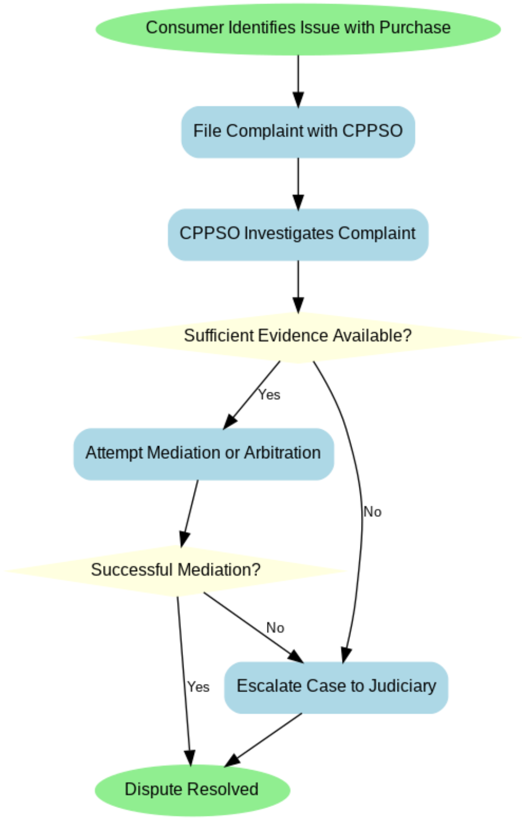

Figure 2: Steps in the Consumer Dispute Resolution Process under the 2009 Law on Consumer Protection

Iran's 2009 Consumer Protection Law has notably enhanced the regulatory structure for consumer transactions, especially regarding product safety, warranties, information transparency, and dispute resolution[162]. These rules guarantee that consumers are shielded from unsafe or inferior products, can seek remedies for defects, and are enabled to make educated buying choices. Nonetheless, although the framework is thorough, its success relies on consistent enforcement and public knowledge of consumer rights. By persistently improving its consumer protection framework and tackling new issues like e-commerce, Iran can enhance its market and promote increased fairness and transparency in consumer dealings[163].

[161] Ranjbar, D. and Chikrizova, O.S., 2023. Positive Peace in the Islamic Perspective of International Relations: The Case of Iran's Foreign Policy. *Vestnik RUDN. International Relations*, *23*(2), pp.278-295.

[162] Farahmand, 'Misrepresentation Types: A Comparative Study Through the Iranian Consumer Protection Act and English Law', 20 *Private Law* (2024) 335.

[163] Hazrati and Khah, 'Iranian System of Consumer and Competition Laws in the Electricity Market', in *Routledge Handbook of Consumer Protection and Behaviour in Energy Markets* (2024).

3.1.3 Weaknesses and Areas of Improvement

Although Iran's 2009 Law on Consumer Protection is comprehensive and progressive, substantial challenges persist that hinder its complete effectiveness. These challenges are complex, incorporating inconsistencies in enforcement, limited public awareness, and obstacles in adjusting to new digital markets and legal intricacies. Tackling these shortcomings is crucial for establishing a strong and fair consumer protection framework[164]. The illustration (Fig. 3) depicts Weaknesses such as uneven enforcement, restricted awareness, and e-commerce difficulties.

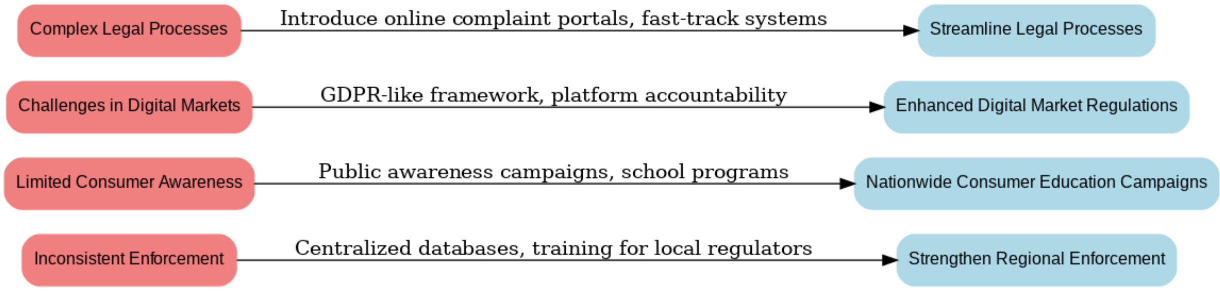

Figure 3: Key Weaknesses in Iran's Consumer Protection Framework and Proposed Solutions

3.1.3.1 Inconsistent Enforcement

A significant issue within Iran’s consumer protection system is the uneven application of laws throughout the nation. Although urban regions typically enjoy stronger regulatory oversight and enforcement systems, rural and underdeveloped areas encounter notable deficiencies[165]. Regulatory agencies like the CPPSO frequently lack sufficient resources in these domains, resulting in less effective enforcement of consumer protection initiatives.

This imbalance can make rural customers especially susceptible to being taken advantage of by dishonest companies. For instance, products sold in rural areas might not adhere to the same quality standards as those found in cities, and vendors may overlook labeling or warranty obligations because of the reduced chance of regulatory oversight. Moreover, rural law enforcement agencies might be deficient in the necessary expertise, funding, or infrastructure to effectively monitor compliance or to resolve consumer complaints promptly.

Another factor leading to inconsistent enforcement is the absence of a centralized system for monitoring and penalizing businesses that do not comply[166]. In the absence of a consolidated

[164] Grochowski, M., Jablonowska, A., Lagioia, F. and Sartor, G., 2021. Algorithmic transparency and explainability for EU consumer protection: unwrapping the regulatory premises. *Critical Analysis L.*, *8*, p.43.

[165] Bakhtiari, Bakhtiari and Hosseini, 'Analysis and Evaluation of Iranian Law in Protecting Consumer Rights against the Manufacturer and Distributor of Non-Standard Medical Equipment', 16 *Medical Law Journal* (2022) 450.

[166] Feili, H., Besharat, R., Chitsaz, M. and Abbasi, S., 2018. Impact of policy of purchasing wheat on welfare of producers and consumers in Iran. *Journal of Industrial and Systems Engineering*, *11*(1), pp.147-162.

database or reporting mechanism, repeat offenders can function across various areas with minimal concern for consequences. Enhancing enforcement measures by providing more funding, improving training for local officials, and establishing a centralized tracking system may assist in tackling this inequality[167]. The pie chart (Fig. 4) illustrates the distribution of areas with robust, average, and limited enforcement of consumer protection regulations, determined by regulatory supervision and availability of resources.

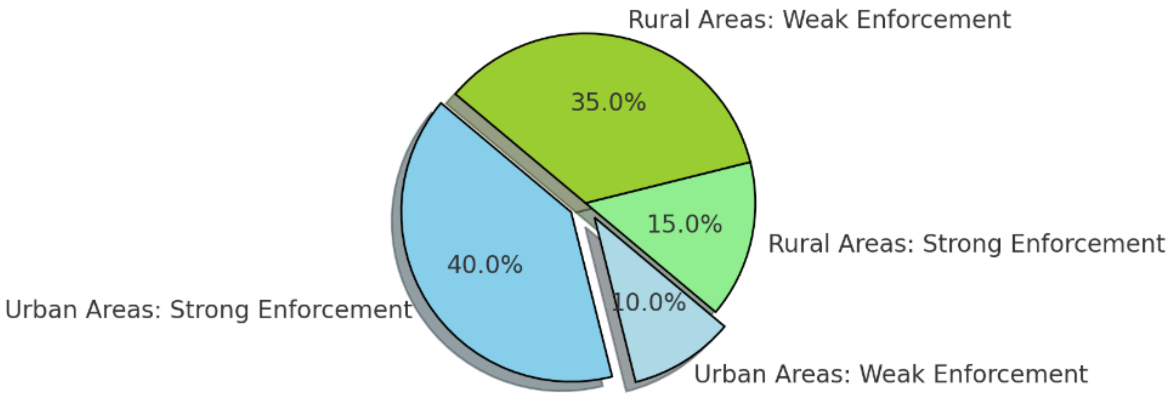

Figure 4: Regional Disparities in the Enforcement of Consumer Protection Laws in Iran

3.1.3.2 Limited Consumer Awareness

A significant flaw in Iran's consumer protection system is the low level of awareness among consumers about their rights as outlined in the 2009 Law on Consumer Protection. Although the law provides distinct protection, numerous consumers remain either oblivious to these rights or uncertain about how to use them[168]. This lack of knowledge greatly reduces the effectiveness of the legal framework, since consumers cannot seek remedies or hold sellers responsible if they are unaware of their rights.

Several factors contribute to this lack of awareness:

1. Insufficient Public Education Campaigns: Government and regulatory agencies have failed to implement comprehensive or ongoing campaigns to inform the public about consumer rights. Awareness initiatives frequently focus on urban areas and fail to extend to rural regions, where educational resources are limited[169].
2. Complex Legal Language: The legal language found in the 2009 Law and its related regulations can be challenging for the typical consumer to comprehend. There is a

[167] V. Eubanks, *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor* (2018).

[168] Tubishat, 'Electronic Commerce and Consumer Protection in Jordan: The Emerging Trend', 5 *International Journal of Religion* (2024) 328.

[169] Bi, Wang and Xu, 'Platform's Recommendation Strategy Considering Limited Consumer Awareness and Market Encroachment', 71 *IEEE Transactions on Engineering Management* (2024) 2255.

shortage of simplified and accessible resources, making it more difficult for consumers to understand the protections that are offered to them.

3. Lack of School-Based Education: Consumer rights are infrequently incorporated into school curriculums or community education initiatives, resulting in younger generations maturing without a basic comprehension of their rights within the marketplace. Restricted awareness additionally influences consumers' readiness to seek solutions. A lot of consumers either do not know about organizations like the CPPSO or are uncertain about how to file complaints. Improving consumer education via national awareness initiatives, local community programs, and integrating consumer rights into educational curriculums may assist in closing this gap. The graph (Fig. 5) contrasts the proportion of consumers knowledgeable about their rights according to the 2009 Law in urban regions compared to rural regions.

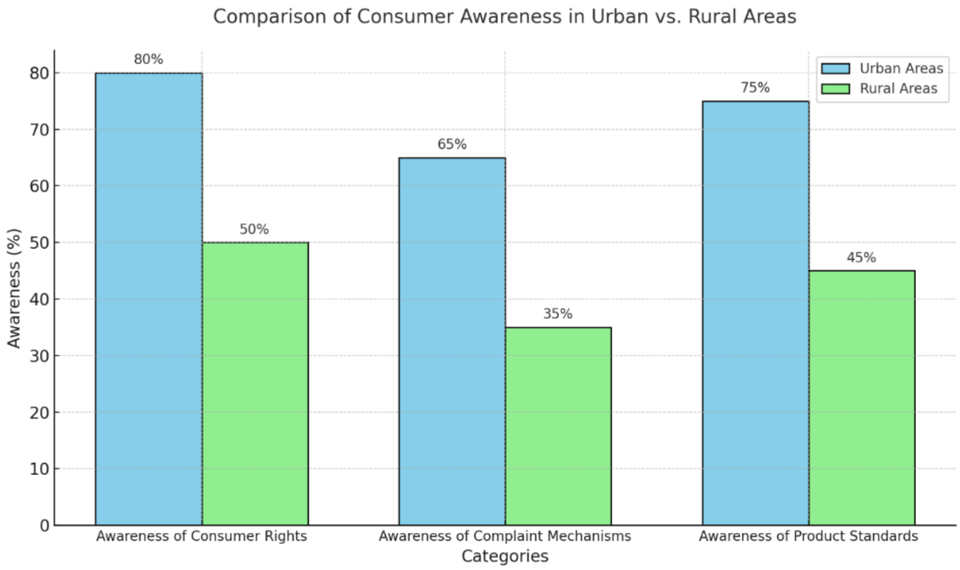

Figure 5: Comparison of Consumer Awareness Levels in Urban and Rural Areas in Iran

3.1.3.3 Challenges in E-Commerce

The swift expansion of e-commerce in Iran poses another major challenge to the current consumer protection system. Although the 2009 Law thoroughly covers conventional brick-and-mortar transactions, it is not as well-prepared to tackle the distinct challenges brought by digital commerce[170].

1. Data Privacy and Security: A major concern in e-commerce is ensuring the security of consumers' personal information. Numerous online platforms gather sensitive information during transactions, including payment information and addresses;

[170] Santos, V., Augusto, T., Vieira, J., Bacalhau, L., Sousa, B.M. and Pontes, D., 2023. E-commerce: issues, opportunities, challenges, and trends. *Promoting organizational performance through 5G and agile marketing*, pp.224-244.

however, there are limited strong legal protections to guarantee that this data is securely stored and not exploited. In contrast to regions like the European Union that implements the GDPR, Iran does not possess a specific framework for governing data privacy in online transactions[171].

2. Accountability of Online Platforms: Numerous e-commerce platforms in Iran serve as intermediaries, linking buyers and sellers[172]. Nonetheless, the responsibility of these platforms is not distinctly outlined within the existing legal framework. This leads to uncertainty regarding who is accountable when customers encounter problems like faulty products, delayed shipments, or deceptive listings.
3. Cross-Border Transactions: As globalization advances, Iranian customers are progressively participating in international e-commerce. Nonetheless, jurisdictional challenges and varying legal norms across countries complicate the resolution of disputes with foreign sellers[173]. For instance, a buyer who obtains a faulty item from a foreign seller may face restricted options because of insufficient cross-border enforcement systems or uniform regulations.
4. Digital Goods and Services: The 2009 Law fails to sufficiently cover the sale of digital products and services, including software, e-books, or online subscriptions. Concerns like product licensing, access limitations, and responsibility for faulty digital content are still mostly unregulated, putting consumers at risk in this expanding market segment[174].

To tackle these issues, Iran might investigate creating targeted laws for e-commerce, inspired by global best practices. Regulations must encompass strong data privacy safeguards, more precise definitions of platform responsibility, and systems for addressing cross-border conflicts[175].

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[171] Arabsorkhi and Khazaei, 'Blockchain Technology and GDPR Compliance: A Comprehensive Applicability Model', 7 *International Journal of Web Research* (2024) 49.

[172] Soleimani, 'Buyers' Trust and Mistrust in e-Commerce Platforms: A Synthesizing Literature Review', 20 *Information Systems and E-Business Management* (2022) 57.

[173] Fu, Z., Dong, P., Li, S. and Ju, Y., 2021. An intelligent cross-border transaction system based on consortium blockchain: A case study in Shenzhen, China. *Plos one*, *16*(6), p.e0252489.

[174] Atasoy and Morewedge, 'Digital Goods Are Valued Less Than Physical Goods', 44 *Journal of Consumer Research* (2018) 1343.

[175] Chin and Zhao, 'Governing Cross-Border Data Flows: International Trade Agreements and Their Limits', 11 *Laws* (2022) 63.

3.1.3.4 Complex Legal Processes

The legal procedures for obtaining redress within Iran's consumer protection system are frequently complicated, time-consuming, and bureaucratic, discouraging many consumers from pursuing their complaints[176]. Although CPPSO and various other methods are available to handle disputes, these procedures can be overwhelming for consumers, especially those with restricted legal understanding or resources.

1. Lengthy Timelines: Conflict resolution methods, particularly those that progress to the legal system, may require months or even years to reach a conclusion. This postpones justice and frequently results in consumers feeling frustrated and helpless[177].
2. Bureaucratic Hurdles: Submitting a complaint entails several steps such as collecting evidence, providing documentation, and participating in hearings. These processes can be daunting for consumers, particularly for those who are not well-versed in legal matters.
3. Limited Accessibility: Although urban locations may have specialized consumer courts or mediation centers, such facilities are frequently lacking in rural areas. This geographic imbalance complicates the process for consumers in rural areas to find solutions.
4. Cost of Litigation: Taking legal action can be expensive, especially for consumers with low income[178]. Legal expenses, court fees, and the time needed to maneuver through the system can surpass the possible advantages of filing a claim, deterring many from seeking compensation.

Optimizing these processes is crucial for improving consumer trust in the system. Steps like creating online complaint platforms, implementing expedited dispute resolution processes, and lowering court fees could enhance the accessibility and efficiency of redress. For instance, Iran might implement a system akin to the Alternative Dispute Resolution (ADR) processes utilized in the European Union, enabling consumers to settle disputes without engaging in protracted legal battles[179].

Although Iran's 2009 Consumer Protection Law offers a strong basis for defending consumer rights, its overall effectiveness is diminished by various shortcomings. Uneven enforcement

[176] Raeissi, Sokhanvar and Kakemam, 'Outsourcing in Iranian Hospitals: Findings from a Qualitative Study', 33 *The International Journal of Health Planning and Management* (2018) e1250.

[177] Valentini, Orsingher and Polyakova, 'Customers' Emotions in Service Failure and Recovery: A Meta-Analysis', 31 *Marketing Letters* (2020) 199.

[178] Gilles, 'Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket The 2015 Pound Symposium: The War on the U.S. Civil Justice System: Articles & Essays', 65 *Emory Law Journal* (2015) 1531.

[179] Peters, 'The Evolution of Alternative Dispute Resolution and Online Dispute Resolution in the European Un', 12 *CES Derecho* (2021) 3.

in different regions leaves numerous consumers vulnerable, especially in rural locations. Insufficient public knowledge of consumer rights diminishes the efficiency of the legal system, and the swift expansion of e-commerce reveals shortcomings in regulations concerning digital transactions and international trade[180]. Moreover, the intricacy and expense of seeking compensation discourages numerous consumers from pursuing solutions.

Tackling these flaws demands a comprehensive strategy. Enhancing enforcement methods, broadening consumer education programs, and updating regulations for the digital era are essential actions for establishing a stronger and fairer consumer protection framework. Streamlining legal procedures and implementing accessible dispute resolution methods will boost consumer trust and guarantee that every Iranian can take advantage of the legal protections available. By tackling these issues, Iran can advance towards a consumer protection system that is thorough, efficient, and responsive to the needs of a contemporary market[181].

3.1.4 Comparative Analysis: Learning from Italy and Europe

Iran's consumer protection framework has made significant strides with the 2009 Law on Consumer Protection, yet there remain gaps and areas where the system could benefit from international best practices[182]. The consumer protection frameworks of Italy and the broader European Union (EU) provide valuable insights into creating a more effective, harmonized, and modernized system[183]. By examining these systems, Iran can identify strategies to enhance its own regulatory framework, enforcement mechanisms, and consumer education programs. A bar chart (Fig. 6) comparing key consumer protection features across Iran, Italy, and the EU.

[180] Gao, 'Digital or Trade? The Contrasting Approaches of China and US to Digital Trade', 21 *Journal of International Economic Law* (2018) 297.

[181] Ashrafi and Ravasan, 'How Market Orientation Contributes to Innovation and Market Performance: The Roles of Business Analytics and Flexible IT Infrastructure', 33 *Journal of Business & Industrial Marketing* (2018) 970.

[182] Kolahi, Davary and Omranian Khorasani, 'Integrated Approach to Water Resource Management in Mashhad Plain, Iran: Actor Analysis, Cognitive Mapping, and Roadmap Development', 14 *Scientific Reports* (2024) 162.

[183] S. Hix and B. Høyland, *The Political System of the European Union* (2022).

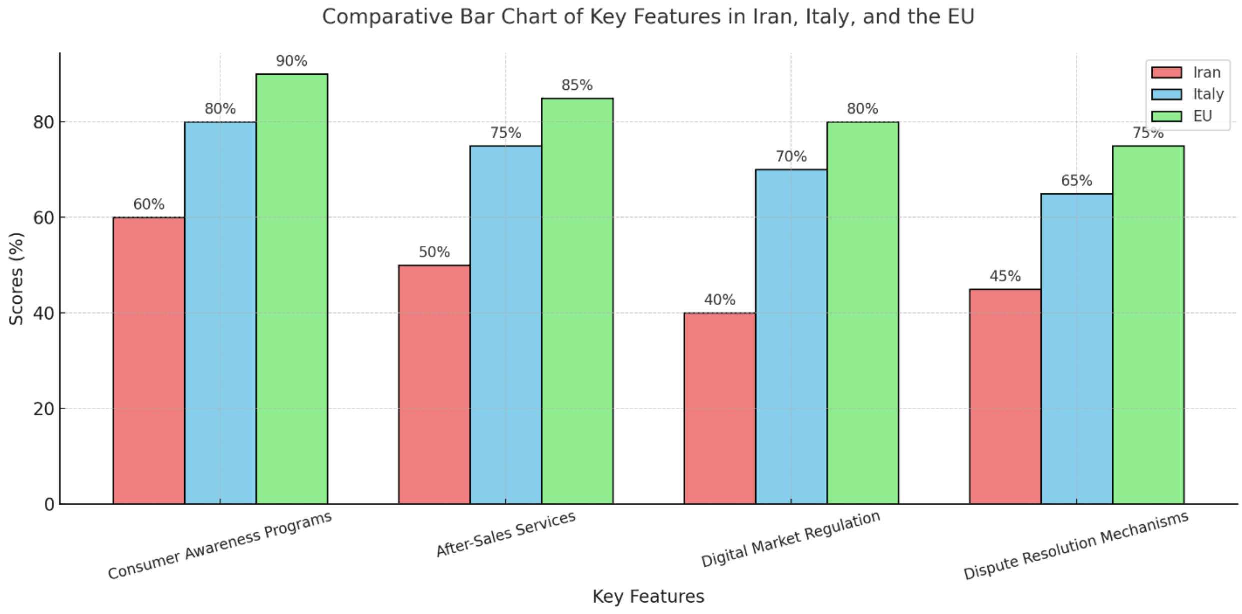

Figure 6: Comparative Analysis of Consumer Protection Features in Iran, Italy, and the EU

3.1.4.1 Harmonization and Standardization

A hallmark of the EU's consumer protection framework is its emphasis on harmonization and standardization. The Consumer Sales and Guarantees Directive (2019/771) is a prime example of how consistent regulations across member states can create a fair and predictable market for consumers[184]. This directive ensures that all consumers within the EU, regardless of their location, enjoy the same level of protection. It covers areas such as:

- Conformity of goods with contracts: Goods must meet the agreed-upon quality, functionality, and durability standards.
- Digital goods: The directive includes provisions for digital content and services, ensuring that modern consumer needs are met.
- Remedies for non-conformity: Consumers are entitled to repair, replacement, or price reductions for defective goods.

In contrast, Iran's consumer protection framework lacks such standardization, with significant disparities in enforcement and implementation between urban and rural areas[185]. A national harmonization strategy could address these inconsistencies, ensuring that consumers across all provinces enjoy the same protection. For example:

[184] M. Cantero Gamito and H.-W. Micklitz, EU Consumer Law in 2023, 4864186, 31 May 2024.

[185] Fasihizadeh, M., Fasihizadeh, A., Paktinat, H. and Nikdousti, M., 2023. Comparative Study of Consumer Protection Rights Relating to Preauthorized Debits, in Iranian and American Legal Systems. *Comparative Law Review*, *14*(2), pp.883-911.

- Establishing uniform enforcement protocols for regulatory bodies like the Consumer Protection and Production Support Organization (CPPSO)[186].
- Introducing centralized databases to track compliance and monitor repeat offenders.
- Standardizing product labeling, safety standards, and warranty terms nationwide.

Harmonization in Iran could also enhance trust in the market by ensuring that consumers and businesses operate under consistent rules. This would be particularly beneficial in addressing regional disparities, where weaker enforcement often leaves consumers vulnerable to exploitation.

3.1.4.2 Simplified Dispute Resolution Mechanisms

Efficient and accessible dispute resolution mechanisms are crucial for a robust consumer protection framework. In the EU, mechanisms such as the Alternative Dispute Resolution (ADR) Directive (2013/11/EU) and the Online Dispute Resolution (ODR) platform have transformed how consumers resolve conflicts[187]. These systems provide cost-effective, non-litigious avenues for addressing grievances, making justice more accessible to all consumers.

- ADR Directive (2013/11/EU): This directive requires member states to ensure that consumers have access to ADR mechanisms for resolving disputes with businesses. ADR processes, such as mediation and arbitration, are faster and less expensive than traditional court proceedings.
- ODR Platform: The ODR platform is an online tool that allows consumers and businesses to resolve disputes arising from online transactions across borders[188]. It is user-friendly, multilingual, and provides a straightforward way to address complaints without physical attendance.

In Iran, dispute resolution mechanisms under the 2009 Law on Consumer Protection are often hindered by bureaucracy, limited accessibility, and lengthy processes. Adopting a similar approach to the EU’s ADR and ODR systems could address these issues by:

- Introducing digital platforms for filing complaints and tracking case progress.
- Establishing regional mediation centers to handle disputes quickly and efficiently.
- Creating a mobile application to allow consumers to report grievances and access legal resources directly.

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[186] Herrine, 'What Is Consumer Protection For?', 34 *Loyola Consumer Law Review* (2022) [1].

[187] P. Cortés, *The Law of Consumer Redress in an Evolving Digital Market: Upgrading from Alternative to Online Dispute Resolution* (2017).

[188] Schmitz, 'There’s an App for That: Developing Online Dispute Resolution to Empower Economic Development', 32 *Notre Dame Journal of Law, Ethics & Public Policy* (2018) 1.

These measures would streamline the redress process, reduce the burden on courts, and improve consumer confidence in the system.

3.1.4.3 Adapting to Digital Markets

The rapid digitization of commerce has introduced new challenges for consumer protection, particularly in areas such as data privacy, platform accountability, and cross-border transactions. The EU has been at the forefront of addressing these challenges through regulations such as the GDPR and the inclusion of digital goods in the Consumer Sales and Guarantees Directive[189].

- GDPR: The GDPR sets a global benchmark for data protection, ensuring that consumers' personal data is handled securely and transparently. It imposes strict requirements on businesses regarding data collection, storage, and sharing, with severe penalties for non-compliance.
- Digital Goods Regulation: By including digital content and services in the 2019/771 Directive, the EU ensures that consumers purchasing software, e-books, or other digital products enjoy the same protection as those buying physical goods[190].

Iran's consumer protection framework is not yet equipped to handle the complexities of the digital economy. Key areas for improvement include:

1. Data Privacy and Security: Implementing regulations like the GDPR would safeguard consumer information and build trust in e-commerce platforms.
2. Platform Accountability: Establishing clear rules for the responsibilities of online platforms, including liability for defective products sold by third-party vendors.
3. Cross-Border E-Commerce: Developing mechanisms to address disputes involving international sellers, such as agreements with foreign regulatory bodies or the establishment of cross-border mediation frameworks[191].

By adopting these measures, Iran can modernize its consumer protection framework to meet the demands of the digital age.

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[189] Ruohonen, 'A Review of Product Safety Regulations in the European Union', 3 *International Cybersecurity Law Review* (2022) 345.

[190] Compte, 'From Conformity to Sustainability: Understanding the Implications of Digital Content Modifications under Directives 2019/770 and 771', 24 *Global Jurist* (2024) 25 , at 771.

[191] H. Rakibul Md and B. Edward R., *Cross-Border E-Commerce Marketing and Management* (2020).

3.1.4.4 Enhancing Consumer Education

Consumer education is a critical component of an effective protection framework, as it empowers individuals to make informed decisions and exercise their rights[192]. Italy and the EU prioritize consumer education through initiatives such as:

- Public Awareness Campaigns: Regular campaigns highlight key consumer rights, such as warranty entitlements, return policies, and data privacy protections.
- Educational Programs: School curricula and community workshops teach citizens about their rights and responsibilities in the marketplace.
- Accessible Resources: Governments provide online portals, brochures, and helplines to inform consumers about available protections and remedies.

In Iran, limited consumer awareness remains a significant barrier to the effective implementation of the 2009 Law on Consumer Protection[193]. Many consumers are unaware of their rights, let alone the mechanisms available to enforce them. To address this gap, Iran could adopt similar strategies to those in Italy and the EU:

1. Nationwide Campaigns: Launch campaigns using television, radio, and social media to educate the public about key provisions of the law, such as warranty rights and dispute resolution options.
2. Community Outreach: Organize workshops and seminars in rural areas to ensure that all segments of the population are informed about their rights.
3. Online Resources: Develop a comprehensive online portal where consumers can access legal information, file complaints, and track case progress.

Enhanced consumer education would not only empower individuals but also create a more accountable marketplace, as informed consumers are better equipped to hold businesses to high standards.

Iran's consumer protection framework stands to gain significantly from the experiences of Italy and the EU, both of which have established advanced systems tailored to the needs of modern markets[194]. By adopting strategies for harmonization and standardization, Iran can ensure consistent protections across all regions. Simplified dispute resolution mechanisms, modeled on the EU's ADR and ODR systems, would make redress more accessible and efficient. Adapting regulations to the digital economy and prioritizing consumer education

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[192] Houari, Elhachemi and Baffa, 'The Role of the University in Developing Educational Implications in Society: Health Education, Environmental Education, Consumer Education, Technological Education', 8 *International Journal of Health Sciences* (2024) 16.

[193] Khedmatgozar and Shahnazi, 'The Role of Dimensions of Perceived Risk in Adoption of Corporate Internet Banking by Customers in Iran', 18 *Electronic Commerce Research* (2018) 389.

[194] C. Portela, The EU's Use of 'Targeted' Sanctions: Evaluating Effectiveness, 2410783, 11 March 2014.

would further strengthen the framework, ensuring that Iranian consumers are protected in both traditional and digital marketplaces[195].

These measures, if implemented effectively, could transform Iran's consumer protection system into a more robust, equitable, and forward-looking framework[196]. By learning from international best practices, Iran can address existing weaknesses, adapt to emerging challenges, and create a marketplace that fosters trust, fairness, and accountability for all stakeholders.

3.2 Case Study: Italy

Italy's consumer protection system exemplifies a well-developed legal framework that has progressed through historical changes, national reforms, and conformity with EU regulations. Although Italy has set up an extensive framework for protecting consumer rights, there are still aspects that can be enhanced and insights that can be gained from other European nations[197]. This segment offers a detailed examination of the historical evolution of consumer protection legislation in Italy, investigates the rules overseeing the buying and selling of goods, assesses flaws and opportunities for enhancement, and wraps up with a comparative review of Italy's framework within the European landscape[198].

3.2.1 Historical Development of Consumer Protection Law in Italy

Italy's legal stance on consumer protection demonstrates a progressive transition from localized trading customs based on its cultural and historical background to an advanced system that aligns with national changes and European Union (EU) regulations[199]. This development underscores the interaction among Italy's legal customs, socio-economic changes, and global impacts. Figure 7 illustrates the development of consumer protection legislation in Italy, tracing it from Roman law concepts (Actio Redhibitoria and Actio Quanti Minoris) to the implementation of the Consumer Code (Codice del Consumo) in 2005.

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[195] Alavion and Taghdisi, 'Rural E-Marketing in Iran; Modeling Villagers' Intention and Clustering Rural Regions', 8 *Information Processing in Agriculture* (2021) 105.

[196] Bastan, Tavakkoli-Moghaddam and Bozorgi-Amiri, 'Resilient Banking: Model-Based Assessment of Business Continuity Policies on Commercial Banks', 53 *Kybernetes* (2023) 5325.

[197] Banerjee, 'Demystifying Consumer Rights: The Framework of Redressal in the Consumer Protection Act 2019', 4 *Jus Corpus Law Journal* (2023) 243.

[198] Di Fazio and Modica, 'Historic Rural Landscapes: Sustainable Planning Strategies and Action Criteria. The Italian Experience in the Global and European Context', 10 *Sustainability* (2018) 3834.

[199] Young, 'The European Union as a Global Regulator? Context and Comparison', in *The European Union as a Global Regulator?* (2016).

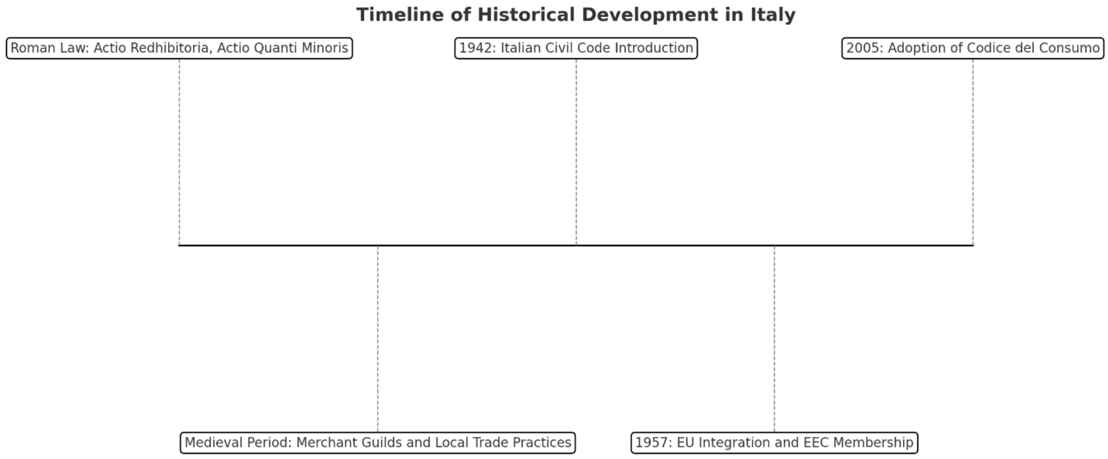

Figure 7: Timeline of Key Milestones in the Development of Consumer Protection Law in Italy

3.2.1.1 Early Legal Traditions and Roman law

Italy’s consumer protection laws have their roots in Roman law, which has significantly shaped civil law systems across the globe[200]. Roman legal principles stressed equity in trade dealings and offered solutions for consumers when products were faulty or did not adhere to the established standards. Among the most significant principles were the Actio Redhibitoria and Actio Quanti Minoris. The Actio Redhibitoria permitted purchasers to terminate a contract and return items if they had major defects, thus safeguarding them from monetary losses. The Actio Quanti Minoris provided purchasers with the ability to seek a decrease in price for merchandise that fell short of the anticipated quality or description. These solutions highlighted a dedication to equity and responsibility in commerce practices, establishing a benchmark for contemporary ideas of guarantees and product responsibility[201].

In the medieval era, Italian city-states like Venice, Florence, and Genoa arose as prominent hubs for commerce and trade. In these vibrant markets, commerce was governed by community customs and the actions of trading guilds. These guilds were essential in setting quality control standards; making sure products fulfilled certain criteria prior to sale. For instance, textile associations in Florence imposed stringent rules about fabric quality, whereas Venetian associations managed glass production to uphold the city's renowned craftsmanship. While these systems were mainly designed to safeguard merchants and enhance economic stability, they also inadvertently aided consumers by encouraging the trustworthiness and security of products[202].

[200] P. D. Cruz, *Comparative Law in a Changing World* (2024).

[201] M. Charter and U. Tischner, *Sustainable Solutions: Developing Products and Services for the Future* (2017).

[202] Hina, Islam and Dhir, 'Blockchain for Sustainable Consumption: An Affordance and Consumer Value-Based View', 34 *Internet Research* (2024) 215.

These initial trading methods, though groundbreaking for their era, were missing a cohesive legal structure that could be uniformly enforced across different areas or trade industries. They depended significantly on informal enforcement methods like community reputation and social responsibility. However, the principles of fairness and quality that characterized these practices laid the groundwork for the development of more structured consumer protection laws in later centuries[203].

3.2.1.2 Post-War Economic Reforms and Consumer Advocacy

The era following World War II signified a crucial transformation in Italy's economic and legal framework[204]. The shift from an agricultural economy to an industrial society resulted in considerable alterations to production and consumption habits. Mass production ushered in a new degree of accessibility to products and services, changing Italy into an economy focused on consumption. Nonetheless, this swift industrial growth also introduced challenges, such as issues regarding product safety, misleading advertising tactics, and the mistreatment of consumers by major corporations.

In reaction to these issues, consumer advocacy started to establish itself in the 1960s and 1970s, aligning with worldwide movements pushing for enhanced consumer rights[205]. Italian organizations like Altroconsumo, founded in 1973, have been vital in enhancing consumer awareness and advocating for legal changes. These groups concentrated on concerns like hazardous products, deceptive marketing, and insufficient warranty details, giving consumers a platform in policy debates.

The Civil Code of 1942 was an initial effort to tackle certain of these issues. While mainly centered on contract law, it contained elements that established the foundation for contemporary consumer protection[206]. For example, the code highlighted the importance of fairness in contracts, making sure that the agreements between buyers and sellers were fair and just. It also provided solutions for contract violations, allowing consumers to obtain compensation when sellers did not fulfill their responsibilities. Additionally, legislation imposes liability for faulty goods, requiring sellers to ensure that products met the specified standards.

Even with these developments, the Civil Code lacked a thorough or cohesive strategy for consumer protection[207]. Its clauses were dispersed throughout various sections, tackling

[203] Herrine, *supra* note 186.

[204] S. M. DiScala, *Italy: From Revolution to Republic, 1700 to the Present, Fourth Edition* (4th ed., 2018).

[205] P. Dauvergne and G. LeBaron, *Protest Inc.: The Corporatization of Activism* (2014).

[206] H. Kelsen, *General Theory of Law and State* (2017).

[207] Kastner, ''Much Ado about Nothing?' Transnational Civil Society, Consumer Protection and Financial Regulatory Reform', 21 *Review of International Political Economy* (2014) 1313.

concerns without considering the overall requirements of consumers. This disjointed method underscored the necessity for a more unified legal structure capable of tackling the changing challenges of contemporary consumer society.

3.2.1.3 Integration into the European Union

Italy's entry into the European Economic Community (EEC) in 1957, followed by its participation in the EU, represented a crucial moment in its consumer protection evolution. As a member state, Italy was obligated to adjust its national legislation to conform to EU directives focused on standardizing consumer protection regulations throughout Europe[208]. This alignment led to significant changes in Italy's legal system, guaranteeing that Italian consumers received the same protections as those in other EU nations[209].

One of the key achievements was the approval of the Codice del Consumo (Consumer Code) in 2005. This thorough code unified multiple consumer protection regulations into one framework, focusing on aspects like product safety, unfair business practices, and contractual entitlements. It offered a straightforward and comprehensible legal basis for both consumers and businesses, simplifying previously disjointed regulations.

The enforcement of EU directives enhanced Italy's consumer protection framework. The Consumer Rights Directive (2011/83/EU) improved safeguards for online and distance sales, promoting transparency and allowing consumers the option to cancel contracts within a designated timeframe[210]. This was especially crucial in light of Italy's expanding e-commerce industry, where buyers frequently had no chance to examine products prior to buying. Moreover, the Product Liability Directive (85/374/EEC) established the concept of strict liability for faulty products, allowing consumers to obtain compensation without having to demonstrate negligence by manufacturers or vendors[211].

Italy likewise gained from the EU's focus on consumer education and enforcement strategies. The Unfair Commercial Practices Directive (2005/29/EC) banned misleading advertising and deceitful practices, fostering fairness in the market. At the same time, the General Data Protection Regulation (GDPR) safeguarded consumers' personal information during transactions, tackling privacy issues in a progressively digital economy.

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[208] Crafts, 'West European Economic Integration since 1950', in *Routledge Handbook of the Economics of European Integration* (2015).

[209] T. G. Watkin, *The Italian Legal Tradition* (2018).

[210] Ballaji, 'Consumer Protection in the Era of Digital Payments: Legal Challenges and Solutions', 15 *Beijing Law Review* (2024) 1268.

[211] Martínez, I.H., 2016. The Directive 85/374/EEC on Defective Products: Its Interpretation by the European Court of Justice. *LESIJ-Lex ET Scientia International Journal*, *23*(2), pp.7-17.

These changes brought Italy's consumer protection system in line with EU standards, establishing a more uniform and reliable atmosphere for consumers and businesses alike. By incorporating these guidelines, Italy not only improved the rights and safeguards accessible to its citizens but also encouraged increased consumer trust in its markets.

The evolution of consumer protection legislation in Italy showcases a vibrant interaction of traditional customs, reforms after the war, and European integration. From the equitable tenets of Roman law to the extensive safeguards provided by the Consumer Code, Italy's legal system has developed to address the evolving requirements of its populace. Initially, efforts were centered on localized trade practices and informal enforcement methods, but contemporary reforms have established a cohesive and strong system that conforms to international standards[212]. This development highlights Italy's dedication to safeguarding consumers and ensuring equity in its markets, offering important insights for other countries aiming to improve their consumer protection frameworks.

3.2.2 Consumer Sale and Purchase Goods Regulations in Italy

Italy's consumer protection system offers strong regulations for buying and selling goods, guaranteeing fairness, transparency, and accountability during the entire transaction process. These regulations cover all phases of consumer experience, from information prior to purchase to support after purchase, ensuring a high level of consumer rights and market integrity[213].

3.2.2.1 Consumer Sale Goods Regulations

Italian legislation requires that products sold to consumers adhere to contract specifications and fulfill anticipated standards of quality, functionality, and durability. This dedication to consumer rights is embedded in the Consumer Code, which offers a comprehensive structure for resolving potential conflicts and guaranteeing responsibility in sales dealings[214]. A key principle is the necessity to adhere to the contract. According to Article 129 of the Consumer Code, sellers must provide goods that correspond with the description given during the sale, function as promoted, and meet consumer expectations[215]. For example, when a buyer acquires a laptop that cannot execute fundamental functions because of faulty hardware, the seller must legally either fix, exchange, or reimburse the item.

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[212] I. Benöhr, *EU Consumer Law and Human Rights* (2013).

[213] Micheli, M.R., Rossi, A., Rossi, G., Rosamilia, A. and Guidi, E., 2019. Farm products' direct sale in accordance with national and EC Regulations. *Italian journal of food safety*, *8*(1).

[214] Tecchio, P., McAlister, C., Mathieux, F. and Ardente, F., 2017. In search of standards to support circularity in product policies: A systematic approach. *Journal of cleaner production*, *168*, pp.1533-1546.

[215] D. Saidov, *Conformity of Goods and Documents: The Vienna Sales Convention* (2015).

A key element of consumer goods sales regulations in Italy is the establishment of legal warranties. Sellers must provide a two-year legal warranty on all sold products, safeguarding against defects that existed at the time of delivery, even if such defects are noticed afterwards. Sellers cannot waive or exclude this warranty, ensuring a required level of protection for consumers. During this two-year timeframe, consumers can request solutions for non-conformity, such as repairs, replacements, or discounts[216]. For instance, if a home appliance like a refrigerator ceases to operate because of a manufacturing flaw, the consumer is entitled to ask for repair or exchange at no extra expense.

In dealing with non-conforming goods, Italian law emphasizes repair and replacement instead of financial reimbursements. This method highlights the revival of the product's original functionality and usefulness for the consumer[217]. However, if the defect cannot be resolved within a reasonable timeframe or if repairs would impose undue inconvenience, the consumer is entitled to a full refund. This balanced approach ensures that consumers receive practical solutions while also encouraging sellers to maintain high standards of product quality.

3.2.2.2 Consumer Purchase Goods Regulations

The legal structure for consumer buying in Italy highlights clarity, equity, and safeguarding consumer rights throughout every phase of the transaction. A crucial aspect of these regulations is the necessity for transparency in all interactions with consumers[218]. Vendors must deliver precise and transparent details regarding pricing, relevant taxes, extra fees, and terms of the contract. Deceptive advertising is explicitly banned under the Unfair Commercial Practices Directive (2005/29/EC), guaranteeing that consumers can make informed choices without being deceived by overstated claims or concealed charges[219].

Another important element of Italy's consumer buying rules is the cooling-off period, offering consumers a 14-day timeframe in which they may terminate a contract without facing penalties. This right holds particular importance for distance selling and contracts made off-site, such as those conducted online or through door-to-door sales, where buyers lack the chance to examine the products in person prior to buying[220]. For example, a shopper who purchases an item online and later realizes it falls short of their expectations can return it

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[216] DiMatteo and Wrbka, 'Planned Obsolescence and Consumer Protection: The Unregulated Extended Warranty and Service Contract Industry', 28 *Cornell Journal of Law and Public Policy* (2018) 483.

[217] Klaus and Busani, 'Italy Adopts Legislation Establishing Sanctions for the Violation of the Provisions of Regulation (EU) No. 1169/2011 on Food Information to Consumers', 13 *European Food and Feed Law Review* (2018) 148.

[218] Panico, Caracciolo and Furno, 'Analysing the Consumer Purchasing Behaviour for Certified Wood Products in Italy', 136 *Forest Policy and Economics* (2022) 102670.

[219] Vaqué, *supra* note 129.

[220] Silva and García-Micó, 'Cooling-Off Hot Deals', in *Routledge Handbook of Private Law and Sustainability* (2024).

during the cooling-off period, hassle-free. This clause guarantees that consumers are not trapped in transactions they might regret once they have a better understanding of the product.

Italy's regulations also emphasize after-sales service, especially for long-lasting products like appliances, electronics, and vehicles. Companies must offer services like repairs and spare parts for a reasonable duration after the purchase, guaranteeing that customers receive assistance even after the sale is finalized. This stipulation not only boosts consumer confidence but also motivates companies to uphold product quality and dependability. For example, an auto manufacturer must guarantee the accessibility of replacement components and maintenance services for sold vehicles, boosting consumer trust in significant investments.

3.2.2.3 E-Commerce and Digital Goods

In recent times, the growth of e-commerce and the rising availability of digital products have created new challenges for protecting consumers. Italy has actively tackled these challenges by incorporating EU directives that regulate digital markets, guaranteeing that consumers are sufficiently safeguarded in online dealings[221]. A major clause is the entitlement to conformity for digital products, including software, e-books, and online subscriptions. These items should operate as promoted and fulfill the legitimate expectations of users. For example, when a buyer acquires a software license that does not work as expected because of defective coding, the seller must supply a working version or give a refund.

A key element of Italy's strategy regarding e-commerce is its focus on data privacy safeguards. The GDPR, implemented throughout the EU, guarantees that consumer data gathered during online transactions is managed securely and transparently[222]. This entails businesses needing to secure clear consent prior to collecting personal data, establish strong security protocols to avert data breaches, and grant consumers the ability to access, amend, or remove their information. These safeguards are especially important in a time when data is frequently misused for profit, bolstering consumer confidence in digital marketplaces.

Italy’s regulations also tackle the responsibility of online platforms, acknowledging their key role in contemporary trade[223]. Online marketplaces must reveal the identities of third-party sellers and guarantee that products offered on their platforms conform to relevant safety and

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[221] Tan, Carrillo and Cheng, 'The Agency Model for Digital Goods', 47 *Decision Sciences* (2016) 628.

[222] Morić, Z., Dakic, V., Djekic, D. and Regvart, D., 2024. Protection of Personal Data in the Context of E-Commerce. *Journal of cybersecurity and privacy*, *4*(3), pp.731-761.

[223] Gopalakrishna Pillai, Ngcobo-Onunkwo and Al Rooq, 'Transparency Uncorked: Leveraging Blockchain to Tackle International Wine Fraud', *Journal of Hospitality & Tourism Cases* (2024) 21649987241290984.

quality standards. This measure seeks to address problems like fake products and deceptive listings, which may undermine consumer trust in online markets. For instance, platforms such as Amazon and eBay that function in Italy are required to oversee and eliminate fraudulent or unlawful listings, ensuring a more secure and trustworthy shopping experience for consumers. These regulations not only boost consumer trust but also motivate businesses to uphold ethical practices and maintain high-quality standards. As Italy adjusts to changing market conditions, especially in the digital realm, its consumer protection system remains an essential mechanism for protecting the rights of its citizens[224].

An analysis of issues encountered in Italy's e-commerce industry, including counterfeit products, fraudulent reviews, and concerns regarding data privacy (Fig. 8).

Figure 8: Key Challenges in Italy's E-Commerce Sector

3.2.3 Weaknesses and Areas of Improvement

Although Italy's consumer protection system is one of the most developed in Europe, it encounters various structural and operational issues that limit its complete effectiveness. If not addressed, these shortcomings may hinder the system's ability to protect consumer rights and ensure market fairness[225]. Grasping these matters is crucial for pinpointing ways to enhance and ensuring that Italy's structure stays adaptable to current challenges.

A significant concern is the existence of enforcement gaps in various areas of Italy. Regulatory agencies, like the Italian Competition Authority (Autorità Garante Della

[224] Turillazzi, A., Taddeo, M., Floridi, L. and Casolari, F., 2023. The digital services act: an analysis of its ethical, legal, and social implications. *Law, Innovation and Technology*, *15*(1), pp.83-106.

[225] Stagnaro, C., Amenta, C., Di Croce, G. and Lavecchia, L., 2020. Managing the liberalization of Italy's retail electricity market: A policy proposal☆. *Energy Policy*, *137*, p.111150.

Concorrenza e Del Mercato, AGCM), encounter resource limitations that hinder consistent enforcement across the country. Although urban areas with superior infrastructure often enjoy strong oversight, rural and underdeveloped regions frequently experience inadequate regulatory protection[226]. This gap enables smaller shops and unregulated markets to avoid scrutiny, putting consumers at risk of abusive practices. For example, items sold in rural markets might not meet legal standards for labeling or safety, and regulatory bodies may find it challenging to effectively oversee compliance in these regions. Tackling this issue necessitates enhanced financial support for regulatory agencies, improved training for local law enforcement officers, and the creation of centralized systems for monitoring non-compliance[227].

An additional major challenge stems from the complicated nature of legal procedures associated with consumer protection. Although Italy provides various dispute resolution options, such as consumer courts and mediation services, these methods tend to be slow, bureaucratic, and expensive. Complex procedures may discourage consumers from pursuing resolutions, especially in situations where the financial implications are somewhat minor. For example, seeking compensation for a faulty home appliance can entail numerous hearings and extensive documentation, deterring consumers from asserting their rights[228]. Streamlining these procedures and offering easier options, like online dispute resolution platforms, could boost consumer trust and promote increased engagement in the system. A flowchart (Fig. 9) illustrating the step-by-step processes for resolving consumer disputes in Italy, including options like ADR, mediation, and court litigation.

[226] Morganti, Favarin and Andreatta, 'Illicit Waste Trafficking and Loopholes in the European and Italian Legislation', 26 *European Journal on Criminal Policy and Research* (2020) 105.

[227] Cingano and Tonello, 'Law Enforcement, Social Control and Organized Crime: Evidence from Local Government Dismissals in Italy', 6 *Italian Economic Journal* (2020) 221.

[228] C. W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (2014).

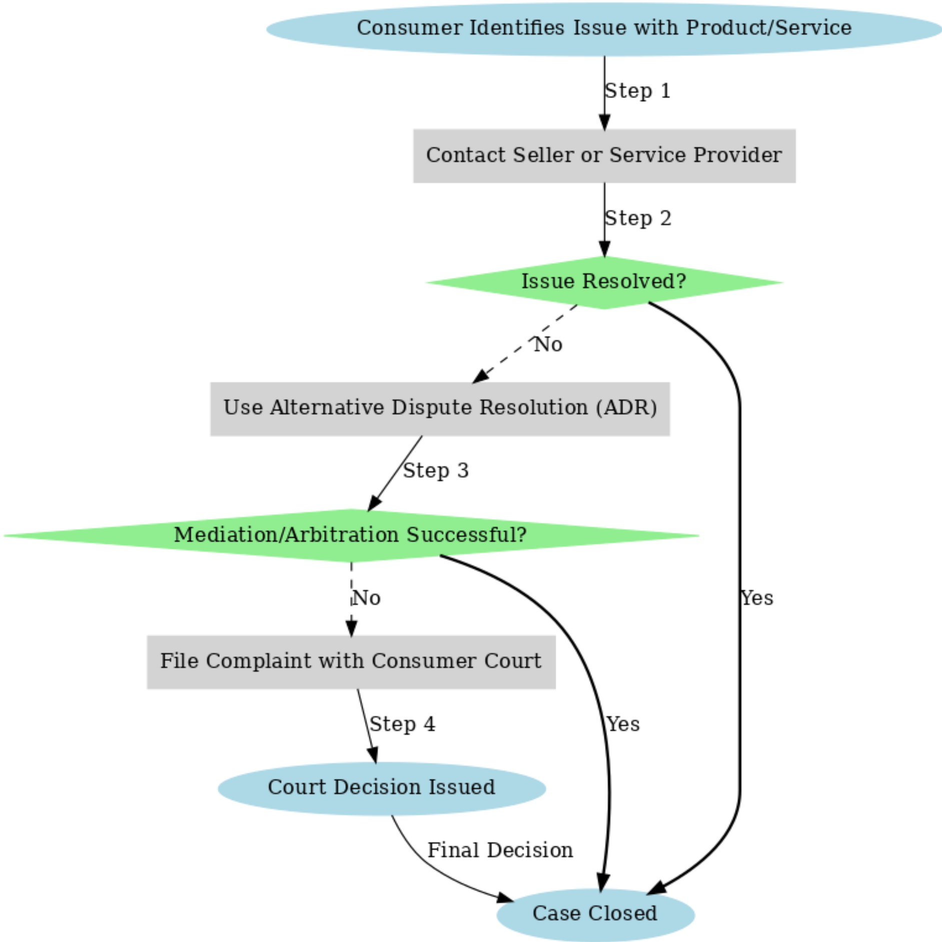

Figure 9: Dispute Resolution Mechanisms Available to Consumers in Italy

The swift growth of digital markets has brought forth new challenges that Italy's existing regulations are having difficulty tackling efficiently. Concerns like fraudulent reviews, fake products, and insufficient responsibility of platforms have grown more common in the e-commerce industry. Although the General Data Protection Regulation (GDPR) has enhanced data privacy safeguards, various elements of digital commerce still lack sufficient regulation[229]. For instance, digital platforms frequently do not have obvious accountability for dishonest third-party vendors, resulting in restricted options for consumers when faced with fraud. Likewise, the increase of fraudulent reviews diminishes consumer confidence, as buyers are deceived into acquiring inferior goods. To tackle these problems, Italy needs to implement tougher regulations on digital platforms, require transparency in seller activities, and enforce penalties for violations. Working together with other EU member countries to align digital market regulations might also alleviate these issues[230].

[229] Hoofnagle, van der Sloot and Borgesius, 'The European Union General Data Protection Regulation: What It Is and What It Means*', 28 *Information & Communications Technology Law* (2019) 65.

[230] Ren and Du, 'Harmonizing Innovation and Regulation: The EU Artificial Intelligence Act in the International Trade Context', 54 *Computer Law & Security Review* (2024) 106028.

A comparison chart (Fig. 10) displays the levels of consumer awareness about legal warranties and cooling-off periods in both urban and rural regions.

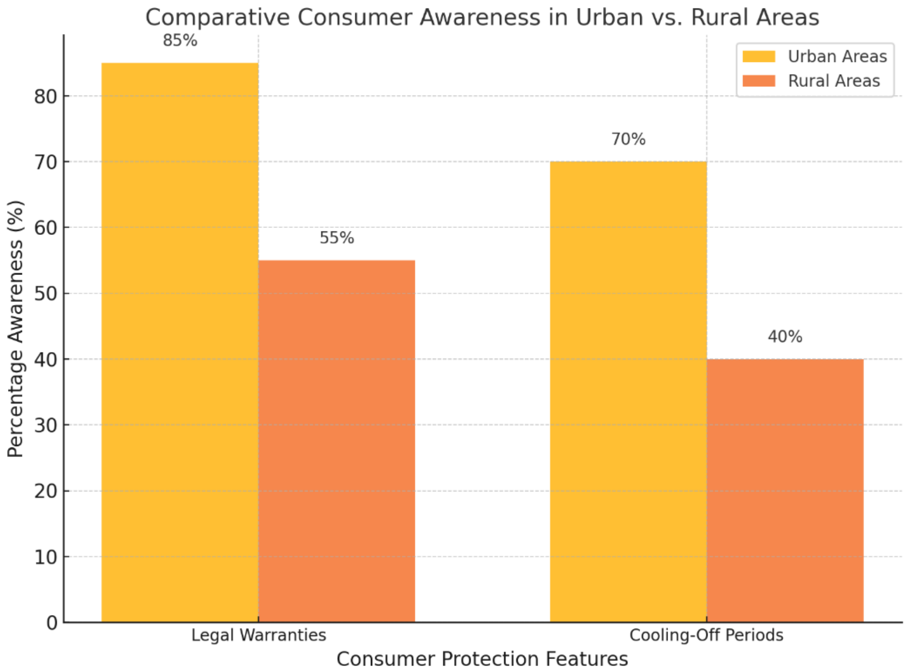

Figure 10: Comparison of Consumer Awareness Levels in Urban and Rural Areas of Italy

Another significant weakness in Italy's consumer protection system is the limited awareness among consumers. Even with strong legal safeguards in place, a significant number of consumers do not know their rights, especially concerning warranties, return policies, and cooling-off periods[231]. This unawareness diminishes the framework's effectiveness, making it less likely for consumers to pursue remedies or hold companies responsible for infractions. For instance, a notable percentage of Italian buyers do not realize that they have a legal warranty of two years on purchased items, ensuring repair or replacement for defects. This lack of knowledge is particularly evident in older adults, rural communities, and individuals with restricted educational opportunities[232]. Improving consumer education via public awareness initiatives, educational programs, and online materials may enable people to make knowledgeable buying choices and assert their rights successfully.

A diagram (Fig. 11) displays key weaknesses (e.g., enforcement shortcomings, low awareness) in conjunction with suggested solutions (e.g., centralized monitoring systems, digital literacy initiatives).

[231] Matarazzo, M., Penco, L., Profumo, G. and Quaglia, R., 2021. Digital transformation and customer value creation in Made in Italy SMEs: A dynamic capabilities perspective. *Journal of Business research*, *123*, pp.642-656.

[232] Aschemann-Witzel and Zielke, 'Can't Buy Me Green? A Review of Consumer Perceptions of and Behavior Toward the Price of Organic Food', 51 *Journal of Consumer Affairs* (2017) 211.

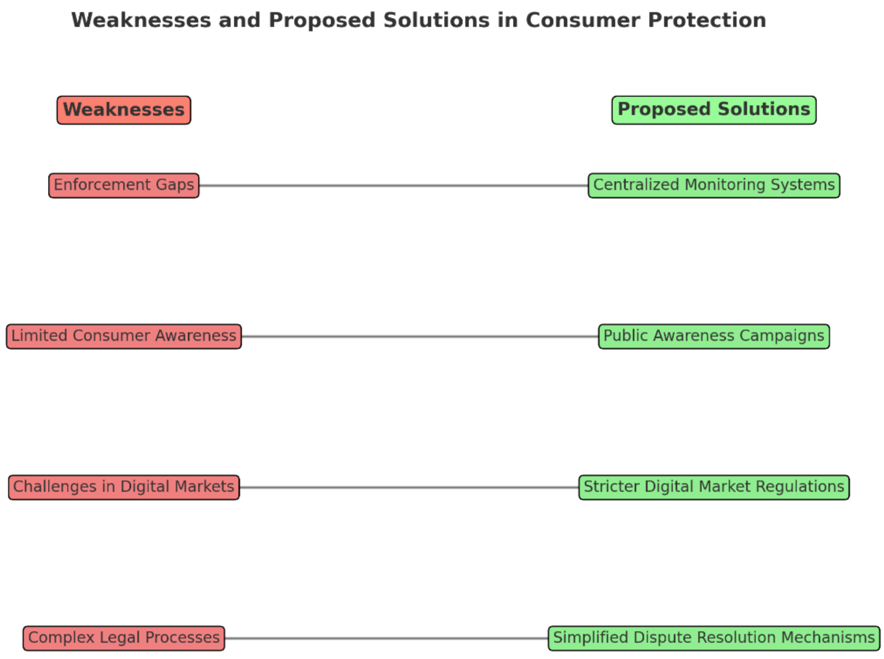

Figure 11: Weaknesses in Italy's Consumer Protection Framework and Recommended Solutions

3.2.4 Comparative Analysis: Learning from Europe

The difficulties presented by digital markets are not exclusive to Italy, as other EU nations have adopted successful strategies to tackle them[233]. Denmark, for instance, has implemented tighter regulations on online reviews and fake products, promoting enhanced transparency and responsibility in e-commerce. Platforms functioning in Denmark must authenticate reviews and provide comprehensive details regarding third-party vendors. Italy might implement comparable actions to manage its digital markets more efficiently. Enhancing penalties for misleading practices, requiring seller honesty, and improving supervision of online platforms would significantly contribute to fostering consumer confidence in the digital economy[234].

Consumer education is another domain where Italy can gain insights from the achievements of countries such as the Netherlands. The Netherlands conducts extensive public awareness initiatives utilizing various channels, such as social media, television, and community engagement, to inform consumers about their rights and the remedies available to them. Furthermore, interactive web tools and mobile apps offer consumers convenient access to details regarding warranties, return policies, and methods for resolving disputes. Italy might

[233] Teixeira and Tavares-Lehmann, 'Industry 4.0 in the European Union: Policies and National Strategies', 180 *Technological Forecasting and Social Change* (2022) 121664.

[234] Raihan, 'A Review of the Potential Opportunities and Challenges of the Digital Economy for Sustainability', 3 *Innovation and Green Development* (2024) 100174.

adopt these strategies to guarantee that its citizens are knowledgeable and assured in asserting their rights[235]. Focused outreach initiatives in rural regions and among at-risk groups would be especially advantageous in closing the knowledge gap.

Although Italy's consumer protection system is strong and closely aligned with EU standards, it is essential to tackle its shortcomings to optimize its efficiency. Issues like enforcement shortcomings, complicated legal procedures, new digital market challenges, and insufficient consumer awareness weaken the system's effectiveness and put specific groups at risk. By drawing insights from successful methods in nations such as Germany, Sweden, Denmark, and the Netherlands, Italy can strengthen its enforcement systems, simplify dispute resolution, address digital market issues, and enhance consumer awareness[236]. These improvements would not only strengthen consumer confidence but also foster a more equitable and competitive marketplace, ensuring that Italy remains at the forefront of consumer protection in Europe[237].

Compare key features of consumer protection frameworks between Italy, Germany, Denmark, and the Netherlands, such as enforcement efficiency, digital market regulations, and consumer education initiatives (Fig. 12).

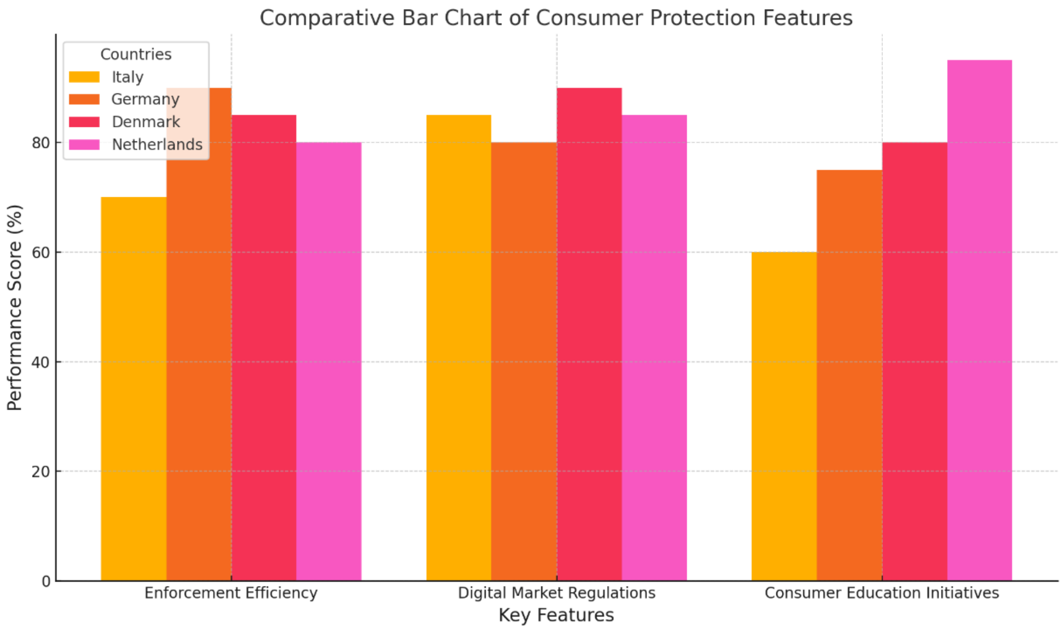

Figure 12: Comparative Analysis of Consumer Protection Features in Italy and Selected EU Countries

[235] Nelken, 'Using the Concept of Legal Culture', in *Legal Theory and the Social Sciences* (2010).

[236] Giacalone, Abignente and Salehi, 'Small in Value, Important in Essence: Lessons Learnt from a Decade of Implementing the European Small Claims Procedure in Italy and Belgium', 17 *Journal of Private International Law* (2021) 308.

[237] Riefa and Saintier, *supra* note 48.

3.3 Case Study: Europe

The EU is one of the most extensive consumer protection systems in the world, aligning regulations among its member countries to protect consumer rights and enhance market fairness and transparency. This part explores the historical evolution of consumer protection legislation in Europe, evaluates the rules that oversee the buying and selling of products, points out shortcomings and potential enhancements, and wraps up with a comparative review emphasizing insights that Italy can provide to other nations in Europe.

3.3.1 Historical Development of Consumer Protection Law in Europe

The evolution of consumer protection law in Europe illustrates a transition from disjointed national systems to a comprehensive and integrated framework aimed at protecting consumer rights across various markets. European consumer protection law originated in the aftermath of World War II, a time marked by economic rebuilding and the creation of systems aimed at promoting trust and fairness in fast-growing markets[238]. In this period, the emphasis was on revitalizing economies, and although trade and commerce thrived, consumer rights were frequently neglected or insufficiently handled. Many European nations implemented local regulations that differed significantly in breadth and enforcement, adapted to their distinct economic and legal customs[239]. The absence of consistency resulted in notable differences in consumer experiences, especially for individuals involved in cross-border transactions, where contradictory regulations caused confusion and restricted legal options.

The creation of the European Economic Community (EEC) in 1957 signified a crucial moment in the evolution of consumer protection legislation in Europe. The Treaty of Rome, which established the EEC, was mainly focused on promoting economic integration and creating a common market among its member nations[240]. Although the treaty concentrated on removing trade barriers and fostering competition, it implicitly recognized the significance of ensuring fairness and equity in market dealings. Nonetheless, defined consumer rights were not emphasized in this early stage of European integration, resulting in consumers relying on the varying legal systems of each member state. It wasn't until the 1970s that the EEC started to officially focus on consumer protection as an essential part of its great goal to establish a unified single market[241].

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[238] Fibrianti, N., Santoso, B., Setyowati, R.F. and Rindyawati, Y., 2023. Legal Culture and Legal Consciousness of Consumers: The Influence on Regulation and Enforcement of Consumer Protection Laws. *JILS, 8*, p.1267.

[239] R. D. Kelemen, *Eurolegalism: The Transformation of Law and Regulation in the European Union* (2011), available at https://www.degruyter.com/document/doi/10.4159/harvard.9780674061057/html (last visited 9 January 2025].

[240] A. Blair, *The European Union Since 1945* (2nd ed., 2014).

[241] Wright, 'Reconstituting the Policy for Membership in the Single Market Period (1975–1991)', in J. S. F. Wright (ed.), *The Rise and Fall of British Policy for Membership of Europe* (2024) 119.

A significant early milestone in European consumer protection law was the implementation of the 1975 European Economic Community Consumer Policy Program, marking a transformative change in the EEC's stance on consumer rights[242]. This program expressed essential consumer rights, such as the right to safety, the right to information, the right to seek redress, and the right to representation. By establishing these rights, the program created a basis for various legislative efforts focused on aligning consumer protection laws among member states. The establishment of these rights signified an acknowledgment that safeguarding consumers was both a moral obligation and an economic requirement for maintaining the effective operation of the common market.

The Maastricht Treaty of 1992 reinforced consumer protection as a key element of European integration by including it among the EU's main goals. Article 169 of the Treaty on the Functioning of the European Union (TFEU) clearly highlighted the importance of guaranteeing a strong level of consumer protection throughout all member countries[243]. This advancement was important as it raised consumer rights to a fundamental principle of EU governance, requiring member states to adjust their national legislation to match the consumer protection goals of the EU. The agreement also established the legal foundation for the EU to implement directives and regulations designed to unify consumer protection standards, tackle discrepancies, and ensure an equitable environment for both businesses and consumers.

The Consumer Sales and Guarantees Directive (1999/44/EC) represented another important milestone in the evolution of European consumer protection laws[244]. This directive created consistent rules for product sales, ensuring that consumers had access to remedies such as repair, replacement, or refund when items were non-compliant. It also established a minimum guaranteed duration of two years, during which sales were accountable for any defects that existed at the delivery time. The directive was essential in creating a consistent approach for managing consumer complaints across the EU, providing consumers with greater legal clarity when purchasing products. Recognizing the evolving trade environment, the EU updated this directive with the Consumer Sales and Guarantees Directive (2019/771), which expanded protections to include digital products and services, reflecting the growing importance of the digital economy[245]. The 2019 directive was especially significant for its incorporation of

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[242] Rauh, 'EU Politicization and Policy Initiatives of the European Commission: The Case of Consumer Policy', 26 *Journal of European Public Policy* (2019) 344.

[243] *The EU Treaties and Charter of Fundamental Rights: A Commentary* (2024).

[244] VALIZADEH FARD, *supra* note 151.

[245] Circolo, Hamuľák and Blažo, 'Article 50 of the Treaty on European Union: How to Understand the 'Right' of the Member State to Withdraw the European Union?', in D. Ramiro Troitiño, T. Kerikmäe and A. Chochia (eds.), *Brexit: History, Reasoning and Perspectives* (2018) 199.

terms specifically designed for digital content, including software, e-books, and online subscriptions. These regulations guaranteed that consumers acquiring digital products received the same degree of protection as those obtaining physical items, tackling new issues created by technological progress and the rising frequency of e-commerce[246]. For example, the regulation mandated that digital products should align with their descriptions and function as anticipated, and it laid out specific remedies for situations where digital content did not fulfill these criteria. By acknowledging the distinct traits of digital products, the EU showcased its capacity to modify its consumer protection system to align with new market trends and technological advancements.

The EU's dedication to safeguarding consumers has been strengthened by new directives and regulations that enhance the Consumer Sales and Guarantees Directive. For instance, the Unfair Commercial Practices Directive (2005/29/EC) bans deceptive advertising, forceful sales techniques, and other immoral commercial behaviors, guaranteeing that consumers obtain clear and truthful information regarding products and services[247]. In the same way, the General Data Protection Regulation (GDPR) safeguards consumers' personal information during online transactions, tackling privacy issues that have become more significant in the digital era.

Throughout the years, the EU has built a strong consumer protection system that not only aligns laws across its member nations but also tackles new issues, like online trade and international transactions. Through a cohesive legal framework, the EU guarantees that consumers receive uniform protection no matter where they are located in the Union[248]. This alignment builds trust in the single market, allowing consumers to participate in cross-border transactions confidently and motivating businesses to compete fairly and transparently. The evolution of consumer protection law in Europe illustrates the EU's dedication to harmonizing economic integration with safeguarding individual rights, guaranteeing that the advantages of the single market are fairly distributed among all participants[249].

A timeline (Fig. 13) shows significant milestones, such as the implementation of the 1975 EEC Consumer Policy Program, the 1992 Maastricht Treaty, the 1999 Consumer Sales Directive, and the 2019 Digital Goods Directive.

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[246] Hayashi and Arai, 'Competition Law and Consumers in Digital Platforms', in S. Hayashi and K. Arai (eds.), *Digitalization and Competition Policy in Japan* (2024) 127.

[247] Passarini, P., Cavicchi, A., Santini, C. and Mazzantini, G., 2017. Deceptive advertising and unfair commercial practices in the agrifood sector: The role of the Italian competition authority. *British Food Journal*, *119*(8), pp.1781-1800.

[248] M. Klamert, *The Principle of Loyalty in EU Law* (2014), available at https://library.oapen.org/handle/20.500.12657/33483 (last visited 9 January 2025].

[249] Rösner, Haucap and Heimeshoff, *supra* note 94.

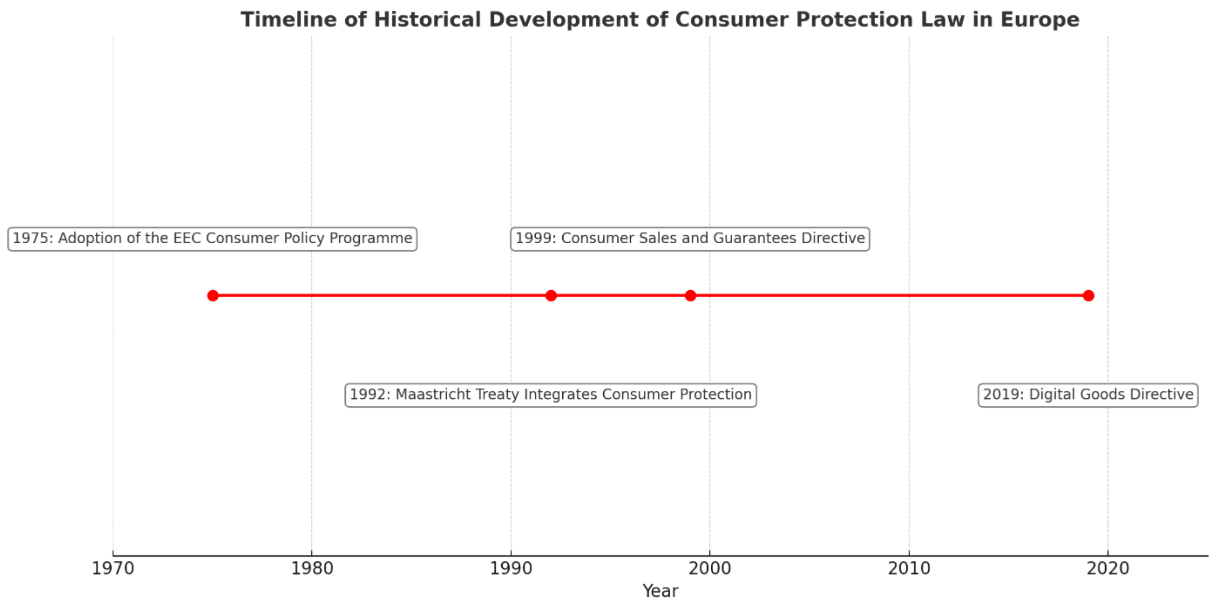

Figure 13: Timeline of the Historical Development of Consumer Protection Law in Europe

3.3.2 Consumer Sale and Purchase Goods Regulations in European Countries

European consumer protection laws are distinguished by their comprehensive and multi-faceted approach, addressing every stage of the consumer journey from pre-purchase information to post-purchase remedies[250]. This regulatory framework aims to ensure fairness, transparency, and accountability across diverse markets, creating a unified system that protects consumers regardless of the nature of the goods—physical or digital—and the method of transaction[251]. At the heart of this framework is the Consumer Sales and Guarantees Directive (2019/771), complemented by other critical legislation such as the Unfair Commercial Practices Directive (2005/29/EC) and the General Data Protection Regulation (GDPR)[252].

A flowchart (Fig. 14) outlining the available pathways for dispute resolution, including ADR, ODR, and the European Small Claims Procedure.

[250] Durovic, 'Consumer Sales Law in the European Union', in *Comparative Consumer Sales Law* (2018).

[251] Mišćenić, E., 2020. *The Effectiveness of Judicial Enforcement of the EU Consumer Protection Law* (pp. 129-153). Springer International Publishing.

[252] Micklitz, H.W., 2024. Unfair Commercial Practices, Digital Asymmetry and Reversal of Burden of Proof. In *Kreation Innovation Märkte-Creation Innovation Markets: Festschrift Reto M. Hilty* (pp. 1079-1093). Berlin, Heidelberg: Springer Berlin Heidelberg.

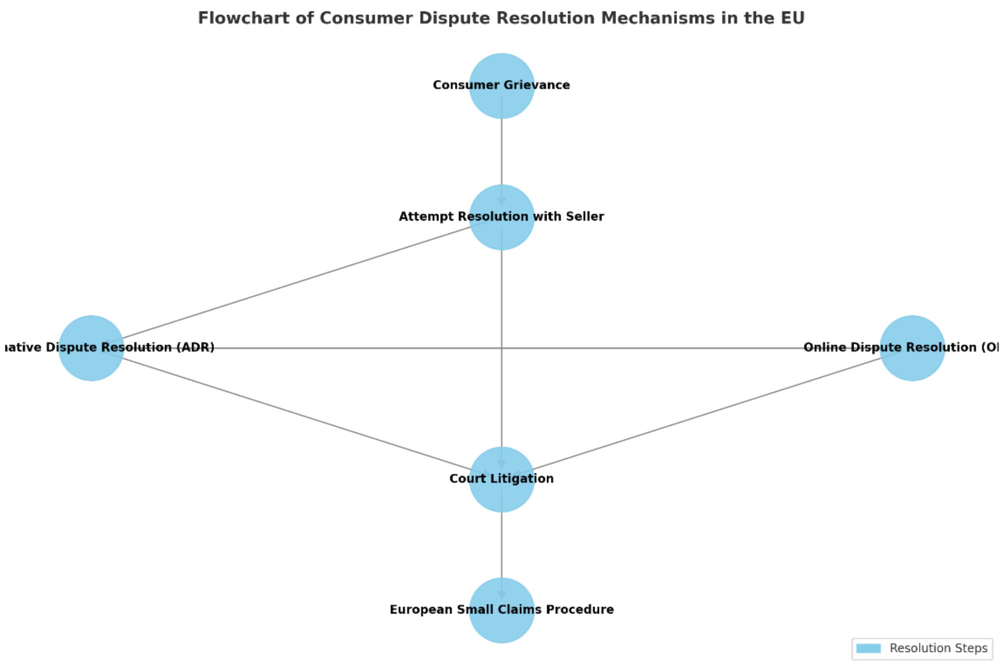

Figure 14: Flowchart of Consumer Dispute Resolution Mechanisms in the EU

The Consumer Sales and Guarantees Directive (2019/771) serve as a fundamental element of EU consumer protection legislation. It sets forth specific criteria for the alignment of goods with contractual stipulations, guaranteeing that consumers obtain products that satisfy legitimate expectations regarding quality, functionality, and longevity. Sellers are legally required to offer remedies such as repair, replacement, or a refund when products do not meet these standards[253]. For instance, if a buyer acquires a refrigerator that ceases functioning during the warranty period because of a manufacturing flaw, the seller must resolve the problem by either fixing the appliance, offering a replacement, or refunding the buyer. This directive pertains not just to tangible items but also encompasses digital goods and services, including software, e-books, and online subscriptions, highlighting the increasing significance of digital products in the contemporary economy. By requiring digital goods to comply with the same criteria as physical items, the directive guarantees uniformity and equity in consumer dealings, tackling the specific issues presented by the digital marketplace.

The Unfair Commercial Practices Directive (2005/29/EC) enhances consumer protection by banning misleading advertisements, aggressive sales methods, and other unethical business behaviors[254]. This regulation guarantees that consumers receive precise and clear information regarding products and services, allowing them to make educated choices. For example, companies must reveal all expenses related to a purchase, such as taxes and extra charges, prior to finalizing a transaction. This is especially crucial in e-commerce, where concealed

[253] van Eijk, Hoofnagle and Kannekens, *supra* note 126.

[254] Galli, 'EU Law on Unfair Commercial Practices', in F. Galli (ed.), *Algorithmic Marketing and EU Law on Unfair Commercial Practices* (2022) 157.

fees and ambiguous pricing models can greatly damage consumer confidence. By creating a benchmark for transparency, the directive enhances fairness and accountability, encouraging a more reliable marketplace[255].

The GDPR is crucial for safeguarding consumers in the digital era, tackling the distinct risks tied to online transactions. The GDPR governs the methods by which companies gather, store, and handle personal data, guaranteeing the protection of consumers' privacy rights[256]. These holds particular importance in e-commerce, were data leaks and unauthorized data distribution present considerable dangers. For example, according to the GDPR, companies are required to secure explicit consent from consumers prior to gathering personal data, and consumers possess the right to view, amend, or remove their data if needed[257]. The regulation mandates that companies enforce strong security measures to safeguard consumer data, adding another level of protection in the swiftly changing digital environment.

Throughout member states, these EU directives are enforced alongside national legislation, establishing a multi-tiered protection system that guarantees both uniformity and flexibility. For instance, Germany's Civil Code (BGB) includes EU consumer directives while also adding provisions suited to its national legal and economic environment. This encompasses specific regulations regarding warranty durations and solutions for faulty products, offering German consumers straightforward and understandable legal safeguards[258].

The integration of digital goods into consumer protection laws represents a significant advancement in the EU's regulatory framework. Digital goods and services are subject to the same rigorous standards of quality and functionality as physical products, ensuring that consumers are not disadvantaged in an increasingly digital economy. For example, if a consumer downloads a defective software program that fails to operate as promised, the directive provides clear remedies, including the right to a functional version or a refund. This alignment between physical and digital goods is essential in bridging the gap between traditional and modern marketplaces, ensuring that consumer rights remain relevant in a rapidly changing economic environment.

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[255] Galli, 'Online Behavioural Advertising and Unfair Manipulation Between the GDPR and the UCPD', in M. Ebers and M. Cantero Gamito (eds.), *Algorithmic Governance and Governance of Algorithms: Legal and Ethical Challenges* (2021) 109.

[256] Chassang, 'The Impact of the EU General Data Protection Regulation on Scientific Research', 11 *Ecancermedicalscience* (2017) 709.

[257] Gellert, 'Understanding the Notion of Risk in the General Data Protection Regulation', 34 *Computer Law & Security Review* (2018) 279.

[258] Henke, 'Contract Law in Germany', in E. Ghio and R. Perlingeiro (eds.), *Are Legal Systems Converging or Diverging? Lessons from Contemporary Crises* (2024) 149.

Along with aligning consumer rights,[259] by establishing a uniform legal framework throughout all member states. This is especially crucial within the single market, where consumers frequently obtain goods and services from companies located in different EU nations. The alignment of laws lowers legal obstacles, facilitating consumers in pursuing remedies in international disputes. For example, a buyer in Spain buying products from a German store can depend on identical fundamental protections, like the two-year legal warranty, no matter where the purchase occurs. This reliability not only boosts consumer trust but also fosters rivalry among companies, motivating them to achieve elevated levels of quality and openness.

Although the EU's consumer protection framework has various strengths, its success relies on the uniform and effective enforcement of these regulations within each member state[260]. Member states must incorporate EU directives into national legislation and guarantee adherence via their regulatory bodies.

While nations such as Germany and the Netherlands have developed robust enforcement systems, others encounter difficulties because of restricted resources or institutional capabilities. This difference in enforcement may lead to inconsistencies in consumer experiences, emphasizing the necessity for continuous initiatives to enhance regulatory oversight throughout the Union[261].

To sum up, the consumer protection regulations of the EU, illustrated by the Consumer Sales and Guarantees Directive, the Unfair Commercial Practices Directive, and the GDPR, establishes a detailed framework that caters to the various requirements of contemporary consumers. By aligning rights among member states and tackling new issues like digital trade, the EU guarantees that consumers are safeguarded at all phases of the transaction process. The incorporation of these directives into national legislation boosts their efficacy, establishing a balanced framework that encourages fairness, transparency, and accountability. As the economic environment keeps changing, the EU's dedication to implementing its consumer protection framework guarantees that it stays a worldwide leader in protecting consumer rights[262].

[259] Zetzsche, D.A., Anker-Sørensen, L., Passador, M.L. and Wehrli, A., 2021. DLT-based enhancement of cross-border payment efficiency–a legal and regulatory perspective. *Law and Financial Markets Review*, *15*(1-2), pp.70-115.

[260] Czarnecka and Zych, 'Consumer Protection in the European Union', in *Routledge Handbook of Consumer Protection and Behaviour in Energy Markets* (2024).

[261] Zard and Sears, *supra* note 18.

[262] Rösner, Haucap and Heimeshoff, *supra* note 94.

3.3.3 Weaknesses and Areas of Improvement

Even with its sophisticated structure, the European consumer protection system encounters significant obstacles that hinder its efficacy. A key problem is the uneven implementation of laws among member states. Although EU directives set a unified standard for consumer rights, the degree of enforcement and implementation differs significantly across member countries[263]. Nations with well-equipped regulatory bodies, like Germany and the Netherlands, typically achieve higher compliance levels and more efficient monitoring. These countries have strong institutions that can oversee market behaviors, handle consumer grievances, and impose sanctions for violations. On the other hand, nations with scarce resources, especially in some Eastern European regions, frequently find it difficult to maintain these standards. This imbalance results in an unequal landscape, where consumers in certain areas enjoy better protection than those in others. It also weakens the integrity of the single market by creating a context in which companies can take advantage of regulatory gaps in less-regulated regions, harming consumers and rivals in more strictly regulated sectors.

A diagram (Fig. 15) connecting identified weaknesses (e.g., inconsistent enforcement, digital market challenges) to their proposed solutions (e.g., centralized monitoring, updated digital regulations).

[263] Panoutsou, C., Germer, S., Karka, P., Papadokostantakis, S., Kroyan, Y., Wojcieszyk, M., Maniatis, K., Marchand, P. and Landalv, I., 2021. Advanced biofuels to decarbonise European transport by 2030: Markets, challenges, and policies that impact their successful market uptake. *Energy Strategy Reviews*, *34*, p.100633.

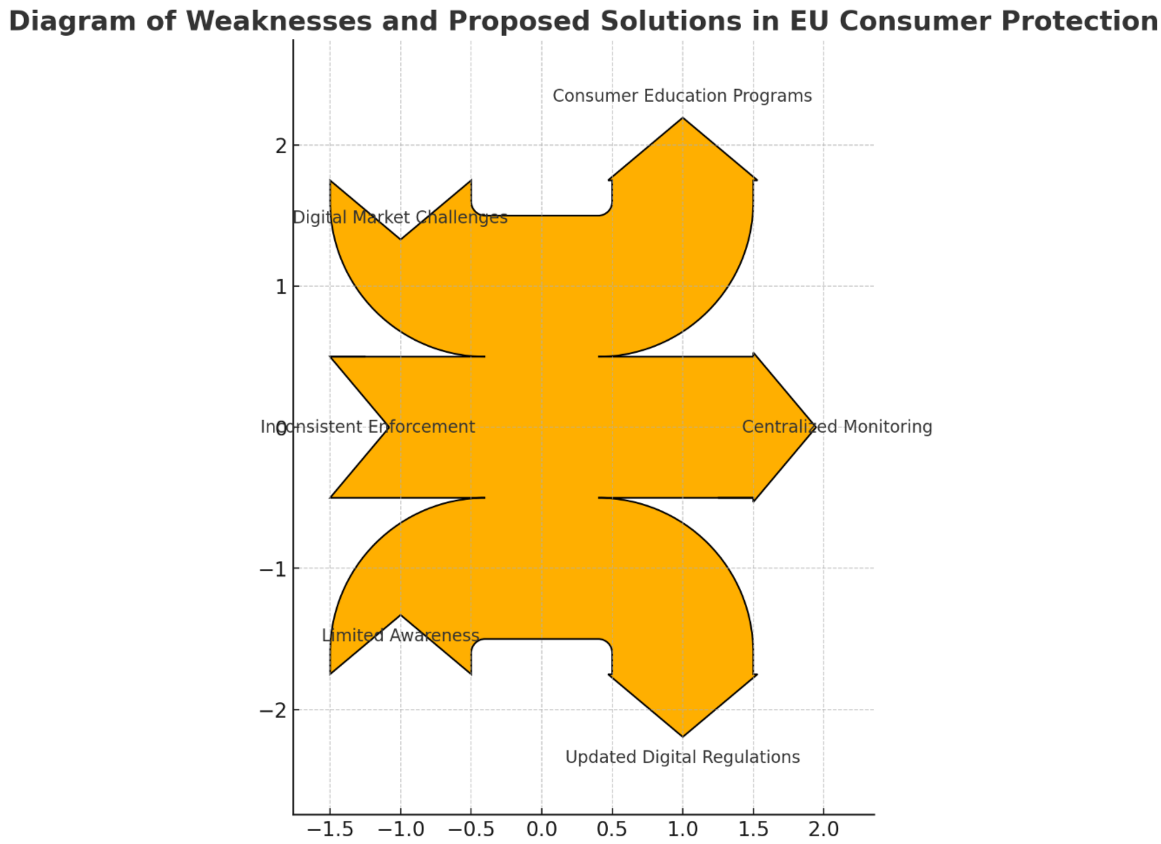

Figure 15: Key Weaknesses in EU Consumer Protection and Proposed Solutions

The swift development of digital markets poses another major challenge for the EU's consumer protection framework. Although the EU has made significant strides in governing e-commerce with directives like the Unfair Commercial Practices Directive and the GDPR, new challenges still challenge the sufficiency of current legislation[264]. Online marketplaces frequently feature third-party vendors who function with limited supervision, complicating the verification of product authenticity and quality. Fake products, for instance, continue to be a persistent issue, as buyers frequently acquire goods that fail to satisfy claimed specifications or safety regulations. Likewise, the existence of fraudulent reviews undermines consumer confidence, since deceptive endorsements can skew buying choices. These difficulties are exacerbated by the emergence of new technologies, like artificial intelligence and block chain, which present unique complexities that current regulations do not adequately cover. For example, AI-powered personalized marketing brings up ethical and legal concerns regarding consumer manipulation, while block chain-enabled transactions, although secure, complicate accountability and jurisdictional regulation in international disputes[265].

[264] Wallace, H., Pollack, M.A., Roederer-Rynning, C. and Young, A.R. eds., 2020. *Policy-making in the European Union*. Oxford University Press, USA.

[265] Pavlidis, 'Europe in the Digital Age: Regulating Digital Finance without Suffocating Innovation', 13 *Law, Innovation and Technology* (2021) 464.

The intricacy of cross-border transactions in the EU presents considerable obstacles, even with the alignment of numerous consumer rights. Practical obstacles, such as language barriers, differences in legal procedures, and cultural elements, can hinder consumers in settling disputes[266]. A shopper in Spain buying products from a German seller, for example, might struggle to understand the legal and procedural steps required to lodge a complaint or obtain compensation. Despite the existence of tools like the European Small Claims Procedure and the Online Dispute Resolution platform, these procedures may seem overwhelming for those who are not acquainted with foreign legal systems or do not have sufficient translation resources. These obstacles deter consumers from asserting their rights, thus diminishing the practical effects of EU protection in transnational situations.

Another significant shortcoming in the EU's consumer protection framework is the insufficient awareness among consumers[267]. Despite the comprehensive protection offered by the EU framework, a significant number of consumers are still uninformed about their rights, especially regarding warranties, data privacy, and digital content. For example, although the Consumer Sales and Guarantees Directive provide a two-year legal warranty on products, numerous consumers are oblivious to this right and may not pursue solutions for faulty items. Likewise, the GDPR's regulations regarding data privacy, which enable individuals to manage the usage of their personal data, are frequently not fully utilized because of insufficient public awareness. This lack of awareness undermines the efficiency of the legal system, since consumers are unable to assert rights, they are unaware of. Additionally, a lack of awareness fosters a culture of minimal accountability, causing companies to feel less motivated to adhere to regulations if they believe consumers are improbable to contest infractions.

Tackling these shortcomings demands a comprehensive strategy that fortifies enforcement systems, modifies regulations for digital progress, streamlines cross-border operations, and improves consumer awareness[268]. Enhancing enforcement might entail directing more resources to less effective regulatory agencies and creating centralized EU oversight systems to guarantee consistent adherence. For example, establishing a database of consumer grievances and regulatory measures across the EU could improve transparency and allow member countries to exchange effective practices. Adjusting to the challenges of the digital market requires revising current regulations to tackle problems like platform responsibility,

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[266] Alexiadis and de Streel, 'The EU's Digital Markets Act: Opportunities and Challenges Ahead', 23 *Business Law International* (2022) 163.

[267] Bergqvist and Choi, 'Controlling Market Power in the Digital Economy: The EU and Asian Approaches', 50 *Computer Law & Security Review* (2023) 105834.

[268] Frosio and Geiger, 'Taking Fundamental Rights Seriously in the Digital Services Act's Platform Liability Regime', 29 *European Law Journal* (2023) 31.

fake products, and the moral considerations of AI-powered marketing[269]. Partnering with major online platforms to establish more rigorous vetting procedures for third-party sellers and improved oversight of product authenticity would also be essential.

A pie chart (Fig. 16) shows the proportion of digital challenges, such as counterfeit goods, fake reviews, data privacy concerns, and lack of platform accountability.

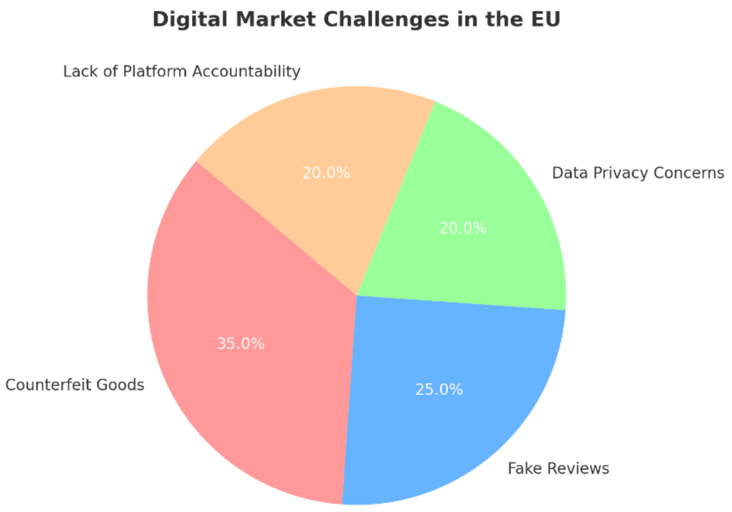

Figure 16: Distribution of Key Digital Market Challenges in the EU

Another vital area for enhancement is making cross-border dispute resolution simpler. Enhancing the availability of online platforms like the European Online Dispute Resolution tool and incorporating AI-based translation services might assist in closing language and procedural divides. Optimizing the European Small Claims Procedure to lessen administrative obstacles and speed up case resolution would boost consumer confidence in pursuing redress internationally[270].

To effectively close gaps in consumer awareness, it is essential to implement focused educational campaigns that utilize digital platforms, social media, and community engagement to provide information regarding consumer rights. Interactive web tools, mobile apps, and collaborations with consumer advocacy organizations can significantly help individuals comprehend and assert their rights efficiently. Integrating consumer rights education into school programs and public service messages would contribute to developing a more knowledgeable and proactive consumer population in the long run.

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[269] C. Markou, *Consumer Protection, Automated Shopping Platforms and EU Law* (2019).

[270] Aartsma-Rus, Dooms and Le Cam, 'Orphan Medicine Incentives: How to Address the Unmet Needs of Rare Disease Patients by Optimizing the European Orphan Medicinal Product Landscape Guiding Principles and Policy Proposals by the European Expert Group for Orphan Drug Incentives (OD Expert Group)', 12 *Frontiers in Pharmacology* (2021) , available at https://www.frontiersin.org/journals/pharmacology/articles/10.3389/fphar.2021.744532/full (last visited 9 January 2025].

A comparative bar chart (Fig. 17) shows levels of consumer awareness in various EU countries regarding their rights, such as legal warranties and data privacy protections.

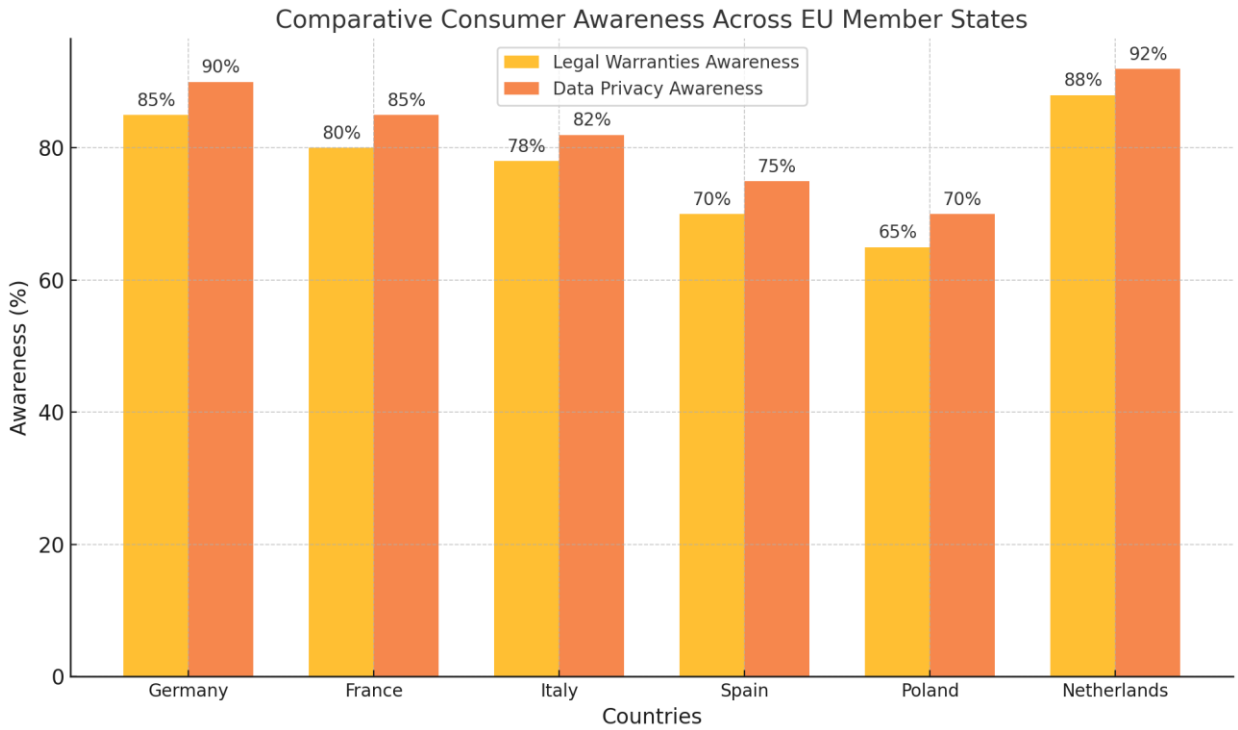

Figure 17: Consumer Awareness Levels in EU Member States

In summary, although the European consumer protection framework is a worldwide frontrunner in defending consumer rights, its shortcomings need to be tackled to maintain its ongoing significance and effectiveness. By enhancing enforcement, adjusting to the digital era, streamlining cross-border procedures, and focusing on consumer education, the EU can fortify its structure and offer a fairer and more efficient system for all its residents[271].

3.3.4 Comparative Analysis: Learning from Italy

Italy's consumer protection framework, although closely aligned with European Union directives, highlights distinctive advantages and creative strategies that could offer useful perspectives for enhancing the wider European system. Italy's strategy showcases a harmonious blend of EU standards with national objectives, establishing a framework that is both thorough and feasible[272]. By analyzing Italy's unique practices, the European Union can discover methods to improve its consumer protection policies and tackle ongoing issues.

[271] B. Siuta-Tokarska, A. Grigorescu and Y. Zhu, *Proceedings of the 2024 2nd International Conference on Management Innovation and Economy Development (MIED 2024)* (2024).

[272] Siry, 'Cloudy Days Ahead: Cross-Border Evidence Collection and Its Impact on the Rights of EU Citizens', 10 *New Journal of European Criminal Law* (2019) 227.

A bar chart (Fig. 18) comparing enforcement efficiency across Italy, Germany, and selected Eastern European countries, emphasizing resources and compliance rates.

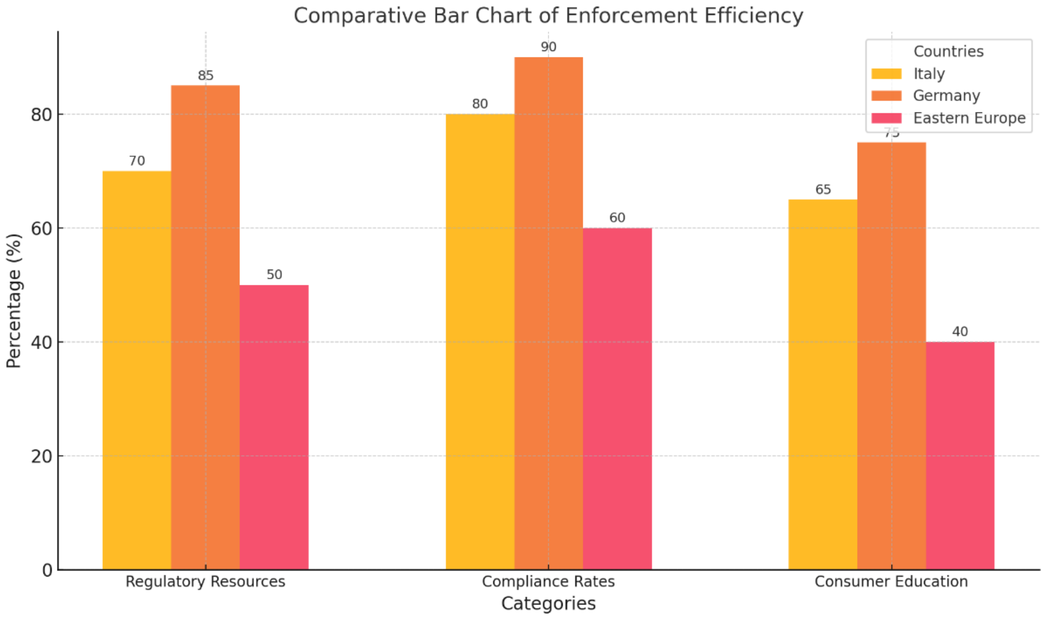

Figure 18: Comparative Enforcement Efficiency across Selected EU Member States

A notable aspect of Italy’s consumer protection system is the Codice del Consumo (Consumer Code), which unifies multiple consumer protection regulations into one comprehensive document. This method offers a unified and readily accessible legal structure for both consumers and businesses, making it easier to navigate regulations that could otherwise be scattered across various laws[273]. Conversely, numerous EU member states have consumer protection laws distributed among various legislative texts, leading to confusion and inefficiencies. For instance, a buyer in a nation with disjointed regulations might find it challenging to identify pertinent clauses regarding warranties or return policies, while the Codice del Consumo guarantees that Italian consumers and companies can easily access all relevant rules. Implementing analogous consolidated frameworks throughout the EU could greatly improve the clarity and accessibility of consumer protection legislation, boosting legal certainty and consumer trust.

Another significant feature of Italy's consumer protection framework is its focus on after-sales assistance. Italian legislation requires that companies offer repair and maintenance services for long-lasting products, like home appliances and vehicles, for a reasonable duration following purchase[274]. This stipulation guarantees that consumers obtain lasting benefits from their investments and encourages sustainable consumption by minimizing

[273] Kwilinski, 'E-Commerce and Sustainable Development in the European Union: A Comprehensive Analysis of SDG2, SDG12, and SDG13', 11 *Forum Scientiae Oeconomia* (2023) 87.

[274] D. Gerard, A. Komninos and D. Waelbroeck, *Fairness in EU Competition Policy : Significance and Implications: An Inquiry into the Soul and Spirit of Competition Enforcement in Europe* (2020).

waste. Although EU directives such as the Consumer Sales and Guarantees Directive (2019/771) contain overarching rules for after-sales assistance, Italy's specific regulations establish a superior benchmark[275]. For example, Italian legislation states that consumers should be able to obtain spare parts and repair services even after the warranty period, as long as it is financially viable. This forward-looking strategy might act as a blueprint for improving after-sales protections within the EU, motivating member states to implement more comprehensive and consumer-centric regulations.

Italy's proactive initiatives in educating consumers also distinguish it from numerous other EU member countries. Acknowledging that legal protections are only useful when consumers know about them, Italy has allocated resources for public awareness initiatives and community engagement programs aimed at informing citizens of their rights[276]. These efforts utilize different media, such as television, social networks, and print ads, to spread information regarding warranties, return policies, and methods for resolving disputes. For instance, focused campaigns have effectively raised awareness among Italian consumers about the two-year legal warranty for products, an essential aspect of both Italian legislation and EU regulations[277]. Broadening comparable educational initiatives throughout the EU could enable consumers to assert their rights more efficiently, thus improving the overall effectiveness of consumer protection systems. Educational programs might also help reduce gaps in consumer knowledge across various regions, especially in nations where understanding of legal protection is limited.

Italy's experiences in tackling digital market issues also provide important insights for the wider European landscape. With the growth of e-commerce, challenges like counterfeit products, fraudulent reviews, and accountability of platforms have emerged as significant concerns throughout the EU[278]. Italy has taken steps to enhance accountability for online platforms, mandating them to verify the legitimacy of third-party vendors and guarantee the correctness of product descriptions. Moreover, tougher penalties for non-compliance, along with active oversight by regulatory bodies, have contributed to reducing the incidence of fraudulent practices in Italy's online market. For example, Italian authorities have partnered with major online marketplaces such as Amazon and eBay to spot and eliminate listings for fake items, establishing a benchmark for joint enforcement initiatives. These approaches may

[275] P. M. Sargiacomo, *ECIIC 2019 10th European Conference on Intangibles and Intellectual Capital* (2019).

[276] Fava, F., Gardossi, L., Brigidi, P., Morone, P., Carosi, D.A. and Lenzi, A., 2021. The bioeconomy in Italy and the new national strategy for a more competitive and sustainable country. *New Biotechnology, 61*, pp.124-136.

[277] Dameri, R.P., Benevolo, C., Veglianti, E. and Li, Y., 2019. Understanding smart cities as a glocal strategy: A comparison between Italy and China. *Technological Forecasting and Social Change, 142*, pp.26-41.

[278] Carlisle, Ivanov and Dijkmans, 'The Digital Skills Divide: Evidence from the European Tourism Industry', 9 *Journal of Tourism Futures* (2021) 240.

guide EU-wide strategies to better regulate e-commerce platforms, guaranteeing that digital markets stay secure and reliable for consumers[279].

Another domain where Italy offers important insights is its strategy for platform responsibility in the sharing economy and gig economy sectors. Italian regulatory authorities have implemented measures to guarantee that services such as Uber, Airbnb, and food delivery platforms function transparently and adhere to consumer protection regulations. This entails mandating platforms to explicitly reveal pricing models, service conditions, and the functions of third-party providers. Through these measures, Italy has tackled issues related to deceptive practices and inequitable conditions in the gig economy, providing a possible model for regulations across the EU[280].

Moreover, Italy's emphasis on sustainability in consumer protection underscores a field of increasing significance for the EU[281]. Italian policies are progressively prioritizing sustainable consumption and production, in line with the wider EU objectives like the European Green Deal. For instance, Italy has implemented incentives for companies that embrace circular economy strategies, like providing repair services or recycling initiatives for discarded products[282]. These measures not only safeguard consumers by guaranteeing access to sustainable choices but also support environmental objectives by minimizing waste and enhancing resource efficiency. The EU might incorporate comparable sustainability-oriented clauses into its consumer protection directives, urging member states to emphasize environmentally responsible practices within their regulatory systems.

Italy's consumer protection system features several innovative practices that could significantly enhance the overall European framework. The Codice del Consumo's consolidation of regulations provides a structure for simplifying and clarifying consumer protection laws, while Italy's emphasis on after-purchase support and consumer education addresses critical gaps in the EU's existing framework. Additionally, Italy's proactive efforts to regulate digital markets, promote platform accountability, and foster sustainability highlight advanced strategies that align with the evolving needs of modern consumers. By drawing lessons from Italy's achievements, the European Union can enhance its consumer

[279] Battisti, Agarwal and Brem, 'Creating New Tech Entrepreneurs with Digital Platforms: Meta-Organizations for Shared Value in Data-Driven Retail Ecosystems', 175 *Technological Forecasting and Social Change* (2022) 121392.

[280] Aloisi, 'Platform Work in Europe: Lessons Learned, Legal Developments and Challenges Ahead', 13 *European Labour Law Journal* (2022) 4.

[281] Gazzola, P., Colombo, G., Pezzetti, R. and Nicolescu, L., 2017. Consumer empowerment in the digital economy: Availing sustainable purchasing decisions. *Sustainability*, *9*(5), p.693.

[282] Kougias, I., Taylor, N., Kakoulaki, G. and Jäger-Waldau, A., 2021. The role of photovoltaics for the European Green Deal and the recovery plan. *Renewable and Sustainable Energy Reviews*, *144*, p.111017.

protection framework, making sure it stays strong, flexible, and responsive to the demands of the 21st century.

The European Union has created a strong consumer protection system that aligns rights throughout member nations and tackles the issues of contemporary markets. Nonetheless, problems like uneven enforcement, complexities in the digital market, and low consumer awareness reveal opportunities for enhancement[283]. The EU can improve its consumer protection system by analyzing Italy's innovative strategies, which encompass a solid legal framework, focus on after-sales assistance, active consumer education, and initiatives to tackle e-commerce issues. These enhancements would benefit not just European consumers but also reinforce the single market by promoting trust, fairness, and accountability among all member states.

[283] Schilling-Vacaflor and Lenschow, 'Hardening Foreign Corporate Accountability through Mandatory Due Diligence in the European Union? New Trends and Persisting Challenges', 17 *Regulation & Governance* (2023) 677.

Chapter 4

4. Comparative Analysis and Recommendations

The comparative evaluation of consumer protection systems in Iran, Italy, and the European Union highlights shared challenges and distinct advantages that can guide future enhancements in consumer trade laws. This segment highlights the main difficulties encountered by buyers and sellers, examines possibilities for improving the regulatory structure, and offers specific suggestions for Iran, Italy, and Europe, based on observations drawn from their individual systems.

4.1 Key Challenges Faced by Consumers and Sellers

Despite notable improvements in consumer protection regulations in regions like Iran, Italy, and the European Union, many obstacles still impact the effectiveness of these systems. These obstacles are not just legal or regulatory; they also encompass practical and structural problems that weaken consumer rights and impede market fairness [284]. Among these, asymmetric information continues to be a widespread and enduring problem. Asymmetric information arises when consumers do not possess sufficient information regarding the products or services they buy, making them susceptible to manipulation by dishonest sellers. For example, in online shopping transactions, buyers frequently face issues like fake products or undisclosed charges. Lacking adequate transparency about product quality, pricing models, or return policies, consumers find themselves disadvantaged and unable to make well-informed choices[285]. This issue is worsening in markets with weak or inconsistent regulatory oversight, enabling unethical sellers to function without consequences. Consequently, confidence in marketplaces decreases, impacting both consumers and reputable companies that are harmed by the dishonest actions of their rivals.

Ineffective enforcement methods exacerbate these difficulties. Even in areas with extensive legal structures, enforcement frequently lacks effectiveness because of scarce resources, bureaucratic delays, or differences between regions. For instance, although urban areas in Europe and Iran might have well-equipped regulatory agencies, rural and underdeveloped regions often do not possess the infrastructure needed for efficient enforcement. In these regions, consumers are particularly at risk of unfair practices because local authorities struggle to monitor compliance adequately or address complaints quickly. Within the

[284] Baghbani-Arani, A., Poureisa, M., Alekajbaf, H., Borz-Abad, R.K. and Khodadadi-Dashtaki, K., 2021. Investigating the status of transgenic crops in Iran in terms of cultivation, consumption, laws and rights in comparison with the world. *Scientific Reports*, *11*(1), p.9204.

[285] Straetmans, 'Misleading Practices, the Consumer Information Model and Consumer Protection', 5 *Journal of European Consumer and Market Law* (2016) 199.

European Union, cross-border dealings introduce an additional level of intricacy. Despite the harmonization of consumer rights via directives, variances in judicial systems, procedural demands, and language differences pose tangible challenges for consumers pursuing redress. A buyer in Italy attempting to resolve a dispute with a seller in Germany, for instance, may face challenges navigating the legal process, despite the existence of EU-wide protections. This inconsistency undermines the promise of a seamless single market and discourages consumers from engaging in cross-border trade.

The swift development of digital markets poses a third significant issue. E-commerce and digital platforms have transformed consumer behavior, yet they have also brought about new risks and regulatory challenges. Concerns about data privacy are crucial, as online platforms gather and manage extensive amounts of consumer data, frequently without clear consent or sufficient protection. The widespread occurrence of fraudulent reviews is a significant concern, as misleading endorsements trick consumers into buying inferior products. Moreover, the responsibility of online platforms is often ambiguous in numerous regions, enabling dishonest third-party sellers to avoid examination. For instance, fake products sold on online platforms undermine consumer confidence and put legitimate companies at a disadvantage. The emergence of artificial intelligence and automation in retail adds to the complexity of the regulatory environment. Personalized experiences and targeted ads powered by AI improve consumer interactions but also bring ethical issues regarding manipulation and biases in algorithms. For example, algorithms that favor profit instead of fairness might highlight products with deceptive descriptions or concealed flaws, worsening the issue of asymmetric information.

Restricted consumer awareness constitutes another major obstacle to efficient consumer protection. Even in areas with strong legal systems, a significant number of consumers are still uninformed about their rights or the ways to assert them. This ignorance weakens the purpose of consumer protection laws, as people are unable to take advantage of rights, they are unaware of. For example, although the Consumer Sales and Guarantees Directive of the European Union provides a two-year warranty for products, numerous consumers are oblivious to this right and might not pursue solutions for faulty items. In Iran, restricted outreach and education worsen the problem, especially in rural regions where information access is limited[286]. The lack of consumer awareness also reduces accountability for companies, as vendors are less inclined to follow regulations if they believe that infractions will be overlooked or unopposed.

[286] M. Nateghi, 'The Right to Education for Afghan Refugee Children in Iran: Barriers and Progress' (2024) (Master thesis thesis, UiT Norges arktiske universitet/available at https://munin.uit.no/handle/10037/34065).

These challenges collectively highlight the complexities of modern consumer protection. Asymmetric information, inefficient enforcement, digital market risks, and limited consumer awareness create a landscape where consumers and ethical businesses are often disadvantaged. Addressing these issues requires not only strengthening legal frameworks but also ensuring their practical implementation through effective enforcement, public education, and adaptation to technological advancements[287]. Without these measures, the potential of consumer protection laws to promote fairness and transparency in the marketplace will remain unrealized.

4.2 Opportunities for Improving the Regulatory Framework

Leveraging the strengths and effective practices seen in Iran, Italy, and the European Union, a substantial opportunity exists to create a thorough consumer protection framework that not only tackles current issues but also predicts future market trends and technological progress[288]. This framework ought to emphasize harmonization and standardization to minimize discrepancies between jurisdictions, while still allowing flexibility to cater to specific national and regional requirements. This equilibrium is crucial for establishing a regulatory framework that is both efficient and fair, promoting trust and transparency in global consumer markets.

A highly promising opportunity exists in creating a cohesive digital consumer protection strategy. The swift growth of e-commerce and digital marketplaces has provided many advantages to consumers, such as convenience and access to a wider variety of products. Nonetheless, it has also brought about considerable risks, including the rise of counterfeit products, data privacy violations, and the absence of responsibility among online platforms. A cohesive plan could tackle these problems by enforcing tougher accountability standards on online marketplaces. For example, platforms might need to establish strong verification mechanisms for external sellers to confirm the genuineness of products. Furthermore, regulations might require the provision of comprehensive product details, such as source, materials, and safety certifications, enabling consumers to make educated choices. Enhancements should also be made to mechanisms for handling consumer complaints, ensuring that platforms offer clear and easily accessible channels for resolving disputes. These actions would not only safeguard consumers but also foster fairness in the digital market by equalizing opportunities for ethical sellers.

[287] Katyal, 'Private Accountability in the Age of Artificial Intelligence', 66 *UCLA Law Review* (2019) 54.

[288] Jafari-Sadeghi, 'Internationalisation, Risk-Taking and Export Compliance: A Comparative Study between Economically Advanced and Developing Country', 43 *International Journal of Entrepreneurship and Small Business* (2021) 384.

Streamlining dispute resolution processes is another vital area for enhancement. Current methods for handling consumer complaints tend to be lengthy, complicated, and expensive, deterring numerous individuals from pursuing solutions. Introducing affordable and easily accessible alternatives, like online dispute resolution (ODR) platforms and expedited processes, would greatly improve the effectiveness of consumer protection systems [289]. Sweden's effective use of ODR tools serves as an important example for wider adoption. These platforms enable consumers to settle disputes swiftly and effectively without requiring formal legal action, thus making compensation available to a larger audience. Enhancing these mechanisms to add multilingual support and integration with AI-powered systems for initial case evaluations could further optimize the process and lower obstacles for cross-border transactions, a significant challenge in the European Union.

Consumer education serves as another fundamental element of an enhanced regulatory structure[290]. Legal protection is effective only when consumers know their rights and comprehend how to utilize them. Public awareness initiatives, school-based educational programs, and engaging online resources can significantly contribute to closing the knowledge gap. For example, educational programs could include teachings on consumer rights and financial knowledge, preparing future generations with the tools to handle intricate markets. Interactive resources, like mobile apps and web-based quizzes, might attract a wider audience by offering easily understandable information on subjects such as warranties, return policies, and data protection. Particular focus must be directed toward underserved groups, such as rural areas and senior citizens, who frequently encounter extra obstacles in obtaining information. By customizing educational programs to these groups' needs, regulatory policies can promote inclusivity and enable all consumers to make informed buying choices.

Sustainability and ethical concerns also offer considerable prospects for improving consumer protection systems. The increasing focus on environmental sustainability and ethical business conduct is in line with current worldwide priorities, including the United Nations Sustainable Development Goals[291]. Integrating these principles into consumer protection laws would not only help the environment but also appeal to the growing number of consumers who value sustainability in their shopping choices. For example, regulations might encourage companies to implement circular economic strategies, like providing repair services, recycling initiatives, and return programs for discarded items. Italy’s emphasis on sustainable

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[289] Schmitz, 'There’s an App for That: Developing Online Dispute Resolution to Empower Economic Development', 32 *Notre Dame Journal of Law, Ethics & Public Policy* (2018) 1.

[290] Shukla and Chandra, 'Domains Of Consumer Education: With Reference To The Indian Consumer Protection Act', 6 *Journal of Positive School Psychology* (2022) 1038.

[291] Munro, 'The Universal Sustainable Development Goals for Purpose and Change', in *CSR for Purpose, Shared Value and Deep Transformation* (2020) 85.

consumption serves as a prime example in this context. Incorporating sustainability into consumer protection legislation can motivate businesses to innovate responsibly, minimize waste, and prolong product lifespans through regulatory frameworks.

Another chance for enhancement lies in promoting increased international cooperation to tackle worldwide issues in consumer protection. Cross-border e-commerce has expanded significantly, but regulatory systems frequently find it challenging to adapt to the intricacies of global transactions. Aligning consumer protection standards among regions and establishing international agreements on matters such as counterfeit products, data privacy, and accountability in digital markets would improve the efficacy of national regulations. Cooperative enforcement strategies, like joint inquiries and collective databases for tracking infringements, could enhance consumer protection in a more interconnected world[292] .

In summary, the prospects for enhancing consumer protection systems are extensive and diverse. By emphasizing harmonization and standardization, creating cohesive digital consumer protection strategies, streamlining dispute resolution processes, prioritizing consumer education, integrating sustainability, and promoting international cooperation, regulators can establish a framework that tackles existing issues while gearing up for future market changes. These actions would not only improve the efficacy of consumer protection regulations but also create a fairer and more sustainable market that advantages consumers, businesses, and society.

4.3 Recommendations for Iran Drawing from Italy and Europe

Iran's consumer protection system, despite showing improvements in recent years, encounters numerous challenges that could be resolved by implementing best practices from Italy and the European Union. Italy and the EU have established sophisticated consumer protection systems that harmonize regulatory enforcement with consumer education and business responsibility[293]. By incorporating components from these systems, Iran can greatly improve its regulatory framework, rendering it more efficient, transparent, and favorable for consumers.

A key area for reform in Iran is the integration of its consumer protection laws into a cohesive legal structure. At present, Iran's consumer protection laws are dispersed among multiple legislative acts, resulting in a disjointed system that can pose challenges for both consumers

[292] I. Graef, T. Tombal and A. de Streel, Limits and Enablers of Data Sharing. An Analytical Framework for EU Competition, Data Protection and Consumer Law, 3494212, 27 November 2019.

[293] Micklitz and Saumier, 'Enforcement and Effectiveness of Consumer Law', in H.-W. Micklitz and G. Saumier (eds.), *Enforcement and Effectiveness of Consumer Law* (2018) 3.

and businesses to understand[294]. Italy's Consumer Code (Codice del Consumo) serves as an exemplary model in this respect. By uniting various consumer protection regulations into one cohesive document, Italy has streamlined its legal framework, enhancing accessibility and clarity for all parties involved. Implementing a comparable strategy in Iran would simplify the regulatory framework, remove redundancies, and improve legal clarity. A consolidated code could address important aspects like product safety, warranties, advertising standards, and dispute resolution processes, guaranteeing that both consumers and businesses have a clear grasp of their rights and responsibilities.

Improving after-sales service is another aspect where Iran can learn from Italy’s consumer protection methods. In Iran, the absence of thorough regulations for warranties and repair services frequently results in consumers having insufficient options when faced with faulty products. Requiring warranties for durable goods, like electronics and home appliances, would bring Iran’s practices in line with global standards and boost consumer trust in the marketplace. Italy’s comprehensive rules regarding after-sales services offer a strong model for execution. For example, Italian legislation mandates that companies provide repair or replacement options for faulty products within a designated timeframe, even extending beyond the usual warranty period in some instances. Iran might implement comparable measures, guaranteeing that consumers can access trustworthy repair and maintenance services. Moreover, companies might be encouraged to offer longer warranties or recycling initiatives, fostering sustainability and boosting customer confidence.

Tackling enforcement deficiencies is another key focus for enhancing Iran's consumer protection system. Although the nation has set up entities like the CPPSO, these organizations frequently struggle with limited resources and uneven enforcement abilities across different regions. Taking cues from the EU’s centralized oversight systems, Iran could create a national database to monitor consumer grievances and regulatory breaches. This database would enable regulatory bodies to recognize trends, distribute resources more efficiently, and exchange best practices among provinces[295]. Furthermore, establishing regional regulatory offices staffed specifically for overseeing compliance and handling consumer complaints would guarantee that consumers in rural and underdeveloped regions enjoy the same level of protection as those in urban areas. Italy’s coordinated yet decentralized enforcement systems offer a valuable example for achieving a balance between local supervision and national uniformity.

[294] Karimi and Kazemi, 'Hidden Imposed Conditions in Iran’s Consumer Law and the Latest Legislative Developments in French Law; Examples and Rulings', 53 *Law Quarterly* (2023) 323.

[295] Elyasi and Teimoury, 'Applying Critical Systems Practice Meta-Methodology to Improve Sustainability in the Rice Supply Chain of Iran', 35 *Sustainable Production and Consumption* (2023) 453.

The rapid growth of e-commerce in Iran has introduced new challenges that require modernized regulations to protect consumers effectively. Adopting stricter controls on online platforms is essential to address issues such as counterfeit goods, misleading advertisements, and data privacy concerns. Drawing from the EU's experience with the GDPR, Iran could craft robust digital market regulations that prioritize transparency and accountability. For instance, online marketplaces could be required to verify the authenticity of third-party sellers and disclose detailed product information, including origin and safety certifications. Platforms should also be held accountable for addressing consumer complaints promptly and transparently, ensuring that buyers have access to effective remedies in cases of fraud or non-compliance. The GDPR's principles of data minimization and consumer consent could be adapted to the Iranian context, safeguarding personal information collected during online transactions.

Consumer education is yet another important field in which Iran can gain insights from Italy and the EU[296]. Numerous Iranian consumers are still uninformed about their rights according to current laws, hindering the effectiveness of the regulatory system. Italy's active strategy for consumer education, encompassing public awareness initiatives and community outreach efforts, serves as a useful model. Iran might initiate comparable efforts to educate consumers on their rights and the options for seeking redress. Engaging online resources, smartphone applications, and collaborations with consumer advocacy organizations could further improve these initiatives, making information available to a wider audience. Educational initiatives ought to aim at underrepresented groups, including rural areas and senior citizens, to close the knowledge divide and promote inclusivity.

Ultimately, Iran could gain advantages by integrating sustainability principles into its consumer protection system[297]. Italy's focus on sustainable consumption, showcased through its regulations that encourage repair services and recycling initiatives, is in harmony with worldwide movements toward eco-friendly policies. By motivating companies to embrace circular economy practices, Iran could minimize waste, prolong product lifespans, and aid in environmental sustainability. These efforts would not only assist consumers but also establish Iran as a frontrunner in sustainable market practices in the area.

In summary, Iran's consumer protection system could benefit greatly by implementing practices seen in Italy and the EU. Through strengthening its legal framework, improving after-sales assistance, tackling enforcement deficiencies, updating e-commerce rules, emphasizing consumer education, and incorporating sustainability principles, Iran can

[296] Bakhtiari and Nikou <1991>, *supra* note 136.

[297] Asiaei, K., O'Connor, N.G., Barani, O. and Joshi, M., 2023. Green intellectual capital and ambidextrous green innovation: The impact on environmental performance. *Business Strategy and the Environment, 32*(1), pp.369-386.

establish a system that more effectively safeguards consumer rights while promoting trust and fairness in its markets. These reforms would not only align Iran's practices with international standards but also empower consumers and businesses to thrive in an increasingly complex and competitive economic environment[298].

4.4 Recommendations for Italy Drawing from Europe and the New Framework

Italy's consumer protection system, although thorough and in accordance with European Union directives, can be enhanced by integrating modern practices from other EU member countries and the suggested new regulatory structure. While Italy has made notable strides in areas like unified consumer regulations and sustainability efforts, additional improvements could strengthen the system's resilience, effectiveness, and responsiveness to new challenges. By gaining insights from effective strategies used in other EU nations and implementing progressive actions, Italy can enhance its consumer protection framework and stay at the leading edge of regulatory advancements[299].

A vital aspect for improvement is the implementation of sophisticated enforcement measures. At present, Italy depends on both national and regional bodies to oversee adherence and resolve consumer complaints. Nonetheless, this decentralized method may result in disparities in enforcement, especially between urban and rural areas. Implementing sophisticated monitoring technologies and centralized databases, as demonstrated in nations like Germany, would greatly enhance supervision. A centralized system would allow regulatory agencies to monitor consumer complaints, spot trends in non-compliance, and coordinate enforcement actions more efficiently. For instance, a nationwide database of regulatory measures and consumer responses could offer important information for policymakers and enforcement bodies, guaranteeing that resources are directed to the areas of greatest need. By combining these tools with real-time data analysis, Italy could also take proactive measures to tackle emerging problems, such as fraudulent activities or non-compliant businesses, before they worsen.

Streamlining cross-border dispute resolution methods is another aspect where Italy could enhance significantly. Although Italy engages in EU-wide initiatives like the Online Dispute Resolution (ODR) system, the practical availability of these resources for Italian consumers is still restricted[300]. Enhancing Italy's connection with these platforms and providing localized support services would help consumers manage cross-border complaints more

[298] Naimi-Sadigh, Asgari and Rabiei, 'Digital Transformation in the Value Chain Disruption of Banking Services', 13 *Journal of the Knowledge Economy* (2022) 1212.

[299] Ordóñez-Martínez, Seguí-Pons and Ruiz-Pérez, 'Conceptual Framework and Prospective Analysis of EU Tourism Data Spaces', 16 *Sustainability* (2024) 371.

[300] van Gelder and Rainey, *supra* note 55.

easily. For example, offering multilingual support and simplifying procedural demands for cross-border conflicts would guarantee that Italian consumers can completely utilize their rights when interacting with sellers in other EU countries. Moreover, Italy might establish regional centers focused on cross-border consumer issues, providing tailored assistance to consumers who may struggle with navigating digital platforms. By tackling these obstacles, Italy would enhance consumer trust in cross-border transactions while also boosting its role in the EU's single market.

In the digital space, Italy encounters difficulties concerning the responsibility of online platforms, a fast-changing concern throughout the EU[301]. Tighter regulations for e-commerce platforms, based on Denmark's method, could play a crucial role in tackling misleading practices such as inaccurate product details, fraudulent reviews, and imitation products. For example, Italy might impose fines on platforms that do not verify third-party sellers or offer incorrect product details. Mandating online marketplaces to reveal comprehensive seller qualifications and establish strong verification processes would improve transparency and decrease cases of consumer harm. It is also crucial to broaden consumer education initiatives to encompass digital literacy programs. With the ongoing expansion of the digital marketplace, Italian consumers need to be armed with the knowledge and abilities to maneuver through this intricate landscape. Educational programs may involve workshops, internet resources, and partnerships with consumer advocacy groups to instruct consumers on recognizing reliable sellers, comprehending data privacy policies, and asserting their rights in online transactions. Such programs would prepare Italian consumers to engage confidently and securely in the modern marketplace.

Sustainability in consumer protection represents another domain where Italy can leverage its advantages while taking cues from wider European practices. Italy has shown its dedication to sustainable consumption by promoting initiatives that support repair services and recycling programs. Nonetheless, there is an opportunity to enhance these initiatives by encouraging companies to implement sustainable practices on a wider scale. Working with other EU member countries to create cohesive sustainability standards would help Italian companies stay competitive while meeting top environmental criteria[302]. For example, Italy might provide tax incentives or financial support for businesses that adopt circular economy approaches, like utilizing recyclable materials or establishing take-back programs for used items. Furthermore, incorporating sustainability measures into consumer protection

[301] Cristofari, 'Platformization in the European Union. Politico-Legal Challenges of Platforms as Infrastructures.', (2023) , available at https://u-pad.unimc.it/handle/11393/327170 (last visited 8 January 2025].

[302] Appolloni, A., Jabbour, C.J.C., D'Adamo, I., Gastaldi, M. and Settembre-Blundo, D., 2022. Green recovery in the mature manufacturing industry: The role of the green-circular premium and sustainability certification in innovative efforts. Ecological Economics, 193, p.107311.

legislation would ensure that Italy’s regulatory system is in harmony with the European Green Deal, strengthening its role as a leader in this vital domain.

Italy might also strengthen its attention on consumer rights regarding artificial intelligence and new technologies. With the rise of AI-based personalization and automation in retail, Italy needs to create targeted guidelines to tackle ethical issues like algorithmic bias and consumer manipulation. Implementing transparency standards for AI systems employed in marketing and sales, alongside developing auditing mechanisms for these technologies, would guarantee consumer protection in this swiftly evolving environment[303]. For instance, retailers employing AI algorithms to suggest products ought to be mandated to reveal the process behind these suggestions and guarantee that they do not unjustly disadvantage specific consumer demographics.

Ultimately, enhancing Italy's partnerships with other EU member countries on consumer protection efforts would increase its influence within the Union. Through the exchange of best practices and involvement in collaborative enforcement initiatives, Italy can aid in the creation of a more unified and efficient consumer protection system in Europe[304]. Collaborative initiatives to tackle cross-border issues, like fake products and data protection violations, would advantage all member nations while strengthening Italy’s position as a significant contributor to EU policy development.

In summary, Italy's consumer protection system provides a robust base for future enhancements to be developed. By implementing improved enforcement methods, streamlining international dispute resolution, bolstering digital market regulations, increasing consumer education, and reinforcing its dedication to sustainability, Italy can upgrade its system to address the needs of a swiftly changing market. By leveraging the achievements of other EU member states and conforming to the suggested new framework, Italy could strengthen its role as a leader in consumer protection and support the wider objectives of the European Union[305].

4.5 Recommendations for Europe Drawing from Italy and the New Framework

The European Union, celebrated for its strong consumer protection system, has chances to enhance its framework by incorporating innovative practices seen in Italy and aligning with

[303] Kumar and Suthar, 'Ethical and Legal Challenges of AI in Marketing: An Exploration of Solutions', 22 *Journal of Information, Communication and Ethics in Society* (2024) 124.

[304] Calcara, 'Italy’s Defence Policy in the European Context: The Case of the European Defence Agency', 9 *Contemporary Italian Politics* (2017) 277.

[305] Bertarini, 'European Union Digital Single Market : Legal Framework and Challenges', (2023) 1.

the suggested new regulatory structure[306]. Italy's experiences provide important lessons for improving the EU's current framework, especially regarding legal consolidation, post-sale assistance, digital market oversight, and consumer education. By implementing these methods, the EU can establish a more efficient and fair system that addresses the changing demands of consumers and businesses within its member countries.

A highly impactful suggestion for the EU is to implement a unified legal structure similar to Italy's Codice del Consumo. At present, EU consumer protection legislation is enforced via numerous directives and national laws, leading to a disjointed framework that may bewilder both consumers and businesses. A cohesive framework would streamline this environment by merging essential consumer protection laws into one easily accessible document relevant to all member states. This framework would improve legal clarity and uniformity, lowering the chances of misinterpretation or inconsistent enforcement of laws. A unified EU consumer code would serve as a central reference point, enabling consumers to better comprehend their rights and helping businesses to maintain compliance. Additionally, it would enhance unity among member states, easing cross-border commerce and conflict resolution.

Enhancing after-sales support services throughout the EU is another vital aspect for development. Italy's comprehensive rules regarding warranties and repair services establish a benchmark that could be emulated at the EU level[307]. Within Italy's system, companies must offer extensive repair and maintenance services for durable products, guaranteeing that consumers obtain lasting value from their acquisitions. Widening these measures to include all EU member countries would standardize consumer rights and enhance trust in the marketplace. For instance, implementing obligatory repair terms and lengthening warranty durations for specific types of products might decrease waste and encourage sustainability, in line with the EU's Green Deal goals. This method would also motivate manufacturers and retailers to embrace higher quality standards, being aware that they are responsible for the durability and performance of their products after the sale.

The difficulties presented by digital markets require an active reaction from the EU. Although current directives like the Unfair Commercial Practices Directive (2005/29/EC) and the GDPR establish a robust framework, new technologies such as AI and blockchain necessitate customized regulatory approaches[308]. Italy's forward-thinking strategy for managing e-commerce provides important insights in this context. For example, Italy's implementation of

[306] Hodson, D., Puetter, U., Peterson, J. and Saurugger, S. eds., 2022. *The institutions of the European Union*. Oxford University Press.

[307] Stabler, D., Hakala, H., Huikkola, T. and Mention, A.L., 2024. Aligning servitization and circularity: The role of institutional confluence in sustainable business models. *Journal of Cleaner Production*, p.142666.

[308] G. Guerra, *Redesigning Protection for Consumer Autonomy: The Case-Study of Dark Patterns in European Private Law* (2023), available at https://library.oapen.org/handle/20.500.12657/87552 (last visited 8 January 2025].

platform responsibility measures might motivate the EU to adopt more rigorous standards for online marketplaces, including verifying third-party vendors, confirming the genuineness of listed items, and offering clear pricing details. These actions would tackle persistent problems like counterfeit products, fraudulent reviews, and misleading advertising. Additionally, the EU might broaden its regulatory reach to cover AI-based personalization and decision-making in online transactions, guaranteeing that algorithms employed in marketing or pricing are equitable, clear, and non-discriminative. For blockchain technologies, the EU could establish guidelines to standardize the use of smart contracts in consumer transactions, providing legal clarity and protecting consumers from potential misuse[309].

Consumer education represents another sector from which the EU can take inspiration from Italy. Although EU laws offer extensive protections, numerous consumers still do not know their rights or lack the understanding required to successfully navigate today's marketplaces. Italy's commitment to public awareness campaigns and community outreach initiatives underscores the significance of educating consumers to close this gap. The EU might implement comparable initiatives by utilizing digital resources like mobile apps, engaging websites, and social media campaigns to share information on consumer rights and conflict resolution methods[310]. Focus must be directed toward marginalized groups, such as seniors, rural inhabitants, and non-native language users, making sure that educational materials are available and inclusive. Moreover, incorporating consumer rights education into school curricula throughout member states would foster a culture of informed decision-making from a young age, providing future generations with the abilities required to participate confidently in ever more complex markets.

Sustainability represents another area where the EU can leverage Italy's model to strengthen its consumer protection system. Italy's focus on sustainable consumption, evident in its laws supporting repair services and recycling initiatives, aligns with the EU's wider environmental objectives. Widespread implementation of these practices throughout the Union would enhance the EU's dedication to sustainability while offering concrete advantages to consumers. For example, implementing EU-wide incentives for companies that embrace circular economic practices, like providing refurbished products or running product return programs, would promote sustainable consumption and production. Aligning sustainability standards among member states would also guarantee that all EU citizens enjoy equal

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[309] Sari, Thalib and Meinarni, 'IMPLEMENTATION OF SMART CONTRACTS IN INDONESIA: AN ANALYSIS OF FINANCIAL REGULATION, TAXATION, AND CONSUMER PROTECTION', 9 *NOTARIIL Jurnal Kenotariatan* (2024) 65.

[310] Cabral, L., Haucap, J., Parker, G., Petropoulos, G., Valletti, T.M. and Van Alstyne, M.W., 2021. The EU digital markets act: a report from a panel of economic experts. *Cabral, L., Haucap, J., Parker, G., Petropoulos, G., Valletti, T., and Van Alstyne, M., The EU Digital Markets Act, Publications Office of the European Union, Luxembourg*.

advantages from these initiatives, cultivating a sense of collective accountability for environmental preservation.

Cross-border dealings, a defining feature of the EU's single market, offer distinct chances for enhancement. Although considerable advancements have been achieved in aligning consumer rights among member states, practical obstacles like language discrepancies, diverse judicial systems, and procedural intricacies persist in obstructing cross-border dispute resolution[311]. Drawing from Italy's experiences, the EU might improve its current Online Dispute Resolution (ODR) platform by adding multilingual capabilities, intuitive interfaces, and AI-enhanced case management systems. These enhancements would enhance the platform's accessibility and efficiency, allowing consumers and businesses to settle disputes promptly and equitably. Furthermore, the EU might create regional dispute resolution centers to provide localized assistance for consumers participating in cross-border transactions. These centers might serve as intermediaries, enabling communication between parties and making sure that conflicts are settled in line with EU law.

To sum up, the consumer protection framework of the European Union can become more effective and comprehensive by incorporating best practices from Italy and aligning with the suggested new framework[312]. These actions would not only enhance the protection of consumer rights but also promote increased trust, transparency, and fairness throughout the Union, making certain that the EU continues to be a worldwide leader in consumer protection.

The comparison of consumer protection systems in Iran, Italy, and the European Union reveals common challenges as well as distinct opportunities for enhancement[313]. By leveraging each other's strengths and tackling recognized weaknesses, these regions can create a thorough and flexible regulatory system that addresses the changing requirements of buyers and sellers.

By means of coordinated enforcement, streamlined dispute resolution, improved digital market regulations, and strong consumer education, the suggested framework would safeguard consumer rights while promoting trust, fairness, and sustainability in international markets.

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[311] Benzie, M., Carter, T.R., Carlsen, H. and Taylor, R., 2019. Cross-border climate change impacts: implications for the European Union. *Regional Environmental Change*, *19*, pp.763-776.

[312] M. Bauer, D. Pandya and O. du Roy, *Future-Proofing the EU's Investment Attractiveness: A Bold Reform Agenda for Competition Enforcement, Taxation and Digital Policy*, Research Report, 04/2024 (2024), available at https://www.econstor.eu/handle/10419/300337 (last visited 8 January 2025].

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Conclusion

The comparative study of consumer protection systems in Iran, Italy, and the European Union uncovers a vibrant and complex legal environment. Although notable strides have been made in protecting consumer rights, difficulties remain, especially due to changing market conditions and technological developments. This research highlights the necessity of aligning consumer protection regulations while catering to the specific requirements of distinct regions. The results establish a basis for refining regulatory structures, strengthening enforcement methods, and increasing consumer awareness. This conclusion consolidates the main insights acquired during the study and presents actionable suggestions for upcoming research and practical changes.

Recapitulation of Key Findings and Insights

The research emphasized the important progress achieved by Iran, Italy, and the European Union in developing strong consumer protection legislation, each influenced by its distinct historical, cultural, and economic background. In Iran, laws for consumer protection have transitioned from conventional Islamic values, including equity and openness in commerce, to contemporary structures such as the 2009 Consumer Protection Law. Nonetheless, variations in enforcement, lack of awareness, and inadequate adjustment to digital markets present continuing difficulties. Although these limitations exist, the basis of Iran's legal framework offers chances for significant enhancement via focused reforms.

Italy's consumer protection system, illustrated by its Codice del Consumo, demonstrates a refined and consumer-focused methodology. The unification of laws into one code improves clarity and ease of access, while comprehensive rules on post-sale assistance and guarantee boost consumer trust. Italy’s active efforts in sustainability and educating consumers highlight its dedication to safeguarding consumer rights. However, factors like differences in regional enforcement and obstacles presented by digital markets suggest that additional improvement is necessary to sustain its position in consumer protection.

The consumer protection framework of the European Union establishes a worldwide standard, marked by unified directives like the Consumer Sales and Guarantees Directive (2019/771), the Unfair Commercial Practices Directive (2005/29/EC), and the GDPR. These rules offer extensive safeguards in both physical and digital marketplaces, enhancing consumer confidence and encouraging equitable competition. Nonetheless, the EU encounters difficulties in guaranteeing uniform enforcement among member nations, tackling cross-border conflicts, and adjusting to new technologies like artificial intelligence and block chain. These challenges emphasize the necessity for ongoing innovation and partnership to sustain the efficiency of its framework.

A crucial finding from this analysis is the significance of balancing harmonization with localization. Although harmonized frameworks offer uniformity and transparency, tailored adjustments are crucial to meet the unique requirements and difficulties of specific jurisdictions. The interaction of these methods provides important insights for developing regulatory frameworks that are resilient and flexible.

The results of this study highlight multiple areas where additional research and practical reforms are necessary to enhance consumer protection frameworks and tackle existing deficiencies. These suggestions aim to improve legal clarity, strengthen enforcement methods, tackle digital market issues, and promote consumer awareness and sustainability.

A vital focus for upcoming research is the governance of new technologies. The swift advancement of artificial intelligence, block chain, and other groundbreaking innovations have changed consumer markets, generating new opportunities and challenges. Future research ought to investigate the integration of these technologies into consumer protection frameworks, emphasizing concerns like algorithmic transparency, data privacy, and accountability. Comparative studies on how various jurisdictions tackle these issues could yield important insights into developing efficient regulations. For example, examining Italy’s initiatives on platform responsibility and the GDPR principles from the EU might guide worldwide benchmarks for tech-driven industries.

Another area that needs additional exploration is cross-border consumer protection. Although the EU has achieved notable advancements in aligning consumer rights, practical obstacles like language variances, judicial discrepancies, and procedural complexities still hinder cross-border transactions. Future studies might explore creative approaches to streamline cross-border dispute resolution, including AI-powered systems for managing cases, platforms with multilingual support, and regional mediation hubs. Leveraging Italy’s experiences with regional dispute resolution centers and the EU’s ODR platform, these efforts may improve the accessibility and effectiveness of cross-border protections.

Improving consumer education and awareness stands as another vital priority. Even with strong legal safeguards, a significant number of consumers do not know their rights or possess the understanding needed to maneuver through complicated markets successfully. Upcoming studies ought to concentrate on determining the most efficient strategies for providing consumer education, such as digital resources, public awareness initiatives, and educational programs in schools. Focus must be directed towards underserved groups, including rural areas, elderly individuals, and non-native speakers, ensuring that educational programs are inclusive and accessible. Italy's active consumer education initiatives offer a significant example, highlighting the role of community engagement and digital skills in empowering consumers.

The incorporation of sustainability principles into consumer protection frameworks also requires additional investigation. As worldwide emphasis changes towards ecological accountability, regulatory structures need to evolve to encourage sustainable production and consumption. Future studies might investigate how effective policies promoting repair services, recycling initiatives, and circular economy practices are. Italy's focus on sustainable consumption serves as a case study for establishing unified sustainability standards throughout the EU and beyond. These initiatives would not only aid the environment but also align consumer protection policies with modern societal principles.

From a practical standpoint, aligning legal frameworks continues to be a crucial suggestion. A unified legal framework, drawing on Italy's Codice del Consumo, might streamline the legal environment and improve accessibility for both consumers and enterprises. This method would remove redundancies, lessen confusion, and enhance consistency among jurisdictions. At the same time, localized adaptations would cater to the distinct needs of particular areas, making certain that regulatory frameworks stay pertinent and efficient across various contexts.

Enhancing enforcement mechanisms is another essential focus. Investigating the fundamental reasons for disparities in enforcement—whether linked to resource distribution, bureaucratic inefficiencies, or regional differences—might guide approaches for enhancing regulatory supervision. Comparative analysis between well-resourced areas like Germany and less-developed regions may yield practical insights for improving enforcement capabilities. Centralized oversight systems and real-time data analysis could enhance these initiatives, allowing regulatory agencies to detect patterns, allocate resources efficiently, and tackle non-compliance in advance.

Ultimately, global cooperation is crucial for tackling the worldwide issues of consumer protection. With the rise of cross-border transactions and global supply chains, collaborative regulatory actions are essential to provide uniform protection. Global pacts addressing matters like counterfeit products, data protection, and platform responsibility would improve the efficacy of domestic regulations. Cooperative enforcement strategies, including joint inquiries and common databases, would enhance consumer protection in a connected world.

Final Reflections

The results and suggestions of this research emphasize the intricacy and significance of safeguarding consumers in contemporary markets. This study offers a pathway for improving regulatory structures and tackling new challenges by incorporating perspectives from Iran, Italy, and the European Union. The recognized challenges—spanning digital market dangers, enforcement shortcomings, consumer awareness limitations, and sustainability—necessitate a comprehensive approach that integrates legal, technological, and educational measures. As consumer markets grow and change, the frameworks designed to safeguard them must also adapt. Policymakers, researchers, and stakeholders should collaborate to create systems that enhance fairness, transparency, and equity. By embracing innovation, encouraging global cooperation, and focusing on the needs of both consumers and businesses, the future of consumer protection can be characterized by empowerment and sustainability. This research lays the groundwork for these initiatives, providing practical insights and suggestions for enhancing consumer protection in a more intricate and interconnected environment.

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Appendix

A. Appendices: Detailed Laws and Regulations from Each Region

This section provides a comprehensive summary of the key laws and regulations related to consumer protection in Iran, Italy, and the European Union. These details serve as a legal reference for the comparative analysis and recommendations presented in earlier chapters. The following subsections detail the relevant laws, directives, and frameworks from each region, highlighting their scope, application, and key provisions.

A.1 Iran: Detailed Laws and Regulations

A.1.1 Law on Consumer Protection (2009)

The cornerstone of Iran's consumer protection framework, this law outlines the rights of consumers and the obligations of businesses.

Key Provisions:

- **Product Quality and Safety:** Businesses are required to guarantee the quality of their goods. Consumers can demand repairs, replacements, or refunds for defective products.
- **Information Disclosure:** Sellers must provide clear and accurate information about the origin, quality, and specifications of goods.
- **After-Sales Services:** Sellers of durable goods, such as electronics and automobiles, are obliged to provide maintenance and repair services.
- **Enforcement Mechanisms:** The **Consumer Protection and Production Support Organization (CPPSO)** is tasked with monitoring compliance and handling consumer complaints.

A.1.2 Commercial Code of Iran (1932)

Though primarily focused on business-to-business transactions, this code includes provisions that indirectly protect consumers.

- **Contractual Fairness:** Contracts must adhere to principles of fairness and transparency.
- **Liability for Defective Goods:** Sellers can be held accountable for delivering goods that do not meet agreed-upon standards.

A.1.3 Islamic Principles and Sharia Law

Islamic jurisprudence plays a critical role in shaping Iran's consumer protection laws.

- **Prohibition of Gharar:** Ensures that contracts are free from uncertainty.
- **Fair Pricing:** Sellers are obligated to set prices that reflect the value of goods without exploitation.

A.2 Italy: Detailed Laws and Regulations

A.2.1 Codice del Consumo (Consumer Code, 2005)

Italy's comprehensive consumer protection code consolidates various laws into a single document.

Key Provisions:

- **Product Conformity:** Goods must conform to the sales contract and meet reasonable consumer expectations.
- **Legal Warranties:** Sellers are required to provide a minimum two-year warranty for all goods.
- **Transparency and Information:** Businesses must disclose all costs, taxes, and contractual terms clearly.
- **After-Sales Services:** Sellers must provide repair and maintenance services for high-value goods.
- **Unfair Commercial Practices:** The code prohibits deceptive advertising and aggressive sales tactics.

A.2.2 Civil Code of Italy (1942)

The Civil Code provides additional protections related to contracts and liability.

- **Contractual Remedies:** Consumers can seek rescission, price reductions, or compensation for breaches.
- **Liability for Defective Products:** Manufacturers and sellers are strictly liable for damage caused by defective goods.

A.2.3 Sustainable Consumption Policies

Italy has introduced laws encouraging sustainable business practices.

- **Repair and Reuse:** Incentives for businesses offering repair services or recyclable goods.
- **Environmental Labeling:** Products must include information about their environmental impact.

A.3 European Union: Detailed Laws and Regulations

A.3.1 Consumer Sales and Guarantees Directive (2019/771)

This directive modernizes consumer rights across the EU, particularly for digital goods. Key Provisions:

- **Conformity with Contract:** Goods must meet agreed-upon specifications and remain functional for at least two years.
- **Digital Content and Services:** Extends protections to software, apps, and other digital products.
- **Remedies for Non-Conforming Goods:** Includes repair, replacement, and price reduction options.

A.3.2 Unfair Commercial Practices Directive (2005/29/EC)

Aims to prevent deceptive and aggressive business practices.

- **Prohibition of Misleading Advertising:** Businesses must provide accurate product descriptions.
- **Transparency Requirements:** Sellers must disclose all costs and conditions before completing a transaction.

A.3.3 General Data Protection Regulation (GDPR)

Protects consumer privacy in the digital age.

- **Data Minimization:** Businesses may only collect data necessary for the transaction.
- **Consumer Rights:** Includes rights to access, rectify, and delete personal data.
- **Accountability of Platforms:** Online platforms must ensure compliance with data protection standards.

A.3.4 Product Liability Directive (85/374/EEC)

Introduces strict liability for defective goods across the EU.

- **Compensation for Damages:** Consumers can claim compensation without proving negligence.
- **Scope:** Applies to both manufacturers and importers.

A.3.5 Consumer Rights Directive (2011/83/EU)

Focuses on distance and off-premises contracts.

- **Cooling-Off Period:** Consumers have 14 days to withdraw from a contract without penalty.
- **Pre-Contractual Information:** Sellers must provide detailed terms before the contract is signed.

A.4 International Frameworks: Guidelines and Agreements

A.4.1 United Nations Guidelines for Consumer Protection (1985, Revised 2015)

These non-binding guidelines provide a global standard for consumer protection policies. Key Principles:

- **Right to Safety:** Consumers must be protected from hazardous goods and services.
- **Right to Information:** Ensures transparency in product labeling and advertising.
- **Access to Redress:** Calls for accessible dispute resolution mechanisms.

A.4.2 OECD Guidelines on Consumer Protection in E-Commerce (2016)

Designed to address challenges specific to digital markets.

- **Transparency in Transactions:** Sellers must disclose terms clearly.
- **Platform Accountability:** Online platforms must verify the authenticity of sellers and products.

A.5 Comparative Overview of Regional Strengths and Weaknesses

The laws and regulations from Iran, Italy, and the EU reveal strengths and gaps in consumer protection.

- **Iran:** Strong emphasis on ethical trade rooted in Islamic principles but lacks robust digital market regulations.
- **Italy:** Comprehensive legal framework with detailed provisions for sustainability and consumer education. Challenges include regional enforcement disparities.
- **EU:** Harmonized directives provide consistent protections across member states but face enforcement variability and barriers in cross-border transactions.