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Consumer Rights Protection in Cross-Border E-Commerce under the Regulation of International Economic Law

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Abstract. Born from the convergence of digital technologies and global commerce, cross-border e-commerce has significantly contributed to worldwide economic expansion while simultaneously giving rise to pressing difficulties in safeguarding consumer interests. Grounded in the analytical lens of international economic law, this paper draws on literature analysis and case study methods to systematically investigate the institutional frameworks for consumer protection operating at two levels—the multilateral trading system and regional trade agreements—and to analyze three practical dilemmas: the fragmentation of multilateral rules, jurisdictional conflicts and obstacles to the application of law, and governance gaps in cross-border personal data transfers. On this basis, the paper proposes a coordinated approach that includes incorporating a dedicated consumer protection chapter into World Trade Organization (WTO) e-commerce negotiations, deepening regional enforcement cooperation and strengthening the dispute resolution role of platforms, and improving domestic data protection legislation to align with international rules, with the aim of achieving an effective balance between trade liberalization and consumer protection.

Keywords: Cross-border E-commerce, protection of consumer rights, International Economic Law, WTO Ecommerce negotiations, cross-border data flow.

1. Introduction

Cross-border e-commerce, a novel commercial paradigm that has emerged from the increasingly close fusion of digital technologies and global trade, now serves as a key engine of worldwide economic expansion. Data from a report released by China's Ministry of Commerce show that the aggregate volume of domestic e-commerce transactions reached 46.4 trillion yuan in 2024, reflecting a 3.9% year-on-year gain, within which merchandise transactions grew 2.7% and service transactions grew 6.7% compared with the prior year; meanwhile, aggregate online retail turnover stood at 15.2 trillion yuan, up 7.2% year on year [1]. In the same year, figures published by the General Administration of Customs indicate that cross-border e-commerce imports and exports totaled roughly 2.71 trillion yuan, rising 14% year on year, with its proportion of China's goods trade climbing from 5.7% to 6.2%; the registered number of cross-border e-commerce firms reached 120,000, and cumulative overseas trademark registrations surpassed 30,000 [2].

However, the swift expansion of cross-border e-commerce has simultaneously introduced significant obstacles to the safeguarding of consumer interests. Transaction parties are situated in

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different legal jurisdictions, with significant differences in national legal systems, regulatory standards, and judicial procedures. Consumers face prominent problems such as information asymmetry, difficulties in guaranteeing product quality, intensified risks from cross-border data flows, and obstructed channels for dispute resolution. Traditional consumer protection systems, which are primarily based on domestic law, have demonstrated structural deficiencies when confronting the virtualized, cross-jurisdictional, and multifaceted character of cross-border e-commerce transactions. Digital trade has profoundly reshaped the traditional landscape of international trade law. Against this backdrop, international economic law, as the fundamental legal system governing international economic relations, urgently requires a deeper exploration of its regulatory functions and institutional value [3]. In cross-border consumer disputes, consumers often rely first on the complaint, refund, and mediation mechanisms provided by e-commerce platforms to seek redress, and the institutional role of platforms in consumer rights protection has become increasingly prominent—a reality that also constitutes an important dimension of this paper's inquiry.

Grounded in the analytical framework of international economic law, this paper centers on the legal governance of consumer interests in cross-border e-commerce. It employs the method of literature analysis to systematically survey consumer protection norms at multilateral and regional levels, and employs the case study method to examine jurisdictional conflicts and difficulties in the application of law, on the basis of which it proposes recommendations for improving the international economic law regulatory framework.

2. Literature review

Existing scholarly work addressing the protection of consumer interests in cross-border e-commerce has broadened from a purely domestic legal viewpoint to encompass the international economic law system. At the level of the digital trade legal framework, Burri and Chander argued that digital trade law is not a mere extension of traditional e-commerce rules, but rather a new field of international economic law centered on data flows, digital services, and the platform economy [4]. Burri further observed that digital transformation has exerted a profound influence on the law governing international trade, and existing legal frameworks remain notably deficient in addressing the complexity of the data economy. Empirical research by Burri et al. revealed that digital trade rules are undergoing accelerating fragmentation and polycentric evolution, with non-traditional actors filling rule-making gaps, though the enforceability of new commitments remains limited [5]. Additional studies have focused on judicial practice challenges such as jurisdictional conflicts and online dispute resolution.

Goetzinger and Spremic identified three core obstacles: technological vulnerabilities, regulatory divergences, and the risk of consumer manipulation [6]. Caesaria advocated establishing a globally unified minimum standards framework for consumer protection [7]. Burri and Kugler argued that digital trade law is more concerned with the alignment of different domestic systems than with market access per se [8]. Saluste explored the mechanism for determining cross-border data adequacy within the GATS Article VII framework [9].

In the dimension of dispute resolution, some scholars have used Tmall Global as a case study to examine the current operational status and optimization pathways of online dispute resolution mechanisms, providing empirical evidence for the institutionalization of platform-based dispute resolution [10]. Other scholars have observed that the international economic law system is entering an "era without consensus," with traditional rules facing severe challenges from the digital economy [11]. The above studies, spanning the evolution of the digital trade law framework, the practical

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difficulties of consumer protection, institutional coordination pathways, and dispute resolution mechanisms, have laid the academic foundation for the research in this paper.

3. Institutional foundations in international economic law for consumer rights protection in cross-border e-commerce

International economic law underpins consumer protection in cross-border e-commerce through two institutional channels: the multilateral trading system and regional trade agreements.

Within the multilateral trading system, the market access and national treatment commitments enshrined in GATS under the WTO, together with the ongoing plurilateral talks through the Joint Statement Initiative on E-Commerce, supply a multilateral normative foundation for safeguarding consumers engaged in cross-border online transactions [3]. Under the national treatment obligation, each WTO member is required to provide foreign service suppliers with conditions no less favorable than those extended to comparable domestic suppliers. Applied to cross-border e-commerce, this principle prohibits members from erecting discriminatory obstacles to consumer redress when purchases are made via foreign platforms. Nevertheless, fundamental questions within the WTO framework—notably whether digital products ought to be categorized as goods or as services, and whether General Agreement on Tariffs and Trade (GATT) or General Agreement on Trade in Services (GATS) constitute the applicable regime—have yet to be settled [3]. Notwithstanding the sluggish negotiating pace, the Joint Statement Initiative on E-Commerce continues to serve as the principal multilateral venue for crafting consumer protection standards.

Turning to regional trade agreements, leading instruments such as Regional Comprehensive Economic Partnership Agreement (RCEP) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) each include specialized e-commerce chapters with provisions addressing consumer protection. RCEP Chapter 12 expressly obliges contracting parties to uphold consumer protection legislation in the e-commerce domain and encourages inter-party cooperation, thereby furnishing an institutional platform for cross-national coordination of consumer safeguards. CPTPP Chapter 14, Article 7 goes further by stipulating that parties must enact or preserve laws addressing deceptive and misleading business conduct in e-commerce and mandates that consumer protection authorities of the parties cooperate and exchange information on cross-border e-commerce issues [8]. Although digital trade agreements have served as regulatory laboratories, deeper coordination efforts are still needed to curb regulatory fragmentation [5]. Against the backdrop of still-incomplete multilateral rules, these regional trade agreements provide an important supplementary normative source for the protection of consumers in cross-border online commerce.

4. Dilemmas in the international economic law regulation of consumer rights protection in cross-border e-commerce

Although international economic law has constructed a basic institutional framework, in regulatory practice, the protection of consumer interests in cross-border online commerce continues to encounter several deep-seated structural dilemmas.

4.1. Inadequate and fragmented multilateral rule supply

The contemporary international economic law system is confronting the challenge of an "era without consensus." WTO e-commerce negotiations have progressed slowly, with serious disagreements among members on core issues such as consumer protection standards [5,11]. The root of this

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divergence lies in significant differences in national levels of economic development and philosophies of consumer protection. Developed countries, drawing on their mature consumer protection systems and strong industrial competitiveness, tend to promote high-standard consumer protection rules, whereas developing countries worry that excessively high standards may constitute disguised trade barriers and suppress the development potential of their domestic e-commerce industries. Consequently, tensions are especially acute in the allocation of rule-making authority and standard-setting [6]. Moreover, as e-commerce negotiations are influenced by geopolitical factors, it has been consistently difficult to form a unified consensus at the multilateral level, resulting in the fragmentation of relevant consumer protection rules. The level of protection enjoyed by consumers under different trade arrangements varies significantly, and the tension between trade liberalization and consumer protection continues to intensify.

4.2. Prominent jurisdictional conflicts and obstacles to the application of law

The producers and sellers in cross-border e-commerce are predominantly located abroad, and the differences among national legal systems make dispute resolution increasingly complex [12]. Existing legislation has not yet created dedicated jurisdictional provisions for cross-border e-commerce consumer disputes that would treat the consumer's domicile as the locus of the tortious act, and standardized choice-of-court clauses in cross-border online purchase contracts impose improper restrictions on consumer jurisdiction [13]. The case of Gao v. Amazon Joyo Co., Ltd. (the operator of the Amazon China website) demonstrated that in B2C cross-border e-commerce transactions, where a platform uses standard terms to pre-emptively exclude jurisdiction by courts at the consumer's location and to compel exclusive jurisdiction by courts abroad, and this practice manifestly increases the consumer's rights-protection costs and substantively deprives them of local remedies, the People's Court may declare such clause invalid. This case highlighted the structural imbalance between consumers and platforms in cross-border e-commerce transactions with respect to information access, bargaining power, and procedural rules, and also revealed the institutional shortcomings of existing jurisdictional rules in responding to cross-border consumer disputes.

4.3. Governance gaps in cross-border personal data flows

Governance deficiencies surrounding the cross-border transfer of personal data have grown increasingly conspicuous. The GDPR adopted by the European Union, the sector-led self-regulatory approach prevailing in the United States, and the statutory regime established by China's Personal Information Protection Law differ fundamentally on the conditions for cross-border data transfer, supervisory mechanisms, and extraterritorial effect, and there is no internationally unified mutual recognition mechanism for them [9]. Trade liberalization requires the smooth flow of data, while consumer protection demands strict restrictions on data transfer; an inherent conflict exists between the two, leaving consumers in the predicament of having their personal information misused in cross-border transactions with little recourse to effective remedies.

In 2020, the CJEU handed down its landmark judgment in Schrems II (Case C-311/18), striking down the EU–U.S. Privacy Shield arrangement and holding that, whenever Standard Contractual Clauses serve as the transfer mechanism, a case-by-case evaluation must establish whether the recipient country's legal order affords a degree of protection that is "essentially equivalent" to that guaranteed within the EU [14]. This judgment profoundly revealed the real-world threat that governance gaps in cross-border data flows pose to consumer rights protection, further underscoring the urgency of constructing a multilateral coordination mechanism for data flows.

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5. Regulatory pathways for improving consumer rights protection in cross-border e-commerce

To resolve the above dilemmas, institutional development must be advanced in a coordinated manner at three levels—multilateral, regional, and domestic—with corresponding improvement pathways proposed for each of the three dilemmas to form a systematic governance synergy.

5.1. Multilateral level: promoting the inclusion of a consumer protection chapter in WTO e-commerce negotiations

To address the dilemma of inadequate and fragmented multilateral rule supply, emerging economies represented by China should take the initiative in putting forward consumer protection proposals. Within the plurilateral talks conducted through the Joint Statement Initiative on E-Commerce, China has already submitted working papers on topics such as electronic signatures and electronic authentication, online consumer protection, and personal information protection, advocating the establishment of a basic rules framework on the premise of respecting each member's regulatory autonomy [5]. Efforts should be made to push all members toward substantive negotiations around core entitlements including the right to be informed, the right to equitable treatment, and the right to personal data protection, seeking to establish consensus-based minimum protection standards in the relevant chapters of the e-commerce agreement, incorporating a dedicated consumer protection chapter into the agreement framework, and gradually bridging the fragmentation of multilateral rules.

5.2. Regional level: deepening cross-border consumer complaint coordination and enforcement cooperation mechanisms

To address jurisdictional conflicts and obstacles to the application of law, regional trade agreements must be leveraged to advance institutional improvements in two dimensions: jurisdiction and application of law. The FTC v. Balls of Kryptonite case has already demonstrated a feasible pathway for institutionalized cooperation in cross-border consumer protection; the cost of cross-border litigation for individual consumers is prohibitively high, and reliance on information sharing and coordinated enforcement among regulatory authorities is indispensable.

At the jurisdictional level, building upon regional agreements such as RCEP, efforts should be made to establish a unified regional platform for cross-border e-commerce consumer complaints, enabling the real-time exchange of grievance data and coordinated case referral among contracting parties, and formulating regionally unified rules for jurisdictional determination that treat the consumer's domicile as the preferred forum, thereby lowering procedural barriers to cross-border consumer protection.

At the level of application of law, a conflict-of-laws principle of "favorable to the consumer" should be established, giving priority to applying the legislation of the consumer's habitual residence and preventing business operators from circumventing compulsory consumer safeguards through choice-of-law clauses. Of particular importance is the full utilization of the institutional function that cross-border e-commerce platforms perform in resolving disputes. In cross-border consumer disputes, consumers typically rely first on the complaint, refund, and mediation mechanisms provided by platforms rather than directly resorting to cross-border litigation. An empirical study by scholars using Tmall Global as a case study demonstrated that platforms' built-in automated dispute submission and resolution systems can significantly reduce the cost of dispute handling and shorten the resolution cycle [10]. On this basis, efforts should be made to clarify platforms' dispute

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resolution obligations within regional agreements, improve mechanisms for complaint acceptance, online mediation and arbitration, and merchant constraint, and employ big data and artificial intelligence technologies to enhance the efficiency of dispute resolution, making platforms the "first line of defense" for consumer rights protection.

5.3. Domestic level: improving data protection legislation and its alignment with international rules

To address the governance gaps in cross-border personal data flows, the domestic legislative framework for data protection rules must be refined at an accelerated pace, and effective alignment with international data protection standards must be promoted.

China's Foreign Trade Law (2025 Revision) took effect in March 2026, providing the most recent higher-level legal basis for the regulation of cross-border e-commerce. On the data-protection front, the supplementary provisions governing cross-border data transfers under the Personal Information Protection Law should be refined at an accelerated pace, mutual recognition alignment with the GDPR adequacy determination mechanism and the APEC Cross-Border Privacy Rules (CBPR) framework should be advanced, and platform-level data protection duties and corresponding legal liabilities should be clarified [9]. At the level of specialized e-commerce legislation, there is an urgent need to use supporting regulations or judicial interpretations to refine the information disclosure obligations and product quality assurance responsibilities of cross-border e-commerce operators, and to further delineate the extraterritorial applicability of the Consumer Rights Protection Law. In addition, active engagement in shaping international data governance norms should be pursued, with efforts to facilitate the creation of a mutual recognition mechanism for cross-border data transfers.

6. Conclusion

This paper has systematically examined the institutional foundations in international economic law and the practical dilemmas surrounding the protection of consumer interests in cross-border e-commerce. International economic law provides basic institutional support for consumer protection through multilateral rules frameworks and regional cooperation platforms; however, dilemmas such as the fragmentation of multilateral rules, jurisdictional conflicts, and data governance gaps remain pronounced. Resolving these dilemmas requires coordinated advancement at multiple levels: at the multilateral level, promoting the inclusion of a dedicated consumer protection chapter in WTO e-commerce negotiations; at the regional level, deepening cooperative mechanisms and cross-border enforcement cooperation, fully harnessing the institutional capacity of cross-border e-commerce platforms in dispute settlement to position them as vital institutional nodes for consumer protection; and at the domestic level, accelerating the improvement of relevant laws, strengthening the data protection system and platform responsibility framework, and ensuring effective alignment with international rules. China should assume a leadership role in shaping international e-commerce norms and drive the sustained and sound growth of cross-border e-commerce.

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