

NEW APPROACHES OF CONSUMERS' PROTECTION IN TERMS OF
MANAGEMENT SYSTEMS' INTERNATIONAL STANDARDS EVOLUTIONCătălina Soriana Sitnikov^{1*} and Claudiu George Bocean²^{1) 2)} *University of Craiova, Romania***Abstract**

This paper grew out of the central issue addressed in *Trading Up: Consumer and Environmental Regulation in a Global Economy* by David Vogel, namely the impact of economic globalization on consumers' protection regulations. Reviewing the extensive matter of consumer protection, with a thorough analysis of European Union last issued data, the paper summarizes and analyzes the contributions of ISO quality management standards to consumers' protection based on a chain of logically connected concepts and activities. The approach was double-sided, intercrossing the qualitative and quantitative arguments joined with the analysis of the correlation between the efforts and effects in consumers' protection area. Due to a yet continue divergence regarding the regulatory processes, of a visible movement to the development and implementation of more stringent standards as well as a new means for implementing integrated quality management systems, the paper suggests and develops an implementation model of integrated quality management systems, based on Jorgensen 2006 model and improved through adding the new ISO 26000 standard.

Keywords: consumers' protection, quality, ISO standards, implementation models for ISO integrated systems

JEL classification: D18, L15

Introduction

The intellectual drive for this paper emerged from the issues addressed in *Trading Up: Consumer and Environmental Regulation in a Global Economy* written by David Vogel (1995). Vogel explicitly challenged the claim made by globalization critics, especially those from the environmental community that economic liberalization leads to a lowering of ISO standards implementation strictness. Vogel argues that, on the contrary, under certain conditions, global economic integration can actually lead to the strengthening of standards based on "California effect", which lately has been a model of organizational behaviour.

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The California effect is based on the existence of large, highly regulated markets in the world's richest countries. Firms seeking to export to these markets must meet the latter's strict consumption and environmental standards. Having been forced to adjust their exports to meet these standards, it is then in their interest to have their home state adopt analogous standards, since this enables them to accomplish better economies of scale by producing similar products. They will also be provided with benefits vis-à-vis domestic competitors who have not met the export standards of "stringent regulation" countries. To the extent that it is easier for domestic companies to conform to strict standards than it is for rival companies from less regulated areas, the previous will advocate stricter standards. Thus, trade liberalization can strengthen standards in two ways: it facilitates their "export" and it encourages firms to support stricter domestic standards than they or else might prefer. In short, standards can be a source of competitive advantage.

As apparent, the model assumes that nations with expanded markets prefer more severe regulations. While this may be correct in the case of environmental and consumption standards, since affluence and social regulation are powerfully correlated, it does not inevitably hold for other areas, such as finances and telecommunications. In the latter areas, wealthy countries may prefer less stringent standards - due in part to the political influence of domestic companies, which are then "exported." (Kahler 1998). Also, Vogel acknowledges that California effect does not even apply to all aspects of environmental standards. Its efficiency may be largely limited to products standardization, since they directly affect consumers' safety and environmental quality.

At the present time, the general movement of implementing internationally accepted and used standards does not entail that globalization tends to create optimal regulatory policies, for it simultaneously generates competitive pressures that lead to political opposition to tougher regulations. Everywhere, important business interests argue against regulatory severity actions. Virtually, no national government supports these actions well enough to make sure consistent monitoring and enforcement.

Nonetheless, it is worth reiterating that the overall trend of globalization is in the way of greater rather than less regulatory severity, focusing on a rising political demand for higher customers' protection against risks to human safety and health, environmental damage, and economic security.

From this perspective, the core of the model described in Vogel's work concerns mainly the ISO quality management standards which aim to consumers' safety and to the impact of products and services development and use on the environment. Since the impact of globalization is likely to vary by various areas, this paper extends the coverage of the model focusing on a broader range of issues, such as product, service, process, operation, environmental, security, safety as well as social responsibility ISO standard.

1. Consumers' protection – observing consumers' rights

Consumer protection involves a lot of specialized sets of activities, whose purpose is the protection and conservation of people's bio-psycho-social integrity, as users of the goods and services distributed or traded through the social offer of public networks or the national market. (Stanciu and others, 2005) The issue of consumer protection refers to aspects concerning the system of relations created within the market, generated by the consumer's

contact with the service or the product offered by producers, at which we can add the framework of "seller"-consumer relations, respectively the game offer-demand, liberalization of prices, advertising, sellers' behavior, quality of products etc.

Consumer protection extends beyond trying to ensure that goods and services are safe, covering a range of issues that touch the large specter of economic interests, as well as the health and safety. Policy makers consider it when developing legislation for a range of issues, from food safety to the liberalization of services of general interest, or from the introduction of the euro to advertising claims. More specifically, consumer confidence may be expected to increase because of consumer protection and consumer rights being upheld.

The most effective way to ensure consumer protection is individual and associative self protection. The free individual is capable to protect his or others' rights. He can play the role of a pressure factor over governmental bodies for a more efficient **direct protection** (issued regulations, control actions on the market, contraventions notice and sanctions' infliction, disposal of restriction rules for products and services that do not meet the legal requirements etc.) and **indirect protection** (enlightening, counseling and educating consumers, supporting consumers' associations). A round-way relation is built between the state and the free individual. Thereby, on one hand, the state develops the ability of individual self protection, and, on the other hand, the individual requests from the state laws, regulations, standards which provide the legal framework for developing this ability. International experience and good practices highlight consumers' education as the safest, most effective and least expensive way to protect them. (Sărbulescu , 2003)

Since consumers often face imbalances in economic terms, educational levels, bargaining power and should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection, United Nations developed the guidelines for consumer protection focused on:

- The protection of consumers from hazards to their health and safety;
- The promotion and protection of the economic interests of consumers;
- Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;
- Consumer education, including education on the environmental, social and economic impacts of consumer choice;
- Availability of effective consumer redress;
- Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them;
- The promotion of sustainable consumption patterns.

Based on data and results of research studies conducted at EU level (European Commission, *Consumer protection in the Internal Market*, 2008, Special Eurobarometer 298) the table below, focused on Romanian markets and economic areas, highlights the levels of non-observing the main consumers' rights (Table no. 1).

Table no. 1: Levels of non-observing consumers' rights in various economic areas

Domains	Rights	Protection against defective products	Access to information	Access to market	The right to compensation, by legal means
New motor vehicles		High	Low	Low	Average
Non-alcoholic beverages		Average	Average	Low	Low
Household electrical equipment		High	Low	Low	Average
Meat		High	High	Low	High
Entertainment and leisure goods		High	Average	Low	High
Clothing and footwear		Average	Low	Low	Low
ICT-equipment		Average	Low	Low	Low
Fruit and vegetables		High	Average	Low	High
Air transport		High	High	Average	High
Mobile telephony		Average	Low	Low	Average
Insurance services		High	High	Low	High
Retail banking		High	High	Low	High
Water distribution		High	High	High	High
Gas supply		High	High	High	High
Electricity supply		Average	High	High	Average
Postal services		High	High	Average	Average
Fixed telephony		Average	High	Average	High
Extra-urban transport		High	High	Low	High
Urban transport		High	High	High	High

Source: European Commission, Special Eurobarometer 298, 2008 and own observations

2. Consumers' protection in European Union countries

Promoting consumers' rights, prosperity and wellbeing are core values of EU, reflected in its laws.

A survey of consumer protection in the internal market conducted in early 2008 for the European Commission reveals that on average 16% of consumers in the EU-27 made a formal complaint (in writing, by telephone or in person) through the previous 12 month period. More than 20% of consumers in the north-western European countries (Germany, The Netherlands, Denmark, Finland and United Kingdom) made a complaint, compared with less than 8% in the Baltic Member States, Luxembourg, Romania, Portugal or Bulgaria (Figure no. 1). Those who had complained were asked to elaborate on how well they thought their complaint had been dealt with. At the EU-27 level, slightly more than half (51 %) of those complaining agreed that their complaint had been well handled.

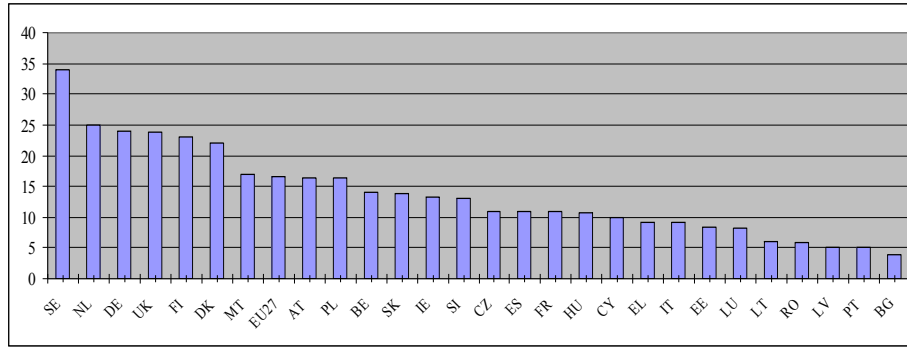


Figure no. 1: Consumers' complaints evolution in terms of deficiencies (%)

Source: European Commission, *Consumer protection in the Internal Market, 2008*, Special Eurobarometer 298

Therefore, it is surprising to find that 51% unsatisfied customers chose not to take any further action despite feeling that their complaint had been dealt with unsatisfactorily (Figure 2). Among those who chose to continue their action, the most popular decision was to seek advice from a consumer organization (14%), followed by consulting a solicitor (9%), bringing the matter to court (4%) or to arbitration/conciliation (3%).

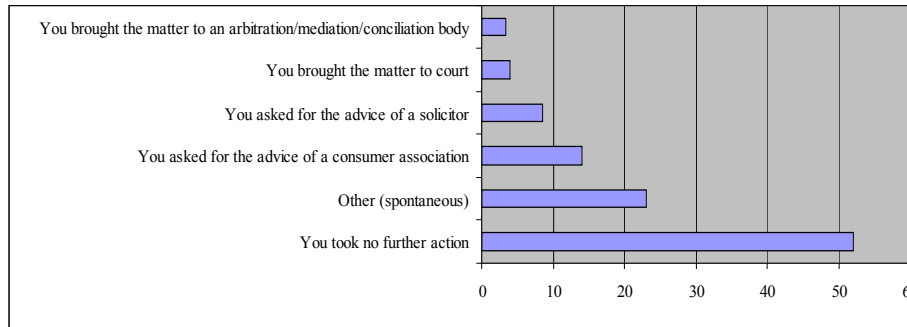


Figure no. 2: Consumer complaints: means of action 2008 (% of respondents)

Source: European Commission, *Consumer protection in the Internal Market, 2008*, Special Eurobarometer 298

A second 2008 Eurobarometer survey highlighted that a large number of consumers stated they were provided adequate consumer protection (51%), compared with a share of 46% from the twelve new member states. From the new member states, Cyprus and Malta only, reported an increased number of consumers who claimed they were protected by law, while at least two thirds of consumers in The Netherlands, Denmark, Finland, Sweden and United Kingdom agreed they were satisfactorily protected. As for disputes resolving, in early 2008, 39% of respondents in the EU-27 agreed it was easy to resolve disputes with sellers/providers from their own country through out-of-court settlements involving

arbitration, mediation or conciliation bodies, while less than 30 % agreed it was easy to resolve a dispute through the courts. (Table no. 2)

Table 2: Consumers' opinions on disputes resolve in home country 2008 (% of respondents)

	Defend their rights in court if joint	Solve through arbitration, mediation or conciliation	Solve disputes through court
EU-27	76	39	30
BE	86	51	41
BG	48	12	12
CZ	77	25	19
DK	87	47	46
DE	81	43	36
EE	68	33	20
EL	65	36	31
ES	83	43	47
FR	73	29	23
IE	85	46	30
IT	69	27	31
CY	82	50	22
LV	64	32	26
LT	56	23	17
LU	76	48	19
HU	50	34	18
MT	48	31	17
NL	91	57	40
AT	71	38	28
PL	75	35	22
PT	54	19	14
RO	46	29	22
SI	67	40	20
SK	61	17	14
FI	78	47	24
SE	88	45	31
UK	88	52	40

Source: European Commission, *Consumer protection in the Internal Market*, 2008, Special Eurobarometer 298

Analyzing the numbers, one can admit fulfillment of the three main objectives EU aims in consumer protection area: 1. Give more power to consumers: competition among producers will significantly increase, 2. Raise consumers' welfare in terms of prices, choices, quality, diversity, availability and security and 3. Protect, effectively, consumers which cannot be fulfilled acting as individual. Within EU a more integrated and efficient internal market is aimed. Consumers will equally benefit from high level products, producers, technologies and selling methods joined with high level of protection.

In Romania, consumer protection law in 1992 was first official document which legally stated consumers' rights. At present, consumer protection is National Authority for Consumer Protection responsibility. They aim to fulfill the main goals in the field:

- Connection and good coordination of state and consumers' organizations and representatives actions aiming consumers' protection;
- Development of individual and associative self protection abilities, for them to become ways and means of efficient protection;
- Increasing the efficiency of legal system governing consumers' protection through market research, providing information and counseling and strengthening decision making ability;
- Highlighting and implementing good practices.

For these goals to turn into practice, a set of actions is used, among them rules and regulatory decisions' observing by producers, manufacturers and sellers is often used.

To evaluate the rate of control actions' efficiency, we created the index of control efficiency combining the number of control actions initiated nationally, the total value of issued fines and a deflator index. Based on the monthly data provided by National Institute of Statistics, we determined this index for 2007, 2008 and the first months of 2009. To assure comparability, the sums representing fines were updated with monthly inflation rate.

$$EIC = \frac{AF \times DI}{NCE} \quad (1)$$

where:

EIC - index of control efficiency

AF - total value of fines

DI - deflator index

NCE - total number of control actions

This index points out an increased efficiency of control actions joined, at the same time, by an increased value of fines. (Table no. 3)

Table 3: Measuring the effectiveness of control actions

Year	Month	Total number of controls effected	Total value of applied fines - RON thou -	Deflator index	Total value of applied fines corrected - RON thou -	Efficiency index of the control
2007	1	10034	6846	1,002	7965,99	0,79
	2	22486	16917	1	19645,29	0,87
	3	35238	26132	1,001	30346,44	0,86
	4	45397	39422	1,005	45734,06	1,01
	5	56588	48645,6	1,006	56153,73	0,99

	6	66654	58217,7	1,001	66802,4	1,00
	7	76106	68012,7	1,003	77963,79	1,02
	8	85078	77378,6	1,009	88434,74	1,04
	9	92625	85050,2	1,011	96335,46	1,04
	10	103510	96741,6	1,01	108385,9	1,05
	11	113626	108096,6	1,009	119908,6	1,06
	12	122197	117085,0	1,006	128720,7	1,05
2008	1	9500	9635,6	1,0086	10529,99	1,11
	2	21118	21846,7	1,007	23670,97	1,12
	3	32363	34322,2	1,0067	36929,71	1,14
	4	32363	34322,2	1,0052	36683,92	1,13
	5	49500	53192,5	1,0049	56558,59	1,14
	6	59070	64529,1	1,0028	68278,03	1,16
	7	78581	88027,1	1,0069	92881,11	1,18
	8	86963	98518,0	0,9991	103238,2	1,19
	9	104713	120166,2	1,004	126037	1,20
	10	115810	133876,8	1,01	139858	1,21
	11	125186	144440,5	1,0032	149399,7	1,19
	12	132721	152293,0	1,0023	157019,3	1,18
2009	1	9494	8383,5	1,0124	8623,841	0,91
	2	19663	21103,8	1,0088	21442,92	1,09
	3	31303	36549,9	1,005	36813,27	1,18
	4	41524	49934,7	1,0027	50044,29	1,21
	5	52221	64638,4	1,0001	64605,83	1,24
	6	61107	80752,4	1,002	80703,64	1,32
	7	71035	102829,2	0,9993	102562	1,44
	8	79318	117448,8	0,9981	117225,6	1,48

Source: monthly statistics from National Institute of Statistics and own calculation

3. Consumers' protection through ISO standards awareness

The new information technologies may change the consumer protection in meaningful way. By giving consumers access to more information, choice, control, and convenience, they facilitate consumers' involvement in development and implementation of ISO standards.

Numerous debates stressed the fact that international standards can play a crucial role in improving consumer protection and product quality, but also in building consumer confidence in products or services and reducing barriers to trade.

As a tool for consumer protection, standards are often underestimated. This is the reason why consumers' organizations and representatives seek to raise awareness of the potential for standards to ensure the conformity of products and services with consumers' requests for safety, reliability and quality.

Active participation of all stakeholders in the process of standards-making is a prerequisite for the success of that process. In turn, it is an opportunity for stakeholders to benefit fully from the improved safety, fitness for purpose, environmental protection, and other aspects of products and services defined by standards. But, among the many stakeholders in the development of standards are representatives from industry, trade, government, professionals and consumers. While some stakeholders are already well represented in standards' work, other groups, such as consumers, have traditionally had fewer opportunities to participate. Moreover, the value of the partnership between consumers and standards, and their relationship to legislation, is not always recognized.

Due to this, during the last 20 years, consumers' representatives established COPOLCO and got involved in the continuously on-going development of important new standards. When consumers were properly involved in standards policy and development or in monitoring the application of standards by industry and governments, the results were much more likely to address the issues relevant for their main protection purpose and objectives - international standards must promote consumer product safety while respectively responding to globalization through:

- Development of standards that reflect realistic consumer use of products (this request needs to be relevant to differing climatic, cultural and economic situations).
- International standards for safety should be globally applicable. When general in nature they should/be able to cover the range of products in different domestic markets.
- Application in different economies with different levels of development in order to enable developing countries to take "stepping stones" to compliance and reduce unnecessary trade barriers.
- Recognizing that a standard is of little use if it is not applied effectively or if there is no system to check that it has been applied (i.e. recent product safety problems around the world, with some massive recalls of unsafe products).

The above-mentioned purpose and objectives are focused mainly on consumers that need assurance about who uses the standards and how, and that standards are properly developed and implemented to ensure an appropriate level of protection. For this need to be fulfilled, we considered that intercrossed actions should be devised:

- recognition of the central role of market surveillance and verification by an independent third party – stakeholders - mainly consumers,
- more, tougher action against unsafe products including fines that make large companies take this seriously and greater public disclosure about products that fail to meet safety standards,
- more scrutiny of national accreditation and certification bodies to ensure they are accountable, transparent and not biased towards industry,
- development of a process-based approach for an integrated management system (quality-environment-security-social responsibility) implementation,
- development of a national framework which must be the basis for implementation and observation of international standards requests.

The first 3 actions are compulsory focused on the one and only route to building consumer confidence in standards which is a more meaningful consumer participation. That means finding various ways that will prove efficient and enable consumers' organizations to meaningfully engage, both at international and national level. Therefore, is necessary to support the involvement of consumers' representatives as the key stakeholder.

Contemporary economic environment and status and the globalization with its growth in competition among industries faced and challenged them with new concepts, methods, and tools of management. Following in the ISO standards evolution steps, the change was "blending" customers' needs and expectations, product control, and ultimately product, process and system quality according to ISO 9001 requirements as well as continuous improvement, marketing, and company's involvement according to ISO 9004. Since mid '90s, businesses and industries turned towards environment protection and listened to stakeholders and society requests and concerns implementing ISO 14000-management system and following into its requirements. Organizational safety and security logically came in focus, turning companies towards OHSAS 18000 and its requirements.

Badreddine et al (2009) consider the major problem of these management systems residing in their separate mean and ways development and implementation turning their combination into an unobvious task. Generally, parallel management systems are used, leading to split and self-determining carrying out of each system suffering from several weaknesses, as they require duplicate management tasks, such as written procedures, checking, control forms, and other paper work according to the three standards documenting. Furthermore, the main gap, obviously mentioned, is the lack of a standard that brings upfront the problems, needs and requests of a company's stakeholders and, focused on social responsibility, guarantees the involvement of customers and other stakeholders in the process of standardization as well as standards implementation. Presently under refinement by ISO Working Group on Social Responsibility (WG SR) and COPOLCO, the ISO 26000 standard was the key turning our research approach.

Based on Jorgensen's three levels' integrated management system (Jorgensen et al., 2006), we envisioned a new integrated management system development and implementation that will unify the requirements of existent ISO 9001, 14001, OHSAS 18001 standards and under-going ISO 26000 standard concerning Social Responsibility. The management system, integrating Quality, Safety, Social Responsibility and Environment management systems, which will refer to as QSSRE management system used the vision of a process-based approach. The approach, following in the steps of other research, will implement an integrated management system founded on four aspects used as integrating factors namely, *process approach*, *risk management*, a *global monitoring system* and, will add, based on the new ISO 26000, **involvement and responsibility**. These factors satisfy the three integration levels defined by Jorgensen, namely, *correspondence*, *coordination*, *integration* as well as a new level ***involvement and participation*** springing from the ISO 26000.

- *Compatibility* requires the match between the four systems, eliminating duplication, confusion among standards, specifications and redundant activities, streamlining internal and external audits;

- *Coordination* ensures the alignment of policies and objectives within the processes and tasks of PDCA cycle (Plan-Do-Check-Act);

- *Integration* involves the intertwining of policies and objectives as well as the development of a single process which underpins continuous improvement of quality in accordance with consumer demands;
- *Participation* requires interaction with stakeholders (local community, customers, suppliers, employees, state and local government), understanding internal and external factors of influence and company social responsibility.

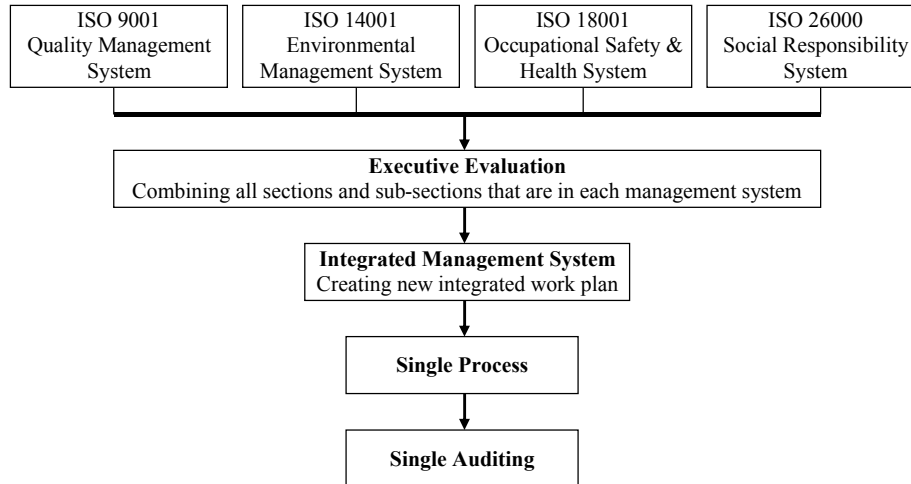


Figure no. 3: Integrated management system including Quality, Safety, Social Responsibility and Environment management systems

The four quality management systems are based on Deming's continuous quality improvement cycle Plan, Do, Check, Act (PDCA), their implementation without the achievement of an effective integration causing confusion, inconsistency, and incompatibility.

Planning phase (PLAN) allows understanding the current situation and defining for each process the requirements, tools, methods, responsibilities, and resources. This phase will involve the following steps: **1.** assess the current state of facts and identify improvement opportunities according to the four management systems ISO 9001, ISO 14001, OHSAS 18001 and ISO 26000; while assessing and identifying the establishment of stakeholders, their requirements, and expectations is a compulsory element **2.** develop the "prototype" of each process aiming to fulfill the objectives of each system, in an integrated-system vision and approach; all along this development we envisioned, based on FMEA and Ishikawa fishbone diagram, the identification of potential risks and their analysis in terms of potential consequences. Other ways seemed to us difficult and blurred, dissipating the focus and tasks; **3.** develop an overall plan to implement preventive and corrective actions which will eliminate all potential risks **4.** establish monitoring and control tools to ensure implementation of the new integrated system "prototype".

Implementation phase (DO) Implementation phase (DO) involves the implementation of the plans and "prototype" outlined above, aiming at achieving effective processes.

Verification phase (CHECK) involves the assessment of “standards” which were established in the first phase, step 2, in order to determine the level of objectives' fulfillment.

Acting phase (ACT) requires readjustment of plans in order to achieve the objectives.

The main advantage of our approach and, further, of the proposed model, is, on one hand, the connection between the components of the model and the eight fundamental principles of quality management and, on the other hand, the redrawing of PDCA cycle steps in terms of concentrating on the integrated vision through simplifying and reducing Plan phase number of steps.

Conclusions

Consumer participation in standardization process provides confidence in goods and services produced / provided according to standards and ensure standards' adaptation to market requirements. When a product complies with the requirements of quality standards, a win-win status is achieved for both consumer and manufacturer or service provider.

From manufacturers' point of view, standards establish the quality features of products and services (reliability, compatibility, consistency in delivery, information transparency, fair competition, adaptation for vulnerable consumers, environment protection) and the way they can be measured and controlled.

To ensure participation and consumer involvement in quality assurance process we have developed an integrated management system based on a process based model. The model proposes a new process based approach for implementing an integrated management system which will meet the requirements for quality (ISO 9001), environmental quality (ISO 14001), occupational safety and health (OHSAS 18001) and social responsibility (ISO 26000). The approach covers the entire cycle PDCA (Plan, Do, Check, Act) and ensures, from first time, a coherent path.

The proposed model brings together the two dimensions - quality and consumer protection - pursuing improvement of consumer protection as result of the implementation of an integrated management system within manufacturers and service providers. An integrated management system is a logical and systematic management approach allowing establishment of a policy taking into account all the factors contributing to consumers' protection.

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