



WAYS OF IMPLICATING MORE ACTIVELY FOR THE CONSUMERS' ASSOCIATIONS IN PROMOTING AND DEFENDING CONSUMERS' RIGHTS

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Abstract

It is well known that in the European Union the good functioning of the market is conditioned by the development of an **active consumers' policy** which can be facilitated by the consumers' associations that should have a permanent dialogue with the public authorities and the firms in order to identify the main problems in connection with whom there is a wide consensus. Also, the communitary strategy concerning the consumers' policy between 2002-2006 has established among its medium term objectives the one of **implicating more actively for the consumers' organizations** in promoting the policy of protecting consumers' rights and interests.

Taking this into consideration, among the major objectives of the consumers' protection policy and strategy in the Romanian society (accomplishing an effective protection of life, health and security, protecting the economic interests, information and education, facilitating the access in the justice and forming the specialists in the consumers' protection field) there is also the objective concerning the **supporting of the foundation and development of the consumers' associations and consulting them in the process of decision taking.**

A real approach of the problems concerning the consumers' associations is not possible without the involvement of the consumers' protection, in a more active way, in promoting and protecting the consumers' rights. Only in this way they can contribute substantially to the improvement of the Romanian economic climate and to the faster integration in the European Single Market.

Keywords

- Consumers' associations;
- Consumer protection;
- Active consumer policy.

Rezumat

La nivelul Uniunii Europene este recunoscut faptul că buna funcționare a Pieței Interne este condiționată de dezvoltarea unei **politici active a consumatorilor care poate fi facilitată de asociațiile consumatorilor** care trebuie să poarte un dialog permanent cu autoritățile publice și agenții economici pentru a identifica problemele prioritare în legătură cu care există un larg consens.

De asemenea, strategia comunitară privind politica consumatorului în perioada 2002-2006 au prevăzut printre obiectivele sale pe termen mediu și pe cel al **implicării mai active a organizațiilor de consumatori în promovarea politicii de protecție a drepturilor și intereselor consumatorilor.**

Printre obiectivele majore ale politicii și strategiei vizând protecția consumatorilor în societatea românească (realizarea unei protecții eficiente a vieții, sănătății și securității, protecția intereselor economice, informare și educare, formarea specialiștilor în domeniul protecției consumatorilor și înlesnirea accesului la justiție) **se regăsește și obiectivul referitor la sprijinirea înființării și dezvoltării asociațiilor de consumatori și consultarea acestora în procesul decizional.**

O abordare a problemelor ce privesc asociațiile consumatorilor nu este posibilă fără implicarea protecției consumatorilor într-o manieră mai activă în promovarea și protejarea drepturilor consumatorilor. Numai în acest fel acestea pot contribui substanțial la îmbunătățirea climatului economic din România și la integrarea rapidă în Piața Unică Europeană.

Cuvinte cheie

- Asociații ale consumatorilor;
- Protecția consumatorilor;
- Politică activă a consumatorilor.

1. Objectives

The good functioning of the market is conditioned by the development of an **active consumers' policy** that recognizes their place and important role.

The purpose of an active policy is not to protect the consumers as much as it is to give them the means to protect themselves. These means refer mainly to the following:

- The fundamental rights of the consumers;
- Their influence as electors on the sectorial policies of the governments, that have to evaluate clearly the short term advantages of the producers in comparison with the long term advantages of the consumers and of the market;
- The freedom to choose or to refuse a product, which has to offer to the consumers a real power over the producers.

Considering the active role that the consumers' protection associations must have in the process of accomplishing an efficient protection of the consumers, as part of the development strategy of the Romanian civil society, a series of objectives have been established:

a) in the legislative field

- elaborating new laws concerning the organization and functioning of the non-governmental organizations;
- elaborating the normative acts necessary for the settlement of the rapports between the non-governmental organizations and the institutions of the state or local authority, depending on the specific character of the activity fields and objectives of these organizations;
- elaborating the necessary settlements for financing some initiatives of the consumers' associations.

b) in the institutional field

- achieving the legal mandate given to the Office for Consumers' Protection concerning the support for the founding, development and participation of the consumers' protection associations to the decisional process;

- improving the procedures of taking-over and solving of the complaints and notifications by the bodies of the public administration in the field of consumers' protection.

c) in the operational field

- supporting the structuring of the consumers' protection associations from the bottom to the top by encouraging the founding of local associations, local federations and confederations at a national level;

- elaborating a guide for the founding and development of the consumers' protection associations;

- supporting through legal consultancy and documentation;

- granting subventions to the representative consumers' associations that sustain a program for effective actions in favor of protecting the rights and interests of the consumers;

- achieving the dialogue in the consumers' protection field in the Consulting Councils for Consumers' Protection at a local and central level.

A great part of these objectives, especially in the legislative field, have been accomplished in the 15 years of transition, however the Report concerning the progress achieved by Romania in its way to integration, published by the European Union Commission, underlines the fact that the most important measure to be taken is: **“improving the representation of the consumers' organizations and the necessity of their involvement in a more active way in promoting the rights and interests of the consumers”**.

2. Present situation

A series of data gathered by the National Authority for Consumers' Protection (ANPC) considering 2004, emphasize an insufficient structuring of the consumers, both horizontally and vertically, and also a low level of combativeness of the consumers' associations regarding the protection and promotion of the consumers' rights and interests.

Analyzing the present situation of the consumers' associations, in an administrative and financial way but also from the point of view of the activity developed by them, the following aspects are emphasized:

- the existence of 130 associations, 16 federations and one confederation, that develop their activity in very difficult conditions, starting with location staff problems and ending with the representation ones, for example almost half of them didn't have their own offices and the material equipment necessary to develop their activity: telephone, fax, computer, xerox, etc;

- due to their reduced number, there is a big part of Romania that is not covered and in the rural environment where there is an acute necessity for consumers' protection, the absence of the associations is almost complete;

- most associations have a low number of members due to the decrease of the charitable and voluntary behavior of the Romanian citizen, caused in great part by the economic situation our country is going through;

- very low amounts allocated for the consumers' associations from the state budget, through the National Authority for the Consumers' Protection, an average of 3-4 million lei for one association per year;

- very low number of young persons or persons with high education

regarding both the members of the associations and their election in the boards of the associations;

- low number of actions developed with the purpose of protecting and promoting the consumers' rights and interests, only 51 associations developed actions of information and education, notifications and complaints, counseling and collaborating with the bodies of the public administration or with other non-governmental organizations. A study of APC Romania emphasized that the number of actions of an association in one year was: 2 regarding information and education through the media, 24 actions of counseling, 56 notifications and complaints, 3 actions of collaboration with other non-governmental organizations and 0,5 symposiums and conferences;

- the lack of a relational system of cooperation and collaboration between the consumers' associations;

- the lack of relevant and updated studies in the consumers' protection field, in order to support the activity developed by the consumers' associations;

- the ignorance of the facilities given by the valid legislation by some associations – regarding their rights to be supported, consulted and represented at a central and local level – corresponding to the rare or absent applying of those by the state institutions, that know very well this field.

3. Measures and directions for action

Considering all the things mentioned above and the fact that the strategic objective of the Romanian Government is the creation of an European type institutional system capable to insure consumers' protection, it is necessary to adopt measures and specify directions for action in order to implicate more actively the associations in

promoting and protecting consumers' rights:

a) Supporting the process of structuring the consumers both horizontally and vertically (promoted through a Government Decision) so that they form associations in all the towns of the country, respectively federations at the level of all counties and the National Council of the Consumers' Associations, their legal representative at the central level. In this way, the consumers will be present, **in one voice** at the social dialogue between the government, employers and trade-unions, because they are the beneficiaries of the negotiation efforts, and they are those that give a final verdict on any production activity.

b) A better financing of the consumers' associations from the state budget in order to insure the necessary conditions for an efficient activity taking into account that they can not accept sponsoring from firms due to an obvious conflict of interests. This is required especially because the consumers' contribution to the state budget's incomes is very big due to the indirect taxes supported by the consumers: Value-Added Tax (TVA), excises, and customs taxes. In addition to the state budget financing, a very important possibility for self-financing which can be used by the consumers' associations, is the non refundable financial assistance from the European Union, as a result of signing the Agreement Memorandum by Romania, regarding the financing of actions in support of the policy for consumers' protection for 2004-2007.

c) The inclusion and more active participation of the consumer associations' representatives in the institutional structures such as: the International Committee for Supervising the Products, Services and Consumers' Protection Market; Consultative Council for Consumers' Protection; the Commission

for Abusive Clauses; the Commission for Products' Security; the Romanian Standardization Organization (ASRO); the Accreditation Association from Romania (RENAR) etc.

d) The establishment of the National Consumption Institute as a non-governmental and public utility organization which can develop activities of information, counseling and education of the consumers and of logistic support of the consumers' associations.

e) The training of the specialists of the non-governmental structures in the field of consumers' protection, through programs organized by ANPC and the county Offices for Consumers' Protection. Reconsidering by the authorities of the role that the consumers' associations have in the system for supervising the products and services market and improving the dialogue between the state institutions and consumers' organizations especially concerning the elaboration of the normative acts and national strategy in the consumers' protection field.

From an operational point of view, consumers' associations have to structure their activity in 3 main directions:

a. **for the consumers** through actions that refer to:

- correct and accurate information on the essential characteristics of the products and services offered by the firms;
- educating consumers as a permanent and long action;
- a program of information and education of the youngsters in school;
- elaborating studies and comparison tests.

These directions of action of the consumers' protection associations must be accomplished through all the possible means of information, documentation, communicating and transmitting:

- newspapers, magazines, publications, especially through specific

publications and brochures adapted to communication with the consumers;

- radio, television, video or audio cassettes and specific films adapted to this purpose;

- direct telephone links, fax, e-mail;

- posters, leaflets, advertising and attention notices;

- consulting, public relations, seminars, symposiums, round-table discussions, public debates etc;

- assisting and supporting consumers in the purchasing of the products or hiring services;

- elaborating their own website where they present the association's preoccupations regarding the protection and promotion of their rights and interests and an e-mail address for collecting notifications and complaints from the consumers.

b. for the firms through actions that refer to:

- supervising the process of marketing products and services;

- actions for stopping deliveries or taking back off the market products that can endanger life, health and security of the consumers;

- concluding a collaboration protocol with the Chamber of Commerce, Industry and Agriculture for conferences, round-table discussions or symposiums with topics on legislation in the consumers' protection field;

- the conclusion of some collective agreements negotiated with the producers' and distributors' associations, concerning

contractual clauses, commercial practices or inadmissible sales methods.

c. for the government or other public authorities through actions that refer to:

- establishing norms and specific settlements or improving the existent ones;

- attracting the representatives of the consumers' protection associations in conditions of social partnership with the bodies of the local public administration;

- including the representatives of the consumers' protection associations in the institutional structures in the consumers' protection field.

4. Conclusions

The consumers' protection doesn't only mean control actions finalized with fines, authorization withdrawals and closing of firms, but also education, information, counseling, protection and promotion of the consumers' rights and interests. As a result, the purpose of a consumers' protection policy has to be both the protection of the consumers but also offering them the means to protect themselves. In this way, the consumers' protection associations have a very difficult task, on the one hand transforming the passive consumer into an active one, and on the other hand making up a dialogue with the firms and public authorities in order to correct the flaws in the functioning of the market which affect the consumers' rights and interests.

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