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### SOME SIGNIFICANT MOMENTS AND SPECIFIC NATIONAL APPROACHES TO CONSUMER PROTECTION AROUND THE WORLD

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***Abstract:** The paper aims to identify from the literature and reliable sources on the web and to present in a synthetic manner some aspects and time moments of consumer protection concerns, respectively their specific approaches in different countries of the world. As background, the definitions and content for few basic concepts of customer protection and their variations are summarised. After the brief presentation of some very early historical milestones, the paper focuses on the modern industrial era reviewing few landmarks concerning the recent history and present status of the national or transnational institutional approaches.*

***Keywords:** Consumer protection, Consumer rights, Product safety, Consumer protection history, Consumer protection law. Consumer protection authority, Consumer protection organisation*

#### 1. INTRODUCTION

Both the evolution and the syncope of human civilization have been linked to the economic factor, particularly to the trade of goods and services. In this dimension, retail usually brings in contact the manufacturer or supplier with individual customers in a relationship with multiple valences (economic, financial, legal, etc.) that are somewhat sensitive to conflict. There is some imbalance between the sides of this relationship, the first having the rule of economic power that allows them to defend their interests, either in legal ways or direct influencing on society, while individual buyers are more vulnerable in this commercial relationship. The existence of this vulnerability has imposed the need and concern of the society to provide legal protection to customers / consumers, whose existence and appetite for

buying are in fact the "engine" of the consumer economy. The United Nations Conference on Trade and Development Manual [1] discusses the whole range of rights and obligations that consumers have at the United Nations level. In the European Union, consumer agenda is part of the EU2020 strategy, with adequate policies being developed [2] and regulations responding to specific challenges (e.g. recent GDPR entry into force). The adoption of these regulations was neither simple nor unanimously welcomed. The "Consumer Protection Act 2009", in South Africa has caused mixed reactions from companies, especially from retailers [3].

This paper aims to identify from the literature and relevant sources on the Web some moments and specific approaches to consumer protection in different countries of the world.

2. BACKGROUND	CONCEPT DESCRIPTION
<b>Consumers</b>	<p><b>Consumers</b> are the key elements of the today’s economic system, their needs and demands generating the fundamental reason for the production and the main engine for its evolution and growth. “Two-thirds of all spending in the economy is by consumers.” [4]. For the “consumer” concept, the definition and content is different from semantic, legal, social or economic perspectives. Semantically, a consumers could be defined as “a person or organization that uses a commodity or service” [5], or more specifically [6] "one that consumers, especially one who purchases goods or services for direct use or ownership, rather than for resale or use in production".</p> <p>In EU, both the consumer <i>acquis</i> and most EU members’ national legislation considers consumer as a “natural person, who is acting for purposes outside of the sphere of his commercial or professional activity” [7]. Some EU member states include legal persons as 'consumer', if they acquire goods or services for private use (e.g. Austria, Czech Republic) or act as final users (e.g. Greece, Spain) [8].</p>
<b>Consumer protection</b>	<p><b>Consumer protection</b> is referring to the mix of interventions initiated and undertaken by governmental institutions, non-governmental bodies or individual activists aimed to defend consumers’ rights, to prevent fraud and assure fair trade practices (including in advertising).</p>
<b>Consumer rights</b>	<p><b>Consumer rights</b> as term is introduced by the well known "Consumer Bill of Rights" (promoted by president Kennedy in 1962) that refers [9] to four basic types of rights: to be safe, to choose freely, to be heard and to be informed. In 1985 UN adds 4 new rights: to basic needs, to redress, to consumer education, to a healthy environment.</p>
<b>The regulatory and guidance interventions</b>	<p>There could be identified different types as: comprehensive laws (e.g. Consumer protection Act, UK 1987, India 1986), sectoral specific regulations (e.g. Food and Drug Act, Canada 1920, 1985), directives (e.g. Consumer Rights Directive, EU 2011), guiding documents (Guidelines on Consumer Protection, UN 2015, Manual on Consumer protection UNCTAD 2017, The Strategic Action Plan for consumer protection, ASEAN 2016-2025).</p>
<b>Specific topics</b>	<p>Product safety, liability, conformity, rejection, replacement &amp; refund, warranty &amp; service, testing, licensing, labelling, packaging, fair contracts pricing and payment conditions, consumer information and education, dispute resolution and redress</p>
<b>Organizations and bodies operating in the field</b>	<p>There are also of great diversity, assuming specific missions and interventions. Those who have legislative or decision-making competences are typically of governmental nature (authorities). A comprehensive image of these authorities could be found on the site of [10]. In addition, a lot of private or mixed associative structures are present on the field, some representing only the customer interests, others involving representatives from both consumers, state, producers and traders.</p> <p>World wide structures are mainly associative, providing guidance and networking services but having not legislative or decisional powers</p>
3.EARLY HISTORY	CONCEPT DESCRIPTION
<b>Hammurabi's Laws (aprox.1700BC), [11],</b>	<p>These rules in items 229-233, regulate the house builder responsibility. It states penal sanctions (death if his bad work causes death of the owner or his family) or civil ones (if the house crash, he must rebuild it on its own expenses, if he damaged the property he has to recompense for that). Items 234-235 refer to the boat builder responsibility; it establishes a period of one year during which if the boat shows a defect, he shall repair it at his own expense. Item 274 establish fair Tradesmen's Rates and 275-277 fair-prices for hiring a boat.</p>
	<p><b>The Bible</b>, [11] “If you build a new house, make a railing around your roof, so that you don't bring bloodguilt on your house if someone falls from it”. <b>Consumer protection in Ancient Rome</b> [12] bring into attention two <b>ancient Roman legal acts</b> dealing with the first prohibition of abuse of dominant position and with the consequences of such prohibition on the protection of buyers of groceries. <b>Historical Evolution of Consumer Protection in India</b> [13] brings to light consumer protection concerns in ancient India.</p>

<b>RECENT HYSTORY</b>	The globalised character of the world economy involves a globalised nature of the consumption [14], the needs, concerns and solutions on customer protection being very similar and sometimes common in different parts of the world.
<b>3.1 World wide</b>	
<b>Organisation for Economic Cooperation and Development (OECD)</b>	It is an intergovernmental economic organisation with 37 member countries, founded in 1961. Through its <b>Committee on Consumer Policy</b> it encourages information sharing and provides general guidance [15], or for policies e.g. “Consumer Policies Toolkit” [16] and sectoral policies and practices e.g. “Recommendation of the Council on Consumer Protection in E-Commerce” [17].
<b>UNCTAD</b>	UN Guidelines for Consumer Protection [18], adopted by The UN General Assembly in April 1985. Extended in 1999 and amended in Dec. 2015, the last version integrates new very actual and important issues as: public utilities, data protection and privacy, e-commerce, financial services, tourism, energy [19].
<b>International Consumer Protection and Enforcement Network (ICPEN)</b>	Established in 1992, assembling national consumer protection authorities (presently from over 60 countries) facilitates professional cooperation and information sharing between its members and it engages.
<b>Consumers International</b>	Is a non-profit, non-government organisation. Founded in 1960 (as the International Organisation of Consumers Unions IOCU) it has over 250 member organisations in 120 countries [20].
<b>Global Privacy Enforcement Network (GPEN)</b>	Is an international organisation assembling privacy regulators, formed in 2010 based of the OECD recommendation [21].
<b>ASEAN Coordinating Committee on Consumer Protection (ACCCP)</b>	Is a regional organisation established in 2007 composed by representatives of consumer protection agencies from ASEAN countries [22].
<b>3.2 America</b>	[23] identifies for USA four waves in the consumer protection concerns at the mentioned cross of stakeholders’ influence. This approach is confirmed also by [24]. The first period, the “Progressive Era” of the early twentieth century, in which laws and authorities have focused mainly on important issues such as: - <i>protecting the market competition</i> ; The Federal Trade Commission FTC was established by the FTC Act in 2014 having as principal goals [25] - <i>product safety</i> ; The Pure Food and Drug Act and The Meat Inspection Act were both adopted in 1906. The responsibility for examining food and drugs was given to USDA Bureau of Chemistry, become later (1930) the well-known US Food and Drug Administration FDA. In the second period, during 1930s, the “New Deal Era”, It started to be recognized the consumers need for government assistance, the revised legislation focusing (e.g.food&drug) directly on potential consumer harms and authorities receiving more powers for intervention [23]. The third period, in the 1960s and 1970s, despite a certain back in power of the big companies’ dominant influence in some fields [23], happens to be an era of greatest activism and achievement for consumers [24]. In 1962, the mentioned earlier “Consumer Bil of Rights” documenting the speech of president Kenedy to the US Congress [4] on March 15 (become later the World Consumer Rights Day) A significant step in federal consumer protection concerns came with the “Dodd–Frank Wall Street Reform and Consumer Protection Act” adopted in 2010 as reaction of the 2007-2008 worldwide financial crisis [25].
<b>USA</b>	
<b>Canada</b>	Current modern consumer protection legislation was first enacted in the 1960s and 1970s as a response to imbalances in the marketplace at that time [26]. First province that adopted such legislation was Quebec in which the Consumer Protection Act was approved in 1971 and amended in 1978 [27]. Current Canadian federal legislation is comprehensive covering the usual areas of the consumer protection, see [28]. In this regard, we mention just some of the most important [29].

<b>Latin America</b>	<p>The Latin American Parliament (founded in 1964) had a permanent commission in charge with this issue and the Technical Committee TC 7 of Merconsur, (the Common Market of the South established in 1991), is incharged in 1995 with establishing proposals for legislative harmonization in the bloc aiming to improve and develop consumer protection [19].</p> <p>The Code [19] is in trend to integrate the novelties from the new UN Guidelines [18]. In other countries of the region in same period were adopted also laws for consumer protection: in <b>Argentina</b> in 1993, amended several times, last in 2016 [30], in <b>Paraguay</b> in 1998 and in <b>Uruguay</b> in 2000 [31]. In <b>Mexic</b>, “Federal Law on Consumer's Protection”, enacted in 1976 (amended in 2004 and last in Jan 2018) establish as national authority in the field the Federal Consumer Attorney’s Office (PROFECO) and define 25 types of rights for consumers, including one connected to internet operations [32].</p>
<b>3.3 Europe</b>	
<b>European Union</b>	<p>The Treaty of Rome (1957) starting-up the European Economic Community [33] contains few references conected to consumers protection. The title XI of the Treaty on European Union, signed in Maastricht on 7 February 1992 introduce explicitly consumer protection as subject of the document [34].</p> <p>From the legislative perspective in the consumer protection field, being a non-exclusive EU competence, it coexists under the principle of subsidiarity both EU and national regulations. For the EU part, more than 90 EU Directives address consumer protection issues [35]</p> <p>As authorities, presently the Directorate-General Justice and Consumers [36] is responsible for EU policy on consumer rights at the European Commission level.</p> <p>In attending objectives, EC cooperates with: the European Consumer Consultative Group ECCG [37], Consumer expert groups [38] such as the Commitee for product safety, the Consumer safety network, or the Financial Services User Group, with National consumer bodies [39] and with European and international consumer organisations [40].</p> <p>The Consumer Protection Cooperation (CPC) Regulation sets the powers which each authority must have to ensure cooperation [41]. Another EU wide system with 30 national contact point is dedicated to the Online Dispute Resolution [42].</p>
<b>Germany</b>	<p>The Federal Ministry of Justice and Consumer Protection through its Directorate-General V [43] has overall responsibility for the implementation of both EU and Federal policy and legislation on consumer protection.</p> <p>Germany have implemented the consumer protection directives of the European Union in German laws [44], much of these being incorporated into the German Civil Code (BGB) which makes more than 300 references to the term “consumer” [45].</p>
<b>France</b>	<p>The Consumer Code groups together the French consumer legislation; the legislative part was completed in 1993 and the regulatory part in 1995 and it has been fully recodified in 2016. It contains presently [46] 8 “books”.</p> <p>France’s Law Number 2014/344 on consumer rights includes increased regulations affecting transactions with consumers in the following categories: E-Commerce, Quality and Traceability, Responsible Consumption, Litigation, Automobile-Related Issues, Consumer Financing, Banking and Insurance, Consumer Health and Telemarketing [47].</p>
<b>Other EU countries</b>	<p>In national legislations, there is usually a basic law known as Consumer (or Consuming) Act, Code, or Law, that was enacted in the last 30 years and revised several times including very recently (E.g. Italy: Consumer Code adopted in 2005 last amended in 2014, Austria: the Consumer Protection Law enacted in 1979 last modified in 2017, Spain: Consumer Protection Act adopted in 1984, amended in 2014, Romania: Consuming Code enacted on 2004, republished in 2008 last amended in 2014 etc.).</p> <p>National authorities are placed at ministerial level (e.g. Austrian Federal Ministry of Labor, Social Affairs, Health and Consumer Protection), as national agencies (E.g. Spanish Agency for Consumer Affairs, Food Safety and Nutrition AECOSAN, Swedish Consumer Agency), as national councils (e.g. Norwegian Consumer Council) or national authority (Romanian National Authority for Consumer Protection, Italian Competition Authority, Finnish Competition and Consumer Authority FCCA). In some EU countries consumer ombudsman systems are also functioning.</p>

<p><b>3.3 Australia</b></p>	<p>Australia have reached to have 13 Acts dealing with this issue when the new Competition and Consumer Act was adopted in 2010. The Law, in force from 2011, in its part addressing customer protection, deals with: General protection against unfair practices (including misleading or deceptive conduct and unfair contracts), Conditions and warranties in consumer transactions, Product safety and information, Product liability, Offences, Enforcement and Remedies [48]. Presently, the Australian Competition and Consumer Commission ACCC [49], an independent Commonwealth authority.</p>
<p><b>3.4 Asia</b></p>	<p>Consumer protection concerns in a country or region take shape depending of both its economic level and the measure of which the free market and citizens rights are encouraged there. These explains why this issue have been going at different speeds, with different degrees of rigour, using a variety of mechanisms [50].</p>
<p><b>Japan</b></p>	<p>In 1968 has been elaborated the Consumer Protection Fundamental Act that specified as consumer rights [51]. From 2009, through its specialised committee undertake Alternative Dispute Resolution ADR procedures as arbitration, mediation and conciliation [52].</p>
<p><b>China</b></p>	<p>The “Law of the People's Republic of China on Protection of the Rights and Interests of the Consumers” was adopted in 1993. Besides this basic act, there are also other laws related to consumer protection, [53] mentioning as number over 160. The China’s new consumer protection law was adopted in 2013 and entered into force in 2014 mostly due to concerns related to fraud and e-commerce vulnerabilities [54]. The main improvements were maid in the areas [55]: Regulating the e-commerce industry; Strengthening the joint liabilities of false advertisement publishers and e-trade platforms; Placing the burden of proof on service providers in the event of a dispute; Imposing higher compensation; Banning unauthorized disclosures of consumers’ personal information; Clarifying the role of consumer associations; and establishing a credit file to record illegal acts.</p>
<p><b>India</b></p>	<p>India is a huge market and a developing economy where all aspects of consumerism could be identified. In dec. 2017 a new version of Indian Consumer Protection Act was launched in discussion, the Consumer Protection Bill, 2018 [78]. There are more as 500 consumer associations, which are working in the field of consumer protection [56].</p>
<p><b>Other countries</b></p>	<p>According to [57]., there are many other countries in Asia working towards a more developed framework of laws and institutions for consumer protection: Thailand has a Consumer Protection Act since 1979, Singapore started with safety provisions back in 1975, Hong Kong has a Consumer Council Ordinance since 1977, South Korea has a Consumer Protection Act adopted in 1980, Malaysia has one adopted in 1999, while Taiwan has a Consumer Protection Law approved in 1994 (all these documents are continuously being amended and improved to keep up with an evolving society).</p>
<p><b>4. CURRENT STATUS</b></p>	<p>UNCTAD considered it appropriate to publish a Consumer Manual, namely the 2017 edition, which is in fact the first comprehensive international reference in this domain. UNCTAD is contributing to the dissemination of good practices and increasing capacities to enhance the protection of their consumers. [58] On March 15, International Consumer Rights Day is celebrated with the aim of promoting consumer protection and increasing global awareness of consumer rights. [59] Following the Covid 19 pandemic, the explosion of online commerce is evident, so the "Global guidelines for online product safety" guide of UNCTAD is extremely welcome, it also deals with elements related to "Consumer information and Education".[60] The existence of the intergovernmental group of experts in legislation and policies on consumer protection, a working group specially established for the safety of consumer products within the framework of UNCTAD called WGCPs, shows that the objective of this body is to promote policies aimed at responding to the challenges and dynamic changes in this field. [61] As far as the EU is concerned, the Digital Markets Act -DMA can be a solution to the continuous challenges generated by online commerce. The DMA fits into this direction as it provides the European Commission with broad investigative and enforcement powers towards gatekeepers. [62]</p>

## 5. CONCLUSIONS

The present paper attempt to approach consumers protection on several dimensions. On the conceptual one, it was sketched a framework around the concept of "consumer", listing its rights, main ways of their protection, the areas and situations where this protection is required, as well as the regulations, authorities and organizations operating at various levels in this field.

On this dimension, the intention was to keep a broad perspective about the discussed topics, avoiding entering in professional details of the field, dealing with the detailed content of each legislative or institutional document or demarche.

From the historical perspective, the paper tries to build a bridge on the topic in question between antiquity and the modern age of the last century, largely dominated by consumerism

The intention was to project a brief but realistic picture of the evolution of consumer concerns and their present status in the world, so as these result from the existing literature and information on the world wide web.

Beyond a historical-geographical picture on concerns, institutions and regulations about consumer protection around the world, the

extensive bibliographic research behind it led the authors to understand some valences of the context, that even unproven scientifically, could be of certain value as perspectives of thinking:

- It lagely aknowledged a strong link between the economic level of a region/country and the maturity level at which consumer rights are dealt with institutionally.

- In a certain moment and place, the institutional approaches to consumer protection are resulting from the balance of the stakeholders' interests (consumers and their organizations, dominant companies and their representatives, political and media environments).

- In countries with liberal democrat regimes and free market economy, the consumers' voice and interests are better represented in the institutional response.

- International concerns for consumer protection (e.g. UN Guidelines), even not having an authoritative impact as laws, are important for delivering models and directions for action in this matter.

- The rapid advance of virtual environment technologies brings new challenges to consumer protection, many of which do not yet have mature answers (e.g. privacy on internet and personal data protection).

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## MOMENTE SEMNIFICATIVE ȘI ABORDĂRI NAȚIONALE SPECIFICE CU PRIVIRE LA PROTECȚIA CONSUMATORILOR LA NIVEL INTERNAȚIONAL

**Rezumat:** *Lucrarea își propune să identifice din literatura de specialitate și sursele de încredere de pe web și să prezinte într-o manieră sintetică unele aspecte și momente de preocupare privind protecția consumatorilor, respectiv abordările specifice ale acestora în diferite țări ale lumii. Ca context, sunt rezumate definițiile și conținutul câtorva concepte de bază privind protecția consumatorilor și variațiile acestora. După scurta prezentare a unor repere istorice foarte timpurii, lucrarea se concentrează asupra erei industriale moderne, trecând în revistă câteva repere privind istoria recentă și statutul actual al abordărilor instituționale naționale sau transnaționale.*

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