

ANALYSIS OF THE CJPC BIHOR ACTIVITY REGARDING THE RESOLUTION OF COMPLAINTS IN THE FOOD SECTOR DURING THE PERIOD 2020-2022

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RESEARCH ARTICLE

Abstract

The globalization of food production is a fact that is evident today. In this way, a lot of products come to Romania and Bihor county from all over the world. Products originating from the European Union are under the strict regulation of European laws and are therefore assumed to be safe for consumers. Products that come from uncertain sources are not 100% compliant with our regulation and thus must be monitored very strictly.

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Food production has increased over the past decade to meet the greater demands of world population growth and the use of agri-food products for energy purposes. Due to globalization, the increase in production of emerging economies and the variation of domestic production, agro-food products are supplied in Romania and Bihor County from all over the world. From the European Union, where there are strict regulations on the production of agri-food products, imports are quite safe for consumers, but there are quality issues with non-EU imports. Products that come from uncertain sources are not 100% compliant with our regulation and in this way must be monitored very strictly and corrective measures must be taken. This study presents the analysis of the activity of the National Authority for Consumer Protection in Bihor County regarding the resolution of complaints in the food sector during the period 2020-2022.

INTRODUCTION

The contraventions provided in the legislation for the field of consumer protection are sanctioned with a contraventional fine and a warning, if they were not committed in such conditions that, according to the criminal law, they are considered crimes. The sanction is applied within the limits provided by the normative act and must be proportional to the degree of social danger of the committed deed,

taking into account the circumstances in which the deed was committed, the manner and means of committing it, the intended purpose, the result produced, as well as the personal circumstances of the law-violator (taking into account the previous violations for which he was sanctioned) and the other data entered in the report (Brownlie & Goodwin-Gill, 2006; Farmer, 2003; Mason & Laurie, 2006).

In cases where the detected deed is of low gravity, i.e. the social danger of the committed deed is minor, it is recommended to apply the sanction with a warning, that is a verbal or written warning, preceded by professional advice on the legislation applicable to the control, including the consequences of non-compliance, as well as the establishment of measures for the elimination of non-conformities and, at the same time, warning the professional about the commissioners' obligation to verify the fulfillment of the established measures (McClean, 2006; Farmer, 2003; Mason & Laurie, 2006; Reichert, 2003).

The warning can also be applied if the normative act establishing and sanctioning the contravention does not provide for this sanction.

MATERIAL AND METHOD

The application of contraventional sanctions is done through the written report.

The control team will determine the contraventional sanctions, taking into account, mainly:

- the obligations and responsibilities of the person who committed the offense - manufacturer, importer, distributor, seller, service provider - according to the legal provisions;
- the potential danger of the product/service assessed in accordance with the minimum security requirements provided for in the normative acts;
- the category of consumers exposed to risk by using the product/service;
- the circumstances in which the deed was committed - the following will be taken into account: the existence of guilt, of social danger, the offence being under the law;
- repeated infringements of one or more consumer protection legal provisions;
- consumer detriment;
- resuming the activity without fulfilling the measures set out in the report.

The penalty of the fine is time-barred 6 months after the offence has been committed. In the case of continuous infringements, the six-month period shall run from the date on which the offence is detected. The infringement is continuous if the breach of the legal obligation lasts over time.

Below are presented the documents and regulations that form the basis of state control in the field of food products: Government Decision no. 700/2012 regarding the organization and operation of the National Authority for Consumer Protection, with subsequent amendments and additions, Law no. 245/2004 (r1) on general product safety, Government Ordinance no. 21/1992 (r2) on consumer protection, with subsequent amendments and additions, Law no. 608/2001 (r2) regarding the assessment of product conformity, Government Ordinance no. 2/2001 regarding the legal regime of contraventions, with subsequent amendments and additions,

Law no. 363/2007 on combating unfair practices of traders with customers and harmonizing regulations with European legislation on consumer protection, with subsequent amendments and additions, Law no. 449/2003 (r1) for the sale of goods and related guarantees, with subsequent amendments and additions, Law no. 7/2004 (r1) regarding the code of conduct of civil servants, Government Ordinance no. 27/2002 on the regulation of the settlement of petitions, with subsequent amendments and additions.

The research was conducted during 2020-2022. The following food and non-food goods, and services were considered to study the total number of complaints and their resolution.

RESULTS AND DISCUSSIONS

The research was carried out between January and September 2020-2022. The following elements were studied:

1. The total number of complaints undertaken for food and non-food goods, services,

2. The total number of notifications and complaints registered for food and non-food goods, services,

3. Total number of complaints closed: Amicably resolved, Annexed with positive resolution, Withdrawn, Closed as unresolved, Forwarded, Unfounded and Classified.

Following the research, the following results were recorded regarding the number of complaints made in the period January - September 2020 - 2022 (Table I).

Between January and September 2022, 1700 complaints were registered at the headquarters of the Oradea Consumer Protection Organization.

The results showed a slow increase in the number of complaints in 2022 compared to 2020, with the total number of complaints being the highest in 2021.

The number of complaints increases significantly in 2022 compared to 2021 and decreases compared to 2021. In 2021, there was a significant increase in complaints, compared to 2020, for non-food goods (Table 1, Figure 1).

The results showed that amicable settlement was the trend throughout the period under analysis. Despite the fact that positive settlement increased, unfounded cases also increased.

The results were made possible by an involvement of the ANPC Bihor county branch

in the market as a mediator and consumer rights advocate, but in a firm way as shown in the amount of compensation that increases by

almost double compared to 2022, at a higher level than in 2020 (Table 2).

Table 1

The number of complaints made in the period January - September 2020 – 2022			
Type of actions	January - September 2020	January - September 2021	January - September 2022
Total Number of Complaints	1614	1854	1700
Foodstuffs	125	122	110
Nonfood	1420	1645	1533
Services	69	87	57

Table 2

The total number of complaints resolved in the period 2020 – 2022			
Type of actions	January - September 2020	January - September 2021	January - September 2022
The total number of resolved complaints, of which:	1614	1854	1700
Amicable settlement,	495	648	517
Closed with positive solution,	558	611	447
Retired,	2	3	2
Closed as unresolved,	77	88	85
Redirected,	153	189	255
Unfounded,	298	273	356
Classified	31	42	38

CONCLUSIONS

The conclusions that can be drawn from this study are encouraging.

Thus, there was an increase in controls and also an important evolution in the way of solving cases.

The increasing presence in the media of the ANPC Bihor county branch during 2020-2022 was one of the most important tools that increased the practice of fair trade and balance on the market.

Out-of-court settlements become important, but even then penalties and compensation increase significantly in 2021. The most important effects have been in the food and food service sector where complaints and referrals have correlated strongly to the benefit of consumers.

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- Legea nr. 245/2004(r1) privind securitatea generală a produselor;
- Ordonanța Guvernului nr. 21/1992 (r2) privind protecția consumatorilor, cu modificările și completările ulterioare;
- Legea nr. 608/2001 (r2) privind evaluarea conformității produselor;
- Ordonanța Guvernului nr. 2/2001 privind regimul juridic al contravențiilor, cu modificările și completările ulterioare;
- Legea nr. 363/2007 privind combaterea practicilor incorecte ale comercianților în relația cu

consumatorii și armonizarea reglementărilor cu legislația europeană privind protecția consumatorilor, cu modificările și completările ulterioare;

Legea nr. 449/2003 (r1) privind vânzarea produselor și garanțiile asociate acestora, cu modificările și completările ulterioare;

Legea nr. 7/2004 (r1) privind codul de conduită a funcționarilor publici;

Ordonanța Guvernului nr. 27/2002 privind reglementarea activității de soluționare a petițiilor, cu modificările și completările ulterioare;

Legea nr. 296/2004 privind Codul consumului, cu modificările și completările ulterioare;

O.U.G. nr. 97/2001 privind reglementarea producției, circulației și comercializării alimentelor, cu modificările și completările ulterioare.