

EVOLUTION OF NATIONAL AUTHORITY FOR CONSUMER PROTECTION CONTROLS IN BIHOR COUNTY - A COMPARISON FOODSTUFF - NON FOOD PRODUCTS

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Abstract

Globalisation of foodstuff production is a fact that today is obvious. In this way a lot of products come in Romania and Bihor county as well from all over the world. The products that come from European Union are under the severe regulation of the European laws and from this point of view it suppose to be safe for consumers. The products that come from uncertain sources are not 100% according with our regulation and in this way must be very strictly monitorized. This study present the evolution of National Authority for Consumer Protection controls in Bihor county in the last three years. The study was conducted in the frame project TASTE OF LIFE, REGIONAL HEALTHY FOOD IN SCHOOLS, project number 2014-1-NL01-KA202-1225 .

Key words: foodstuff, controls, Bihor county, programed actions, complains.

INTRODUCTION

Foodstuff and non food products issues recorded an increasing of the incidence regarding the quality during the last years. The reasons are: increasing the volume of foodstuff comerce, increasing the online marketed products, imports from outside of European Union, increasing the costs of raw materials and energy, etc.

Is important to have an overview of the state controls in the sector of foodstuff in order to have a feedback of the foodstuff market. There are also important indications about the effects of those controls and the changes that starts to appears after that.

Methods used for controls are according with romanian standards and are quottation in latest studys.

MATERIAL AND METHOD

The methodology of controls was according to Romanian regulations that are similar with European regulations.

The following documents are the base of the state control in the field of foodstuff:

- Government Decision no. 700/2012 on the organization and functioning of the National Authority for Consumer Protection, as amended,
- Law no. 245/2004 (r1) on general product safety,
- Government Ordinance no. 21/1992 (r2) on consumer protection, as amended and supplemented,
- Law no. 608/2001 (r2) on product conformity assessment,
- Government Ordinance no. 2/2001 regarding the legal regime of contraventions, as amended and supplemented,
- Law no. 363/2007 on combating unfair practices of traders with customers and harmonization of regulations with European legislation on consumer protection, as amended and supplemented,
- Law no. 449/2003 (r1) for the sale of goods and associated guarantees, as amended and supplemented,
- Law no. 7/2004 (r1) on the code of conduct for civil servants,
- Government Ordinance no. 27/2002 on regulating the resolution of petitions, as amended and supplemented.

The research was covered years 2013 and 2014. There were taken in to study the following items:

1. Total number of control actions undertaken for:
 - Food,
 - Non-food products,
 - Financial products,
 - Food Services,
 - Services nonfood,
 - Financial services,
 - Other segments.
2. Total Number of Official reports fine imposed,
3. Total Number of Official reports fine levied,
4. Fines applied,
5. Fines collected,
6. Total Number of Official reports concluded, of which
 - Food,
 - Non-food products,
 - Financial products,
 - Food Services,
 - Services nonfood,
 - Financial services,
 - Other segments.
7. Total number of samples,

8. Total number of non-compliant samples,
9. European Community goods definitively shut down non-compliant value of sales,
10. The value of non-conforming goods extra definitively stopped from trading,
11. Total number of registered notifications and complaints, of which:
 - Food,
 - Food Services.
12. Total number of complaints closed, of which:
 - The amicable settlement,
 - Enclosed with positive solution,
 - Withdrawn,
 - Closed as unresolved,
 - Forwarded,
 - Unfounded,
 - Classed,
13. The compensation value,
14. Number of articles in print media,
15. Number of appearances in TV shows,
16. Number of press conference,
17. Number of shares counseling tripartite PPP media coverage,
18. Number of shares tripartite advisory PPP without media coverage,
19. Number of shares advice with companies in an organized publicized event in the press
20. Number of shares advice with companies in an organized event without media coverage.

The controls were undertaken in the frame of programmed actions and also in case of complains. There were at least one action/day.

RESULTS AND DISSIONS

All the controls were conducting according with regulations. Despite there were several cases in the Court there were no penalties for Agency staff. Results of the controls were as following.

Table 1. Number of controls for 2013 and 2014

Type of actions	2013	2014
Total number of control actions undertaken for:	3760	3424
• Food,	1554	1398
• Non-food products	1280	1203
• Financial products	15	13

• Food Services	492	346
• Services nonfood	397	456
• Financial services	20	8
• Other segments	2	0

The results shown an slow decreasing of the number of controls. In this way it is noticeable that the staff number decreasing by 4. As a result there is a higher efficiency of the structure ans ANPC Bihor staff.

Table 2. Number of reports and results of reports for 2013 and 2014

Type of actions	2013	2014
Total Number of Official reports fine imposed,	1735	1503
Total Number of Official reports fine levied,	1572	1408
Fines applied, lei	7973800	6590850
Fines collected, lei	872300	724000

It was shown that because of good results in 2013 the activity in 2014 despite that was at lower level increase the penalties ratio.

Table 3. Number of Official reports concluded for 2013 and 2014

Type of actions	2013	2014
Total Number of Official reports concluded, of which:	3031	2517
• Food,	1342	750
• Non-food products	1128	594
• Financial products	15	4
• Food Services	301	0
• Services nonfood	226	320
• Financial services	17	9
• Other segments	2	840

The Number of Official reports concluded also decrease but the ratio reports/staff increase significant. Also is relevant that reports from 2014 shown a huge improvement in the food sector.

Table 4. Number of collected samples for 2013 and 2014

Type of actions	2013	2014
Total number of samples,	68	68
Total number of non-compliant samples,	5	17

The number of samples collected were the same. There were issues regarding sampling procedures, due to transportation of samples and temporary storage of them.

Table 5. Value of the goods withdrawn for 2013 and 2014

Type of actions	2013	2014
European Community goods definitively withdrawn non-compliant value of sales, lei	32442	9885.6
The value of non-conforming goods from outside of European Community	41737	15846.12

definitively stopped from trading, lei		
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The companies understud the requirements of the controls and the goods quality increase significant, facts that are shown by the significant decreasing of the Value of the goods withdrawn from the markets. There is also a remark regarding the decreasing of the goods from outside of European Community ratio in the Bihor county market.

Table 6. Number of registered notifications and complaints

Type of actions	2013	2014
Total number of registered notifications and complaints, of which:	1141	1262
• Food,	87	82
• Non-food products	373	416
• Financial products	6	0
• Food Services	66	105
• Services nonfood	485	536
• Financial services	124	123
• Other segments	0	0

The number of notifications and complains increase significant during 2013 - 2014 period, especialy in the services sector. In this way the biggest increasing was recorded in Food services sector.

Table 7. Number of registered notifications and complaints solved

Type of actions	2013	2014
Total number of complaints solved, of which:	1141	1262
• The amicable settlement,	186	318
• Enclosed with positive solution,	384	396
• Withdrawn,	0	15
• Closed as unresolved,	105	40
• Forwarded,	88	62
• Unfounded,	378	370
• Classed,	0	61
The compensation value,	128.302	29.007,35

The results shown the increasing of "maturity" from the point of consumers and companies as well. Despite that the number of notifications and complains increase there were reduced unsolved cases, unfounded complains and by assuming the responsibilities the forwarded cases. The amicable settlements increase almost 100%.

The results were possible by a implication of the ANPC Bihor county branch in the market as a mediator and consumers right defender.

There was recorded an important increase of articles in printed media regarding the activity and procedures for controls.

Also the Number of shares advice with companies in an organized event without media coverage remain almost the same, in this way it was shown that informal discussions increase the efficiency and the fair practices in the market.

Table 7. Disseminations of the ANPC Bihor county branch in 2013 - 2014

Type of actions	2013	2014
Number of articles in print media,	152	202
Number of appearances in TV shows,	21	23
Number of press conference,	1	0
Number of shares counseling tripartite PPP media coverage,	0	0
Number of shares tripartite advisory PPP without media coverage,	0	0
Number of shares advice with companies in an organized publicized event in the press	0	0
Number of shares advice with companies in an organized event without media coverage.	27	21

According with the results the controls there were a lot of consequences that can be observed. The general trend that was identify was an ascendent one, increasing the quality of goods, attitude of consumers and companies and consolidating of the role and efficiency of the ANPC Bihor county branch.

CONCLUSIONS

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

In this way it was recorded an increasing of the controls ratio/staff and also an important evolution of the cases way of resolving. The amicable settlements become important and that decrease the penalties and compensations.

The increasing presence in media of ANPC Bihor county branch in 2013 - 2014 was one of the most important tool that enhanced the awareness of the consumers about their rights and the companies about their fair trade practice.

The most important effects were recorded in the food and food services sector were the complains and reports were strongly corelated in the consumers benefits.

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REFERENCES

1. National Association of Social Workers. (2000). Code of ethics of the National Association of Social Workers. Washington, DC:
2. Steen, J. A. (2006). The roots of human rights advocacy and a call to action. *Social Work*, 51, 101–105.
3. Brownlie, I., & Goodwin-Gill, G. S. (2006). Basic documents on human rights (5th ed.). New York: Oxford University Press.
4. Farmer, P. (2003). Pathologies of power: Health, human rights, and the new war on the poor. Los Angeles: University of California Press.
5. Mason, L. K., & Laurie, G. T. (2006). Law and medical ethics (7th ed.). New York: Oxford University Press.
6. McClean, S. A. (2006). First do no harm: Law, ethics, and healthcare. Burlington, VT: Ashgate.
7. Reichert, E. (2003). Social work and human rights: A foundation for policy and practice. New York: Columbia University Press.
8. ***Hotărârea Guvernului nr. 700/2012 privind organizarea și funcționarea Autorității Naționale pentru Protecția Consumatorilor, cu modificările ulterioare ,
9. ***Legea nr. 245/2004(r1) privind securitatea generală a produselor,
10. ***Ordonanța Guvernului nr. 21/1992 (r2) privind protecția consumatorilor, cu modificările și completările ulterioare,
11. ***Legea nr. 608/2001 (r2) privind evaluarea conformității produselor
12. ***Ordonanța Guvernului nr. 2/2001 privind regimul juridic al contravențiilor, cu modificările și completările ulterioare,
13. ***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,
14. ***Legea nr. 449/2003 (r1) privind vânzarea produselor și garanțiile asociate acestora, cu modificările și completările ulterioare,
15. ***Legea nr. 7/2004 (r1) privind codul de conduită a funcționarilor publici,
16. ***Ordonanța Guvernului nr. 27/2002 privind reglementarea activității de soluționare a petițiilor, cu modificările și completările ulterioare,
17. ***Legea nr. 296/2004 privind Codul consumului, cu modificările și completările ulterioare,
18. ***O.U.G. nr. 97/2001 privind reglementarea producției, circulației și comercializării alimentelor, cu modificările și completările ulterioare.

