

ANALYSIS OF CJPC BIHOR ACTIVITY REGARDING THE TOTAL NUMBER OF CONTROL ACTIONS IN BIHOR COUNTY IN THE PERIOD 2020-2023

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RESEARCH ARTICLE

Abstract

Globalisation is nowadays a term that is used loosely in various contexts by people from different backgrounds. The profound changes in Romanian retailing since EU integration have also led to changes in consumer habits.

Keywords: control, activity, consumer

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The National Authority for Consumer Protection (ANPC) is a public institution and operates as a specialised body of the central public administration, under the Government.

The Authority coordinates and implements the Government's strategy and policy in the field of consumer protection, acts to prevent and combat practices that harm the life, health, safety and economic interests of consumers. This study presents the analysis of the activity of the National Authority for Consumer Protection in Bihor County regarding the total number of control actions in the period 2020-2023.

INTRODUCTION

The control procedure lays down general rules and operating procedures for verifying compliance by professionals of products with the general safety requirements, including risk assessment and measures to prevent the marketing and withdrawal of non-compliant products from the market and, where appropriate, from consumers (Brownlie & Goodwin-Gill, 2006; Farmer, 2003; McClean, 2006).

The procedure also lays down rules for verifying compliance by professionals with the qualitative, technical and safety characteristics of products and services, consumer protection regulations, the declared and/or the regulations in force (Mason & Laurie, 2006; Reichert, 2003). The procedure is applied by the National Authority for Consumer Protection and its

territorial structures that carry out controls on the market, producers, importers, distributors in warehouses, service providers, at customs entry points, having access to places where products and services are produced, stored, transported or marketed.

The control activity of the specialised staff of the A.N.P.C. exercising powers in this field aims at protecting consumers' rights by:

- preventing violations of legal regulations in the field of consumer protection
- highlighting and bringing to the attention of the staff representing the controlled professional, the deviations and facts that have led to the violation of legal regulations in the field of consumer protection and the consequences of this violation;
- ensuring that the staff in charge of the professional understand and comply with consumer protection rules;
- knowing the dynamics and the degree of repetition of the same acts which contravene legal rules, in order to determine the frequency of interventions to remove non-compliance;
- taking appropriate measures to restore legality and assessing the impact and effectiveness of previous measures.

MATERIAL AND METHOD

The actions carried out by professionals aim to limit and prevent the consequences of actions that may affect the life, health, safety and economic interests of consumers.

In the case of food products, thematic checks will be carried out on producers in accordance with the regulations in force.

Given that in the field of service provision the dominant feature is diversity, as well as the specificity of their quantifiable and/or non-quantifiable parameters, the triggering of controls shall be done only after thorough documentation and rigorous preparation of actions.

The control activity was mainly directed towards the following objectives:

- the possession and legality of the documents on the basis of which it carries out its activity;
- identifying non-conformities of products and services with an impact on consumers and taking corrective measures to prevent/end infringements of legal regulations in the field of consumer protection and limit their consequences;
- evaluating the results of the verification of complaints and claims that highlight violations of legal rules or regulations specific to consumer protection;
- checking how professionals have carried out the measures ordered in the control acts and have been appropriated by them;
- dealing with consumer complaints and claims regarding the lack of conformity of products and services;
- taking samples for analysis in laboratories as part of control actions or following consumer complaints/complaints and preventive actions;
- advising professionals on the legislation applicable to control;
- limiting the consequences for consumers, including by sealing premises, goods or other measures, as required by legislation.

Below are the documents and regulations underlying state control in the field of food: Government Decision No 700/2012 on the organisation and functioning of the National Authority for Consumer Protection, as amended and supplemented, 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 conformity assessment of products, Government Ordinance No. 2/2001 on the legal regime of contraventions, as subsequently amended and supplemented, Law No 363/2007

on combating unfair practices of traders with customers and harmonising regulations with European consumer protection legislation, as subsequently amended and supplemented, Law No 449/2003 (r1) on the sale of goods and related guarantees, as subsequently amended and supplemented, Law No 7/2004 (r1) on the code of conduct for civil servants, Government Ordinance No 27/2002 on the regulation of petitions, as subsequently amended and supplemented.

The research was carried out from January 2020 to September 2023. Food, non-food, services, financial goods were considered to analyse the total number of control actions.

RESULTS AND DISCUSSIONS

The following elements were taken into account in the study:

- total number of control actions for food and non-food goods, provision of services, financial
- total number of recorded minutes for food and non-food goods, provision of services, financial

As a result of the research, the following results were recorded regarding the total number of control actions for food, non-food, provision of services, financial for the period January - September 2020 - 2023 (Table I).

The controls carried out were in accordance with the national regulations and procedures listed above.

The results showed a variable dynamic in the number of controls.

This shows a return almost to the 2020 level. The main focus of controls in 2023 was also the food and non-food sector. As a result there is a more efficient ANPC Bihor staff structure.

The number of total minutes (Table 2) increases significantly in 2020 - 2023 and decreases slowly in 2021, especially in the financial services sector. In this way, the highest increase was recorded in the non-food sector.

According to the results of the controls there were a lot of consequences that can be observed.

The general trend that was identified was an upward one, increasing the quality of goods, the attitude of consumers and companies and strengthening the role and efficiency of the ANPC Bihor county branch.

Table 1

**Total number of control actions for food, non-food, provision of services, financial for the period
January - September 2020 - 2023**

Type of actions	January - September 2020	January - September 2021	January - September 2022	January - September 2023
Total number of control actions	2276	1998	1797	2774
Foodstuffs	738	571	621	908
Nonfood	787	695	637	943
Services	744	729	534	915
Finance	7	3	5	8

Table 2

**Number of total minutes for food, non-food, provision of services, financial for the period
January - September 2020 - 2023**

Type of actions	January - September 2020	January - September 2021	January - September 2022	January - September 2023
Number of total PVCC	1304	1190	1244	1987
Foodstuffs	473	367	446	615
Nonfood	387	352	422	723
Services	437	468	373	642
Finance	7	3	3	7

CONCLUSIONS

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

There has been an increase in checks and also a significant development in the way cases are dealt with.

The increasing presence in the media of the ANPC Bihor county branch in the period 2020 - 2023 was one of the most important tools that increased the practice of fair trade and market balance.

The most important effects were recorded in the food sector and the food service sector, complaints were recorded and referrals were strongly correlated to benefit consumers.

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Consumatorilor nr. 72/2010 privind unele măsuri de informare a consumatorilor

Ordinul nr. 505/2014 privind unele masuri de informare a consumatorilor de catre prestatorii de servicii de plata care desfasoara operatiuni de plata prin intermediul ATM-urilor.

Ordonanţa de urgenţă nr. 34/2014 privind drepturile consumatorilor în cadrul contractelor încheiate cu profesioniştii, precum şi pentru modificarea şi completarea unor acte normative

Ordinul nr. 211/2014 pentru modificarea anexelor nr. 1 şi 3 la Ordinul preşedintelui Autorităţii Naţionale pentru Protecţia Consumatorilor nr. 103/2010 privind aprobarea modelului şi conţinutului formularelor tipizate cu regim special ale procesului-verbal de constatare a contravenţiei şi ale anexei acestuia, destinate utilizării în activitatea de control, şi a modelului şi conţinutului formularului tipizat cu regim special al autorizaţiei emise de Autoritatea Naţională pentru Protecţia Consumatorilor persoanelor fizice şi juridice ce efectuează operaţiuni cu metale preţioase şi pietre preţioase

Ordinul nr. 414/2014 privind modificarea şi completarea Ordinului preşedintelui Autorităţii Naţionale pentru Protecţia Consumatorilor nr. 392/2013 privind stabilirea condiţiilor pe care trebuie să le îndeplinească operatorii economici care comercializează produse de panificaţie pe teritoriul României

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- Legea nr. 193/2000 privind clauzele abuzive din contractele încheiate între profesioniști și consumatori
- Legea nr. 202/2013 pentru modificarea și completarea Legii nr. 158/2008 privind publicitatea înșelătoare și publicitatea comparativă
- Ordinul nr. 473/2012 pentru modificarea Ordinului președintelui Autorității Naționale pentru Protecția Consumatorilor nr. 72/2010 privind unele măsuri de informare a consumatorilor
- Ordinul 72/2010 privind unele măsuri de informare ale consumatorilor
- Ordonanța nr. 21/1992 privind protecția consumatorilor
- Legea nr. 449/2003 privind vânzarea produselor și garanțiile asociate acestora
- Ordinul nr. 164/2011 privind unele măsuri de informare a consumatorilor de către societățile financiare bancare și nebancale
- Legea nr. 252/2003 privind registrul unic de control
- Ordonanța nr. 38/2015 privind soluționarea alternativă a litigiilor dintre consumatori și comercianți
- Ordonanța nr. 37/2015 pentru modificarea unor acte normative din domeniul protecției consumatorilor
- Ordonanța de urgență nr. 52/2016 privind contractele de credit oferite consumatorilor pentru bunuri imobile, precum și pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 50/2010 privind contractele de credit pentru consumatori
- HG nr. 677 din 19 septembrie 2016 privind stabilirea unor măsuri pentru aplicarea Regulamentului (UE) 2015/751 al Parlamentului European și al Consiliului din 29 aprilie 2015 privind comisioanele interbancale pentru tranzacțiile de plată cu cardul
- Legea nr. 151/2015 privind procedura insolvenței persoanelor fizice
- Legea nr. 258/2017 privind comparabilitatea comisioanelor aferente conturilor de plăți, schimbarea conturilor de plăți și accesul la conturile de plăți cu servicii de bază
- Legea prevenirii nr. 270/2017
- Hotărârea nr. 33/2018 privind stabilirea contravențiilor care intră sub incidența Legii prevenirii nr. 270/2017, precum și a modelului planului de remediere
- Ordin 1/2017 privind documentația și informațiile necesare înregistrării precum și modalitatea și termenul de raportare, pentru entitățile de recuperare creanțe
- Ordin 4/2017 privind documentația și informațiile necesare înregistrării precum și modalitatea și termenul de raportare pentru dezvoltatorii imobiliari
- Ordin 115/2017 privind stabilirea detaliilor tehnice pentru efectuarea bonității de către creditorii nonfinanciari
- Hotărârea Guvernului nr. 419/2017 pentru aprobarea Normelor metodologice de aplicare a prevederilor Legii nr. 151/2015 privind procedura insolvenței persoanelor fizice – Hotărârea nr. 419/2017 pentru aprobarea Normelor metodologice de aplicare a Legii nr. 151/2015 privind procedura insolvenței persoanelor fizice
- Ordin 768/2017 privind aprobarea Listei cuprinzând indicativile de referință ale standardelor române care adoptă standarde europene armonizate privind securitatea generală a produselor sub incidența Directivei 2001/95/CE a Parlamentului European și a Consiliului din 3 decembrie 2001 privind siguranța generală a produselor
- Ordin nr. 760/2019 privind obligația operatorilor economici de a afișa pe ușa de acces sau la intrarea în locația unde își desfășoară activitatea/punctul de lucru placheta cu măsurile de oprire temporară dispuse de către organele de control ale Autorității Naționale pentru Protecția Consumatorilor
- Procedura generală privind rezolvarea reclamațiilor consumatorilor