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2. Consumer protection policy

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1. Institutions responsible for consumer protection policy

1.1. Ministry responsible for consumer protection policy

The **Ministry of the Economy, Energy and the Business Environment (MEEMA)** is the specialised body of the central public administration, under the authority of the Government, which implements the governance strategy and programme in the fields of the economy, industrial policy, competitiveness, the defence industry, non-energy mineral resources and sustainable development, energy and energy resources, intellectual property, inventions and brands, consumer protection, quality infrastructure and market surveillance, SMEs, business environment, trade, entrepreneurship and foreign investment and tourism, in line with market requirements and in order to stimulate initiatives by economic operators.

MEEMA is a ministry with a synthesis role, a public institution with legal personality.

It coordinates and participates, together with other relevant public administration bodies and non-governmental organisations, in drawing up consumer protection strategies.

In the performance of its functions, MEEMA mainly carries out the following specific tasks in the field of consumer protection:

1. It fulfils the role, functions and duties as competent authority and single contact point with the European Commission, as well as those laid down in Government Order No 38/2015 on alternative dispute resolution between consumers and traders, as amended, through the body responsible;
2. It issues regulations on consumer protection in line with relevant EU legislation.

The head office of MEEMA is located at Calea Victoriei No 152, sector 1, 010096 Bucharest, Tel.: +4-021 202 54 26, website: <http://economie.gov.ro>.

1.2. Public authorities

The **National Authority for Consumer Protection (ANPC)** is a public institution that operates as a specialised body of the central public administration, has legal personality, acts under the authority of the Government and is coordinated by the Ministry of the Economy, Energy and the Business Environment.

The ANPC coordinates and implements Government strategy and policy in the area of consumer protection and takes action to prevent and combat practices that are harmful to the life, health, safety and economic interests of consumers.

The main objectives of the ANPC are:

- a) to create a national legislative framework in the field of consumer protection compatible with that of the European Union;
- b) to inform and educate citizens about their rights as consumers;
- c) to carry out market surveillance of consumer products and services;
- d) to protect consumers against unfair commercial practices;
- e) to carry out analysis and marking of precious metals and to carry out appraisals of precious metals and stones;
- f) to authorise natural and legal persons, in accordance with the law, to carry out operations with precious metals, their alloys and precious stones;
- g) to ensure, as the designated Romanian authority, the implementation of the Kimberley Process Attestation Programme.

The ANPC's main tasks are:

- a) to participate, alongside other bodies of the central and local public administration specialised in the field and with non-governmental consumer bodies, in drawing up the strategy for consumer protection and ensuring it is in line with the EU strategy in this area;
- b) to harmonise the national legislative framework with EU rules in the field of consumer protection;
- c) to submit proposals to Government for adoption and to endorse draft legislative acts in the area of consumer protection with regard to the manufacture, packaging, labelling, preservation, storage, transport, import and marketing of goods and the provision of services, including financial services, and with regard to the ban on asymmetrical penalties between the client and the provider of public services and other services of general interest for breaches of contract, so that they do not endanger the life, health or safety of consumers or affect their legitimate rights and interests;
- d) to draw up, together with other specialised public administration bodies, procedures concerning the objectives, conditions, and means of cooperation in the performance of consumer protection activities;
- e) to initiate, negotiate and participate in, in accordance with the law, the conclusion of conventions, agreements, protocols and other national and international agreements in the area of consumer protection with specialised central and local public administration bodies in the field, and with non-governmental bodies;
- f) to participate in the implementation of national and international consumer protection programmes, in cooperation with Romanian and foreign organisations and institutions, in accordance with its powers as assigned under the legal provisions in force;
- g) to submit regular information to the Government and to the relevant central public administration bodies, at their request, on their activities in respect of consumer rights and interests;
- h) to carry out market surveillance of consumer products and services;
- i) to check compliance with the legal provisions on consumer protection, on the safety of products and services and on the protection of the legitimate rights of consumers, through market controls on manufacturers, importers, distributors, sellers, service providers,

including financial service providers, and on customs units, having access to places where products are produced, stored or traded or where services are provided, as well as to the related documents, with the exception of health and hygiene and veterinary checks on manufacturers, in the case of food products;

j) to detect infringements and establish measures for mitigating the consequences of producing, providing, importing, marketing or donating food and non-food products and services, including financial services, which do not comply with the legal provisions applicable in the ANPC's fields of activity, by applying administrative sanctions as provided for by law, and referring cases to the criminal prosecution bodies whenever it finds infringements of criminal law;

k) to check that the measuring instruments used on the market are accompanied by the documents required by law attesting their metrological verification;

l) to request that the licensing bodies suspend or withdraw operating licences, manufacturing licences or classification certificates, in accordance with the law;

m) to coordinate the rapid exchange of information with competent national and international institutions and bodies on products and services posing a risk to the health and safety of consumers;

n) to advise policy makers and operators involved in the product and service quality certification system, on the basis of their own findings and information received from non-governmental bodies and consumers, about the non-conformity of products and services intended for consumption by the population with the certification documents, and draw up proposals to improve or develop regulations in this area;

o) to carry out, through sampling food and non-food products, analyses and tests in laboratories certified according to the law or in own or approved laboratories;

p) to perform or finance studies, comparative tests and research in the field with regard to the quality of consumer products and services, and to publicise the results;

q) to establish collaborative relationships with research institutes and specialist and certification laboratories, including abroad, for the purpose of performing studies, research and comparative tests;

r) to inform, advise and educate individual consumers with regard to consumer products and services; to publish specialised publications in the area of consumer protection;

s) to support consumer associations in achieving the objectives laid down by law and in setting up and operating consumer advice, information and education centres;

t) to support the establishment of mediation bodies in the field of consumer protection and keep consumers informed of products and services which pose a risk to their health and safety or may affect their economic interests;

u) to receive and resolve or, as the case may be, submit for resolution to the competent authorities the complaints of consumer protection associations and individuals for infringement of consumer rights, in accordance with the law;

v) to carry out training activities for professionals in the field of consumer protection;

w) to provide specialised advice in the area of consumer protection to economic operators;

x) to set and collect fees and charges for carrying out analyses, tests, appraisals, laboratory certifications, authorisations, consultancy, training, specialisation or further training, and other services provided in accordance with the law;

- y) to set and collect fees and charges for the authorisation of natural and legal persons to carry out operations with precious metals and precious stones, for the analysis, marking and appraisal of precious metals and precious stones;
- z) to justify and propose in the draft budget the financial resources for the implementation of policies in its area of competence;
- aa) to ascertain, in accordance with the law, the legality of advertising of products and services intended for consumers;
- bb) to ensure as designated authority the application of the Kimberley Process certification scheme;
- cc) to authorise operations with precious metals and precious stones, in accordance with Government Emergency Order No 190/2000 on the rules applying to precious metals and precious stones in Romania, republished, as amended;
- (dd) to establish and approve certification, self-guarantee and traceability marks on the basis of own tariffs, in accordance with Government Emergency Order No 190/2000, republished, as amended;
- ee) to carry out appraisals of precious metals and precious stones, in accordance with Government Emergency Order No 190/2000, republished, as amended;
- ff) to carry out marking operations on jewellery and articles of precious metal, at the request of the natural and legal persons concerned;
- gg) to provide expert advice and support for the development of codes of conduct at the request of economic operators;
- hh) to put in place appropriate legal procedures to combat unfair trading practices;
- ii) to notify the European Commission of the legislative measures adopted in the areas regulated by the EU directives, regulations and decisions that have been implemented and in the fields under its responsibility;
- jj) to carry out, through the Alternative Dispute Resolution Directorate, hereinafter referred to as the ADR Directorate, alternative dispute resolution between consumers and traders, both at national and cross-border level, in accordance with special legislation;
- kk) to ensure, through the central and territorial insolvency committees, the conduct of insolvency proceedings for natural persons, in accordance with the provisions of Law No 151/2015 on personal insolvency proceedings, as amended;
- ll) to ensure the registration of credit intermediaries, designated representatives, debt collection entities and non-financial creditors, the functioning of the single information point and cooperation and exchange of information with the Member States, in accordance with Government Emergency Order No 52/2016 on credit agreements for consumers relating to immovable property and amending Government Emergency Order No 50/2010 on credit agreements for consumers.

The ANPC is the national contact point for the Rapid Information Exchange System on hazardous products, RAPEX, between the Member States and the Commission, pursuant to Directive 2001/95/EC on general product safety (GPSD).

The work of the European Consumer Centre in Romania (ECC Romania) is carried out by a section within the ANPC.

The ANPC operates the Directorate-General for Larex Laboratories, which includes the National Centre for the Testing and Appraisal of Larex Products, the Laboratory for the Quality Analysis of Wines and Alcoholic Beverages and the Laboratory for Precious Stones, the Kimberley Process and the Testing of Precious Metals.

The ANPC's laboratories carry out the following tasks:

- a) performing the tests necessary to obtain licences for food production;
- b) carrying out appraisals with a view to resolving customs classification issues, establishing qualitative and security parameters for products to be used by the Directorates-General of Public Finance, characterising the products covered by investigations by the National Agency for Fiscal Administration, the Ministry of the Interior or other institutions, and writing expert reports in cases of dispute concerning product parameters;
- c) at the request of natural or legal persons, performing tests and certifications of products manufactured in the country or imported under conditions agreed between the parties on the basis of tariffs;
- d) at the request of natural or legal persons, performing studies and tests on packaging materials and product packaging, as well as for other types of products coming into food contact, on a tariff basis;
- e) on the basis of its own data on products liable to affect the life and health of consumers or the environment, proposing rules on the limits of the permissible values of these products' parameters.

The ANPC is headed by a President and two Vice-Presidents, who are appointed by the Prime Minister, and a Secretary-General, who is a senior civil servant.

Subordinate to the ANPC are eight regional consumer protection offices, with legal personality, headed by chief commissioners. Each regional office has subordinated county consumer protection offices, which are public institutions without legal personality, coordinated by deputy chief commissioners.

The ANPC directs and controls the activity of all subordinated local offices and carries out operational actions throughout the country, on the basis of the tasks and duties laid down by the President. The ANPC, through its management and directorates/departments, monitors the way in which the tasks entrusted to the subordinate offices are carried out and establishes all the operational measures to optimise supervision and control. The ANPC's staff are responsible for supervision, inspection and control, as well as for detecting and sanctioning infringements within its field of activity throughout the country.

The maximum number of posts in the ANPC is 982, excluding public officials, of which 349 are earmarked for central office and 633 for the regional consumer protection offices.

The ANPC has specialised supervision and control staff acting as public officials, appointed to specific public functions, who may impose sanctions and order the

suspension/cessation of activity following the finding of an infringement of consumer protection legislation and the measures established in the infringement reports.

In the performance of their duties, the authorised staff of the ANPC have the right to affix seals or distinguishing signs having the force of a seal, under the conditions laid down by law, and are vested with the public authority of the State, during and in connection with the performance of those duties and of their public service obligations.

The ANPC's head office is located at Bulevardul Aviatorilor No 72, sector 1, 011865 Bucharest, Tel.: +40 21 312 12 75, e-mail: cabinet@anpc.ro, website: <http://www.anpc.ro>

In carrying out its tasks, the ANPC collaborates with ministries, other specialised bodies within the central and local public administration, and non-governmental bodies, such as:

- National Veterinary Health and Food Safety Authority (ANSVSA)

The ANSVSA operates as the regulatory authority in the veterinary health and food safety field, and is a specialised body of the central public administration, with legal personality, under the authority of the Government and coordinated by the Prime Minister.

Contact information

Address: Piața Presei Libere No 1, Corp D1, Sector 1, 013701 Bucharest.

Tel.: +4 0372184977

E-mail: office@ansvsa.ro

Website: www.ansvsa.ro

- Ministry of Health

The Ministry of Health is a specialised body of the central public administration, with legal personality, under the authority of the Government and is the central authority in the field of public health care.

Contact information

Address: Strada Cristian Popișteanu, No 1-3, sector 1, 010024 Bucharest.

Tel.: +4-021 3072 500; +4-021 3072 600

Website: www.ms.ro

- Ministry of Agriculture and Rural Development (MADR)

The MADR is the central public authority responsible for implementing the Government's governance strategy and programme, with a role in developing and implementing national sectoral strategies in agriculture and food production, rural development, land improvement and related fields: specialized scientific research,

conservation and sustainable management of soils and plant and animal genetic resources.

Contact information

Address: B-dul Carol I, No 2-4, sector 3, 030163 Bucharest, post office 37
Tel.: +4-021-307-24-11
E-mail: relatii publice@madr.ro
Website: <https://www.madr.ro>

- Ministry of Transport, Infrastructure and Communications

The Ministry of Transport, Infrastructure and Communications sets, at national level, policy in the field of transport and transport infrastructure, electronic communications and postal services and draws up the strategy and specific regulations for development and harmonization of activities within the general policy of the Government, in the coordinated fields. The Ministry is the central public authority responsible for implementing transport and transport infrastructure policies, those relating to electronic communications infrastructure and postal services, adopted at the level of the European Union and international bodies.

Contact information

Address: Bulevardul Dinicu Golescu No 38, sector 1, 010873 Bucharest
Tel.: +4 0374.808.610
Website: <http://www.mt.gov.ro>

- National Administrative and Regulatory Authority for Communications (ANCOM)

The ANCOM's role is to apply national policy in the field of electronic communications, audiovisual communications and postal services, including through market and technical regulation in these areas.

Contact information

Address: Str. Delea Noua No 2, sector 3, 030925 Bucharest
Tel.: +4 0372.845.400
E-mail: sesizare@ancom.ro
website: <https://www.ancom.ro/>

1.3. Non-governmental consumer protection organisations

Consumer associations are considered to be non-governmental organisations with legal personality in line with the law which, without seeking to make a profit for their members, have as their sole purpose the protection of the rights and legitimate interests of their members or of consumers in general.

Once established, consumer associations request their registration by the public consumer protection body at central or local level, as appropriate.

Consumer associations are consulted by the services and bodies of the public administration, according to their competence, when drawing up provisions and procedures of a general nature and regarding other activities aimed at protecting consumers, concerning:

- a) knowledge of consumer requirements regarding the range, quality and quantity of products and services;
- b) training of economic operators engaged in the production and marketing of products and services to have a correct attitude to their quality;
- c) prevention of unfair commercial practices and advertising affecting consumers' rights and legitimate interests.

The associations hold events aimed at increasing consumers' education and information. They can also take legal action to defend the legitimate rights of consumers.

APC (Asociația Pro Consumatori) Romania is the body qualified to bring such an action under Directive 2009/22/EC of the European Parliament and of the Council on injunctions for the protection of consumers' interests.

It is a non-governmental, non-political and non-profit organisation, founded in 1990, whose main purpose is to defend, promote and represent, using all legal means, the rights and interests of consumers in their relations with economic operators and state institutions.

Contact information

Tel: 0723 004 407

E-mail: office@apc-romania.ro

Web: www.apc-romania.ro

1.4. National councils/pooled organisations for consumers and other stakeholders

Consumer associations can be social partners with a right of representation on advisory councils active in the field of consumer protection, where public administration bodies are represented.

An advisory council for consumer protection has been set up at both central and local level - county, town and city, and municipality. They have advisory status and provide, at those levels, the necessary information and organisational framework to:

- a) draw up and implement consumer policy;
- b) link the actions of the various public administration bodies with those of non-governmental organisations that play a role in consumer protection.

The consumer protection advisory council consists of:

- a) representatives of all devolved public services of ministries and other specialised bodies of the central public administration, with general or special competence in the field of consumer protection and having organisational structures at that level;
- b) the prefect or mayor, as appropriate, or their representatives;
- c) representatives of consumer protection associations;
- d) representatives of other bodies, as appropriate.

1.5. Mass media for consumers

The ANPC organises press conferences at national and regional level in which consumers are kept informed of the latest regulations in the field of consumer protection, information campaigns carried out by the European Commission and the results of the Authority's thematic surveillance and control actions, as well as of unannounced checks initiated by the Authority following complaints from consumers.

The information is disseminated on the Authority's website at: <https://anpc.ro/categorie/47/comunicate-de-presa> and via the Facebook pages.

1.6. Bodies for remedy/redress and alternative dispute resolution

In general, consumer complaints are dealt with through administrative procedures. The consumer may submit a complaint to the ANCP or the Regional Consumer Protection offices.

The commissioners have to analyse and resolve the complaint within a period of 30 days from the date of the complaint. If the complaint is well founded, the commissioners take action in accordance with the law.

If the economic operator or the consumer is not satisfied with the decision of the ANPC, he or she can appeal to the courts.

On the basis of Government Decision No 775/2016, the Directorate for Alternative Dispute Resolution was set up within the ANPC as the body responsible for the alternative resolution of disputes between traders and consumers. Since the end of June 2018, it has acquired the status of ADR entity and is listed in the European Commission's list of ADR entities.

The dispute resolution request can be accessed online at:

<https://anpc.ro/galerie/file/diversefg/CerereSAL2.pdf>

1.7. European Consumer Centre in Romania — ECC Romania

On 1 January 2008, the Romanian European Consumer Centre joined ECC Net, which is competent only for the amicable settlement of cross-border consumer disputes, i.e. those arising from the purchase by a consumer resident in Romania of defective products/services from a trader established in an EU Member State other than Romania, as well as those arising from the purchase by a consumer resident in another EU Member State of defective products/services from a trader established in Romania.

From 1 January 2018, ECC Romania has been operating within the National Authority for Consumer Protection at Directorate level, and has the following contact details:

Email: office@eccromania.ro; www.eccromania.ro

2. Consumer protection policy

2.1. Consumer protection legislation:

The ANPC's website contains several laws relating to consumer protection:

- General legislation: <https://anpc.ro/articol/584/legislatie-general-a-1>
- Legislation on food products: <https://anpc.ro/articol/585/produse-alimentare-1>
- Legislation on non-food products: <https://anpc.ro/articol/586/produse-nealimentare-1>
- Services legislation: <https://anpc.ro/articol/587/prestari-servicii-1>

2.2. Consumer associations

Consumer associations are considered to be non-governmental organisations with legal personality in line with the law and which, without seeking to make a profit for their members, have as their sole purpose the protection of the rights and legitimate interests of their members or of consumers in general.

Natural and legal persons intending to develop activities of general interest or in the interests of a community or, as the case may be, in their non-economic private interest, may form associations in accordance with *Law No 246/2005* which approved *Government Order No 26/2000 on associations and foundations*.

Government Order No 21/1992 on consumer protection, as amended, sets out the rights and obligations of consumer associations.

On the basis of Article 34 of *Government Order No 21/1992*, consumer associations may request registration by the ANCP. On 1 April 2020 the ANPC registered 34 consumer associations.

https://anpc.ro/galerie/file/544/2020/lista_asociatiilor_de_consumatori_01042020.pdf

2.3. Enforcement/compensation

The ANPC enforces consumer protection legislation and takes action to prevent and combat practices that are harmful to the life, health, safety and economic interests of consumers.

Based on Government Order No 21/1992 on consumer protection, as amended, the main consumer rights are:

- a) to be protected against the risk of purchasing a product or of being provided with a service that could harm their life, health or safety or impair their rights and legitimate interests;
- b) to be fully, correctly and precisely informed of the essential characteristics of products and services so that the decisions they take with regard to these products and services best suits their needs, and to be educated in their capacity as consumers;
- c) to have access to markets providing them with a wide range of quality products and services;
- d) to be compensated for the damage caused by the poor quality of the goods and services, using for this purpose means provided for by law;
- e) to organise themselves in consumer associations in order to defend their interests.

Government Decision No 444/2020 established the institutional framework and measures for the implementation of Article 5(1) of Regulation (EU) 2017/2 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004:

<http://legislatie.just.ro/Public/DetaliiDocument/226644>

The Decision designated the single liaison office and the competent authorities responsible for the enforcement of consumer protection legislation, with direct access to the database referred to in Article 35 of the Regulation.

The Decision designates the ANPC as the single liaison office and competent authority, as well as the other authorities responsible for the implementation of Regulation (EU) 2017/2.394 (laid down in the Annex to Government Decision No 444/2020).

Consumers have the right to require economic operators/sellers to repair or replace the goods and services supplied free of charge, and can claim compensation for deficiencies found within the warranty or validity period. After the expiry of that period, consumers may request that products which cannot be used in accordance with their intended purpose, due to hidden defects subsequently occurring, be repaired or replaced.

Repair/Compensation: reimbursement of the price paid or replacement of the purchased product or service shall be ensured by the seller as soon as it has been established that it is impossible to use it, where this is not the fault of the consumer.

The consumer may take legal action for compensation in accordance with the terms of the contract or legal provisions, or in the event of the repair or replacement of inadequate products/services.

The ANPC checks and monitors food and non-food products and services, including public utilities and financial services.

Penalties for infringements affecting the health, safety, life or economic interests of consumers have been established in accordance with specific legislation, and generally consist of administrative fines if the offence is not subject to the Criminal Code.

The ANPC commissioners may also, where appropriate, apply additional measures, i.e. temporary or permanent cessation of trading.

2.4. Consumer education and information

Every year the ANPC carries out:

- ongoing consumer information activities (since 2001) consisting of mass-media articles, press releases and press conferences;

- a competition on consumer protection entitled *Alege! Este dreptul tău* [Choose! It's your right], developed in cooperation with the Ministry of Education and Research; this competition is in its 18th year, and is aimed at the most vulnerable section of the population but at the same time most receptive to information and education - schoolchildren. The direct target group is students in years 1 to 10, and the indirect group is made up of pupils' families, teachers and the community at large.

<https://anpc.ro/articol/572/alege-este-dreptul-tau-1>

- The *Comandamentul de iarnă* and the *Comandamentul de vară* [winter and summer orders] are campaigns aimed at monitoring tourism services and informing consumers who spend their holidays in these areas. The way in which these orders work involves receiving complaints from tourists, but also thematic checks carried out in hotels and guesthouses in the resorts to prevent possible customer dissatisfaction, as well as informing consumers and advising economic operators.

2.5 Centralisation of information and research

Since the end of 2014 the ANPC has had a new IT system to collect relevant information at national level on the number of complaints and checks and the name of the economic operator checked, as well as the legislation infringed, etc.

The online complaint form can also be found on the Authority's website: <http://reclamatii.anpc.ro/Reclamatie.aspx>; the consumer must provide his/her identification data, the reason for the complaint, the request for redress, the economic operator about which the consumer is complaining, etc.