



**Malkhaz Nakashidze (Editor)**

# **Democracy, Rule of Law, and Protection of Human Rights in the European Union**



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Editor

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# **Democracy, Rule of Law, and Protection of Human Rights in the European Union**

**Malkhaz Nakashidze (Editor)**

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## Chapter 4.

# Empowering Consumer Rights by Fostering Digital Tools for a European Public Space

**Plotnic Olessea, Lisnic Iurie, Tofan Mihaela<sup>4</sup>**

**Abstract:** An effective consumer protection policy ensures that the single market can function properly and efficiently. The European public space should guarantee consumer rights in relation to traders and to provide additional protection by empowering digital tools for consumers, as vulnerable parts of contracts. Consumer protection rules have the potential to improve market outcomes for the entire economy. They make markets fairer and, by improving the quality of information provided to consumers, can lead to better environmental and social market outcomes. Empowering consumers and effectively protecting their safety and economic interests have become key objectives of EU policy. The aim of this paper is to discuss a series of progressive steps that must be followed when protection of consumer rights should be a property for the economy of any country. The main body of the paper provides a detailed analysis on the importance of digital tools for consumer rights protection. The discussion also explores effective consumer protection legislation, enforcement institutions and how to redress systems by fostering digital tools. The current research is focused on analyzing and comparing a set of consumer protection norms within the legal system, with the aim of identifying digital tools that are relevant for a European public space and concludes by identification the variety of non-formal digital consumer protection tools that are not directly regulated by law.

**Keywords:** Consumer Rights; Digital Tools; European Public Space; Network; Online Dispute

### 1. Introduction

Currently, the majority of consumers may not be aware of their legal rights or the processes for filing complaints with state bodies responsible for consumer protection, especially by applying digital tools. This lack of awareness can be attributed to a variety of factors, including limited access to information, insufficient education and awareness-raising campaigns, and a lack of trust in the effectiveness of state institutions. To address this issue, governments and other organizations can

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work to improve consumer education and outreach efforts, provide clear and accessible information on consumer rights and the complaints process, and establish effective mechanisms for resolving consumer complaints. The actuality of the research topic arises from the need to protect the consumer who has been harmed in a direct or in-direct relationship with the professional, which has behind him a team of trained lawyers or even a marketing consulting office to promote products and services by using unfair commercial practices or abusive contractual terms in the standard contracts.

In the last period, the consumer is increasingly exposed to the risk of being deceived or prejudiced. The emergence of disputes more and more frequently is determined by the presence of certain socio-economic factors, namely: the spread of standard contracts, the development of electronic commerce, the intense circuit of goods and services, respectively, the development of international tourism and means of communication. At the same time, advertising and marketing techniques facilitate the emergence of consumer disputes. From this point of view, the scientific analysis of the role of the public administration in the consumer protection mechanism is not only current on a theoretical and practical level, but also necessary.

The main problem is that for most countries, especially for the Republic of Moldova (Moldova) as a non-Eu country, the economic year 2022 was marked by unprecedented inflation and the increase in energy prices. The beginning of 2022, after the COVID-19 restriction, initially seemed to be a favorable one for the economy of Moldova. However, the situation changed radically with Russia's military invasion of Ukraine, and the first crisis came with the flow of refugees from the neighboring country. Then the Government of Moldova, as well as the citizens, mobilized and collected part of the financial resources necessary to help the neighbors, who were fleeing the war. The prospects for 2023 are not optimistic either. The consequences of the war in Ukraine and the energy crisis have led to an increase in inflation of more than 30% and an explosion in the prices of all products and services. In these conditions, the Government of Moldova was forced to respond to the emerging crises and to support consumers, rather than to develop the economy, being focused on an economy that works for people (consumers), regardless of nationalities, with increased attention being focused on the empowering consumer rights by fostering electronic tools for a European public space.

The purpose of the proposed research is to align the efforts of the state in promoting digital tools in the same direction, namely to raise the trust of citizens as consumers of products and services, in the state mechanism protection, which play an important role in informing the protection of the legitimate interests of consumers.

In the Republic of Moldova, in 2023, with the creation of the new Government, the Ministry of Economy was reorganized into the Ministry of Economic Development and Digitalization, as the central body authorized to promote state policy in the field of economy and to coordinate the economic development of the Republic of

Moldova from the perspective of digitalization public services for consumers and professionals.

## 2. Data and Methodology

The current research is a comparative work, as it describes, analyses, and interprets information, in this case a set of norms belonging to the legal consumer protection system, to identify the relevant digital tools for a European public space, as well as the applicability of legal provisions in the context of measures undertaken by authorities in relation to violation of consumer rights. The research appears to be interdisciplinary in nature, drawing on legal, economic, and technological expertise to better understand how consumer protection norms can be enforced in an increasingly digital world. Overall, the research is aimed at identifying ways to improve consumer protection in the context of rapidly evolving technology and changing legal landscapes. By analyzing and interpreting existing norms, and identifying relevant digital tools and legal provisions, the research can help and inform policy decisions and regulatory frameworks that better protect consumers in Moldova, taking into consideration best practices from Europe. Hence, this brief identifies the necessary transformations and provides guidance to undergo them, highlighting among the most significant: adopting a rights-based approach, countering the digital divide, increasing transparency over the internet, enhancing data security and protection.

The subject is analyzed from the point of view of effective consumer protection digital tools, enforcement institutions and the doctrinal approach of both national and international authors. The article provides initially the importance of protecting the consumer by fostering digital tools and advances with European consumer protection digital instruments. In addition, this type of research involves analyses and comparing data from different sources to draw conclusions and make recommendations. During the writing process, various research methods were used, particularly theoretical and practical ones, including:

- a) analysis, by dividing the topic into paragraphs and subparagraphs, making references to legal doctrine and EU and national regulations;
- b) synthesis, by identifying the special features of special concepts, tracking the development of effective consumer protection legislation, enforcement institutions and redress systems by fostering digital tools.;
- c) deduction, by making conclusions on the basis of the researched material and presenting the personal point of view on the subject under the current research;
- d) classification, by dividing certain categories into different groups depending on various criteria, which allowed us to research each of them in more detail;
- e) analogy, by using and comparing different institutions, as well as the rules of law in different states, which makes it possible to identify similar and distinctive features;
- f) observation - by observing the statistical data, the dynamics of effective digital tools for consumer protection;

- g) comparison, by comparing the level of legal regulation of the institution for consumer protection in the national legal system of the Republic of Moldova, with the legal regulation of this institution abroad.

### 3. Literature Review

Many studies proposals and opinions have already been produced on effective consumer protection legislation, enforcement institutions and redress systems by fostering digital tools [26]. Usually, a classic protection is based, in particular, on submission of a written complaint to the professional for the consumer damage caused, or in general to the competent authority for the resolution of the consumer's complaint, in this sense state control tools being applied by preventing, ascertaining and sanctioning the violation of consumer rights.

European Council's Strategic Agenda for 2019-2024, the Political Guidelines is focused on six headline ambitions for Europe for five years, three of priorities being focused on digital age, economy, and citizens' values [19]:

- (1) An economy that works for people: a unique European social market economy, it is what allows the economies to grow – and what drives poverty and inequality to fall. It ensures that social fairness and welfare come first. Strengthening the social market economy is acutely important at a time when the states are redesigning the way of industry and of economy work.
- (2) A Europe fit for the digital age: Digital technologies, especially Artificial Intelligence (AI), are transforming the world at an unprecedented speed. They have changed how we communicate, live and work. They have changed our societies and our economies.
- (3) Promoting our European way of life: A Europe that protects must also stand up for justice and for values, including for consumer protection rights as „consumers are all us” [5]. Nowhere is this more important than when it comes to the respect of the rule of law in relationship with consumers. Ensuring the respect of the rule of law is a primary responsibility of each Member State.

However, as the Court of Justice has recently confirmed, we have a common interest in resolving problems. Strengthening the rule of law is a shared responsibility for all EU institutions and all Member States. To set the Union and its partners on the road to recovery and prepare for the transitions, four of the policy objectives are oriented on the economy that works for the citizens, for 2020-2024, as follows:

1. to ensure a full recovery from the COVID-19 pandemic
2. to maintain the EU's global leadership in fighting climate change;
3. to make the economy more resilient and robust;
4. to strengthen the EU's role as a global actor.

According to the EU-Moldova Association Agreement (AA), signed in 2014, name-ly Title IV, one of the areas focuses in particular on Consumer Protection

(Chapter 5) [2]. Enhanced cooperation should improve the administrative and regulatory framework for both EU and Moldovan businesses operating in the EU and in the Republic of Moldova, and should be based on EU policies, taking into account internationally recognized principles and practices in this field. To this end, the EU and Moldova will cooperate especially to:

- (a) aiming at the approximation of consumer legislation, based on the priorities in Annex IV to this Agreement, while avoiding barriers to trade for ensuring consumers' real choices;
- (b) promoting exchange of information on consumer protection systems, including consumer legislation and its enforcement, consumer product safety, including market surveillance, consumer information systems and tools, consumer education, empowerment and consumer redress, and sales and service contracts concluded between traders and consumers;
- (c) promoting training activities for administration officials and other consumer interest representatives; and
- (d) encouraging the development of independent consumer associations, including non-governmental consumer organizations (NGOs), and contacts between consumer representatives, as well as collaboration between authorities and NGOs in the field of consumer protection.

#### **4. Importance of Protecting the Consumer by Fostering Digital Tools**

To consume is most often to contract. The purpose of consumer law is to protect parties in a situation of obvious weakness in the face of informed professionals, a situation accentuated by the fact that the former contract for their private needs. The search for protection of the economically weak is a necessity for consumer law. In reality, doctrine and case law have long sought to protect the economically weak through the application of concepts or legal mechanisms pertaining to the general theory of obligations [17]. The participants in consumer relations are always in a position of inequality: on the one hand there is the "strong side", i.e. the professional, and on the other hand there is the "weak side", i.e. the consumer [4, 5, 6, 17]. The adoption of specific digital tools for consumer protection was premised on reality, when the consumer finds himself in a situation of triple inferiority to the professional. Today this need for consumer protection as a weaker contracting party by fostering digital tools can be motivated by:

- a) Technical inferiority, first of all, in the sense that the professional always knows better than the consumer the characteristics, qualities, defects or methods of use, of the products or services that he offers on the market. The professional could then be tempted to take advantage of his superiority to advise him of a good or service more in line with his own interests than with the real needs expressed by the consumer;
- b) Economic inferiority, then, because the professional, on the one hand, can use advertising to attract customers, possibly without real need and, on the other hand, always has more means to assert his rights in the event of a dispute;

- c) Legal inferiority, finally, because, without even insisting on the fact that consumers are generally unaware of their rights, in their relations with them, professionals most often resort to pre-drafted standard contracts to their exclusive advantage; membership contracts that consumers are led to sign, without any possibility of having the terms modified and without even, most of the time, having had the opportunity to read the content [4, 5,6,17].

This inferiority is most often embodied in the adhesion contracts imposed on consumers [13, 26]. The economic, technical and legal inequality between the two contracting parties is the permitted situation that explains the spirit of the entire consumer protection legislation, which cannot be other than that of redressing the imbalance existing at the time of the conclusion of the contract or arising from the conclusion of the contract, by regulating some rules that counterbalance the ratio of power, acting in favor of the consumer and, in this way, determining a legal imbalance in the opposite direction.

European consumer protection measures aim to protect the health and safety, as well as the economic and legal interests of European consumers, regardless of where they live, travel or shop in the EU. EU provisions cover both physical transactions and e-commerce and contain rules of general applicability accompanied by provisions targeting specific products, including medicines, genetically modified organisms, tobacco products, cosmetics, toys and explosives.

## **5. European Consumer Protection Digital Instruments**

According to the articles 114 and 169 of the Treaty on the Functioning of the European Union (TFEU) European consumer protection measures aim to protect the health and safety, as well as the economic and legal interests of European consumers, regardless of where they live, travel or shop in the EU [25]. EU provisions cover both physical transactions and e-commerce and contain rules of general applicability accompanied by provisions targeting specific products, including medicines, genetically modified organisms, tobacco products, cosmetics, toys, and explosives. The main scope of the UE is to ensure a high common level of protection against risks and threats to their safety and economic interests for all consumers in the Union, - regardless of where they live, travel or shop in the EU - and to improve consumers' ability to -defend their own interests.

Authorities should encourage the development of fair, effective, transparent, and impartial mechanisms to address consumer complaints through administrative, judicial and alternative dispute resolution, including for cross-border cases. It is important to underline that established or maintained legal and/or administrative measures, including digital, will enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, transparent, inexpensive, and accessible. Such procedures should take particular account of the needs of vulnerable and disadvantaged consumers. Member States, thanks to the European consumer protection instruments, provide consumers with access to digital remedies that do not impose a cost, delay or

undue burden on the economic value at stake and at the same time do not impose excessive or undue burdens on society and businesses.

### **A) The Network of European Consumer Centers (ECC-Net or "euro counters") and the "Your Europe" portal.**

The network of European Consumer Centers provides consumers with information and assistance on cross-border transactions. The network cooperates with other European networks, in particular FIN-NET (financial), SOLVIT (internal market) and the European Judicial Network in civil and commercial matters. The "Your Europe" portal provides consumers with comprehensive information on contractual rights, telecommunications and internet services, financial products and services, possible unfair treatment, energy supply and consumer dispute resolution. Further improvements have been introduced through the single digital portal [Regulation (EU) 2018/1724].[22].

### **b) Alternative Dispute Resolution Procedures and Online Dispute Resolution**

Alternative dispute resolution (ADR) procedures are out-of-court dispute resolution mechanisms that help consumers and traders to resolve their disputes especially through a third party such as a mediator, arbitrator or ombudsman. Recommendation 98/257/CE [9], Decision no. 20/2004/EC [12]. and Council Resolution 2000/C 155/01 [11]. provide the principles to be followed in ADR procedures, intended to guarantee less expensive and faster solutions for each consumer. Directive 2009/22/EC on consumer injunctions [14] harmonizes existing EU and national legislation and, in order to protect the collective interests of consumers, introduces 'injunctions' which can be opened at competent national courts against violations of the rules committed by commercial operators from other countries. Directive 2013/11/EU on consumer alternative dispute resolution [15] provides consumers with the opportunity to turn to entities that provide reliable alternative dispute resolution services for all types of contractual disputes between consumers and businesses, which may concern a purchase carried out online or offline, nationally or cross-border. Regulation (EU) no. 524/2013 on online dispute resolution [23] allows EU consumers and traders to resolve disputes online regarding national and cross-border purchases, through an EU-wide dispute resolution platform that these entities have been able to sign up to since February 2016.

### **c) The European Judicial Network in Civil and Commercial Matters and the Obligation of National Authorities to Cooperate**

Decision 2001/470/EC [10] created a European judicial network to simplify the lives of citizens facing cross-border disputes, improving judicial cooperation mechanisms between Member States in civil and commercial matters and providing citizens with practical information to facilitate their access to justice. Regulation (EC) no. 2006/2004 [21] created a network of national authorities responsible for the effective enforcement of EU consumer protection legislation and, from 29 De-

ember 2005, required these authorities to cooperate to ensure the enforcement of EU legislation in this area and, in the event of breaches of these rules within the EU, the obligation to put an end to any infringement, using appropriate legal tools such as injunctions.

## **6. Institutions that Support Consumer Protection**

States should encourage all businesses to resolve consumer disputes in an expeditious, fair, transparent, inexpensive, accessible, and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers. Information on available redress and other dispute-resolving procedures should be made available to consumers. Access to dispute resolution and redress mechanisms, including alternative dispute resolution, should be enhanced, particularly in cross-border disputes. State authorities should ensure that collective resolution procedures are expeditious, transparent, fair, inexpensive, and accessible to both consumers and businesses, including those pertaining to bankruptcy cases.

### **a) Consumer Protection Authorities**

In many jurisdictions, government authorities or agencies are established to administer and enforce consumer protection legal frameworks. These may be standalone entities dedicated entirely to consumer protection issues (such as the National Authority for Consumer Protection of Romania or Consumer Financial Protection Bureau in the US), or entities with broader mandates extending to related matters including competition (such as the Competition and Fair-Trading Commission of Malawi). In some cases, a government Ministry is tasked with the mandate of consumer protection (such as Directorate-General for Competition, Consumer Affairs and Prevention of Fraud in France or State Inspectorate for the Supervision of Non-Food Products and Consumer Protection of Republic of Moldova).

Some common functions of a consumer protection authority include:

- Enforcing consumer protection laws
- Issuing administrative rules or regulations
- Advising the government on consumer protection issues
- Educating consumers on their rights
- Overseeing mechanisms to resolve consumer complaints

In the Republic of Moldova, as non-EU country, the main difficulty for consumers lies in the fact that with the delimitation of the competences of the control bodies by Law no. 131/2012 on the state control on entrepreneurs' activity [16] and with the entry into force of the Administrative Code on April 1st, 2019 [1], consumers have a reduced access to direct communication with the responsible bodies for the prevention, information and /or sanctioning for violation of its rights, namely:

- Law no. 131 of 08.06.2012, establishes a list of 14 control bodies with distinct, but sometimes intersectoral competences that the consumer cannot independently delimit them. There is a need to delineate the competence in a standardized digital form with an access button through a single call to the Consumer Call Center.
- The Administrative Code contains a volume of 258 article, or the obligation to redress the consumer's complaints established in the Code of 5 working days [1], delays the solution of the consumer's case, which sometimes loses its effects over time, more allies in the case of food and / or defective products. There is a need to substitute written addresses with direct calls to the Single Consumer Call Centre that would immediately solve the problem of consumers or clarify competence by choosing the relevant access button of the body responsible for the settlement.

### **b) Ombudsman**

Some jurisdictions establish an office of the ombudsman to serve as an advocate for consumers in resolving complaints. An ombudsman is traditionally tasked with resolving complaints against public authorities, but this mandate can extend to consumer issues generally. The Ombudsman is appointed by the Government or by Parliament (usually with a significant degree of independence) to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation.

### **c) Courts**

Many consumer protection frameworks provide consumers with a private right of action against providers for violations. This permits them to bring a legal claim directly against a provider in a court. In many countries, consumer protection laws provide consumers with the ability to bring legal claims against providers in court for violations of their rights. This private right of action allows consumers to seek damages or other forms of relief for harm caused by the provider's actions, such as deceptive advertising or fraudulent business practices. Depending on the specific law and the jurisdiction in which the claim is filed, consumers may be able to bring their claims in small claims court, civil court, or even as part of a class action lawsuit. Courts play an important role in enforcing consumer protection laws and holding providers accountable for their actions.

### **d) Civil Society**

Professional and industry organizations may adopt their own codes of conduct or rules relating to treatment of consumers which they can enforce against their members. They may also establish complaints and dispute resolution mechanisms. For example, the Malaysia Association of Money Services Business (MAMSB), an industry organization for licensed remittance providers, has adopted a "Code of Conduct" that requires fair and transparent dealings with customers and con-

fidentiality of customer information. The MAMSB receives complaints about providers from the public or from other members and can launch an inquiry. If a member is determined to have violated the Code, they may be subject to censure or suspension of their membership.

Consumer associations may also advocate on behalf of consumers. This may include providing input on policy and legislation, bringing claims in court on behalf of groups of affected consumers, or publishing comparative information useful for consumers evaluating providers.

### **e) Platform and Technology Providers**

Platform and technology providers may also incentivize good behavior by businesses and consumers transacting on their platform. User ratings have served as a powerful incentive for good behavior by platform participants without regulatory intervention. Platform providers can also establish their own recourse mechanism to ensure that the consumers are able to lodge their complaints with the platform even if the businesses using the platform are unreachable.

## **7. Non-formal Digital Tools for Consumer Protections**

The consumer requires fast and special protection, as identified in the relationship with the professional as a vulnerable party from the perspective of the factors stated above. There are a variety of non-formal digital consumer protection tools that are not directly regulated by law but are evolving rapidly and in step with technological developments. These might include:

- a) Consumer protection websites - these provide detailed information on consumer rights, how to avoid fraud and how to report illegal business behavior.
- b) Online review platforms - these allow consumers to share their experiences with different businesses, thereby helping others make informed decisions and avoid fraudulent businesses.
- c) Mobile Apps - some mobile apps provide information about products and services, provide personalized recommendations, and allow users to report business behavior that violates consumer rights.
- d) Social media - these can be used to inform consumers about products and services to avoid or to report business behavior that violates consumer rights.
- e) Cameras - these are electronic devices that record video and audio and can be used to document interactions with businesses and protect consumers in the event of disputes.
- f) Alert services - these allow consumers to receive alerts via email, SMS or mobile notifications when problems are discovered with products or services they have purchased.
- g) Data protection software - this software helps protect consumers' personal information from hackers and other cyber threats.
- h) Secure payment platforms - these allow consumers to make secure online

payments and protect their financial information.

These are just a few examples of non-formal digital consumer protection tools. There might be many other options available, and consumers have the possibility to explore all options to ensure they are properly protected

It is very important to underline the fact that electronic tools have the potential to greatly empower consumers rights and to create a European public space with safety products and services, especially on:

- A. Protection of consumer health and safety;
- B. Protection of consumers' economic interests;
- C. Protection of legal interests of consumers.

Here are some ways in which electronic tools can be used to achieve the empower of consumer rights and their confidence in e-Governance:

- a) Online platforms for information-sharing: Electronic tools can be used to create online platforms where consumers can share information and experiences about products and services. These platforms can be used to alert others to fraudulent or unethical practices, share knowledge about consumer rights and provide information about the quality of goods and services.
- b) Online dispute resolution: Electronic tools can also be used to create online dispute resolution mechanisms. This can help consumers to resolve disputes with businesses in a quick and efficient manner, without the need for costly legal proceedings.
- c) Consumer advocacy: Electronic tools can be used to support consumer advocacy initiatives. These initiatives can be focused on educating consumers about their rights and providing support to those who have been victimized by unfair business practices.
- d) Public opinion polls: Electronic tools can be used to conduct public opinion polls on consumer-related issues. These polls can be used to gauge public opinion on issues such as product safety, environmental impact and consumer protection policies.
- e) Online voting: Electronic tools can be used to facilitate online voting on consumer-related issues. This can be particularly useful in situations where consumers are geographically dispersed and cannot attend in-person meetings or events.

Overall, electronic tools have the potential to greatly empower consumers and create a European public space where consumers can share information and work together to achieve common goals. However, it is important to ensure that these tools are accessible to all and that they are used in an ethical and responsible manner.

## **8. Conclusions and Recommendations**

In conclusion, we can state that in the near future the state, through institutions, will systematically monitor the consumer protection policy through the instruments and mechanisms established by law, which supervise the conditions at the national level for consumers in three areas (knowledge and trust, compliance and assurance of compliance and complaints and dispute resolution). The consumer protection policy is also to be systematically monitored with the help of the consumer markets dashboard, which collects data from consumers on recent purchases to track the performance of over 40 consumer markets according to key indicators, such as would be the trust that sellers comply with consumer protection rules, the comparability of offers, the options available in the market, the extent to which consumer expectations are met and the damages caused by problems faced by consumers. In addition, the Single Market Program was launched on 28 April 2021 to help the Single Market reach its full potential and ensure Europe's recovery from the COVID-19 pandemic. Empowering consumer rights by fostering digital tools for a European public space would be possible by promoting and implementing the following sectoral measures, namely:

### **8.1. Consumer Groups**

The involvement of consumer interest groups is essential for promoting and protecting the rights and interests of consumers in the EU. Consumer groups represent the voice of consumers and provide valuable insights and perspectives on various consumer-related issues. These groups are typically non-profit organizations that work to advance consumer protection, promote sustainable consumption, and improve the quality of goods and services. The European Consumer Consultative Group (ECCG) is a crucial platform for consulting with national and European consumer organizations. The ECCG comprises representatives of consumer organizations from all EU Member States, as well as from Iceland, Liechtenstein, and Norway. Its main objective is to provide advice and information to the European Commission on any matter related to the protection of consumer interests at EU level.

The ECCG plays a vital role in ensuring that consumer interests are taken into account in the development and implementation of EU policies and legislation. It provides a forum for consumer organizations to exchange best practices and coordinate their activities at the EU level. Additionally, the ECCG can help raise awareness of consumer issues and educate consumers on their rights. Overall, the involvement of consumer groups through the ECCG is an essential component of EU consumer policy and helps to ensure that the interests of consumers are protected and promoted at the EU level.

### **8.2. Consumer Education**

Consumer education is a crucial element of EU consumer policy as it helps individuals to make informed choices and become more confident and competent con-

sumers. The EU has been actively involved in organizing consumer education actions at various levels, including primary and secondary education curricula. One such initiative is the "Consumer Classroom" which is a pan-European and multi-lingual community site for teachers. This site brings together an extensive consumer education library from across the EU and provides interactive and collaborative tools for preparing lessons and making them available to learners and other teachers. By using this site, teachers can access high-quality teaching resources and exchange best practices with other educators from different countries.

The interactive online consumer education tool "Dolceta" was also designed for trainers and teachers as well as consumers. The tool covers basic consumer rights, product safety, and basic financial education, among others. It provides users with interactive and engaging modules that can be used in a variety of settings, including schools, universities, and adult education programs.

The EU's initiatives in consumer education, such as the "Consumer Classroom" and "Dolceta," demonstrate its commitment to promoting consumer awareness and protection. These initiatives provide teachers and consumers with access to valuable resources and interactive tools that can help them develop the knowledge and skills needed to make informed choices and protect their rights as consumers.

### **8.3. Consumer Information**

Consumer information is critical for ensuring that consumers are aware of their rights and can make informed decisions about the products and services they purchase. The EU has improved access to information through a single digital portal (Regulation (EU) 2018/1724), which provides a centralized platform for consumers to access information and resolve disputes. This portal makes it easier for consumers to access information, seek redress, and resolve disputes, ultimately promoting consumer confidence in the EU market.

The European Consumer Centers (ECC Network) and FIN-NET are two such mechanisms. The ECC Network provides information and advice on cross-border purchases, including resolving consumer complaints. Similarly, FIN-NET fulfills the same role for cross-border financial services complaints. Through these networks, consumers can access information and advice on their rights, how to resolve disputes, and how to make informed choices when purchasing goods and services across borders.

The Commission also organizes consumer information campaigns in the Member States and publishes Practical guides for consumers. These campaigns and guides aim to promote awareness of consumer rights, educate consumers on how to protect themselves from scams and fraud, and provide guidance on how to seek redress if their rights are violated.

SOLVIT is another service dedicated to resolving disputes resulting from violations of EU law. It offers an online platform where consumers and businesses can submit complaints related to the internal market, and SOLVIT will work to resolve the issue through informal means.

The Your Europe portal is also a vital resource for consumers. It provides access to better information on consumer protection policy and brings together various sources of information in a reference information center. The portal offers information on consumer rights, product safety, and redress mechanisms, making it easier for consumers to access the information they need.

#### **8.4. Ensuring Compliance with Consumer Rights.**

The EU has established Regulation (EU) 2017/2394 on cooperation between national authorities in charge of ensuring compliance with consumer protection legislation. This regulation aims to facilitate cooperation between national authorities across the EU, providing them with a framework for information exchange and cooperative actions to combat breaches of consumer protection legislation. Through this network, national authorities can conduct investigations and enforcement activities in a coordinated manner. For example, they may conduct internet verification activities to check whether websites comply with the law. The network also aims to ensure that national authorities have access to the necessary resources and tools to effectively enforce consumer protection legislation.

The network's scope includes areas such as misleading advertising, holiday packages, and distance sales. By providing a framework for cooperation and information exchange, the network aims to ensure that consumer rights are effectively protected and that consumers can make informed choices when purchasing goods and services.

In summary, ensuring compliance with consumer rights is critical for protecting consumers and maintaining a fair and transparent marketplace. The EU has established a network of national authorities responsible for enforcing consumer protection legislation, providing a framework for cooperation and information exchange to combat breaches of consumer protection legislation. The EU has established various mechanisms to provide consumers with information and advice on their rights and how to make informed choices when purchasing goods and services. These digital tools help to promote consumer confidence, protect consumers from fraud and scams, and ensure that consumers can seek redress when their rights are violated.

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**References**

- [1] Administrative Code of the Republic of Moldova no. 116 of 19-07-2018  
Published: 17-08-2018 in Official Gazette No. 309-320 art. 466
- [2] Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, OJ L 260, 30.8.2014, p. 4–738
- [3] Beauchard J. 1996. Droit de la distribution et de la consommation. Paris: PUF
- [4] Bourgoignie T. 1982. L'accès des consommateurs au droit et à la justice: les défis du marché unique, REDC n° 3, 1992, p. 120; GHESTIN J., L'utile et le juste dans les contrats, D. 1982, chr. p. 1
- [5] Calais-Auloy J. 1990. Le projet français de Code de la consommation. RED consom. 1990, 179
- [6] Calais-Auloy J. and Temple H. 2010. Droit de la consommation, 8em édition, Dalloz, Paris
- [7] Cojocaru V. and Plotnic O. 2013. Clauzele abuzive în contractele de consum, CEP USM, Chişinău
- [8] Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes (Text with EEA relevance)
- [9] Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters, OJ L 174, 27.6.2001, pp. 25–31
- [10] Council Resolution of 25 May 2000 on a community-wide network of national bodies for the extra-judicial settlement of consumer disputes, OJ C 155, 6.6.2000, p. 1–2
- [11] Decision no. 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer protection policy for the years 2004–2007Text with relevance for the EEA. OJ L 5, 9.1.2004, pp. 1–7
- [12] Dereuw F. 1910. De la nature juridique des contrats d'adhésion, RTD civ :, 1910, pp. 503-535
- [13] Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions with regard to the protection of consumer interests

(codified version) Text with EEA relevance

[14] Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on the alternative resolution of consumer disputes and amending Regulation (EC) no. 2006/2004 and Directive 2009/22/EC (Consumer ADR Directive), OJ L 165, 18.6.2013, p. 63–79

[15] Law of Republic of Moldova no. 131 of 08-06-2012 regarding state control over the activity by entrepreneurs Published: 31-08-2012 in Official Gazette No. 181-184 art. 595

[16] Paisant G. 2003. A la recherche d'un consommateur, La Semaine Juridique Edition Générale n° 13, 26 Mars 2003, I 121

[17] Paisant G. 2011. L'utilité et le caractère du droit de la consommation, in « Les aspects juridiques de la protection des consommateurs dans l'Union européenne », Mykolo Romerio Universitetas, Vilnius 2011, p. 19 s.

[18] Plotnic O. 2010. Mecanismul de protecție a consumatorilor în Republica Moldova: aspecte de drept comparat, Revista Națională de Drept Numărul 11(122) / 2010 / ISSN 1811-0770, pag. 42-47

[19] Political Guidelines for the next European Commission 2019-2024, by candidate for President of the European Commission Ursula von der Leyen

[20] Regulation (EC) no. 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for ensuring the application of consumer protection legislation ("Regulation on cooperation in consumer protection"). Text with relevance for the EEA, OJ L 364, 9.12.2004, p. 1–11

[21] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (Text with EEA relevance.), OJ L 295, 21.11.2018, p. 1–38

[22] Regulation (EU) no. 524/2013 of the European Parliament and of the Council of May 21, 2013 regarding the online resolution of consumer disputes and amending Regulation (EC) no. 2006/2004 and Directive 2009/22/EC (Regulation on SOL in matters of consumption), OJ L 165, 18.6.2013, p. 1–12

[23] Thouvenin J.M. 1997. Personnes publiques, personnes privées investies d'une mission de service public et droit de la concurrence, Dalloz Affaires 1997

[24] Treaty on the Functioning of the European Union (TFEU), Rome, 1958

[25] Trochu M. 1993. Les clauses abusives dans les contrats conclus avec les consommateurs, D. 1993, chron. 315;

[26] United Nations guidelines for consumer protection, published within United Nations Conference on Trade and Development, UNITED NATIONS, New York and Geneva, 2016, United Nations Guidelines for Consumer Protection (unctad.org)



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