

Consumer protection in Romania - obligations for manufacturers and sellers

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Consumer protection is of great importance throughout Europe, so that European legislation regulates standardised principles in this regard.

This concern is based on Articles 169, 114 and 169 of the Treaty on the Functioning of the European Union. Member States adopt specific and detailed rules to guarantee these rights and safeguards for consumers. Romania is no exception in this matter: some of the general legal obligations to ensure consumer protection in Romania are presented below.

Principle: Obligation to inform consumers

The primary law for consumer protection in Romania is Government Ordinance no. 21/1992, which contains obligations that manufacturers, packers, importers, distributors and sellers must generally observe.

Consumers must be informed about the most important characteristics of the goods, including market name, brand, quantity (number of products sold together, e.g. in the same packaging, volume in litres or weight, etc.), intended use, technical characteristics, foreseeable risks of use, safety information on transport, storage, safekeeping, address of manufacturer/importer/distributor, etc.

All this information must be made available to consumers in Romanian. It must also be legible, clear and easy to understand, in a form that does not allow the information to be erased, and displayed in easily accessible places.

The obligation implies that consumers are informed about the most important elements of the goods and conditions of purchase (price, guarantee, etc.) before they make a decision to purchase goods. Any trade, industrial, commercial or professional secrecy may not be invoked for refusing to provide this information.

Price information

An important point that consumers in Romania must be informed about is, of course, the price. This must be indicated in a visible, easily accessible and unambiguous manner. Consumers must also be informed of the final price, which includes all fees, taxes (e.g. VAT) or other costs for end consumers.

The indication of some taxes or fees also falls under this obligation of the seller. For example, for electrical goods, the seller must indicate the 'Green Fee (rum. *Timbrul Verde*)', which is calculated in accordance with Directive 2012/19/EU, in addition to the price of the goods, which must be included in the final price. This was also transposed into national law by Romanian Government Ordinance no. 5/2015.

The price must always be stated in RON, even if other currencies are used. Attention should be paid to clarity here; in practice, customers often complain about misleading behaviour on the part of sellers due to difficulties in identifying the price in RON.

Safety features, warnings and signs

For certain items, sellers are obliged to ensure that the goods sold comply with certain standards. Before the goods are offered for sale, a seller must check whether the European Health and Safety Standard (CE, which stands for *conformité européenne*) mark has been affixed to the packaging of the goods in accordance with (among other things) Government Regulation No. 99/2000.

If goods are not suitable for certain consumer categories, warnings or warning labels must be affixed to the packaging. For example, toys must be labelled with a warning if certain goods are not suitable for children under a certain age (e.g. 3 years).

Guarantee

Sellers are also obliged to guarantee consumers that most products are free from defects for at least 2 years. The guarantee must be provided on a durable medium at the latest at the time of sale. This also includes the measures and options available to the consumer to remedy any defects in the goods.

Practical experience

Consumer protection is taken seriously by the authorities in Romania. The Romanian National Agency for Consumer Protection (*Agenția Națională pentru Protecția Consumatorului*) periodically reports on its website about heavy fines imposed on companies for failing to inform consumers. Such deficiencies can even lead to a ban on the sale of certain goods or, in extreme cases, to the temporary suspension of a seller's economic activity.

It is therefore always advisable to check and apply the principles of consumer protection.

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