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LEGAL INSTRUMENTS AND POLICIES FOR CONSUMER RIGHTS AND SAFETY IN ALBANIA: AN ANALYSIS

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Abstract

Consumer rights are a key element of public law, as they relate to the regulation of economic activities and the protection of individuals in their role as consumers within the market. This scientific paper presents an overview of how consumer rights are integrated and rooted in public law, which includes a regulatory role, state responsibility and preventive measures. Key elements include the right to information, security, choice, rectification and representation. Legal instruments include constitutional protection, legislation and regulatory agencies. Public policy implications include market regulation, public awareness campaigns and international cooperation. Administrative law regulates the relationship between individuals and public authorities, with agencies investigating and penalizing violations of consumer rights and administrative courts providing a platform to challenge regulatory decisions. Customer satisfaction is essential as it encourages repeat purchases, serves as a strong advertisement for the product and reflects the product's values and beliefs.

Key words: *consumer rights, public law, instruments, legislation, advertisement.*

INTRODUCTION

Consumer rights are essential for regulating business processes and protecting personal interests. The abundance of products and modern communication have encouraged the need for new regulatory systems and protection from deceitful messages. Consumer protection has its roots in the middle ages, with the first consumer advocates being Thomas Aquinas, Martin

Luther, and John Calvin. Three ways to guarantee consumer protection are through government initiatives, legal frameworks, and fair competition and self-regulation mechanisms. The Sherman Act of 1890 marked the beginning of policies in favor of consumers, excluding activities that aimed to profit from monopolies and large industries. These policies allowed consumers to choose from a wider range of products and created fair competition for artisans and small traders.

European Consumer's Day aims to highlight consumer rights and the relationship between consumers and enterprises. With fifty years, ICPO's has expanded basic consumer rights to eight. The European Commission celebrates the 15th of March as European Consumer's Day to promote opportunities offered by EU integration. Consumer protection is a global phenomenon, with developed countries often ignoring it. Developing countries should adopt sustainable consumption patterns to protect consumers while respecting joint responsibility. Universities and think tanks play a positive role in drafting consumer protection policies. The Franco-German Centre for Consumer Protection was established in 2003 to improve EU citizens' lives.

In the 1990s, the liberalization of the internal market led to a shift in consumer-trader relationships. The first consumer protection association was founded in 1990, conducting educational activities on consumer rights. Over time, new associations like ACA, CPO, and Consumers in Focus have been established, protecting all consumer categories. These associations cooperate with the CPC to resolve consumer disputes through mediation or representation in courts. They assist consumers with legal information and counseling, and conduct promotional activities on consumer rights.

I. THE ALBANIAN LEGAL FRAMEWORK ON CONSUMER PROTECTION

During the communist regime, Albania controlled everything, but consumer rights protection gained momentum during democracy. The concept of consumer protection in Albania was first established in 1990, coinciding with political changes. The Stabilization and Association Agreement in 2006 aimed to harmonize Albanian legislation with the *acquis communautaire* and European standards. This article provides an overview of the development and prospects of consumer protection policies in Albania, including the creation of consumer protection associations, codification of legislation, and interaction with other institutions.

The country has approved laws and implemented policies to protect consumers, with the 2003 law offering greater protection. The 2008 law marked a key momentum, offering adequate protection. The signing of the SAA committed to aligning Albanian legislation with the *acquis communautaire*, ensuring consumer protection standards and harmonization with the Community. During the alignment process, consumer policies were developed, focusing on health

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safety, product safety, consumer education, and right to compensation. Other laws have been approved in specific areas, providing protection for consumers in specific areas. The Law on Consumer Protection is designed as a general framework of provisions for consumer protection, ensuring a wider range of protection for consumers.

The Albanian legal framework on consumer protection has been modernized, but the implementation of legislation remains lagging behind. The current system is organized into three main units: The Consumer Protection Sector, the Consumer Protection Commission, and the State Inspectorate for Market Supervision. However, in a small market economy like Albania, the implementation of consumer protection policies is not similar to more developed countries. A new system, alternative dispute resolution, has been proposed to provide consumers with an alternative solution to court proceedings, addressing small-scale disputes that are often neglected by consumers. ADR schemes should respect European principles, including quality, transparency, impartiality, and effectiveness, and be informed to consumers during purchase transactions.

Albania is implementing consumer protection rules through cooperation with authorities and relevant bodies. As a priority for EU accession, the country is reforming to align its legislation with EU standards. The signing of the SAA in 2006 led to increased efforts to introduce consumer protection policies. The Crosscutting strategy on consumer protection and market supervision 2007-2013 is the first document on this topic.

The National Food Authority (NFA) has implemented measures to protect consumer health, focusing on specific groups of consumers. One such measure is the introduction of Albanian labels on products, which must be accurate and detailed. However, this is not enough to protect consumers' health. The NFA has also addressed issues with hygienic conditions in meat trading markets, particularly in Tirana. The NFA has improved hygienic-sanitary conditions, making consumers feel more safe. However, consumers also have the right to demand safe non-nutritional products, which lies with traders. Over the past few years, laws and measures have been enforced to protect consumers' health and provide them with sufficient information. Product labeling helps consumers understand the ingredients, quality, and potential health consequences. However, modified products are still present in the market, and producers must adhere to these guidelines. The National Food Authority (NFA) plays a crucial role in ensuring compliance with legal provisions, as non-compliance can lead to harmful products.

CONCLUSION

*Albania's consumer rights protection is governed by government policies, legal framework, and implementation by state structures, market actors, and consumer protection associations. While progress has been made in aligning the legal framework with the *acquis communautaire*, more needs to be done. The role*

of consumer associations has been crucial since the early 1990s, and the signing of the SAA between Albania and the EU has increased consumer protection. However, the institutional framework needs improvement, with new bodies and institutions requiring cooperation with other consumer protection institutions like the Competition Authority. The legislation still lacks provisions for marketing communications, codes of conduct, electronic trade, public services, and class action for consumer compensation. The Strategy for Consumer Protection and Market Surveillance is commended for empowering consumers. More information campaigns should be distributed to educate citizens about their rights and the available tools.

Albania is implementing measures to enhance consumer protection, a concept first introduced in the 1990s. This change reflects the shift from a state-controlled market to a consumer-centric one. The government's efforts have led to increased quality and safety in the market, ensuring that consumers are fully protected and aware of their purchasing choices. This paper highlights the country's commitment to consumer protection.

*Albania, a potential EU candidate, has made efforts to make its laws and future legislation compatible with the *acquis communautaire*. In 2008, the Albanian legislator replaced the old Consumer Protection Act (CPA) 2003 with the new CPA 2008, aiming to fully implement European directives on consumer protection law. However, the CPA 2008 did not fully implement all directives and the relationship between the CPA and the Albanian Civil Code remains unclear.*

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