

## CONSUMERS AND CONSUMER PROTECTION LAW

**Summary:** ‘Consumer law’ could be understood as all laws and regulations affecting consumption and the structuring of consumer markets. This would include most of the legal system- competition law, intellectual property, etc. However, in this paper, the focus is primarily on tradition areas of consumer law. In everyday life we also use these areas to integrate consumer credit, advertising, product safety- to illustrate some of the difficult economic, political and institutional choices that consumer law is ‘about the fundamentals’ of our economic system. But more importantly it is about the fundamentals of our system writ large- about our system of government, politics, policy making and priority setting.

**Key words:** society, consumer, policy, law, European Union

## INTRODUCTION

The object of this paper is consumer protection, consumer law and consumer protection in the Republic of Macedonia. Hence, this paper is composed of three separate entities including the introduction and the conclusion. The first will talk about consumer protection. The author gives a definition of the consumer but also provides a brief overview of the history of consumer protection. In the same time, in the first section, will be presented law regulations on consumer protection in USA, EU and Republic of Macedonia. The second section will be about consumer law. The author will try to present the complicity of legal branch by trying to give the right definition and try to find the reason for the emergence of consumer law. The third section will be about presenting laws and regulations in Republic of Macedonia relating to consumer protection and witch bodies are working on consumer protection. In this paper the author intends to show the complexity of consumer law and consumer protection. To determine existence to legal regulations and confirm the fact that our country is sufficiently harmonized with the directives imposed by the EU in this field. In the end, the author will conclude that Macedonia

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consistently respect the directives imposed by the European Union for consumer protection and implement within its legislation.

The author feels the need for introduction to specify the following

Many assume that consumer law and the 'consumer society' is a phenomenon with a more recent date which developed after the Second World War. Historians, in the past two decades, have argued about the 'birth' of the consumer society. It can at least dating from the 18th century. But what is the consumer society? There are several considerations that says there are societies in which credit and the choice available immediately, in which social value is defined in terms of purchasing power and material possessions, that there is a need above all for what's new, modern and exciting.

In the postwar period, it is been noted existence of 'affluent' societies. It might be mentioned that the markets of Western Europe and United States have delivered a flow of novel and compelling opportunities, services and goods. North America and Europe are about three times as rich as they were in 1950- that might be defined as affluence. The changing nature of consumption and consumer markets since Second World War provides the context for understanding present-day consumer regulation in Europe. During this period, the consumption of durable goods increased enormously, continuing the growth of mass consumer markets which had developed during the inter-war years.

The growing affluence of the population during this period, coupled with changes in occupation structure, provided a large and stable consumer market which seemed to presage the development of a 'consumer society' similar to that which existed in North America. The development of a large middle group of technical and administrative occupations, a characteristic of advanced capitalism, might, it was thought, break down traditional class barriers. Some sociologists developed an 'embourgeoisement' argument- that the working class was gradually being assimilated, through consumption of products similar to those of the middle class, to the style and manners of that class.

A society based on the model of perfect competition in the market should provide the best conditions for the consumer. Indeed, in such circumstances, the consumer is dominant. In contrast, in the absence of perfect competition, consumers will be not able to express their need, to express an opinion on manufacturers by choosing of the products which are available in stores.

Place of the consumer in the economy and society caused different interpretations and viewpoints. Despite, consumers are a heterogeneous group and many of the theorists can not give adequate definition for the consumers nor any definition is complete and accurate and no definition entirely captures and explains the notion of consumer.<sup>2</sup>

Recent economic problems necessitated the rebuilding of interest to consumers. In the previous decade had heard little about them (consumers). Today, awareness about consumer divides into two groups: those who are concerned about the inability of consumers to accept the application and output of the industry and those who are concerned about the interest and needs of consumers. Consumer interests as beneficiaries, especially as buyers of goods are subject to a real concern. What are these problems, it is not completely cleared, but ultimately begin to understand, and the fact of their importance and role in the economy.

## **1. CONSUMER PROTECTION**

As a first step in clarifying the problems of consumers is to ask: who is a consumer? The consumer is, certainly, user of goods. We consume, end or use food, clothing cars and thousands of other products. We not only use visible, tangible products, but we also use the services of others. We use the services of barber, auto mechanic and other services during the day which we do not pay attention that we are using such services.

Macedonian legislation in respect of consumers protection responds in 2000-2001. With the aspiration of our country to the European Union and the modernization of our society is the need for legal regulation and protection of consumers. Our country its first law on consumer protection bears in 2000 as the Law on Consumer Protection (Official Gazette 63/2000). This law officialy is no longer in force and in its place in 2004 came new, with a few amendments, witch is still in force today.

The initial definition of what is a consumer since 2004 in Article 2 states that the consumer is an individual who purchases products or services for their own needs or the needs of his family. But, our Law on amending the law consumer protection (Official Gazette no. 77 from 20.06.2007) Article 1 says that there is a change of Article 4 of the Law on Consumer Protection from 17.06.2004 (Official Gazette no. 38/04) in relation to the consumer and it has been given

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<sup>2</sup> Cf. G. Howells, S. Weatherill- *Consumer protection law* ,second edition,2005g,repented 2006g, United Kingdom; 1-36

new legal definition. Under this Article, consumer means any natural person who buys products or uses services for immediate own consumption for purposes outside his trades, business or profession. As we can see from the legal definitions, the first and second, there is a change, and such change is imposed by the change of our society and its needs. It could be said that this change our legislator has successfully adapted this need in an appropriate legal definition whose scope is much larger than the original ( from 2004).

One of the landmarks of modern democracies in the world is the protection of the economically weaker party in business and trade transactions in the market. This is usually done through the adoption and implementation of a special law on consumer protection. Such legal provision usually provides protection only on individuals, natural persons as consumers when entering into business relations or when buying products and services on the market, for themselves or their relatives. The realization of the idea of consumer rights is conducted by means of so-called public legal protection of consumers and in the legal literature is defined as consumer protection afforded by the state and other legal institutions with the adoption of laws and regulations that regulate issues important for consumers.<sup>3</sup>

The history of consumer protection in the United States is the story of specific formal legal responses to crises and emergencies that generate great public outrage and require a public response. This pattern began against the background of the 19th century common law, which emphasized freedom of contract and caveat emptor (let the buyer beware). Over time, specific crises and political events led to both the creation of government bureaucracies with jurisdiction over specific products and practices affecting consumers and a broad array of private rights of actions where consumers can sue for damages, injunctions, attorney fees, and litigation costs if they can show harm from the illegal practice.<sup>4</sup>

The arrangement, first sourcing of the right and law in this area and development of institutions aimed at protecting consumers began in the USA. In 1972 the United States passed the federal law on consumer protection. <sup>5</sup>After passing this law followed the formation of a separate Commission for federal safety of trade goods. As a result of strong consumer movement

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<sup>3</sup> V. Pepeugovski- *Zaštita na potrošuvate i izmenite na zakonot za obligacioni odnosi, so poseben osvrt na zaštita na potrošuvate pri sklučuvawe na potrošuvaki kredit*, trud str.1-18

<sup>4</sup> S. Weber Waller, J. Brady, R.J. Acosta, J. Fair. *Consumer protection in the United States: An overview*, paper pg.1

<sup>5</sup> T. Milenkovic-Kerkovic- *Zastita ekonomskih interesa potrosaca i ugovor o potrosackom kreditu*, casopis Ekonomske teme ,str 85

is the statement of US President Kennedy: 'We all, by definition, are consumers'.<sup>6</sup> At the end of the 1973, European countries which signed the Treaty of Rome, brought up the European Charter for Information and Consumer Protection, with the Program for Consumer Protection. As rights for the consumers were anticipated: (1) the right to protection of economic interests, (2) the right to legal protection and state aid, (3) the right to protection from danger to life, health and property as a result of the acquisition of products and services to market, (4) right to information and education of consumers and (5) the right of association in order to protect the interests of consumers and the right to representation in bodies deciding on affairs of interest to consumers.

The arrangement of this area and the development of institutions that will inform and teach consumers started the General Assembly of the United Nations with the Resolution no. 39/248 from year 1958. This Resolution contains the guidelines for consumer protection which encourage Member States to protect the rights of consumers. The basic rights of consumers to Resolution sight: 1. Right to content essential necessity; 2. Right to security; 3. Right to information; 4. Right to choose; 5. Right to vote; 6. Right to compensation; 7. Right of education of the consumers and 8. Right to a healthy environment.<sup>7</sup>

In that direction, in Consumer protection Act 2009 there is very small definition, and in author's opinion rather empty. In chapter 1, part 1-2 in this act is said that a consumer is natural person. On the other hand, in USA consumer protection laws are federal and state statutes governing sales and credit practices involving consumer goods. Such statutes prohibit and regulate deceptive or Unconscionable advertising and sales practices, product quality, credit financing and reporting, debt collection, leases, and other aspects of consumer transactions. The goal of consumer protection laws is to place consumers, who are average citizens engaging in business deal such as buying goods or borrowing money, on an even par with companies or citizens who regularly engage in business<sup>8</sup>.

Following the guidelines provided by resolution of the United Nations, thirty year old consumer protection in the EU are raised as one of the official policies of the Union. This policy is a horizontal policy of the Union as such which take account of consumer interests in the

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<sup>6</sup> V. Pepegovski- *Zaštita na potrošuvate i izmenite na zakonot za obligacioni odnosi, so poseben osvrt na zaštitata na potrošuvate pri sklučuvawe na potrošuvate ki kredit*, trud str. 1

<sup>7</sup> V. Pepegovski- *Zaštita na potrošuvate i izmenite na zakonot za obligacioni odnosi, so poseben osvrt na zaštitata na potrošuvate pri sklučuvawe na potrošuvate ki kredit*, trud, str 1-2.

<sup>8</sup> S. Weber Waller. J. Brady. R.J. Acosta. J. Fary. *Consumer protection in the United States: An overview*, paper pg.1-20

implementation of the other official policies.<sup>9</sup> This matter is matter of shared competence between the EU and Member States.

Consumers are the ones who carry the signal which is much stronger in theory than in practice. They just do not know the nature of the products being offered. Nevertheless, they want to buy the best product, but are unable to make a choice because of a lack of information about the product. Even if there is adequate information, it often happens that the consumer erroneously read or did not read the information supplied in the form of a declaration pasted on the product itself. Some risks are undervalued and some overvalued that brings about consumer behavior is the consequence, which is reflected in the so-called 'perfect market'. Thus, the 'perfect market' operates on the presumption of awareness of consumers. Lack of information affects the producers themselves. So, if there is no information as provided by the consumer, the manufacturer will not know how or if the product is bought and sold in the market. Losing customers is the ultimate sanction for the failure of the manufacturer to examine the needs of customers in terms of product produced. Markets are flexible and quickly adapt to consumer needs. However, the lack of information in small markets means that there are not repercussions at all to major problems. The reverse situation is the one that is worrying: lack of information in major markets leading to major consequences (example - bankruptcy of manufacturing giant). Thus, every society and every market at the same time, it must listen to the signals of the consumer and at the same time, must protect the customers from possible fraud that manufacturers can do.

Consumer rights and the right of consumer protection covers a set of legal rules that are available to consumers who are not well informed and, at the same time, be or are in a weaker position than the manufacturer or the supplier. It seems unequal economic power and position of the consumer and the producer is the crucial moment of skepticism towards modern unregulated market. Shaping and forming of consumer policy depends on timely detection and understanding of the consequences that would occur in practice. It should be borne in mind that some relationships in practice ultimately prove to be wrong for consumers and consumer policy as

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<sup>9</sup> In 1993 the Treaty of Rome in agreement Maastricht added a new chapter on consumer protection to be developed as a separate policy. However, four years later, the Treaty of Amsterdam allows the adoption of measures to support, supplement and supervise adoption of measures to support, supplement and supervise the policies implemented by member states. These measures does not have to have a direct and explicit concerning of the internal market.

such, including the consumer law, they are supposed to detect fraud that they might become involved in, and remove them and ultimately protect the consumers from such side effects.

Should the consumer be protected from risks inherent in buying harmful and wrong products? One refers to the thinking that every consumer who purchases in such an environment (unregulated market) should be warned about the risks that exist. On the other hand, there is another consideration, saying that the consumer who decided to purchase in such a market has already been warned of possible risks. Thus, it is considered that the shaping of consumer policy depends on the consumer to be protected. Thus, the creator of consumer policy should be able and know how to recognize in which part are hiding most of the problems and there to act and decide in favor of the consumer. This section a major role plays the private and the public law. Except legal frameworks offered by the legislator, should be taken in consideration their implementation in a proper way, and to pay attention to court, how much and whether the court is easily accessible to the consumer and whether the consumer can disputes its consumer rights into the court. And public and private law contribute to this aspect of consumer rights.<sup>10</sup>

The market in which consumers actively participate is not only the national markets. The progress of market integration features of European Union, quickly advancing in recent years. So EU rules represent a significant and important source in the consumer protection. Besides the rules, important role in protecting consumers plays the World Trade Organization and the United Nations. Their role is set to a more subtle level, the level of problems that consumers have in the world.

It is important to specify the definition of what is a consumer in the EU. The Directive on Consumer Rights aims at achieving a real business-to-consumer (B2C) internal market, striking the right balance between a high level of consumer protection and the competitiveness of enterprises. The Directive on Consumer Rights (2011/83/EC) replaces, as of 13 June 2014, Directive 97/7/EC on the protection of consumers in respect of distance contracts and Directive 85/577/EEC to protect consumer in respect of contracts negotiated away from business premises. Directive 1999/44/EC on certain aspects of the sale of consumer goods and

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<sup>10</sup> Cf. G. Howells, S. Weatherill- *Consumer protection law*, second edition, 2005g. reprinted 2006g, United Kingdom; 1-36

associated guarantees as well as Directive 93/13/EEC on unfair terms in consumer contracts remains in force.<sup>11</sup>

In that manner, the definition for consumer in EU would be: a consumer is a natural person, who is acting outside the scope of an economic activity (trade, business, craft, liberal profession)<sup>12</sup>. But, as the Directives are changing, the definition also is changed. This is a result, again, fast changing development of society, especially in Europe. So, in every Directive concerning the definition or the notion of consumer has its own definition. For the propose of this paper the author will mention couple of them. **Directive 85/577, Art. 2** “consumer” means a natural person who, in transactions covered by this Directive, is acting for purposes which can be regarded as outside his trade or profession. **Directive 93/13, Art. 2(b)** “consumer” means any natural person who, in contracts covered by this Directive, is acting for purposes which are outside his trade, business or profession. **Directive 98/6, Art. 2(e)** consumer shall mean any natural person who buys a product for purposes that do not fall within the sphere of his commercial or professional activity. **Directive 2005/29, Art. 2(a)** “consumer” means any natural person who, in commercial practices covered by this Directive, is acting for purposes which are outside his trade, business, craft or profession. Recently adopted **Directive 2011/83/ EU** in Art.2 (1) says: ‘consumer’ means any natural person who, in contracts covered by this Directive, is acting for purposes which are outside his trade, business, craft or profession;

Thus one examined definition of consumer in the Republic of Macedonia, the US and EU, including the notion of consumer protection, can be concluded that consumer is: 1. a natural person; 2. who is acting for purposes which are outside some kind of business, commercial or trade activity.

The author is of the opinion that, according to the definition of consumer given by the lawmakers, the Republic of Macedonia is in line with the directives given by the European Union. Thus, Macedonia can say it's a solid harmonized under these Directives. As for consumer protection, the author can say that, globally, states are aware of consumers, the need for their protection, so within their legal systems adopt legal forms that offer a high degree of protection.

## 2. CONSUMER LAW

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<sup>11</sup> [http://ec.europa.eu/consumers/consumer\\_rights/rights-contracts/directive/index\\_en.htm](http://ec.europa.eu/consumers/consumer_rights/rights-contracts/directive/index_en.htm)

<sup>12</sup> [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130477/LDM\\_BRI\(2013\)130477\\_REV1\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130477/LDM_BRI(2013)130477_REV1_EN.pdf)



The industrial revolution dramatically increased the availability of consumer goods. For the first time consumers could buy an astonishing variety of goods. Industrial era created unprecedented economic situation. For the first time in history products were available in outstanding quantities at outstandingly low prices. Businesses have realized that consumers are the most attractive targets of marketing. Consumers can buy any product even though that particular product is it of no need. Strong marketing implies the need to purchase. On the other hand, consumerism sets general trends in consumer behavior. Furthermore, in the 21st century, the consumer's mind is focused on new and modern products in order to be noticeable in the class to which he belongs. Industrial revolution implies the need for setting up legal regulations by which the consumer will be protected.

On the other hand, with consumer law is regulated consumer protection in the turnover of goods and services paid for. This is a new legal discipline that develops and gains importance in recent decades. Namely, the goal of consumer law is to protect the consumers as the last and weakest link in the chain of production-trade-consumption activities which wants consumers to be misled about the origin of the goods, the type and its quality. These actions are aimed at ordinary consumers and not at educated ones.<sup>13</sup>

It is said that consumer law is separate law. But it should not be considered as tool that could fill the gaps of market systems. Consumer law raises themes and issues that are central to the scope of: how our society sees its citizens as consumers.

Consumer law can be understood as a set of legal rules relating to the structure of spending and consumer markets. Consumer rights focus on the customer and its protection. But across the consumer law and its consumer protection includes the areas of consumer credit, advertising, product safety, by which society can more easily identifies the economic problems, politic and institutional problems. This leads to thinking that consumer law is one of the foundations on which economic systems established in any modern society.

Consumer law requires product safety and the creation of procedures to apply to producers who violate consumer rights as well as rules concerning product safety in relation to the health and safety of consumers. There are discussions whose subject relates to whether it is

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<sup>13</sup> Cf. J. Dabovi}-Anastasovska, B. Pepeugovski, *Avtorsko pravo*, Skopje 2006g. str.36

taken into account and properly regulated correct balance in terms of the modern market economy. The position exists from these discussions concerning the management of the quality of security products and can be considered a little conservative. Ultimately, the position which says that to the consumer should be given greater freedom in terms of choosing whether specific products and services it has provided and contain the necessary quality, leads to much smaller and less serious consequences. From this position and view was pushed the need for standards. Those standards exist especially in the daily necessity of food or food industry. Rules to protect consumers represent the counterpart of competition law. While this latter, protects honest competition in the market of editing them binding terms relationships between entities, the rules for consumer protection aim to protect consumers from abuse by the stronger side in the negotiations, from unfair terms and contract, false advertising etc. Although the rules of contract law are from operative nature (applicable if the parties have not agreed otherwise), norms of consumer law are with imperative character. Regulations to protect consumers restrict and even derogate one of the basic principles of contract law- principle of freedom of contracting.<sup>14</sup>

The question about the legal regulations which sets out the European Union in terms of consumer law is crucial. EU set up many directives on consumer law. The same directives gives its shape. EU is an important contributor to the new regulatory state in terms of techniques of regulation. The increasing role of networks of enforces and experts in the implementation of EU consumer policy poses the question of the extent to which there is a nascent network governance of consumer policy at the European level. EU law establishes the ground rules of the internal consumer market and there is the question of the vision of the social relations embodied in EU consumers law. Two models vie for dominance. There is on the one hand a market oriented vision of consumers law where consumer law is limited to responding to information failures in markets and where the state plays little role in shaping standards in the market. On the other hand is a vision of consumers law as recognizing norms of fairness, risk spreading and protection of the vulnerable.<sup>15</sup>

In this regard, the EU adopted a Directive 2011/83/EU of 2011. The Consumer Rights Directive increases a consumer's rights where contracts are concluded away from a retailer's shop

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<sup>14</sup> T. Milenkovic-Kerkovic- *Zastita ekonomskih interesa potrosaca i ugovor o potrosackom kreditu*, casopis Ekonomske teme ,str 87

<sup>15</sup> Cf. I. Ramsay. *Consumer law and policy: text and materials on regulating consumer markets*, Oxford and Portland, 2007, pg. 39-50

or premises - for example, where purchases are made online or from a catalogue. It aims to ensure a level playing field across Europe. The Directive is part of an increasing EU trend to strengthen consumer rights. As initially proposed, it was much more far-reaching. It required retailers to sell their goods to any EU country and to always bear the cost of returns. Had these proposals been adopted it would have been extremely costly for retailers. Although the Directive was changed at the last minute, retailers should still take notice. The EU will be keen to ensure the remaining protections are fully enforced to give all consumers the same basic rights and protections. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council. Crucial points of this Directive the essential points of this directive is aimed at consumer information for contracts other than distance or off-premises contract, consumer information and right to withdrawal for distance and off-premises contracts and other consumer rights.

At the end of this section to mention what does it means in USA consumer law. Consumer law, then, is the law of everyday contracts and transactions involving individual consumers. By consumers, we mean real people acting on their own behalf, as opposed to the same real people when they are working for a business or company. Consumer law usually deals with smaller amounts of money than business law, but sometimes hundreds of thousands are at stake, considering that home-buying and even investing can be categorized as consumer transactions.<sup>16</sup>

From said above, it might said that EU, in hole, takes care for consumers by setting rules witch every member state must implement them in their legislations. Thus, as a kind of conclusion to this section, the author is of the opinion that although consumerism and consumers go hand in hand, European Union is taking care for consumers by law enforcement. Even though consumer law is very complicated legal branch, though industrial development affect its creation. Thus, consumerism that represents a social movement that aims to represent the interests of consumers, ie moving consumer protection, raises consumers law to a higher level: it is obligatory to every country to have legal regulations in the field of consumers protection and consumer law.

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<sup>16</sup> American Bar Association, *Guide to consumer law*, 2011, pg.1-9.

### 3. CONSUMER PROTECTION IN REPUBLIC OF MACEDONIA

For the purposes of this section will be briefly discussed as Republic of Macedonia protects their consumers and how. In the Republic of Macedonia, the right to protection of consumers begins after independence and particular attention to consumer protection is paid after the signing of the Stabilization and Association Agreement in 2001, with a clearly defined objective of development of civil society and democratization in building civil society.<sup>17</sup> As it has already been said in this paper, protection and awareness of consumer protection began in 2000 through a Law on Consumer Protection which, repeatedly until now, been amended due to the directives and guidelines established by the European Union for this part of the law and legislation. Republic of Macedonia in terms of consumer protection in 2007, bears the Law on Consumer Protection in Agreements for consumer credit. This law was, according to the author, a revolutionary move of our country and setting rules for contracts for consumer loans. This law was withdrawn, and in place in 2011 a new law was passed, with the same name. But, not just this two laws are important for consumer protection in our country. Republic of Macedonia takes over the EU guidelines on consumer protection in their legislation. Consumer protection in the country is governed by many laws and regulations, of which: Law on Consumer Protection ("Official Gazette" 38/2004, 77/2007, 103/2008, 24/2011, 164/2013, 97/2015, 152/2015 ); Law on Obligations ("Official Gazette" No. 18/2001, 4/2002, 5/2003 and 84/2008, 81/2009, 161/2009); Law on Product Safety ("Official Gazette" No.63 / 2002, 33/2006,63/2007, 24/2011, 51/2011, 148/2011, 164/2013, 152/2015); Law on Food Safety and the products that come into contact with food ("Official Gazette" No.54 / 2002, 84/2007); Law on Safety of Cosmetic Products ("Official Gazette" No.54 / 2007, 47/2011, 150/2015); Law on Safety and Health at Work ("Official Gazette" No 92/2007,136/2011, 23/2013, 25/2013, 137/2013, 164/2013, 158/2014, 15/2015,129/2015); Law on Leasing ("Official Gazette" No. 4/2002, 49/03, 13/06 and 88/08, 35/2011, 51/2011, 148/2013, 145/ 2015); Law on Consumer Protection in Consumer Loan Agreements ("Official Gazette" No.63 / 2007, 51/2011, 145/2015); Law on Protection of Competition ("Official Gazette" No. 4/2005, 70/06 and 22/07, 145/2010, 136/2011, 41/2014); Law against Unfair Competition ("Official Gazette", no.80 / 99); Law on State Aid ("Official Gazette" No.24 / 03, 70/06 and 55/07); Law on State Aid Control ("Official Gazette" No. 145/2010) Law on Protection of patients ("Official Gazette", no.82 / 2008 and 12/2009,

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<sup>17</sup> V. Pepegugovski- *Zaštita na potrošuvate i izmenite na zakonot za obligacioni odnosi, so poseben osvrt na zaštitata na potrošuvate pri sklučuvawe na potrošuvaki kredit*, trud str.2

53/2011, 150/2015); Law on Child Protection ("Official Gazette" no.98 / 2000, 23/2013, 12/2014, 44/2014, 144/2014, 10/2015, 25/2015, 150/2015).

Consumer protection in Macedonia is institutionalized by the work of more bodies in the state administration and public sector or two sectors that have direct or indirect powers stipulated by the Law on Consumer Protection and by other laws. The first sector consists of state administration bodies and other bodies and public sector bodies. The second sector consists of NGOs whose activity is focused on different parts of the protection. When it comes to the first sector more bodies of state administration and public sector have competence in this domain defined by the law on consumer protection:

1. **Government** of Republic of Macedonia (creating consumer policy and adopts a program to protect consumers);
2. **Council for Consumer Protection** in frame of the Government of Republic of Macedonia (proposes measures and activities, monitoring the implementation of the program for consumer protection, assessment of the situation on the markets);
3. **Council for Consumer Protection** at the level of local government units (care and consumer protection at the local level)
4. **Ministry of Economy** (directly responsible for implementing the policy of consumer protection, offers a Program for consumer protection, implement measures and activities in the implementation of consumer policy and harmonization of legislation with the needs of consumers under a Program for consumer protection);
5. **State Market Inspectorate** within the Ministry of Economy (control over law enforcement for consumer protection, quality control of products and services, protection of economic interests of consumers); <sup>18</sup>
6. **Court-** if proceedings are initiated by consumers to protect their rights.

Consumer protection despite the Ministry of Economy institutionally involved and: the Ministry of health, Ministry of Agriculture, Forestry and Water, Ombudsman etc.

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<sup>18</sup> See: Art.121-130 of the Law on Consumer Protection, Official Gazette no.38/04, 77/07, 103/08, 24/11, 164/13

The second sector in the field of consumer protection provisions contained in the Law on Consumer Protection that govern the rights and obligations of associations of consumers. Legal solutions give ample opportunity for involvement of NGOs in the creation of consumer policy, information, education and counseling for citizens consumers. The amendments to the Law envisaged financial support to NGOs to protect consumers from funds granted by the Ministry of Economy through a public announcement on the base of the prepared programs, by consumer organizations.

In Republic of Macedonia actively is working Consumers Organization of the Republic of Macedonia in Skopje (OPM). OPM is recognized internationally as a member of the European Consumer Organization (BEUC) and Consumers International. OPM maintains contacts with associations for consumer protection in the European Union and the world, which has exchange of experience and information. OPM as a full member is in constant contact and project activities with consumer organizations in other countries. Within the areas which acts OPM (food, housing, energy, the rights of patients etc) consistently held seminars, panel discussions, individual research, media presentations for consumer education and informing the public about the problems of citizens in our society are part of the market economy as consumers.<sup>19</sup>

As a conclusion to this section, the author may said that Republic of Macedonia and as they paid serious consideration to consumer protection. All this is due to its aspiration to join the European large flock. Republic of Macedonia fully and consistently perform changes in its legislation, and which are imposed by the European Union.

## CONCLUSION

The object of interest of this paper is perfectly big. For such mobility research devoted a number of papers and books. In any case, in this paper the author confirms its starting position and manages to prove that there is indeed a need for consumer protection. Proving that the United States and the European Union shows great interest in consumer protection. The United States and European Union carry a number of laws dedicated to this field. EU member states are obliged EU directives to implement in their own jurisdictions. Given the fact that consumer protection is a very dynamic area, which in the EU is constantly exposed to the adoption of new

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<sup>19</sup> J. Dabovi}-Anastasovska, M. Lon~ar-Velkova, N. Gavrilovi}-Za{tita na potro{uva~ite vo dogovornite odnosi vo pravoto na Republika Makedonija, trud ,str 24

measures, tools, policy on consumer protection can not be defined and must continually be monitored and to be align. Thus, one thing should bear in mind and that is today's rapid changes in the market, which reflect the consumer and there is the need for monitoring of those areas that are a priority for this policy. The modern market provides a wide offer. Therefore, our country should be prepared for reliable performance of the single market - the European Union. Also means creating appropriate laws and bylaws and unique quality of institutional structure, which will prove that Republic of Macedonia deserves to be given the chance and the trust of consumers in a competitive internal market, with clear rules and consistent enforcement of the laws. To achieve all this, it is needed to continuous and reliable information, advice and consumer education, supervising the market, and in order to achieve effective work, the institutions should be supported by associations of citizens.

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