ECONSTOR
Make Your Publications Visible.

A Service of
ZBW
Leibniz-Informationszentrum Wirtschaft
Leibniz Information Centre for Economics

Butnaru, Gina Ionela; Ion, Luminita Mihaela

**Article**

# Problems of Consumer Protection in Tourism

CES Working Papers

**Provided in Cooperation with:**
Centre for European Studies, Alexandru Ioan Cuza University

*Suggested Citation:* Butnaru, Gina Ionela; Ion, Luminita Mihaela (2013) : Problems of Consumer Protection in Tourism, CES Working Papers, ISSN 2067-7693, Alexandru Ioan Cuza University of Iasi, Centre for European Studies, Iasi, Vol. 5, Iss. 2, pp. 160-176

This Version is available at:
https://hdl.handle.net/10419/198238

**Standard-Nutzungsbedingungen:**

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

**Terms of use:**

*Documents in EconStor may be saved and copied for your personal and scholarly purposes.*

*You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.*

*If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.*

https://creativecommons.org/licenses/by/4.0/

WWW.ECONSTOR.EU

Mitglied der Leibniz-Gemeinschaft

# PROBLEMS OF CONSUMER PROTECTION IN TOURISM

Gina Ionela **Butnaru**[*]
Luminita Mihaela **Ion**[†]

**Abstract:** *The actuality of the topic, its extent and importance, were strong arguments for writing this paper - Problems of consumer protection in tourism. To this, also the convergence of the fields that focus on the description of a image in deep of the topic is added, we are talking about economic, legal social features or features that belong to the specifics of tourism and of products and services consumed within it. The multiple dimensions of the approached topic transform it into an exciting topic which proves its usefulness when it is known since each individual can acquire the quality of a consumer, and his rights as a consumer are nothing else but the human rights of which every individual has to be aware. A process of education and information of the citizens regarding the rights they possess as consumers could reduce a part of the problems appearing in the process of consume of tourism products and services but it would contribute to the optimization of the protection of rights and interests of the consumers. In economic terms, democracy also implies ensuring the rights of the consumers and thus their protection, therefore the concept of protection of rights and interests of consumers exists*.

**Key words:** consumer; problems; protections in tourism.
**JEL Classification:** M19.

## INTRODUCTION

The present work focuses on presenting key concepts for the importance and treatment of the topic. A theoretical analysis is presented and a special importance is given to the consumer, and this idea is supported by numerous approaches of the topic in the literature. Exactly the diversity of these approaches resulted in that that this concept has no unanimously accepted definition but by combining the various interpretations the consumer can be defined as the person to whom a contract offer is proposed and who accepts it for the delivery of a good or service for non-professional goals. In close relationship to this concept is the notion of consumer behaviour which comprises the totality of decisions of an individual or group of people in direct relationship to obtaining goods and services in order to satisfy his/her/their present and future needs including the decisions preceding or determining these decisions. With this basis and main concern but also with the motivation according to which the awareness of mankind regarding the status of the consumer is a relatively recent phenomenon, the notion of consumer protection becomes also a present topic which appears as an important problem for the entire society. The interest shown to this topic as well as the researches concerning this offer a definition of the concept, and the consumer protection can be

[*] Alexandru I. Cuza University of Iasi, Romania, e-mail: gina.butnaru@uaic.ro.
[†] Alexandru I. Cuza University of Iasi, Romania, e-mail: luminita_ion@yahoo.com.

defined as a form of promotion and protection of the fundamental rights of the consumers, considering a group of public and private provisions with the aim to ensure and improve permanently the observance of the interests of consumers.

## 1. RESEARCH METHODOLOGY

A major concern we had in writing the paper was the use and exploitation of a diverse and present day literature belonging to specialists in Romania or worldwide, in order to present as many approaches of the topic as possible, which proves their usefulness in giving a wider picture within other different systems for treating the approached issue.

The information acquired through this research generated a series of ideas which can be developed within future investigations, ideas referring to the way to approach the emerging problems, to proposals for the improvement of the system but also to methods of making the citizens responsible and educating them regarding the approached field.

## 2. ELEMENTS OF THE CONSUMER'S BEHAVIOUR IN THE TOURISM SERVICES AND INFLUENCE FACTORS

The consumer – barycentre, starting point, engine, he is a real object of study for any economic activity or scientific research. Since he is a multidimensional concept, he is approached in different ways, each proposing a specific definition. Thus, any economic subject whose behaviour is directed towards the satisfaction of the individual needs or the needs of the micro group to which he belongs (family, household) can be considered consumer. Similarly, inside the consumer category one can find the institutionalized collective entities (Cătoiu and Teodorescu, 2004). In the economic theory the consumer was perceived often as a *homo oeconomicus* (Kirchgässner, 2008), able to act in a logical and rational manner, in a free and transparent market, the psychological and sociological aspects of consumption and satisfaction disappearing almost completely from this logic. But one cannot ignore that the average human is a preponderantly an emotional being. The notions of consumer and consumption are of economic essence but there is also a legal approach of this term. In this respect, the consumer is the person to whom one proposes and accepts an offer of contract regarding the delivery of a good or of a service with non-professional aims. From a legal point of view, the consumer (Law No. 37/2002 regarding the approval of the Decree of the Government No. 58/2000 for the modification and completion of the Decree of the Government No.

21/1992 regarding consumer protection, Art. 2, 2nd line) is an individual or the group of individuals who are gathered in associations, who buy, obtain, use or consume products or services outside their professional life.

Beside the elements presented above the concept of consumer cannot be fully understood unless analysing him in relationship to the people around him, thus emphasizing its social nature. Most of the times, the buying or consumption processes imply other people than the consumer as well, influencing his behaviour.

The behaviour of the consumer is given an importance bigger than the notion of consumer itself through the multitude of factors and of the variables which it contains. Consequently the diversity, complexity and interdependence of the aspects composing the consumer's behaviour can be seen through a systematic approach. Although this is a concept with which all specialists in the field of market research operate the consumer's behaviour has no unanimously accepted definition. Thus various interpretations appear. *In a restricted sense* (Cătoiu and Teodorescu, 2004), *the consumer's behaviour reflects the conduct of people in case of the buying process or of the consumption of material goods and services*. This approach is specific for classic marketing which concentrates on the market of consumption goods and services. Evolving, appears to be the notion of modern marketing which increases the sphere and applicability of the marketing activities. Thus results a new definition of the consumer's behaviour. *In a broad sense this concept includes the entire conduct of the final user of the material and non-material goods* (Mâlcomete, 1993). Focusing on the tourism sector the behaviour of the consumer of services can be defined through the totality of the acts, attitudes and decisions of the buyer regarding the allocation of some parts of his incomes for buying services. In a broad approach this notions can be defined as the totality of the decision making acts resulted at an individual or a group level in a direct relationship to obtaining goods and services in order to satisfy the current and future needs including the decision making processes which precede or determine these acts (Balaure, 2002).

From the multitude of definitions proposed for this concept a series of factors results, factors which exert an influence on the consumer's behaviour and come together to form a complete definition (Martin, 1967). Among the most important we can mention the following: perceptions, information, attitude, motivation and actual behaviour, consumer's behaviour representing the synergetic effect of this system of influences.

Par excellence, being a multidimensional concept, the consumer's behaviour includes also the notions of buying behaviour and consumption behaviour. The buying act is not a simple reaction between incomes and costs since a series of other dimensions appear, among the most important

being: the buying or non-buying reasons, the preferences of the buyers, the buying intentions, buying habits, consumption customs, attitude, and image.

*The purchase or non-purchase reasons* represent a system of impulses and tension states which justify by their nature purchasing or rejecting a certain product or service. The impulses at the basis of the motivation can be structured in several categories: rational or emotional impulses, primary or inborn impulses and secondary or acquired impulses.

*The preferences of the purchasers* appear only as a result of a strong motivation and can be explained by the affective compatibility of the purchaser with the product or service. The triggering of the preference can be caused by elements referring to the brand, name, and usage instructions, by the material characteristics of a product or by the status which it offers the consumer.

*The buying intentions* are seen as probabilistic assessments of the future behaviour. The intention represents a development of the motivation which generates tendencies. Knowledge of these tendencies finds its importance in preparing new products which are to be launched in the market. The intentionality studies together with acceptance or preference ones of products or services are completed in determining the potential market of the same products or services.

*The buying habits* represent forms of manifestation of the consumer's behaviour for purchasing goods and services which proved profitable as a consequence of former buying experiences. The buying habits have the following structure:

- Temporal habits – refer to the spacing out of the purchases according to seasons, days of the week, and hours of the day;

- Space habits – including types of shops from which the purchasers got used to buy but also the medium distance the purchasers travel in order to buy various goods;

- Moral habits – refer to selling forms preferred by the purchasers, to the association of the products in the moment of their purchase, to the fidelity towards a brand, to the purchased quantities.

*The consumption customs* refer to constancy in obtaining some goods or services and have a close relationship to the buying habits, the latter having a smaller stability in time than the consumption customs. This shows that influencing the customs needs a more intense promotional and educational effort.

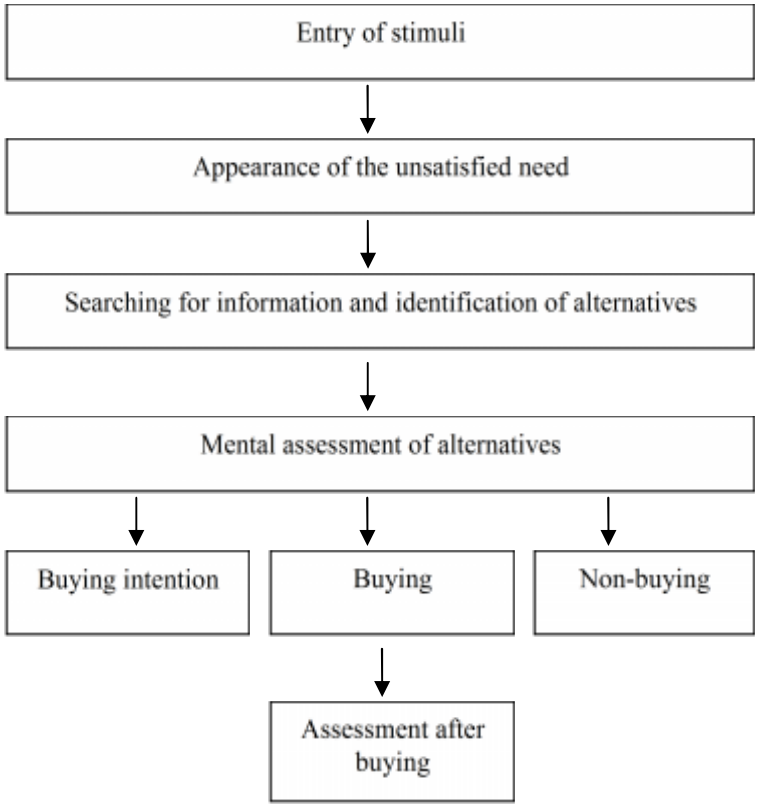
*The attitudes* represent an accumulation of influences determined by reasons, habits and customs with a more pronounced stability in time. It is defined by some researchers as a latent dimension of the consumer's behaviour or a set of beliefs, feelings and predispositions of the individual targeted towards the products or services on the market (Munteanu, 2006).

*The image* is the result of the way in which the consumers perceive the goods or services but also the bidders. Therefore this component has the most important place among the other dimensions, element for singularizing the behaviour of the consumer of services.

The consumer's behaviour has certain peculiarities according to the stage of the decision making process which is made up by the totality of the acts which come before and appear after the moment of the purchase of a good or service on the market (Munteanu, 2006). This can be structured in several phases (Cătoiu and Teodorescu, 2004):

- Appearance of an unsatisfied need;
- Searching information and identification of the alternatives;
- Mental assessment of alternatives;
- Result of assessment (buying, non-buying, buying intention);
- Assessment after buying.

**Figure 1 - Stages of the processing making process for buying**

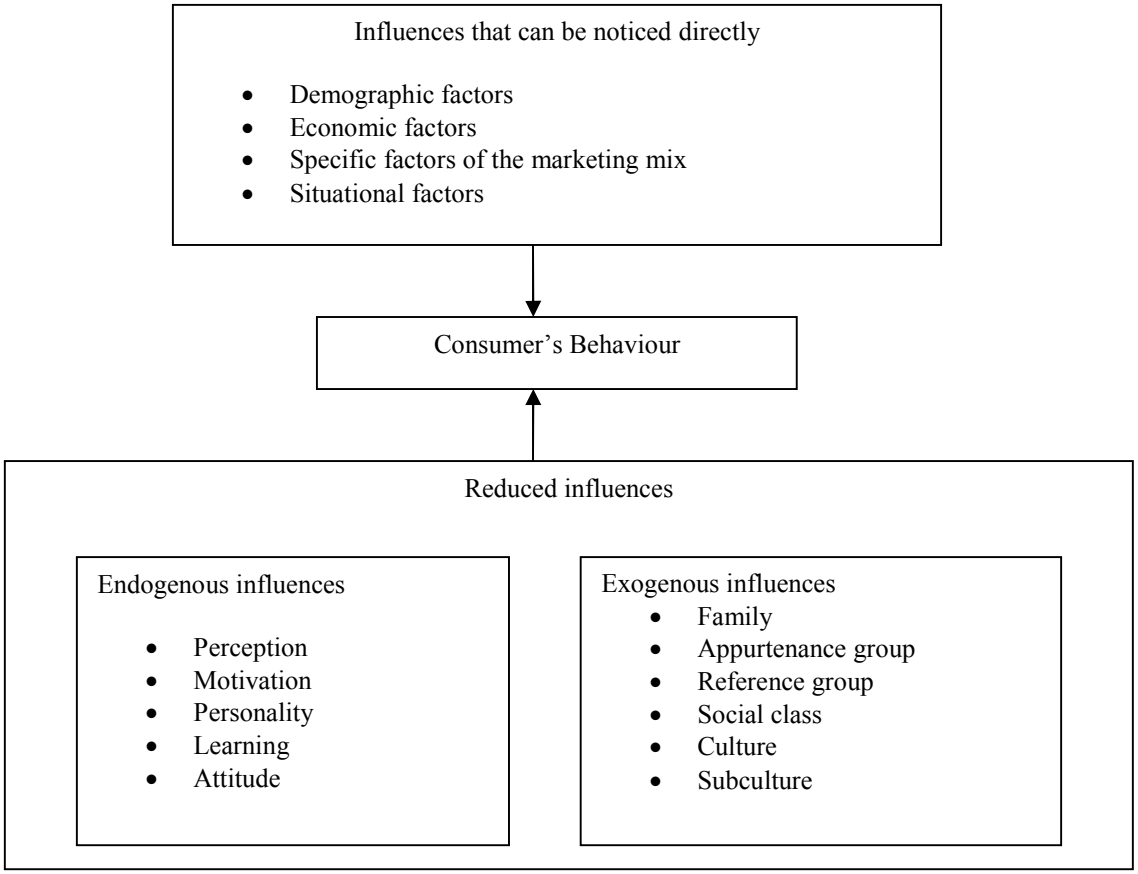



The consumer's behaviour has certain peculiarities given also by the targeted field, not only by the stage of the decision making process. Thus, in tourism consumption coincides with the place of the offer, but not with the place where the demand is formed. Production and consumption

appear simultaneously in the basin of the offer. The volume is dimensioned according to the prices, tariffs and incomes strongly concentrated in time and space. All specialists admitted that in fact the behaviour of the consumer cannot be explained other than by knowing the system of factors which act in close relationship and mutual inter conditioning. The way they act and especially the place and the role which all these factors have in the system are seen and interpreted differently and therefore different classifications of these factors are found in the literature.

The consumption of tourism products and services is influenced, according to the theory of Cătoiu and Teodorescu (2004), by a series of factors which can be represented as follows:

**Figure 2 - Influence factors of the consumer's behaviour**




Another interpretation and classification of the factors influencing the consumer's behaviour is found in the book of Dubois and Jolibert (1992), who group them as follows:

▪ Individual factors where one finds personality, cognitive style, life style and perceived risk;

▪ Environment factors which refer to: socio-demographic factors (the curve of family life, social classes), reference groups, family, economic environment.

These factors which influence the behaviour of the consumer have the following classification (Kotler and Armstrong, 1991):

▪Cultural factors, culture, subculture and social class specifics;

▪Social factors which include reference groups, family, roles and statuses;

▪Personal factors which refer to the age and stage in the life cycle, occupation, life style, economic circumstances, personality and opinion about himself;

▪Psychological factors designated by motivation, perception, learning, beliefs and attitudes.

Another interesting approach regarding this topic is that of the English authors Hill and Sullivan (1997). They start from the premise that the social environment of the consumer, the individual circumstances and his psychology come together in order to influence the decisions about what he has to buy. These factors are stressed out in the following categories:

- Social environment referring to culture, reference groups and social class;
- Personal characteristics defined through personality, life style, motivations, attitudes and beliefs, perception;
- Individual circumstances, which are designed by sex, age, life cycle of the family, income, education.

Although each author defines his own classification, which is supported by individually determined variables and criteria, essential factors which influence the consumer's behaviour or the buying decision are found in all works and for this reason they are defined and perceived otherwise, so we considered that the concept of consumer behaviour represents the synergetic effect of the influences system.

## 4. CONSUMER PROTECTION AND THE NECESSITY FOR THIS

Making mankind aware about the quality of the consumer is a phenomenon which developed during the spectacular increase in the offer of goods and services and at the same time with the competition which has reached a very large level. Any individual can obtain the quality of consumer, his rights in the quality of consumer being nothing else but the human rights.

Worldwide the first significant benchmark of this aspect is embodied in the movement for the rights of consumers, which was started in the 1960s, when J.F. Kennedy enacted the Charter of Consumer Rights (15$^{th}$ of March 1962), in which the four fundamental rights of these were included: the right to be protected, to be informed, to choose and to be listened to, and these are to

evolve as number and meanings along with the development of the society. The impact of this event was perceived also by the International Organisations of Consumer Unions (I.O.C.U.) which declared the date of 15th of March as the "World Day of the Consumer Rights". By the Resolution 39/248/1985, through which the General Assembly of the United Nations Organisations adopts the *"Guiding Principles for the Consumer Protection"* a framework for the processing and consolidation of the polices and national legislation of every country regarding the consumer protection but also a stimulus for international cooperation in this field is offered transforming the theme in a world major topic (Pamfilie, 1996).

The consumer protection can be defined as a form of promotion and protection of the fundamental rights of the consumers and aims to an assembly of public or private provisions which have as goal permanently ensuring and improving the observance of the interests of the consumers (Dictionnaire commercial de l' Academie des Science Commerciales, 1979). This can be fulfilled by individual self-protection and associated protection but also directly by the state institutions, through regulating, monitoring and control activities as well as through indirect protection referring here to the information, education of the consumers and to the supporting of the consumer associations. Thus a dual relationship between the state and the individual emerges, the state offering the individual the possibility to develop his own self protection capacity, and the latter claims rules, laws, standards which ensure the legal framework for manifesting this capacity. One tries to ensure an equilibrium state based on observing agreed clauses and ensuring the access of all citizens to products without risks with a correct and just promotion of the development of the social economy (Rezoluţia ONU 39/248 privind Protecția consumatorilor, New-York, 1985, p. 2).

Regarding the education of consumers, which is the most efficient method which the state has to protect them, since they exert their protection right in a more difficult manner, especially in what regards the tourism products and services (Niță and Butnaru, 2010), because of their intangibility, of the difficulty in assessing their quality level, of the subjectivism degree in relationship to the personality of the consumer but also due to the fact that many consumers do not pay attention or even ignore the aspect when one comes to signing a contract for the selling of tourism services package with the tourism agencies.

As a consequence of the importance of the theme and of its presence in the life of mankind numerous causes were developed which support the necessity of a protection system for the rights and interests of the consumers, the following aspects being the most important (Dinu, 2010):

- The obvious disproportion of forces between the consumer, and especially in his form as natural person and the economic organizations to which he makes contact; this disproportion can be determined on several levels:
  - *Economic*: we can talk here about the inferior level of resources of the consumer in comparison to the company;
  - *Informational*: with reference to the fact that the information of the company regarding the product or service brought on the market are fewer than those of the consumer, informing him in what concerns the product or service is made difficult also by the nowadays informational boom;
  - *Legal*: here the proportion is made obvious by the consumer who is not informed or aware of the laws which protect his interests whereas the company knows the rules that govern the economic environment in which it acts, possesses the assistance of some legal counsellors who protect its interests;
  - *On the level of representing the interests*: the influence of the producers can be felt in that regulations were adopted to allow obtaining some interests whereas the consumer have a passive attitude regarding this aspect, and the cases in which they boost their interests by means of various actions within some supporting organizations are rare;
- Legally speaking another cause is represented by the fact that the producers are not bound to implement in their organizations a system of quality assurance or to certify the quality of their products, exception being the situations in which these act in a field legally regulated. In this situation products or services can appear whose level of quality justifies exactly the existence of measures of protection of the rights and interests of the consumers;
- The exacerbated level of competition, the abusive practices ever more present in the behaviour of the producers, pressure on the consumer by means of aggressive forms of selling also are causes in the necessity of the consumer protection;
- The phenomenon of globalization has its negative effects on the consumer, many of the commercial barriers are removed and he has a very generous offer of products or services about which he does not always have the necessary information and he chooses not knowing too much about them.

The consumer protection has become ever more important for the society and one feels very strongly the need for regulations in this field because (Sârbulescu, 2003):

a) They ensure the protection of the rights of consumers directly affecting the quality of their lives;

b) It plays a role of regulator in the economy determining satisfying the real needs of the consumers at ever higher standards;

c) By the control of the economic activities it diminishes the risk of endangering of the human civilization itself by irresponsible usage of damaging technologies, techniques and substances for life, health and safety of the consumers;

d) The legislative and institutional system for the protection of the consumers constitutes a complex mechanism for the promotion and consolidation of the loyal competition on the market;

e) Since it determines precise and transparent play rules for everybody, it is a decisive factor for diminishing the corruption (which promotes faithless competition), with positive effect on the protection of the legitimate rights and interests of the consumers.

Thus motivated the consumer protection must be integrated into the social protection policies which any state should develop as a self-standing component to which own objectives and instruments are assigned. Some of these are to be developed further in the paper.

*a. Legislation and organizations regarding the consumer protection*

*The consumer protection* appears as an important problem for the entire society and as a consequence the notion of consumers' rights starts taking shape in the 18th century but only later in the second half of the 19th century social actions and legislative efforts appear in this sense. As I mentioned previously the first significant action for this field was performed by the American president J.F. Kennedy. In what concerns Europe the years 1960-1970 are important for this theme because in countries like Denmark, Great Britain, Germany, Sweden, Belgium, France laws which concerned consumer protection were promulgated. The establishment of the European Union and implicitly the process of European integration determined an obvious need, that of having a common policy of consumer protection. The development of this process took place gradually, among the measures adopted by the European Union were:

- *The preliminary program of EEC for the consumer protection and information policy,* is presented by the European Commission and focused on the 5 basic rights of the consumers;
- *The triennial action programs,* which took place between 1980-1990, which were focused on the presentation and information of the consumers with the help of the Consulting Committee of the Consumers but also on the safety of the products and the evolution of the commercial transactions;

- The applying of the EC marking, certification and guarantee mark;
- *The Unique European Act* of 1987 which allowed the European Commission to propose protection measures for the EU consumers and thus the bases of the legal framework for the consumer protection within the European Community were established;
- *The Amsterdam Treaty,* which came into force at the 1st of May 1999, which increased the role of the European institutions in educating and informing the consumers but also the right to establish organizations.

The current institutional framework of the European Union regarding the consumer protection is enough developed and defined, and its complexity increases each year by the ever bigger number of institutions but also private participants or interest groups which have diverse roles (Table 1).

**Table 1 - The institutional framework of the European policy for the consumer protection**

| | |
|---|---|
| With executive role | European Commission<br>- DG XXIV<br>- Committee for consumers |
| With legislative role | European Parliament<br>- Committee for Environment, Public Health and Food Safety<br>- Committee for Internal Market and Consumer Protection<br>- Council for the European Union |
| With legal role | European Justice Court<br>European People's Lawyer<br>European Authority for Food Safety |
| With representation role | European Association for the Coordination of the Representation of the Consumers in Standardizations ( ANEC ) |
| With promotion role | European Office of the Union of the Consumers ( BEUC )<br>Economic and Social Committee ( CES )<br>European Association of the Consumption Cooperatives (EUROCOOP) |

Source: Dinu, 2006.

In what concerns Romania, legislative regulations in this field appeared after the year of 1990, through the Decree of Government No. 21/1992, which was adopted subsequently by the Law 11/1994, decree which became the first act which established the rights of the consumers in our country. According to the Decree, the main rights of the consumers in Romania are:

a) To be protected against the risk to purchase or to get a service which could prejudice their life, health or safety or to affect their legitimate rights and interests;

b) To be informed completely, correctly and precisely regarding the essential characteristics of the products and services so that the decision which they take regarding these should satisfy as well as possible their needs as well as to be educated in their quality as consumers;

c) To get access to the markets which ensure a large range of quality products and services; d) to be compensated for the damages generated by the inappropriate quality of products and services, using the means foreseen by the law for this aim.

The year 1992 is also the moment in which the Decree of the Government No. 482/1992 regarding the organization and function of the Office for the Protection of Consumers (O.P.C.) is adopted, where for the first time one discusses about the necessity to support the associations for consumer protection but also to participate in their effort to inform and educate the consumers. Subsequent regulations in the field can be considered the Decree of the Government No. 394/95 (regarding the obligations of the sellers of goods of long usage), completed by H.G. 786/96, H.G. No. 665/95 (which regards replacing, reparation or returning the counter value of the non-food goods with deficiencies) and H.G. No. 785/96 (methodological norms regarding the naming, marking and labelling of the textile products). A new context for the functioning of O.P.C. was determined by the Decree of the Government 2/2001, through which the establishment of the National Authority for the Protection of Consumers (A.N.P.C.) as special organ of the central public administration with legal personality in subordination to the government was regulated. The law which regulates currently the organization and functioning of A.N.P.C. is the Government Decree No. 882/2010, published in the Official Gazette, Part I, No. 621 of 30/08/3010.

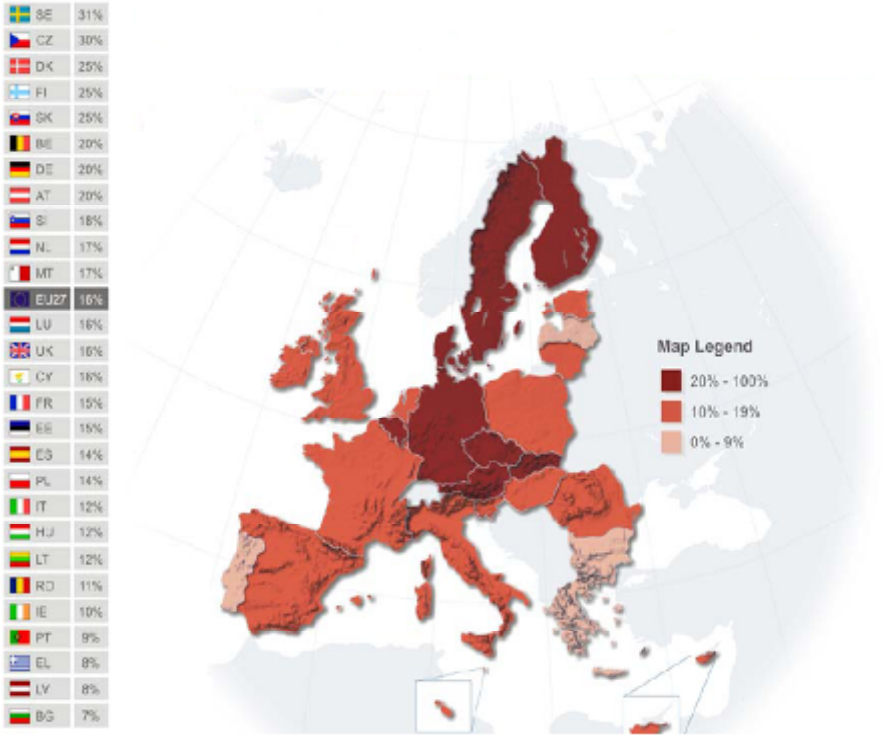
As non-governmental organizations, the associations for the consumer protection began to develop after 1990, with the direct support of A.N.P.C., but also with the help of foreign financing. In the year 2010 there were 127 associations of this type in the entire Romania, which were organized in 16 federations and a confederation. Also in this segment the Centre for Consultancy and Information of the Consumers which performs its activity at the Association for the Protection of Consumers in Bucharest but it has no remarkable results and that because the inconsistency of the financial and logistic support.

*b. Complaints in Tourism and their Settlement*

The concern for the protection of the rights and interests of the consumers is ever more obvious in the present society and ever more present in the regulations of the European Union being one of the fundamental values of it. Since we are talking about services and the direct contact between the client and the provider which this delivery process imposes the most of the discontents of the consumers are related to the process of performing itself.

There are numerous studies regarding the complaints of the consumers and the ways to settle them. One of these studies was made in 2008 by the European Commission, a poll regarding the consumer protection in the internal market of the European Union. As a consequence of this poll an average percent of 16% of the consumers of EU-27 filed a formal complaint during the former year. More than 20% of the consumers in the countries of North-West Europe (Germany, Holland, Denmark, Finland and Great Britain) filed a complaint in comparison to less than 8% in the Baltic states, Luxembourg, Romania, Portugal or Bulgaria (figure 3).

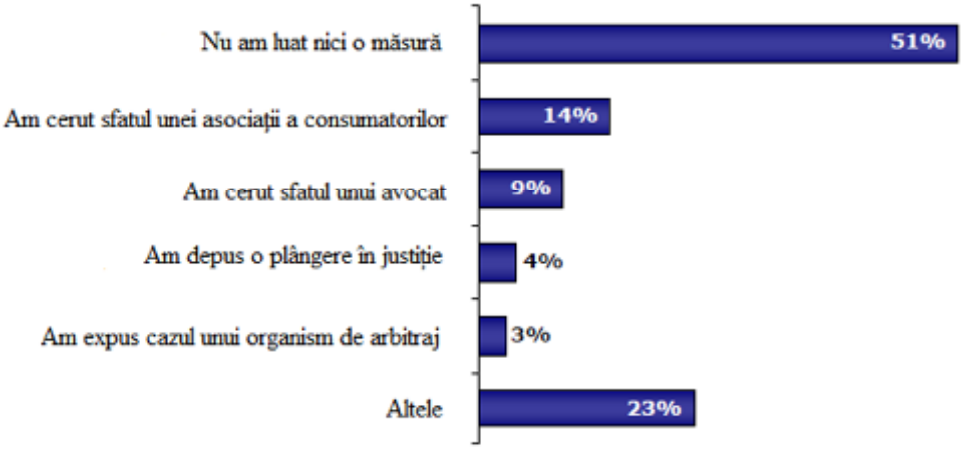
**Figure 3 - Complaints regarding products/services with deficiencies (2008)**




Source: European Commission, *Consumer Protection in the Internal Market*, 2008, Special Eurobarometer 298.

At the level of the EU-27, 51% of the complainers claimed that the complaint was considered and they acted in various ways, as follows (figure 4):

**Figure 4 - Action ways which the complainers adopted (2008)**




Source: European Commission, *Consumer Protection in the Internal Market*, 2008, Special Eurobarometer 298.

In Romania a measure taken under this aspect was that of the president of the National Authority for the Consumer Protection, Constantin Cerbulescu, who ordered a nationwide control regarding the selling of the tourism services packages in the period 25th – 28th May 2010. This control meant the check of 326 economic operators, in which they determined deviations from the legal provisions in force with a percent of 69%. As a solution to the determined situation 69 fines with a total value of 256 900 lei and 156 warnings were imposed. In the case of 25 companies the temporary interruption of the services until the deficiencies were removed was ordered.

The main irregularities which the Romanian tourists signalled refer to (www.anpc.gov.ro):

- Changing the hotel in the absence of the tourists agreement;
- Accommodation in another hotel as that mentioned in the contract and lack of group assistant;
- Accommodation outside the working hours although in contract accommodation within the working hours was foreseen;
- The lack of the stamp of the company in the contract closed with the client;
- Lack of the restaurant classification;
- Not returning the counter value of the service package after cancelling it;
- Non-validation of a voucher by the provider of tourism services.
- One notices that generally these problems indicated by the clients have as causes the hotel itself and the range of services offered by this or external causes which cannot be controlled by the hotel. To these factors one adds the discontents which result from the contact with the tourism agency and the relationships which derive from this contact, if this exists. For the emerged problems (Niță and Butnaru, 2010) which produce complaints from the clients one enumerates:
- Not informing the tourists about the policy of the hotel or the environment in which it is situated;

- The specific terminology in the hotel field which produces misunderstandings when it is not used by the clients;
- Full occupation of the hotel and lack of accommodation for the client;
- The hotel staff who has an unprofessional attitude;
- Errors of the hotel, such as the waiting time for a service, doctored invoices, not provided services etc.;
- External errors caused by the transportation company used by the tourist, the social environment etc.
- The frequency of appearance of these discontents but also the situation in which the consumers are in which they do not know how to react lead to recommendations which facilitate for them the protection of their own rights. Some of them have a preventive character, others solve the appeared problems:
- The rigorous and written informing about the desired services package which is required from the company (destination; mean of transportation used and its characteristics – classification; route; type of accommodation facilities and information regarding these; meal services offered; the duration of the program and information regarding the arrival and departure date; general information regarding the conditions of the passports and visas, necessary health insurances; the sum of the advance and the term for paying the rest of the money; the minimum number of people necessary for the fulfilment of the program and the deadline for informing the tourist, in case of cancelling the travel, the possibility of conclusion of some facultative insurances for assistance in case of disease, accidents and others; the duration in which a tourism offer operates);
- Attentive analyse of the contract for the tourism services package before signing;
- If there appear discontents regarding the services which the tourist got, this one, in order to protect his interests, has the obligation to draw up a written complaint about the deficiencies and discontents in relationship to the fulfilment of the service package which will be transmitted to the agency as well as to the provider of tourism services and this will be mentioned in the contract for the tourism services;
- If the complaint filed by the tourist was settled partially or it was not at all settled, the client can file a written complaint at the agency after the journey is over within the term foreseen in the contract, in maximum 30 calendar days, and the agency has the obligation to inform the client by writing about the compensations;
- If the discontents were not solved the tourists can file complaints also to ANPC.

## CONCLUSIONS

Consumer protection became an important element in the social protection policies but also in the program of European integration. The ever more intense concern for this subject increases the safety of the consumer as well as his gradual interest for involvement. Education and informing the consumer can lead to the disappearance of some of the problems which have appeared and make him aware of his rights what makes his safety and satisfaction stronger in consuming a tourism product or other products or services. This segment imposes a permanent development, present studies and measures to bring Romania to the level of European standards and offer the consumer a legal framework to protect his rights and stimulate the consumption.

## REFERENCES


Albu, A., Nedelea, A. (2006) *Protecţia consumatorilor în calitatea lor de beneficiari de servicii*, Revista Amfiteatru Economic, Issue 20.

Balaure, V. et al. (2002) *Marketing,* Second Edition, Bucharest: Uranus Publishing House.

Cătoiu, I., Teodorescu N. (2004) *Comportamentul consumatorului*, Bucharest: Uranus Publishing House.

Dinu, V. (2010) *Necesitatea protecţiei consumatorilor*, Revista Amfiteatru Economic, Volum XII, Issue 28.

Dinu, V. (2006) *Dimensiunea europeană a politicii de protecţie a consumatorilor*, Revista Amfiteatru Economic, Issue 20.

Dubois, P. L., Jolibert, A. (1992) *Marketing, teorie și practică*, vol I, Bucharest: Editura Economică.

Edvardsson, B., Thomasson, B., Ovretveit, J. (1994) *Quality of Service, Making It Really Work*, London: McGraw-Hill Book.

Hill, E., Sullivan, T.O. (1997) *Marketing*, Oradea: Antet Publishing House.

Kirchgässner, G. (2008) *Homo Oeconomicus: The Economic Model of Behaviour and Its Applications to Economics and Other Social Sciences*, New York.

Kotler, P., Armstrong, G. (1991) *Principles of Marketing 5$^{th}$*, Prentice Hall: Englewood Cliffs, New Jersey.

Martin, Cl. (1976) *Le comportament du consommateur*, Revue Française du Marketing, Cahier No. 67.

Mâlcomete, P. (1993) *Marketing,* Iași: Editura Academică Gh. Zane.

Munteanu, V. (2006) *Marketing: ştiinţa şi arta afacerilor*, Moldova: Tipo Publishing House.

Niță, V., Butnaru, G. (2010) *Studiu cu privire la percepția utilității și necesității cunoașterii noțiunilor de protecție a consumatorilor în turism de către studenți*, Revista Amfiteatru Economic, nr. 28.

Pamfilie, R. (1996) *Merceologia şi expertiza mărfurilor alimentare de export-import*, Bucharest: Oscar Publishing House.

Sârbulescu I. et al. (2003) *Protecția consumatorilor și concurența pe piață. Radiografie. Analiză. Diagnostic*, Bucharest.

Șerban, D. (2004) *Statistică pentru studii de marketing și administrarea afacerilor*, Bucharest: ASE Publishing House.

*** Dictionnaire commercial de l' Academie des Science Commerciales, 1979, Paris: Hachette Publishing House.

*** European Commission, Consumer Protection in the Internal Market, 2008, Special Eurobarometer 298 available at www.ec.europa.eu.

*** Legea nr.11/1994 pentru aprobarea Ordonanţei Guvernului nr.21/1992 privind protecţia consumatorilor. Published in Monitorul Oficial 65/14 March 1994.

*** Legea nr. 37/2002 privind aprobarea Ordonaţei Guvernului nr. 58/2000 pentru modificarea şi completarea Ordonaţei Guvernului nr. 21/1992 privind protecţia consumatorilor.

*** Monitorul Oficial al României, partea a IV-a, nr. 5929/22.X.2008.

*** Monitorul Oficial al României, partea a IV-a, nr. 3745/31.VIII.2010.

*** Ordonanţa Guvernului nr.21/1992 privind protecţia consumatorilor. Published in Monitorul Oficial nr.212/28 August 1992.

*** Ordonanţa nr. 107/1999 privind activitatea de comercializare a pachetelor de servicii turistice. Republished in Monitorul Oficial, Partea I, nr. 387, 7 June 2007.

*** Rezoluţia ONU 39/248 privind Protecția consumatorilor, New-York, 1985.

*** www.anpc.gov.ro.