ENHANCING CONSUMER RIGHTS THROUGH THE INTEGRATION OF DIGITAL TOOLS IN THE EUROPEAN PUBLIC SPHERE

ÎMBUNĂTIREA DREPTURILOR CONSUMATORILOR PRIN INTEGRAREA INSTRUMENTELOR DIGITALE ÎN SFERA PUBLICĂ EUROPEANĂ

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Summary. *Effective consumer protection policies are essential for the proper and efficient functioning of the single market. The European public sphere must ensure consumer rights vis-à-vis traders and provide enhanced protection by leveraging digital tools, particularly for consumers as vulnerable parties in contractual agreements. Robust consumer protection regulations can significantly improve market outcomes, contributing to fairer markets and higher quality information dissemination, which in turn supports better environmental and social market outcomes. Empowering consumers and safeguarding their safety and economic interests have become central objectives of EU policy.*

This paper aims to outline a series of progressive steps necessary for prioritizing consumer rights protection within any country's economy. It offers an in-depth analysis of the importance of digital tools in safeguarding consumer rights, examining effective consumer protection legislation, enforcement institutions, and redress systems. The study focuses on evaluating and comparing consumer protection norms within the legal framework, aiming to identify relevant digital tools for the European public sphere. Additionally, the research investigates the application of legal provisions in the context of measures taken by authorities in response to consumer rights violations, emphasizing the transition from traditional to digital tools for consumer rights empowerment. The paper concludes by identifying various informal digital consumer protection tools that, while not directly regulated by law, are rapidly evolving alongside technological advancements.

Keywords: *consumer rights, digital tools, European public sphere, network, online dispute resolution.*

INTRODUCTION

Currently, the majority of consumers may not be aware of their legal rights and the procedures for filing complaints with state bodies responsible for consumer protection, particularly through digital tools. This deficiency in awareness can be attributed to several factors, including limited access to information, inadequate education and awareness campaigns, and a lack of trust in the efficacy of state institutions. To address this issue, it is imperative for governments and organizations to enhance consumer education and ou-

treach efforts, provide clear and accessible information on consumer rights and the complaints process, and establish effective mechanisms for resolving consumer grievances.

The relevance of this research topic stems from the necessity to protect consumers who have been adversely affected in their dealings with professionals. These professionals often have the backing of legal teams or marketing consultants that promote products and services through unfair commercial practices or abusive contractual terms in standard contracts. Recently, consumers face increasing risks of deception or harm due to various socio-economic factors, including the proliferation of standard contracts, the growth of e-commerce, the extensive circulation of goods and services, and the expansion of international tourism and communication technologies. Additionally, modern advertising and marketing techniques contribute to the rise of consumer disputes. Thus, a scientific analysis of the role of public administration in consumer protection mechanisms is crucial, both theoretically and practically.

A significant issue for many countries, particularly for the Republic of Moldova (Moldova), a non-EU country, is the economic turmoil experienced in 2022, marked by unprecedented inflation and rising energy prices. The beginning of 2022 appeared promising for Moldova's economy post-COVID-19 restrictions. However, the situation deteriorated dramatically with Russia's military invasion of Ukraine, leading to an influx of refugees from the neighboring country. The Moldovan government and citizens mobilized to gather financial resources to aid the refugees. The outlook for 2023 remains bleak, with the war in Ukraine and the energy crisis driving inflation above 30% and causing price surges across all products and services. Consequently, the Moldovan government has had to prioritize crisis response and consumer support over economic development, focusing on an economy that benefits people (consumers) irrespective of nationality, with a particular emphasis on empowering consumer rights through the promotion of digital tools for a European public space.

The proposed research aims to align state efforts in promoting digital tools to enhance consumer trust in state protection mechanisms, which play a crucial role in safeguarding consumers' legitimate interests. In 2023, with the establishment of a new government, the Ministry of Economy in the Republic of Moldova was reorganized into the Ministry of Economic Development and Digitalization. This central body is now authorized to promote state policy in economic affairs and to coordinate the economic development of Moldova, particularly focusing on the digitalization of public services for consumers and professionals.

DATA AND METHODOLOGY

The current research is a comparative work, as it describes, analyses and interprets information, in this case a set of norms belonging to the legal consumer protection system, to identify the relevant digital tools for a European public space, as well as the applicability of legal provisions in the context of measures undertaken by authorities in relation to violation of consumer rights. The research appears to be interdisciplinary in

nature, drawing on legal, economic and technological expertise to better understand how consumer protection norms can be enforced in an increasingly digital world. Overall, the research is aimed at identifying ways to improve consumer protection in the context of rapidly evolving technology and changing legal landscapes. By analyzing and interpreting existing norms, and identifying relevant digital tools and legal provisions, the research can help and inform policy decisions and regulatory frameworks that better protect consumers in Moldova, taking into consideration best practices from Europe. Hence, this brief identifies the necessary transformations and provides guidance to undergo them, highlighting among the most significant: adopting a rights-based approach, countering the digital divide, increasing transparency over the internet, enhancing data security and protection.

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

a) analysis, by dividing the topic into paragraphs and subparagraphs, making references to legal doctrine and EU and national regulations;

b) synthesis, by identifying the special features of special concepts, tracking the development of effective consumer protection legislation, enforcement institutions and redress systems by fostering digital tools.;

c) deduction, by making conclusions on the basis of the researched material and presenting the personal point of view on the subject under the current research;

d) classification, by dividing certain categories into different groups depending on various criteria, which allowed us to research each of them in more detail;

e) analogy, by using and comparing different institutions, as well as the rules of law in different states, which makes it possible to identify similar and distinctive features;

f) observation - by observing the statistical data, the dynamics of effective digital tools for consumer protection;

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

LITERATURE REVIEW

A large number of studies proposals and opinions have already been produced on effective consumer protection legislation, enforcement institutions and redress systems by fostering digital tools [26]. Usually, a classic protection is based, in particular, on submission of a written complaint to the professional for the consumer damage caused,

or in general to the competent authority for the resolution of the consumer's complaint, in this sense state control tools being applied by preventing, ascertaining and sanctioning the violation of consumer rights.

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

(**1**) **An economy that works for people**: a unique European social market economy, it is what allows the economies to grow – and what drives poverty and inequality to fall. It ensures that social fairness and welfare come first. Strengthening the social market economy is acutely important at a time when the states are redesigning the way of industry and of economy work.

(**2**) **A Europe fit for the digital age:** Digital technologies, especially Artificial Intelligence (AI), are transforming the world at an unprecedented speed. They have changed how we communicate, live and work. They have changed our societies and our economies.

(3) Promoting our European way of life: A Europe that protects must also stand up for justice and for values, including for consumer protection rights as „consumers are all us" [5]. Nowhere is this more important than when it comes to the respect of the rule of law in relationship with consumers. Ensuring the respect of the rule of law is a primary responsibility of each Member State.

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

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

According to the EU-Moldova Association Agreement (AA), signed in 2014, namely Title IV, one of the areas focuses in particular on Consumer Protection (Chapter 5) [2]. Enhanced cooperation should improve the administrative and regulatory framework for both EU and Moldovan businesses operating in the EU and in the Republic of Moldova, and should be based on EU policies, taking into account internationally recognized principles and practices in this field. To this end, the EU and Moldova will cooperate especially to:

(a) aiming at the approximation of consumer legislation, based on the priorities in Annex IV to this Agreement, while avoiding barriers to trade for ensuring consumers' real choices;

(b) promoting exchange of information on consumer protection systems, including consumer legislation and its enforcement, consumer product safety, including market

surveillance, consumer information systems and tools, consumer education, empowerment and consumer redress, and sales and service contracts concluded between traders and consumers;

(c) promoting training activities for administration officials and other consumer interest representatives; and

(d) encouraging the development of independent consumer associations, including non-governmental consumer organizations (NGOs), and contacts between consumer representatives, as well as collaboration between authorities and NGOs in the field of consumer protection.

IMPORTANCE OF PROTECTING THE CONSUMER BY FOSTERING DIGITAL TOOLS

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

a) technical inferiority, first of all, in the sense that the professional always knows better than the consumer the characteristics, qualities, defects or methods of use, of the products or services that he offers on the market. The professional could then be tempted to take advantage of his superiority to advise him of a good or service more in line with his own interests than with the real needs expressed by the consumer;

b) economic inferiority, then, because the professional, on the one hand, can use advertising to attract customers, possibly without real need and, on the other hand, always has more means to assert his rights in the event of a dispute;

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

This inferiority is most often embodied in the adhesion contracts imposed on consumers [13,26]. The economic, technical and legal inequality between the two contracting parties is the permitted situation that explains the spirit of the entire consumer protection

legislation, which cannot be other than that of redressing the imbalance existing at the time of the conclusion of the contract or arising from the conclusion of the contract, by regulating some rules that counterbalance the ratio of power, acting in favor of the consumer and, in this way, determining a legal imbalance in the opposite direction.

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

CONCLUSIONS

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

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