

Factors Affecting the Public Judgement of Consumer Protection Authorities

CSILLA MARGIT CSISZÁR
ASSISTANT LECTURER

e-mail: csiszar.csilla@uni-miskolc.hu

SUMMARY

The article first introduces the state-provided institutions for consumer protection in Hungary, then examines and systematises those factors having a significant impact on the public judgement of the work of consumer protection authorities. The study is based on the presumption that the public judgement of the work of consumer protection institutions is affected by many factors, and that these factors can be grouped and counted. After examining the main fields of activities of consumer protection institutions and the main factors and aspects affecting the judgement of the public, a model for the measurement of satisfaction is proposed.

*Keywords: institutional system, function of consumer protection, public judgement model of consumer protection authorities
Journal of Economic Literature (JEL) code: D18, P46*

INTRODUCTION

National bodies carrying out consumer protection tasks have a vital role in state administration systems in all countries, and in our country as well. This can be seen through the fact that since the beginning of 2012, Hungary placed consumer protection on a constitutional level, so the government “shall ensure the conditions for fair economic competition, act against any abuse of a dominant position, and shall defend the rights of consumers” (The Fundamental Law of Hungary, 2012). This article introduces a model that organises the main factors affecting the judgement of consumer protection institutions. The study is based mainly on the literature, a review of the relevant laws and annual reports of institutions.

MAIN CONCEPTUAL CRITERIA OF THE STUDY

In the literature national bodies carrying out consumer protection tasks are classified as authoritative supervisory institutions. Before the definition of the term “authoritative supervision” I find it important to write a few words about the definition of supervision, because it is often disputed in the literature of this field. Many studies are concerned with the content and development of this term, as well as with its differentiation from guidance, supervision and control. As Zsuffa wrote in the mid-seventies regarding the differentiation, it is “total chaos” (Zsuffa, 1975: 42). Bércesi and Ivancsics (2003) still agreed with this statement some 30 years later. This article takes the view that supervision is a type of action aiming to alter the functioning of another body. In the scope of the supervisory activities we can find the control and observance of the supervised bodies or people (Fekete, 2011). The definition of market surveillance can be easily connected to this topic, as it can be defined as a control and supervisory activity of an administrative body appointed by the state, based on law, aiming at the monitoring of the markets of goods and services

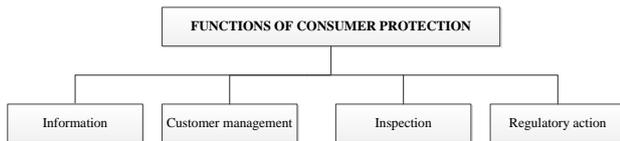
from a safety-oriented point of view (Szűcs, 2003). The aim of market surveillance is the removal of unsafe products from the domestic and EU markets. This includes the information for the consumer about hazardous products¹ and ensuring negative legal effects commensurate with the seriousness of the violation of law.

Authoritative supervision is one of the activities of administrative authorities, with a sort of a defensive aspect (Balogh, 1999). In countries having an enhanced administrative system, this supervision normally aims to help by assisting the supervised body in its activities and to prevent errors occurring. Regarding its types, one can find many types of groupings in the related literature. This article adopts the conceptual grouping of Madarász, who differentiates general, special and legal authoritative supervision (Madarász, 1998). Most authorities execute fundamental supervisory duties, if these duties are not assigned by law specifically to one of them. Their typical rights are authoritative control, action and sanctioning. In most cases special bodies only supervise those fields where a stricter protection of society is needed, like labour safety or consumer protection. In the case of legal supervision the range of the supervising bodies is limited by law; one of these institutions is the legal supervision of the public prosecutor.

Authorities carrying out consumer protection tasks are rated amongst special supervisory authorities. Their main feature is that they have the right to perform control and sanction over institutions posing a threat to society in some ways (Balla, 1998).

This article examines the consumer protection function of the supervisory bodies as shown in Figure 1. The first group is the information, which means the provision of information for consumers and businesses and keeping in contact with other partner authorities, institutions and non-governmental organisations. Customer management involves activities relating to customer flow, as the whole process of the management of incoming reports, requests for information and complaints belongs here, as well as their investigation, forwarding to other authorities, and informing or rejecting.

¹ In practice the rapid alert system of the EU (RAPEX) or the Central Market Surveillance System (CMSS) of the consumer protection authority can be added to this category.



Source: own elaboration, 2012

Figure 1. The main fields of authoritative consumer protecting functions

The third group of function is the *inspection*. In the broadest interpretation it means the comparison of tasks still to be fulfilled with tasks already fulfilled, examining whether the results meet the pre-defined goals or not (Balás and Hegyi, 2000). Under inspection the article means a type of supervisory control, as well as an activity of investigation aiming to learn whether an action, process or event can be judged right or wrong according to a pre-defined measurement system. Its main function is the enhancement of safety (Vigvári, 2002). On the field of inspection activities we can differentiate types of consumer protection, market surveillance, advertisement surveillance and activities aiming for food safety.

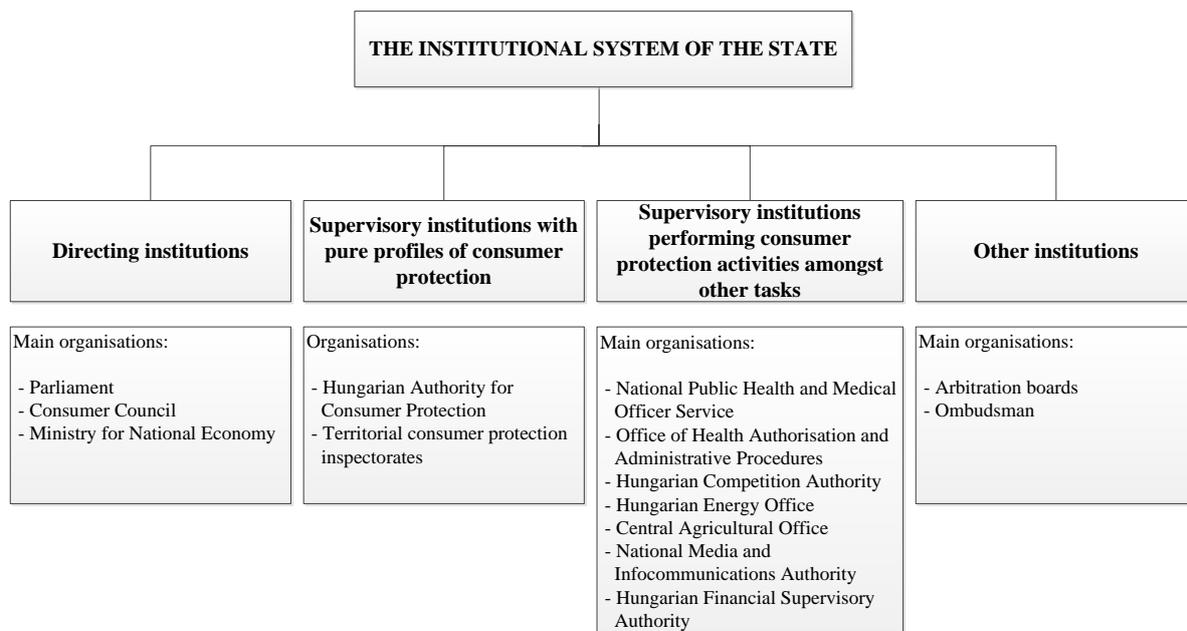
Regulatory action can be interpreted as a separate field, which contains administrative and sanctioning actions attached to inspection. Administrative measures are, for

example, obligation, laying down of conditions, prohibition, or the imposition of fines (consumer protection, quality, advertisement fines, etc.). Sanctioning measures are a warning, imposition of a fine on the spot, seizure, etc. Remedies, like a plea, an appeal or a litigation also belong to measures.

THE STATE-PROVIDED INSTITUTIONAL SYSTEM OF CONSUMER PROTECTION IN HUNGARY

The role of the state in the complex system of supervisory activities is vital. It is mainly the duty of the state to ensure the observance and execution of the law on consumer protection and to ensure sanctions against lawbreakers and initiate legal actions (Bodnár et al., 2001).

In Hungary, the activities of supervisory consumer protection are all performed by the institutions of the state. These institutions also constitute the first pillar of the institutional system of consumer protection (Figure 2). Apart from them, there are also interests representing (non-governmental) organisations and institutions of local governments, constituting an independent pillar of the institutional system of consumer protection.²



Source: own elaboration, 2012

Figure 2. Classification of the state-provided system of consumer protection in Hungary

The following groups can be formed regarding the institutions of the state:

- > directing institutions;
- > institutions with pure profiles of consumer protection;
- > institutions performing consumer protection activities, amongst other tasks;
- > other state institutions performing consumer protection activities, amongst other tasks.

Under directing institutions I mean those institutions having the right to control legislative and supervisory institutions during the process of consumer protection related

law-making. Currently the body responsible for consumer protection is the Ministry for National Economy as one of the inspection institutions. There is only one institution with a pure profile of consumer protection, which was created intentionally to carry out the consumer protecting function. This institution is the Hungarian Authority for Consumer Protection (HACP). Considering this, the fourth policy of consumer protection (Govt. decision, 2012), which is in effect until 2014, names only consumer protection inspectorates (working under the aegis of government offices with countywide or capital city-wide cognizance as their specialised bodies) and the HACP as the consumer protection authorities.

² For a more detailed explanation see: Csiszár, 2012

The Hungarian Authority for Consumer Protection was established by the government on 1 September 2007 by the merger of regional consumer protection inspectorates. Since 2011 these inspectorates belong to government offices as their specialised bodies, but their control is still the right of the HACP. As a central authority, this institution supervises the execution of the law on consumer protection and promotes consumer information as well as education. As part of its market surveillance duty, it coordinates and performs product safety tests, promotes the work of advisory offices and performs laboratory research (NFH, 2012).

The institution itself is self-managing in its finances and it has full rights over the sum of money provided for its operation by the national budget. The two main financial sources financing its fundamental tasks are income from operations and the subsidies of the national budget (since these fundamental tasks are the tasks of the state) which makes up almost one hundred per cent of all income (NGM, 2011). Data regarding the function of the HACP is shown in Table 1 below.

Table 1
Main data of HACP sorted by its function

Function	Description	2008	2009	2010	2011
Customer management	Number of customers	113,862	113,654	93,064	85,759
	Number of applications, complaint reports	17,046	17,494	20,817	21,045
Inspection	Number of inspections	51,537	60,439	52,765	27,548
	Inspections uncovering breach of law or rules (%)	49	35	23	30
Regulatory action	Actions of first-grade authorities	29,525	27,346	21,351	17,649
	Administrative decisions made on second grade	2,304	1,851	2,635	2,306
	Number of administrative lawsuits	N/A	N/A	306	214
	The amount of fines (million HUF)	2,595	1,306	852	N/A

N/A= data not available

Source: own elaboration based on annual reports of the Hungarian Authority for Consumer Protection, 2012

The HACP and the regional inspectorates handled the most customers in 2008, as a result of the establishment of the national system of consumer contact offices in 2007. These offices are currently operated by local authorities with the assistance of NGOs. Three years later the establishment of the nationwide system of Authoritative Advisory Offices took place to increase customer orientedness. The number of customers has been declining ever since 2009, but the number of applications and complaints is rising continuously. The data may indicate that the authority has become more customer oriented and more efficient in disseminating information, but more research is needed to verify these presumptions.

From the data of 2008 regarding inspection functions we can learn that the authority carried out 51,537 inspections. This number increased by 17% to 60,439 until 2009. This increase was probably caused by the change of inspection methods causing higher effectiveness. The number of checks began to decline in the next year, together with the rate of breaches of law or rules, except for 2011, when next to the lower number of

checks we can find a 30% rate of breaches. It may worthwhile to investigate its causes further.

Examining the authoritative actions, one can see that first-grade actions – these are the actions of the regional inspectorates – are declining year by year, similarly to customer numbers. For first-grade actions measures were taken in the 23% of customer appeals, while for second grade actions – actions of the HACP – this rate is 11%. The number of incoming applications and complaints, as points of reference, also show a declining tendency, as we can see that statistically in 2008 there were almost two actions taken per application or complaint, but the rate between the two fell to 0.8 by 2011. The sum of fines is also declining continuously; while in 2008 authorities imposed fines in the sum of 2,595 million forints, it declined to 852 million forints in 2010. The declining tendency can indicate either the enhancement and decline of efficiency; more research is needed to be able to make a more accurate guess.

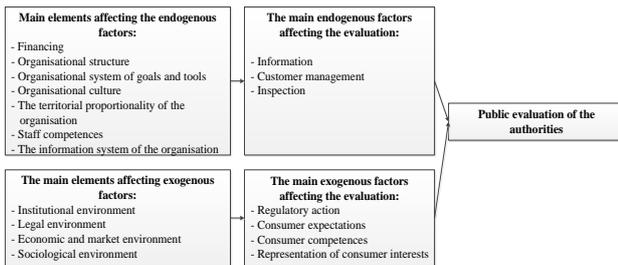
Aside from the HACP there are also institutions performing consumer protection activities, amongst other tasks. While these institutions mention consumer protection amongst their tasks, their activities are not exclusively focused on it. The most significant institutions of this type are the Hungarian Financial Supervisory Authority (HFSA),³ the Hungarian Competition Authority (HCA), the National Media and Infocommunications Authority (NMIA), the National Food Chain Safety Office (NFCO) and the Hungarian Energy Office (HEO). There are also authorities not constituting the protection of consumer rights anywhere, but whose intention to do so can be seen clearly. These are, for example, the National Public Health and Medical Officer Service (NPHMOS), the National Institute for Quality- and Organizational Development in Healthcare and Medicines (NIQODHM) or the Hungarian Labour Inspectorate. Institutions not mentioned as members of the aforementioned three categories – like the ombudsman – are placed in the other category.

THE MEASUREMENT MODEL OF FACTORS AFFECTING THE PUBLIC JUDGEMENT OF CONSUMER PROTECTION AUTHORITIES

Judgements in most cases represent transitions between quantitative and quality oriented points of view and always examine performance. I based my quantitative judgements on output data of consumer protection activities, while my quality-oriented judgements are based on public opinions regarding to consumer protection by the authorities. During the examination of the effects affecting the public judgement of consumer protection authorities I divide these effects into two groups (Figure 3). I rate the consumer protection competences of the organisations into the endogenous⁴ group, while the factors affected by external effects (self-consciousness or expectations of consumers) are rated into the exogenous group. Figure 3 shows the main elements affecting both the endogenous and the exogenous group, as well as those factors affecting the judgement.

I based the collection of the factors affecting the judgement of supervisory consumer protection authorities on the model of Hetesi, who wrote a similar study in relation of energy providers (Hetsi, 2002)- and on the works of Bodonyi et al. (2002), who examined the elements needed to learn the activities of administrative institutions. The measurement of consumer self-consciousness (awareness, competence, interest representation) was a new element in the model of Hetesi, which I found very important in the relation of this study as well.

³ The HFSA is even more differentiated in the group, as since 1 September 2009 this is the only official consumer protection authority (Govt. decree., 2009).



Source: Own elaboration based on the publications of Hetesi (2002:211-213) and Bodonyi et. al. (2002: 27-30)

Figure 3. The main factors affecting the public judgement of authorities

The measurement model of the judgement is based on the measurement models of consumer satisfaction. There are many ways known to measure consumer satisfaction, from which the procedure used in most cases is the one emphasising on the judgement of service efficiency by the consumers. This study is also based on the identification of the factors for the public judgement of the service, which is the execution of its consumer protection function. Amongst the aims of consumer satisfaction measurements we can also find the provision of assistance to institutions by their self-judgement and by the comparison of efficiency levels (Hofmeister et. al, 2003; Bruhn and Murmann, 1998) The aim of the measurement model of effects affecting the public judgement is also to help achieve these goals.

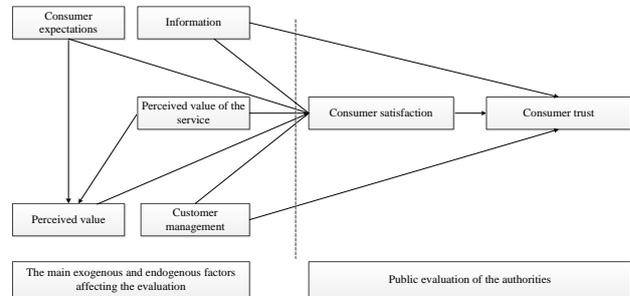
Although studies regarding satisfaction levels clearly have a traditional background, one can not find a clear description belonging here either. I base my study on the notion of Stauss and Seidel (2006), which is one of the result-oriented approaches. According to this notion, consumer satisfaction is nothing more than an after-purchase effect, which shows how the consumer evaluates the products and services bought. Pursuant to Section 2 of Act CLV of 1997. consumers are: natural persons acting in favor of goals not included in their normal scope of independent professional and economic activities in those cases, when they buy, order, receive or use goods or when they are the addressees of commercial communications or offers relating products. (In addition, pursuant to the law, NGOs, churches, blocks of flats, alliances for apartment maintenance, and micro, small and medium-sized enterprises also can turn to the arbitration bodies. These organisations are considered as consumers in arbitration bodies' operation.)

The very first aligned national measurement system in the world that was capable of consumer satisfaction measurement and of the improvement of products and services on an intercorporate and inter-industrial level was established in 1989 in Sweden. This system was adapted by the establishment of the American Customer Satisfaction Index (ACSI), which, after many positive experiences coming from the USA and Sweden, was followed by the European Customer Satisfaction Index⁵ (ECSI) (Gronholdt et al., 2000).

In most cases, national and international studies of satisfaction are based on the ECSI model. This is an equilibrated model that attaches consumer satisfaction to its factors and with its effect, namely with trust (Figure 4). The determinants of consumer satisfaction in this model are the following: consumer expectations, the experienced quality of services, the experienced value, the information and customer

management, those factors likely having an impact on satisfaction. The fundamental aim of the model is not the measurement of the level of consumer satisfaction, but the factors having an impact on it.

The only factor in the model, which is observed directly and which is measured by one statement is consumer expectation. The consumer will be satisfied if the service holds value for him (Dumond, 2000), meaning that expectations also affect satisfaction levels.



Source: ECSI model, own elaboration based on the studies of the ECSI model published by Bee et al. (2012) and Ball et al. (2004)

Figure 4. The measurement model of the public judgement of consumer protection authorities

In the middle of the focus of the model, next to the measurement of the satisfaction, the perceived value of the service can also be found. The experienced quality can indicate the level of fulfillment of the most important needs, which may have a positive effect on the satisfaction levels. The perceived value of the service consists of two elements. One of them includes the features of the services, in this case the details of consumer protection function (control, regulatory action), while the other includes the elements of interaction, like the environment of the consumer protection services or the competences and interest representation abilities of the consumers. The perceived value⁶ indicates the ratio between the price and the quality, which is measured in the model in money. The quality of information and customer management influences satisfaction and in the long term trust as well. Similar to the model of Ball, I found important to put emphasis on these factors in order to achieve a more exact result.

THE FURTHER DIRECTION OF RESEARCH

The main variants of the model introduced in Figure 4 are latent variants and therefore, those are unmeasurable in a direct way, so researchers have to attach measurable indicators to these variants. I also separated the individual elements into different examination fields and searched for possible judgement angles attached to these fields (Figure 5).

In my view it is useful to divide the first variant – information – into consumer information and keeping contact with partner authorities or organisations in order to enhance information exchange. I would attach the evaluation to the quality-related demands attached to informations (Kacsukné and Kiss, 2009), so in relation to information I would find it important that information should be relevant, meaning that it should be able to answer the questions of the decision maker.

⁴ Endogenous means "caused by internal influences", while exogenous means "caused by external influences".

⁵ The establishment of ECSI was a result of a cooperation of organisations, including the EOQ (European Organization for Quality), the EFQM (European Foundation for Quality Management) and the European Academic Network for Customer-oriented Quality Analysis.

⁶ The study does not analyse the experienced values regarding the supervisory consumer protection authorities.

Continuity is attached to this, so the flow of information needs to be continuous and the provision of data must be repeated regularly. It also have to be at the right time, meaning that the information needs to be available in time to be taken account of in decision making. Reliability, objectivity and completeness are also very important, because the information should communicate real facts, should carry those meanings of the words best describing the situations and should cover every vital aspect, allowing authorities to provide their customers with every knowledge needed to solve a problem.

to be independent, which means that neither the inspection body nor the people executing an inspection could be held directly or indirectly responsible for the activities of the inspected body and they cannot have an interest in these activities. The third important requirement is legality, meaning that inspection always have to be based on laws, it cannot divert from their application, it cannot make or alter rules, because its main role is the discovery of noncompliance with law and rules. I find the methodicalness of an examination to be also a very important judgement angle, which means that the inspection has to be filed in an inspection workplan and it has to be executed following its inspection program (guidelines, schedules) predefined in detail (Bodnár et. al, 2001).

I intend to analyse regulatory actions by administrative and offensive actions, and similar to inspection, I would examine the independence, the objectivity and the rightfulness here as well. It is worth carrying out an examination of consumer interest representation along with the possible means of solving problems occurring, so I plan to analyse the opportunities of problem solving available by the seller, the specialised authority, the mediating institution and by the court in the first round. I would start my examination based on the facts influencing satisfaction here as well, so I would examine susceptibility, competence, access, concreteness, time and reliability. In the field of consumer competences I will examine adequateness of consumer culture and consciousness, but because its judgement can be difficult, I will execute a correlative analysis of the data of other countries.

Consumer expectation is a factor not shown in Figure 5, because information is already available from secondary sources on this topic. According to the current consumer protection policy, from the side of the public there is already a demand to extend the activities of authorities over all products and services without respect to their original competences. They are demanding the provision of information, especially via the operation of competent customer service to assist their decision making (Govt. decision, 2012).

	Variants	Fields of examination	Evaluation angles	
Endogenous factors	Information	The information of consumers	- Relevant - Continuity - Time	
		Exchange of informations with authorities, institutions, organisations	- Reliability - Objectivity - Completeness	
	Customer management	Public applications	- Susceptibility - Competence - Access	
		Public complaints	- Concreteness - Time - Reliability	
	Value of the service	Inspection	Consumer protection	- Objectivity - Independence - Rightfulness - Methodicalness
			Market surveillance	
Advertisement control				
Food safety protection				
Regulatory action	Administrative	- Objectivity - Independence - Rightfulness		
	Offensive			
Exogenous factors	Representation of consumer interests	Seller	- Susceptibility - Competence	
		Specialised authority	- Access - Concreteness - Time - Reliability	
		Arbitration board		
		Court		
	Consumer competences	Consumer culture	- Adequateness	
		Consumer self-consciousness		

Source: own elaboration, 2012

Figure 5. The detailization of public judgement of consumer protection authorities

The second variant is consumer management, in which I plan to examine the fields of public applications and complaint reports. I will begin with the examination of effects affecting consumer satisfaction (Parasuraman et. al., 1985), one of the angles of the judgement, so before other factors I would find the examination of susceptibility important, which shows the level of willingness of authorities to fulfil the needs or requests of the customer. Here it is also useful to examine the professional competences of the staff of authorities, and access, which indicates the ease, comfort and means of getting in touch with the authorities. Regarding concreteness the material circumstances of the service provision are the factors worth being put in the center of an exam. I will examine the period of time of the process and the reliability as well.

The third variant is the perceived value of the service (its elements are supervision, regulatory action, consumer interest representation and consumer competence), which I break down further. I will examine inspection by each type and will base the judgement on its fundamental requirements. Objectivity is an important angle, meaning that the inspection has to be based on facts, on their examination and judgement, and at the same time it has to be uninfluenced by subjective elements and by elements altered by various interests. The question of independence attaches to objectivity, because the inspection has

SUMMARY

The article has examined the factors influencing the public judgement of supervisory authorities undertaking consumer protection tasks. The study was based on the presumption that the state-provided institutions for consumer protection are influenced by many factors and that these factors can be grouped and counted. I grouped the factors of public judgement of the authorities into endogenous (information, customer management and inspection) and exogenous (regulatory action, consumer expectations, competences and interest representation) factor groups. To define the factors the article first examined the function of consumer protection authorities and then introduced the domestic institutional system, especially analysing the Hungarian Authority for Consumer Protection. In the case of this authority the analysis resulted in the conclusion – which may be valid for other authorities as well – that in order to promote more effective operations, it would be useful to examine activities according to the scope of the function of the institutions.

The article's discussion of judgement was based on the measurement models of satisfaction with consumer protection authorities and the trust placed on them. The writer proposed her measurement model of public judgement regarding supervisory consumer protection authorities, which was based on studies of the measurement of consumer satisfaction. She attached the predefined factors to the model and then as a further direction of the study she identified judgement angles to enhance the tangibility of elements in the future.

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