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A TAXONOMICAL APPROACH TO THE INSTITUTIONAL STRUCTURE OF CONSUMER PROTECTION IN HUNGARY

PH.D THESES

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1. THE REASONS FOR SUBJECT SELECTION

The various forms of consumer protection are of the same age with the appearance of commercial activities. The real emergence of consumer protection took place in the 20th century despite the fact that the rules for protection against the imposition of entrepreneurs can be dated back to the history of ancient societies. One of the earliest manifestations of consumer protection can be found in the Code of Hammurabi where such rules occur: 'If a builder builds a house for some one, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.' Some sources refer to quotations on protecting customers even from the Bible: 'Thou shalt not have in thy bag divers weights, a great and a small. Thou shalt not have in thine house divers measures, a great and a small. But thou shalt have a perfect and just weight, a perfect and just measure shalt thou have: that thy days may be lengthened in the land which the Lord thy God giveth thee'. The current form of consumer protection was made necessary by the economic and social changes of the 20th century. Mass production, globalization and technological development all changed the position of producers and consumers, causing an ever greater distance between them. Proper information supply became fundamentally important. The new trading methods and the emergence of new forms of purchase increased consumer vulnerability, which, in turn, amplified the need for public intervention. As a result, some countries began the develop their comprehensive consumer protection systems and it resulted in the appearance of consumer protection policy in the middle of the century, making consumer protection an integrated part of economic policy. By the beginning of the 21st century, consumer protection has become a global factor, it has been present both at a national level as well as among the member states of the European Union. The importance of the subject is also indisputable from an economic point of view. The improvement of consumers' life, health, the protection of their properties, together with the improvement of their quality of life appear as a determining factor in current economic policies, firstly for strengthening the market, and secondly for its harmonious functioning. From the perspective of the European Union, the better and more unified implementation of consumer protection rules promotes transparency in markets, reduces the compliance costs of businesses also active in other countries, encourages competition, innovation, and makes a significant contribution to growth (European Commission, 2014a). In Hungary, consumer protection, as it is called nowadays, has a history of about three decades, its role has been constantly increasing, which is also shown by the directions of economic policy. Nowadays, 150 to 200 consumer protection cases arise every day at a European level and about 2,500 products are withdrawn from the EU market or they are prevented from having access to it. Currently, the largest issues of consumer protection to be resolved are related to online trading forms. In terms of future directions, it is certain that consumers will always need to be protected against any wrongdoing or unfairness, regardless of the changes in the forms of commerce. The current objective of consumer protection is to achieve a society that is based on conscious and sustainable consumption, which is founded on consumer confidence and fair market operations, and characterized by a mutual cooperation among well-informed consumers, law-abiding businesses and consumer protection authorities. In the light of these, the chosen subject of my research has mostly had a personal motivation as I have been interested in the factors affecting the relations between the business sector and the 'ordinary people' since I became a university student. In addition, the frequent appearance of consumer problems affecting broad social classes around the turn of the millennia definitely drew attention to the timeliness and importance of investigating this subject.

¹ The Code of Hammurabi 233.8

² Deuteronomy 25:13-15 The Bible, KJV

2. THE PURPOSE AND OUTLINE OF THE THESIS

The fundamental objective of the thesis is putting consumer protection into a taxonomic framework and the examination of the institutional system within this framework. The research starts out from two main objectives, and it is also necessary to reach further subgoals for their achievement.

The *primary objective* is to include consumer protection activities in one system. In order to do this, the entire process of operations needs to be mapped and by using a taxonomic approach, the relatively separate parts and the main elements of the individual parts need to be isolated, revealing the interactive relationships among them. The secondary objective is the analysis of the institutions for consumer protection by a system approach, which can only performed by building on the system of activities. The additional objectives of the research are: the exploration of structure of the current national institutions for consumer protection, of the diverse elements of institutional activities and of the main directions of further improvements. Apart from deepening the validity of the analysis and assessment, a further goal is to examine the institutional peculiarities of consumer protection in other European countries as well as to explore what criteria should be used to examine or rather compare the institutional system for consumer protection in individual countries. The objective of the examination of the institutional system is to have an insight into the particular operations of the national institutions for consumer protection, by carrying out an independent empirical research. Considering the divergence of the institutional system, the examination of the operational characteristics is directed at the central-level Hungarian Authority for Consumer Protection (hereinafter HACP) and at the regional consumer protection authorities, which can be justified by the fact that only these organizations are entitled exclusively to carry out activities related to consumer protection in Hungary. The purpose of the deeper understanding of operational characteristics is the determination of problematic areas in the national institutional system for consumer protection and the definition of critical points in the performance of consumer protection activities. The long-range purpose of this thesis is to contribute to the improvement of the relationship between consumers and entrepreneurs.

The thesis consists of nine chapters. Following the introduction, the second chapter clarifies the conceptual questions by presenting the definitions of several scientific fields found in the literature. It defines the different terms of consumer protection, consumer, product, commodity, service and enterprises. It describes the fundamental nature of institutions for consumer protection, consumer rights and consumer policy.

The third chapter deals with the consumer protection policy of the European Union, and summarizes the indicators that measure the current situation and the effectiveness of the consumer protection system.

The fourth chapter presents the development of consumer protection in Hungary in the light of the changes in the national consumer policy. It describes the objectives and achievements so far as well as the structural changes and the current structure of the institutional system.

The fifth chapter presents a taxonomical exploration of consumer protection activities. It ends with setting up a taxonomical model of a standardized structure. The starting point is provided by the comprehensive conceptual model of consumer protection created in this thesis. The system of activities derived from this model forms the taxonomical basis for the analysis in later chapters.

The sixth chapter describes the characteristics of the institutional structure of consumer protection of countries in an international context and gives a brief overview of institutional

models developed in the EU countries, while examining various aspects of European peculiarities.

The seventh and eighth chapters deal with the detailed analysis of the Hungarian institutional system. Similar to the European perspective, it describes the Hungarian institutions in system-oriented approach, structured in accordance with the activities.

The eighth chapter demonstrates the hypotheses and results related to the empirical research. The survey is aimed at the operational and management characteristics of authority activities, the problem areas of the national institutional system and the examination of the national structure of consumer protection activities.

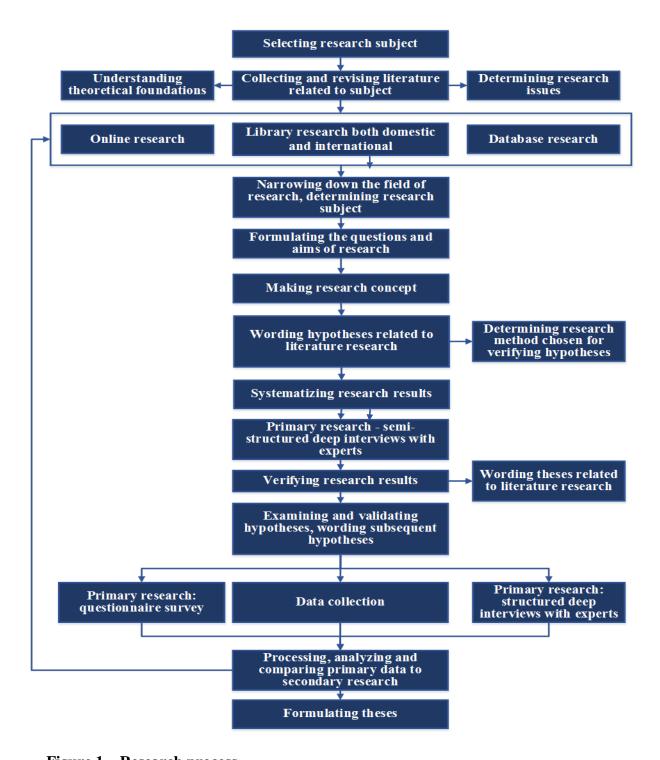
The last chapter gives a brief summary of the conclusions of the theoretical and empirical research results, including their utilization and the possible directions of their further development.

3. RESEARCH PROCESS AND METHODOLOGY

The research began with a thorough literature review. Resources on consumer protection can be found in several disciplinary fields. In relation to the science of law, the principles and legislation applied both in Hungary and the European Union together with the functions of public administration were reviewed. In the sociological literature, the subjects of consumer society, consumer habits, and raising awareness were studied. In the group of economic sources, more emphasis was put on the papers discussing macro-economic conditions, the economic fundamentals of consumer protection, the presence of public intervention, and the relationships among consumers, entrepreneurs and the market. Given the fact that publications dealing with the issues of consumer protection can hardly be found in the field of management and organizational studies – although the analysis of the subject can be closely linked to these fields –, papers covering the issues of institutional functions, management and the economic activities of budgetary organizations were examined from the aspect of consumer protection.

In the course of processing the literature, it posed a serious research problem that most of the reviewed sources typically dealt with only a part of the research subject. As a result of this, even determining the activities belonging to the subject caused some difficulties, or in other words, it was complicated to determine where the subject of consumer protection began and where it ended. This greatly complicated the delimitation of the subject so the narrow-down process lasted several years with repeated resumptions and corrections. During this time, I established contacts with a number of national organizations and I consulted with several experts specialized in the subject who repeatedly drew my attention to the difficulties of the research despite its beauties. All this experience further strengthened my conviction that the comprehensive examination of the subject might fill a niche in this field. As a primarily outlined and narrowed-down research subject, I determined the examination of the institutional system of consumer protection from the approach of economics. Since comprehensive analyses in the area could not be found in the literature (based on the previous experience of the research work), I independently had to elaborate the research criteria that gave a foundation for the analysis of these institutions. In the course of working out the research criteria, the appropriateness of the systemic examination of the subject emerged. All things considered, consumer protection is basically a system that can function effectively only if its parts harmonize with each-other, thus reinforcing each-other. The collection of the literature related to the subject was conducted in national and international libraries, institutional libraries and online sources. In addition to the literature, serious attention was paid to statistical data collection, during which several databases and primary surveys were reviewed, gathering relevant information from them. The collection and synthesis of statistical data also caused serious difficulties because few databases were available to me that would have actually characterized the examined subject. Therefore, in many cases, I could obtain relevant information only from multiple sources. As a final result of the literature review, I assigned two basic fields of the research: (1) consumer protection activities, (2) institutions for consumer protection. In connection with them, later I formulated the basic objectives and the concept of the research, then the hypotheses related to the theory and their verification methods. In addition to the theoretical research, the results of systematizing consumer production activities were proved by semi-structured deep interviews, which resulted in setting up further hypotheses in addition to the first few theses, strengthening my previous theoretical assumptions. In order to verify them, several methods were used, first a questionnaire survey was carried out, then a structured interview, and these methods were completed with institutional data collection previously aligned with the structure of activities. By processing these primary data and comparing them to the results of the secondary research, I formulated some further theses.

One of the essential conponents of the methodological elements of the research is the taxonomical approach and the examination of the contexts derived from it. All chapters of the thesis were worked out using this approach. The application of taxonomical approach was justified by the objectives of the research, which facilitated a comprehensive analysis of consumer protection and made it possible to shed light on more efficient operation, the causes of occurring problems and some possibilities for their solutions.



 $Figure\ 1-Research\ process$

Source: own edition

In the course of the system analysis, I applied the method of modeling together with the frequent use of flow charts, diagrams showing logical links and accounts of causes and effects. In order to achieve the second objective, a primary research was also carried out, applying quantitative and qualitative methods. First, semi-structured deep interviews were made, followed by conducting a questionnaire survey while at the same time structured in-depth interviews were also made. For the more expressive presentation of the situation, measurements and individual activities of consumer protection, the results of empirical researches carried out by Eurobarometer és Flashbarometer³, mostly commissioned by the European Commission, were also utilized. These surveys usually provided information from the perspective of consumers and businesses, extending their scope to the 27 or 28 member states of the European Union. In the case of surveying consumers, the researches involved a sample of 1000 individuals while in the case of enterprises, the sample consisted of 400 elements in each country. During the research, I also reviewed reports and analyses that had been made based on the results of the surveys in the European Union such as the Consumer Market Scoreboards⁴ or surveys on the strategic position of consumers⁵ and market monitoring⁶. In addition to the statistical analyses and accounts, the available data of the major information systems operated by European and national institutions for consumer protection were also used, furthermore, I also studied the reports that had been made by the individual countries complying with their reporting obligation to the European Union. Regarding the national institutional system, I used the annual accounts, statements and reports of the organizations together with other information obtained by requesting data from them.

In relation to the fields of empirical examination, I applied both qualitative and quantitative techniques. Of the qualitative techniques, semi-structured and structured interviews were used while I applied a questionnaire survey as a quantitative method, building these techniques on one another. All this was complemented by an organizational data collection (data supply) which proved to be necessary since even the information on the institutions required for my research were not available. In order to justify the hypotheses related to the theoretical research (with the purpose of clarifying the model on the system of activities), the method of semi-structured deep interviews seemed appropriate, during which the Head of Department for the Strategic Cabinet of the Hungarian Authority for Consumer Protection and the director of the Government Bureau of Consumer Protection Inspectorate in Borsod-Abaúj-Zemplén County were interviewed in November, 2014. The interviews took an informal, partly guided shape. The *questionnaire survey* was made necessary by the need of a deeper exploration of the casualities and the linkage points among the gathered information. The survey was carried out among the organizations authorized with general competence for consumer protection (central and regional institutions for consumer protection) because their opinions and perspective can definitely be authoritative in the professional assessment of the activities and the system of institutions for consumer protection. Based on this, the population of the survey was formed by the Hungarian Authority for Comsumer Protection and the regional institutions for consumer protection including the one operating in the capital – at the time of the survey, they functioned as inspectorates within the government bureaus, now they fuction as departments. In order to increase the reliability of the query, exclusively managers were

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³ Such surveys have been carried out in the EU since the 1970s..These are comprehensive polls that periodically survey the opinion of the broader public about a subject or a field of policy.

⁴ Scoreboards are reports (regularly compiled and published since 2008) that describe the quality of the consumer environment of the member states, the integration of the EU's internal retail market and the consumer assessments of the internal market, thus evaluating the effects of policy measures on consumer welfare.

⁵ The analyses in relation to the economic strength of consumers investigate consumer confidence, consumer skills and capabilities, the awareness of legal rules of consumer protection, comsumer commitment and the area of legal enforcement of consumer rights.

⁶ They are used to measure the quality of consumer markets.

interviewed in the survey. The entire population was formed by the managers of the organizational units of HACP (7) and the managers of metropolitan and regional institutions for consumer protection (20), a total of 27 opinions obtained from them altogether. The query took place between the 20th of February and the 20th of March in 2015, which was made highly difficult by ongoing restructuring of government bureaus then. As a consequence of this, an respose rate of at least 50 percent, that is 4 managers from central and 10 managers from regional institutions, was acceptable and suitable for making generalizations about the findings of the research. As a result of the query, 6 filled-in questionnaires were returned from central and 13 questionnaires were received from regional managers or from their deputies, meaning a response rate of 85 percent and 65 percent, respectively. The response rate relative to the population can be considered sufficient for underlying the research and its hypotheses. Following the fields of research determined above, the structure of the questionnaire was divided into three parts: operational characteristics, institutional system and system of activities. During the query, mainly selective, open-ended questions and closed-ended questions were applied. As for scaling techniques, questions suitable for processing both by the Likert scale and semantic differential scales were included in the questionnaire. Regarding the latter technique, a slight modification was made by reducing the originally seven levels down to five ones similar to the Likert scale because during the test period of the questionnaire, it turned out that a simplified scaling method would make it easier for the respondents to fill in the completed questionnaire. According to the preliminary research plan, the assessment of the responses would have been taken place as a comparison at level NUTS2 (Nomenclature of Territorial Units for Statistics), however, due to the partial results of the guery it was not possible. Conversely, examining the distribution of the respondents at level NUTS1 (see Figure 2), Northern Hungary and the Great Plain (31.6 percent), the Transdanubian Region (31.6 percent), as well as the Central Hungarian Region (36.8 percent) show a nearly equal, one-third proportion, which has given an opportunity to make analyses and comparison at level NUTS1 even without the necessity of weighting.

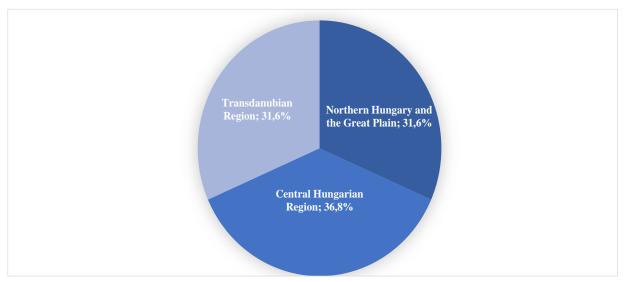


Figure 2 – The geographical distribution of the respondents taking part in the questionnaire survey

Source: own edition based on questionnaire survey

The method of *structured in-depth interviews* was necessary for the deeper exploration of institutional problems. The interviews and the structuring of questions were harmonized with the designated fields of research. Structured in-depth interviews were conducted with 6 managers or deputy managers who, instead of filling in the questionnaire, spent enough time to answer my questions either in person or electronically. The interviews took place simultaneously with the questionnaire survey in the Hungarian Authority for Consumer Protection (3) and in the institutions of Pest, Baranya and Borsod-Abaúj-Zemplén counties. In addition to the primary research, an organizational data collection was also performed, for this, following the taxonomical framework, a data supply grid was set up separately for the central and the regional institutions. It was constructed based on the annual reports and accounts of the organizations and the findings of the taxonomical examination of the consumer protection activities. Referring to the lack of resources, the HACP returned only a minimum number of filled-in tables and only four regional institution returned fully filled-in tables so I could use them only to confirm certain assumptions. Regarding the returned data sets, it was experienced that the organizations did not have a unified structure, which led to difficulties in filling them in and making a burdensome task because of the restructuring of institutions. Despite this, a positive feedback also took place because there was an instutution that immediately took over this type of structure and integrated it as a kind of registration form.

4. THE DISCIPLINARY CHARACTERISTICS OF CONSUMER PROTECTION

Consumer protection involves several scientific areas and disciplines, it includes a wide range of tasks and activities. Experts basically relate it to three areas of social sciences such as Public Administration and Law, Economics and Sociology. According to certain views, it has linkages even to the science of Psychology. The subject is diverse and can be examined from many different aspects, its comprehensive analysis is difficult precisely because of its complexity so researchers typically deal with parts that can be integrated into a given scientific area. Its complexity is revealed by the fact that, in a broad sense, many areas can be linked to consumer protection such as quality protection, market protection, health protection and so on. Publications related to the subject of consumer protection are most frequently appear in the field of Law, followed by Sociology and finally, Economics. Comprehensive economic studies are not known in this subject.

The exact conceptual definition of consumer protection appears very rarely and from different approaches in the literature. The authors do not indicate which area of consumer protection they examine, typically capturing only certain aspects of the subject. It is difficult to find definitions in the sources with the claim of general validity. Even in the field of Law, where a great number of papers dealing with consumer protection can be found, only few authors (such as Fazekas, 2007; Balogh et al., 2010 or Bekényi et al., 2014) give an exact definition of the concept. Nonetheless, there is no single national or EU legislation that would determine the concept of consumer protection. In order to ensure consistency between the content and the established terminology, it is appropriate to determine the concept of consumer protection by two different kinds of interpretation (broad and narrow), among other causes, because of the taxonomical approach and achieving the the objectives of the thesis. When creating the definition for consumer consumption, I started out from the assumption that consumer protection is made up of a series of successive activities. The broad and narrow interpretation of the subject was elaborated in line with the staging of the process of activities in a way that the broader interpretation encompasses the complete process of consumer protection activities (from regulations to their enforcement), whereas the narrow interpretation is directed at the second stage of the process. Accordingly, in a broad interpretation, consumer protection activities are a system of activities that is aimed at the complete protection of consumer interests, covering the consumer nature of an individual as such. It involves the creation of rules related to products and services together with the regulations about the circumstances of their sales with a special concern about the protection of customers, furthermore, it includes all organizational activities that, either directly or indirectly, facilitate and ensure that the rules and consumer interests are enforced.

In a narrow interpretation, consumer protection activities are a system of activities that either directly or indirectly, facilitate and ensure that the rules related to products and services together with the regulations about the circumstances of their sales with a special concern about the protection of customers and consumer interests are enforced. The thesis is primarily based on the narow interpretation, however, where it helps the taxonomical interpretation, the broad interpretation is also covered. In the course of the literature review on definitions, consumer protection activities were also expressed in a novel approach. As it can be concluded based on the sources, consumer protection is a type of public service since it is basically an administrative task that is fulfilled by providing services. Based on this notion, consumer protection activities can be regarded as a sum of services that is performed for public interest and every member of the society can have resort to them as a consumer. In the ordinary sense, these services are called consumer protection activities.

5. RESEARCH HYPOTHESES

During the research process, eight hypotheses were elaborated. Three hypothesis were formulated fully based on the review of the literature, the remaining five hypotheses were created based partly on the literature and partly on the semi-structured in-depth interviews.

5.1. Hypotheses formulated based on the literature review

Following the review of the theoretical literature and the conceptual framework of the area, I came to the conclusion that consumer protection is essentially a series of successive activities, identifying and structuring it can be suitable for the systemic examination of consumer protection. According to my assumption, these activities interact so closely with one another that they form a system together. The literature research related to the group of activities led me to appoint two separate areas, one of them contains activities linked to regulations, the other includes activities related to their enforcement. I assumed that the first level of the process was regulation which ensuring and promoting the enforcement of the rules are built on. In line with this, I started systematizing consumer protection by exactly determining the parts of the individual levels. Subsystems are at a lower level than systems and the groups of subsystems represent an even lower level. The smallest unit of a system is an element, they form a system only when they are related to each other. The elements of consumer protection are made up of interdependent constituents, which can themselves be parts of a greater system and they are in close relationship with the environment together. The formulation of the Hypothesis H1 was induced by the ideas described above.

Hypothesis H1

In order to examine consumer protection as a system, the activities have to be chosen as a starting point. The process of activities can be divided into two main stages. The activities linked to these two stages can be systematized further and the complex and diverse structure of consumer protection can be broken down to subsystems and groups of subsystems that can be examined independently.

The next step of the research process was the exploration of consumer protection activities relevant to the second stage. Following the determination of the group of subsystems and activities, the conceptual model of consumer protection was made (see Figure 3).

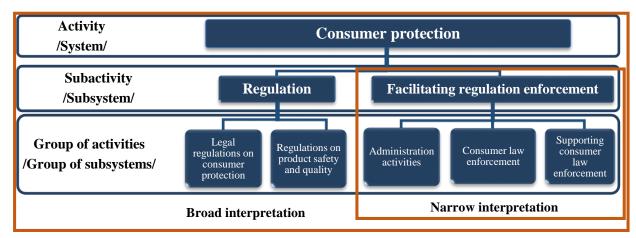


Figure 3 – The conceptual model of the system of consumer protection

Source: own edition

Under the regulatory subsystems primarily government regulation and public intervention should be understood. The traditional approach in Economics generally refers to market failures as a reason for public intervention since without intervention the situation emerging in the market would result in weak Pareto efficiency (Stiglitz, 2000). In the case of consumer protection, the need for public interventions mainly occurs due to asymmetric information supply, external economic effects, the unthoughtful behaviour of consumers and the overdominant market power of entrepreneurs. The subsystem of facilitating and promoting the enforcement of consumer rights covers the regulatory devices of authorities and the activities supporting the efficient operation of the system. The theoretical research pointed in the direction that in the enforcement of consumer protection rules the operation mechanisms of the institutions for consumer protection can be regarded as a primarily determining factor. Based on these as well as the subsystems identified in the course of setting up the conceptual model of consumer protection (see Figure 3), Hypothesis H2 took shape.

Hypothesis H2

The second subsystem of consumer protection can be divided into three groups of activities from the aspect of functions. It can be divided into administration activities, consumer law enforcement and a group of activities supporting consumer law enforcement.

The next research hypothesis was related to the international examination of the institutional structure relating to the subsystem of regulation enforcement. The primary purpose of the analysis was to find a benchmark for assessing the institutional structure of consumer protection in Hungary. I started out from the assumption that the institutions for consumer protection had evolved along different models in the European countries, their structure has changed in line with the specific characteristics of the countries, and they have been in transformation even lately. Approaching the institutions from the aspect of activities can establish an appropriate guideline for the analysis. Based on this notion, Hypothesis H3 was conceived of and the examination of institutions for consumer protection in individual countries was started for identifying common characterisitics and similarities.

Hypothesis H3

The institutional system of consumer protection is different in the European countries. For the examination and comparison of the European institutional structure, the public administration system and the approach from the aspect of activities can provide an appropriate basis.

5.2. Hypotheses formulated based on the interviews

The following hypotheses of the research were based on the results of the literature review on consumer protection and the content of in-depth interviews with consumer protection experts. The hypotheses were linked to three research areas: (1) the operational characteristics of the Hungarian central and regional authorities of consumer protection, (2) the examination of the narrowly defined national institutional system of consumer protection and (3) the examination of the narrowly defined consumer protection activities. Within the operational characteristics, the examination of resource supply, the structure of activities, organizational performance

measurement and the difficulties of operations were the main objective. In terms of consumer protection activities, beyond the understanding of the characteristics of organizational functioning, the aim was to determine the weight of each activity, while in the case of the institutional framework the main focus of the investigation was on localizing critical points, problem areas as well as areas of improvement.

Regarding the operational characteristics of the central and regional institutions for consumer protection, four areas were examined: resource supply, the structure of activities, organizational performance measurement and the difficulties of operations. In terms of resource supply, the amounts of budget contribution and the data of headcounts were analyzed. The extent of budget contributions fundamentally determines the functioning of the organization since it almost constitutes one hundred percent of revenues. Looking at the structure of expenditure 60-70 percent of the total spending is made up of employees, therefore the number of employees was also examined. Before the organizational restructuring, 512 people were employed until 2008-2010, and after the division, the number of employees at the Hungarian Authority for Consumer Protection was reduced to 134 from 2011, thus reducing the amount of budget support in derect proportion from HUF 3,227 million to HUF 818 million by the year of 2011. It increased to HUF 1,021 million in 2015 beside the stagnating number of employees in recent years. The number of employees at the regional institutions for consumer protection feel by nearly 100 people (424 people) at a national level by 2014. An average of 15 people perform consumer protection tasks at the regional institutions, which, based on the data received, means the employment of 1 manager, 8-10 consumer protection inspectors, 1-2 legal asissistants and 1 staff member. In the light of all these facts, Hypothesis H4 was formulated during the analysis of budget contributions and headcont data and it was also based on the content of semi-structured in-depth interviews.

Hypothesis H4

The resources available to the Hungarian Authority for Consumer Protection and the regional institutions for consumer protection are scarce, as a consequence, the performance of certain consumer protection activities is effaced.

Hypothesis H5 also started from the examination of resource supply during which the question arose what accounts should the institutions keep about budget contributions and what indicators are used for measuring the performance of organizations. On the one hand, on the basis of the indicators used for performance measurement it could be concluded that there was no unified system in use for this purpose but there were some initiatives for their establishment. All this was an incentive to extend the direction of the investigation to cover this area, with the restriction that even if no general conclusion can be made, a clearer picture can be drawn regarding performance measurement. It was formulated following the results of semi-structured interviews that there was no unified definition at an organizational level, the activities determined as priorities by consumer protection policy are measured in different ways. Within that, the primary role of administrative supervision can be detected, which is indicated by the structure of the organizations and the objectives of the existing national consumer policy as well. Based on this information, Hypothesis H5 was formulated as follows.

Hypothesis H5

In Hungary the indicators used for measuring the performnce of institutions for consumer protection are not standardized. Value-based indicators are not applied, most of the indicators quantify the supervision activity with the greatest weight in the structure of activities.

During the examination of the system of consumer protection activities, a hypothesis was formulated regarding law enforcement and its supporting activities. Analyzing the national institutional system of the enforcement of consumer rights in European context, it can be observed that its functioning and its effectiveness are significantly below the EU average. The judgement of consumer complaints, according to even my own perception, is not very positive in Hungary. However, the alternative enforcement methods are starting to come to the forefront as shown by the growing support of conciliatory bodies, as well as their highlight in consumer protection policy. By contrast, judicial proceedings do not play a significant role in our country as it is also indicated by international surveys. According to my assumption, the reasons for this can be sought primarily in the characteristics of the judicial system and its consumer attitudes since the general public regards the proceedings too costly and long-drawn protracted considered, not necessarily leading to a satisfactory result.

Activities in support of the enforcement of consumer rights (such as information supply, advice, education or the intervention of the state) are decisive in the system of consumer protection. Based on the research in the literature, it can be stated that the national institutions typically take an active role in the activities regarding EU information supply. Consumer education is still weak, this area still has not been integrated into the education system, and its development has slowly been advancing. The literature review on the historical development of consumer protection pointed out that the weight of the state has decreased significantly in this area over the last 20 years. However, the role of the state is essential even today as consumer protection or consumer culture are not yet so deeply rooted in Hungary than in developed market economies.

Hypothesis H6 was formulated based on the literature review of legal enforcement of consumer rights and its supporting activities as well as the results of international surveys.

Hypothesis H6

In Hungary the handling of consumer complaints is the primary opportunity to enforce consumer rights. Beside the growing significance of alternative dispute resolution, judicial proceedings play an insignificant role in the process of law enforcement. The weight of activities supporting the system of consumer protection is considerably lower than in the developed countries.

For the third field of research, namely for the examination of the problem areas of the national institutional system and the improvement directions of the institutional structure, two hypotheses were set up. Firstly, examining the structure of the national institutions for consumer protection, it can be established that it shows constantly changing picture. The organizational structure of consumer protection has undergone numerous transformations in recent years and the current structure exhibits a complex and diverse system. Even nowadays, an organizational restructuring is underway. Currently, mergers are happening within government bureaus, greatly complicating the final placement of consumer protection in the administrative institutional structure. It can be considered as a significant step forward in terms of the state-level management of consumer protection that the area was raised to a state secretary and deputy secretary level in 2014, after its management was transferred to the Ministry of National Development.

In the course of examining the effects of institutional restructuring, Hypothesis H7 was formulated, which was mentioned by the responding managers as a crucial problem in the semi-structured interviews.

Hypothesis H7

Hungary's system of consumer protection underwent continuous transformations in the last decade, in spite of this, the current institutional structure cannot be regarded as a stabilized system. Th frequent transformations of the administrative organizational structure causes a serious problem in the operation of institutions.

In the course of further examining the problem areas of the institutional system, one of the objectives of the research was to determine the future directions of development. As it was stated in the First National Conference on Consumer Protection and in the semi-structured indepth interviews, the lack of transparency in legislation, the high number of institutions for consumer protection and the continuing organizational changes resulting unpredictability were regarded as the biggest problems of the system. Looking at the entire system of consumer protection, the slowly changing attitude of consumers and entrepreneurs to consumer protection basically determines its development tendencies. According to the interviewees, the effectiveness of the institutional system of consumer protection organizations – from an organizational point of view – would primarily be enhanced if consumer protection activities were integrated into a single organization. In relation to this, numerous factors were determined in the research questions and Hypothesis H8 was set up as follows.

Hypothesis H8

In Hungary the actual tasks and the performance efficiency of consumer protection are fundamentally determined by the characteristics of consumer and business culture. For the more efficient operation of the institutional system of consumer protection, their improvement would be necessary. From the organizational aspect, the growing role of the state, centralization, the reinforcement of state institutions and the change of the legal environment could contribute to a more efficient operation.

The validity of the hypotheses were tested by several methods, which are summarized in the following table.

| Hypothesis | Methods for verification | | |
|--|---|--|--|
| H1 | Processing literature and semi-structured deep interview | | |
| H2 | Processing literature and semi-structured deep interview | | |
| Н3 | Processing literature | | |
| H4 Organizational data collection, questionnaire survey, structured interviews | | | |
| Н5 | Organizational data collection, questionnaire survey, structured interviews | | |
| Н6 | Processing literature, questionnaire survey, structured interviews | | |
| H7 Questionnaire survey, structured interviews | | | |
| Н8 | Processing international surveys, questionnaire survey, structured interviews | | |

Table 1 – Research methods chosen for verifying hypotheses

Source: own edition

6. THE NEW AND NOVEL FINDINGS OF THE RESEARCH

In the system of consumer protection, the activities form a set that are closely related to each other and form a unit to achieve the objectives of consumer protection. This objective is generally means partly the effective protection of consumers through regulations, the enforcement of consumer rights and the enforcement of the rules. The thesis does not cover the relevance of the content of the discussed consumer protection rules, it takes the current system of rules granted. During the research, eight theses were formulated, the first three ones as a result of the theoretical research, the remaining five theses as a result of the empirical research.

6.1. Theoretical theses related to the systematization of consumer protection activities

The first thesis was related to the process of consumer protection activities. The literature research pointed to the direction of two subsystem in this regard. In the system of consumer protection, one of the subsystem includes regulation, while the other subsystem is ensuring and supporting the enforcement of the rules. The aim of the rules is to balance and compensate the difference betweent distributors, service providers and consumers, while the aim of the enforcement of rules is the ceffective and efficient enforcement and promotion of consumer protection rules (HACP, 2014). On the one hand, these can be regarded as independently operating systems, on the other hand, they can be considered as systems in hierarchical relationships with one another. The objectives of the subsystems are in line with those of the entire system, which feature a variety of consumer protection subsystems, the performance of the activities is done by a group of activities (system components).

The regulatory subsystem covers the administration of consumer protection, and the regulations related to the institutional system of consumer protection and the regulations on retail products and services. In terms of the subsystems, a separation between legal regulation of consumer protection and quality regulation can be demonstrated. The two subsystems can be treated as an autonomous system and there is a partial overlap between them. The quality regulation includes the provision of quality, which exhibits many similarities with the system of consumer protection as an independent system because its aim, among other things, is to provide appropriate quality and thus protecting the health and safety of consumers.

The subsystem of facilitating regulation enforcement includes the practical application of consumer protection rules, ensuring and promoting their enforcement. All activities are listed in this subsystem that are implemented for the compliance with rules and the enforcement of consumer interests. The thesis covers a detailed examination of this. As a result of the terminology of consumer protection and the systematization of consumer protection activities, the first thesis of the research was formulated.

Thesis T1

The process of consumer protection can be divided into two stages. The first stage includes regulation activities that are created for the protection of consumer interests. The second stage is the sum of activities that ensure or rather promote the enforcement of consumer interests and regulations created in the first stage. Legal activities are dominant in the first stage. The assurance and promotion of the enforcement of regulations are mainly based on the activities of state and non-government institutions for consumer protection.

The smallest unit (or element) of the system is made up of the activities related to the subsystem, which, in some cases, can be split into further activities, however, the complete breakdown would cause interference from a taxonomical aspect and complicate the transparency of consumer protection, therefore, the activities were only examined as long as they could be clearly interpreted in relation to the operation of the organizations.

In practice, the second stage of consumer protection means to prevent, control and, if necessary, enforce the violation of current rules, in the case of violation of rules, it means to explore, remedy and give support to the enforcement of rules as soon as possible. Along these features, the second stage, that is facilitating regulation enforcement could be divided into three areas interacting with each other. First is the assurance of the supervision and enforcement of regulations ensure enforcement (administration activities), the second one is the restoration after the violation of rules (legal enforcement of consumer rights) and the third one is supporting the entire system (activities supporting the legal enforcement of consumer rights). The individual areas form distinct subsystems, where the subsystem of administration activities primarily covers monitoring and sanctioning the violation of consumer protection rules. The subsystem of the legal enforcement of consumer rights includes the ways of solving consumers' grievances. The subsystem of the activities supporting the enforcement of consumer rights contains elements that directly or indirectly help to ensure and stimulate the enforcement and the overall operation of the system. After defining and organizing the three areas, the following structure took shape (see Figure 4).

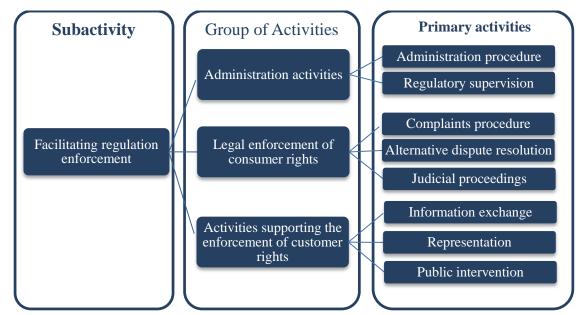


Figure 4 – The structure of the activities enforcing regulations on consumer protection Source: own edition

Given that the focus of the thesis is on the analysis of this level, the activities were examined in the deepest possible breakdown, taking into consideration their traceability as well as the interpretability of the levels. Regulation enforcement as a subactivity was further divided into groups of activities, then into primary activities.

In the case of *administration activities*, I started out from administrative sources, administrative organizational peculiarities and the processing of legislation. Those activities of administrative procedure were taken into account that were closely related to the enforcement of consumer protection regulations. Based on this, two areas (primary activities) were distinguished within administrative activities: (1) administration procedure and (2) regulatory supervision.

With further dividing the primary activities, the following structure was elaborated (see Figure 5).

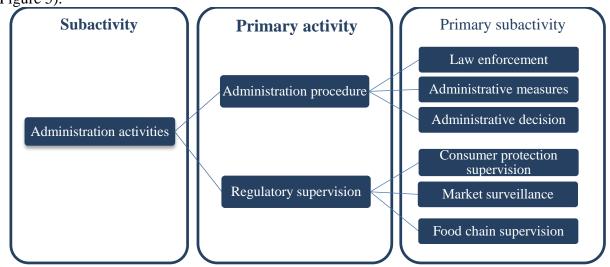


Figure 5 – The structure of administrative consumer protection activities

Source: own edition

The second subsystem of the enforcement of consumer protection rules was coupled with the area of the *legal enforcement of consumer rights*. In consumer protection it occurs in situations when, for some reason, the rights of the consumer are violated. Their elements based on Bodnár, 2001 were classified into three groups: (1) complaints procedure, (2) alternative dispute resolution (ADR) and (3) judicial proceedings. Chronologically, complaints procedure is the primary method of enforcement. If it does not lead to satisfactory results, consumers can choose between conciliatory procedures or judicial proceedings. The second step of the enforcement of consumer rights is alternative dispute resolution (ADR), which is a way of settling consumer disputes outside of court. Alternative dispute resolution can be found in the system of the enforcement of consumer rights, apart from national peculiarities, this includes conciliation, intermediation or arbitration. In Hungary, conciliation plays a decisive role. In order to enforce their rights, consumers can turn to court by taking civil legal procedures, filing a lawsuit of public interest or filing a class action lawsuit. The division of the legal enforcement of consumer rights into primary activities and primary subactivities are summarized in Figure 6.

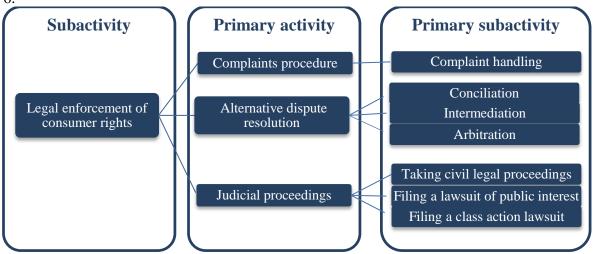


Figure 6 – The structure of legal enforcement activities of consumer rights

Source: own edition

The activities supporting the enforcement of customer rights include those ones that develop, stimulate and support the operation of the system of consumer protection. Based on gathering the activities related to the consumer protection, the following three groups were determined within this area: (1) information exchange, (2) representation and (3) public intervention. Information exchange is highlighted by the fact that the right for information also appears among the fundamental rights. Within information exchange, three additional primary subactivities were separated: (1) providing information on consumer protection, (2) consultancy on consumer protection, and (3) training on consumer protection. In addition to information exchange, representation is another important area, its activities are typically regulated by legal rules or rules of habits, although they can be left without official regulations. Its main forms in consumer protection can be the following: (1) representation of interests and (2) legal representation. The third group of supporting activities consists of public intervention where different methods of organizational cooperation and state contribution can be listed. The structure of the activities supporting the enforcement of customer rights, divided into primary activities and primary subactivities, are shown in Figure 7.

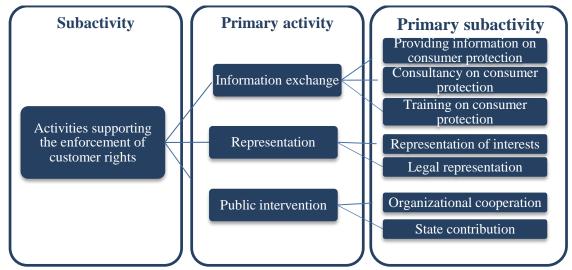


Figure 7 – The structure of activities supporting the enforcement of consumer rights Source: own edition

After the comprehensive exploration and structuring of consumer protection activities, a possible model for the system of consumer protection activities was created as it is shown in Figure 8. The relevance of the developed scheme was tested during the semi-structured interviews where further clarifications were made. After setting up the model and as a result of systematizing consumer protection activities, the second thesis was formulated.

Thesis T2

The second subsystem of consumer protection is made up of the activities supporting the enforcement of consumer rights. It consist of the following subsystems in Hungary: administrative subsystem (supervising the compliance with legislation), the subsystem of legal enforcement of consumer rights (handling occurring consumer complaints), and the subsystem of activities supporting the enforcement of consumer rights (general protection of consumer interests and the improvement of consumer awareness). The narrowly interpreted model of the consumer protection system is composed by the aggregation of the primary activities of these subsystems.

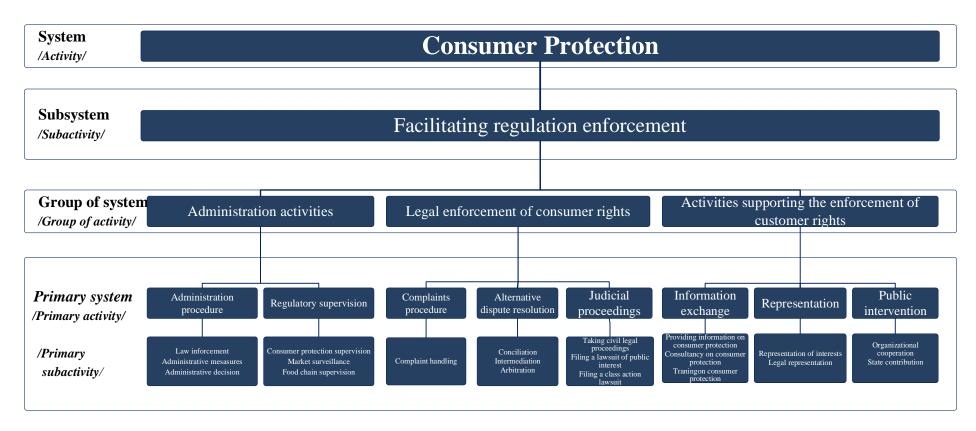
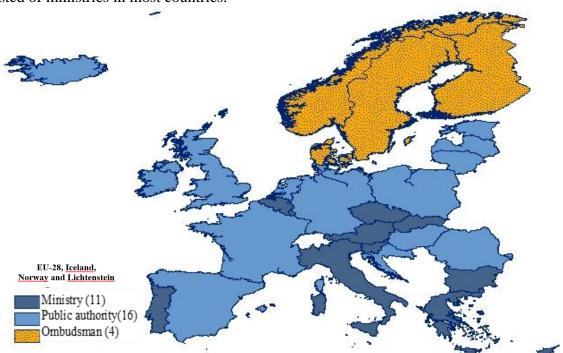


Figure 8: The narrowly interpreted model of the consumer protection system

Source: own edition

6.2. Theoretical thesis related to international perspectives

The international examination pointed out that the development of the institutional system of consumer protection in any country is a complicated process because it is implemented through a highly complex structure and therefore it is impossible to find two identical and fully comparable systems. As a first step, the examination of the international perspective of consumer protection institutions began by studying the peculiarities of national administrative systems and institutional models. Consumer protection authorities operate within the framework of state administration. The administrative arrangements of the member states of the European Union show a great diversity, which were investigated based on organizational models. These models nowadays begin to overlap, which means that completely separate, pure forms cannot be observed. This is also characterized by administrative organizational structures, the boundaries begin to blur and the clear assignment of tasks and organizations begin to cease. Previously, the state duties of consumer protection were performed by the administration itself with its hierarchically-structured bureaucratically state organization that operated in more or less close subordination. Decisions were made in the management of the administration either personally or as a result of a closed meeting. Nowadays government and non-government actors jointly take part in implementing or even making decisions. In the case of activities the role of coordination, promotion and monitoring has increased and the role of official operational tasks has become more insignificant. The following figures present the examination of institutions for consumer protection according to various aspects. By rendering the liasion consumer protection offices into a horizontal division of ministries, public authorities and ombudsman offices, the following map of Europe is outlined (see Figure 9). Countries classified into the Scandinavian model of administrative arrangements as well as relying on public institutions can be completely identified with the member states trusting the institutional structure of ombudsman offices. Examining the structure of ministries and public authorities, the liasion consumer protection offices are typically linked to public authorities insted of ministries in most countries.



 $Figure \ 9-The\ institutional\ classification\ of\ liaison\ consumer\ protection\ offices\ in$ $Europe\ in\ 2014$

Source: own edition by using European Commission directive 2014b

Katalin Cseres examined the institutional solutions in the areas of consumer protection and the enforcement of competition law. The aspect of the analysis was to what extent organizations were separated from each other in individual countries. Based on this, three models were identified: (1) consolidated (2) partially consolidated and (3) a separate regulatory model (Cseres, 2013). By comparing Cseres' compilation (Figure 10) with the groups categorized by the liaison consumer protection offices (Figure 9), it can be determined that the authorities appearing at a ministerial level belong to the consolidated authority model. The institutional model developed by the author also supports the conclusion, which can be observed in many countries, that diverse consumer protection activities are associated with individual organizations. It is proven by the findings that the countries belonging to Cseres' consolidated authority model are the same as those where liasion consumer protection offices step up against the violation of consumer rights.

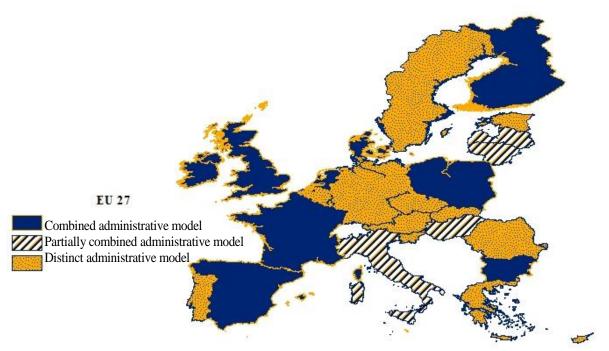


Figure 10 – Institutional models in the enforcement of competition law and customer protection

Source: own edition based on Cseres, p. 74, 2013

It can be concluded that consumer protection activities are concentrated in a number of countries similarly to public administrative activities, that is the structure of activities of the institutions becomes increasingly diverse. Based on the administration models, this kind of consolidation is the most representative of the countries belonging to the English and Nordic models. Cseres concludes that merging consumer protection and the enforcement of competition law into a single authority may prove to be useful due to common work, experience, and close coordination, and certain costs can be saved by combining background activities and services. The advantage of an independent authority is, however, that there is no need for making compromises along the various goals and it has the capability of making decisions autonomously. In this respect, Hungary belongs to the partially consolidated authority model, since both the authorities entitled to enforce competition law and consumer rights also perform activities that are related to the area of the other authorities. Problems arising in terms of authority overlaps are handled by legislation.

In order to solve consumer complaints handling across the borders, the organizations of the European Consumer Centre was established in all EU countries as well as Norway and Iceland that together form the European Consumer Centres Network (ECC-Net). Regarding the operation of organizations, there is no single framework or system, in certain member states they are operated by independent organizations, in others they are run by non-government organizations or public authorities (see Figure 11). In most countries (18) they are operated by public authorities, while in the Western and Central European countries they are typically operated by non-government organizations (9), finally, in two countries (Ireland and Luxembourg) they are run by completely independent organizations. The European Commission finances 50% of the operational costs by bids and tenders, while the other half is covered by the national budgets. The operation of the centres is based on primarily written forms and is aimed at treating the complaints of domestic as well as other consumers from the member states (European Communities, 2013).

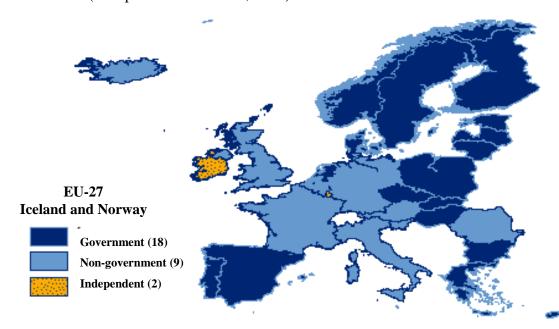


Figure 11 – Institution types operating European Consumer Centres in 2012

Source: own edition based on the Annual Report of the European Consumer Centres' Network, p.12, 2012

After the review of European structure of consumer protection institutions, the third thesis was formulated, which proceeded from the hypothesis that the institutional systems of consumer protection show different architectures in the European countries. For the examination and comparability of the European institutional structure, the public administration system and the approach from the aspect of activities can provide a proper basis.

Thesis T3

The institutional system of consumer protection shows significant differences in the European countries mainly because the fundamental institutional systems giving foundation for the activities of consumer protection (public administration system and judicial system) evolved specifically to the individual countries. The management and performance of the narrowly interpreted consumer protection activities are integrated into different levels of public administration systems by the European countries. In the performance of consumer protection activities, apart from state organizations, civil organizations also take part with diverse significance. The system in Hungary is in harmony with this: the tasks are mostly performed by central and regional institutes for consumer protection, although with substantially less importance, civil organizations also carry out consumer protection activities.

6.3. Theses related to the operational characteristics of the surveyed institutions

In the framework of the questionnaire survey, the questions of financing, infrastructure and human resources were dealt with, within these aspects the assessment of device supply, the performance of consumer protection activities and the lack of labour force were studied. By examining infrastructure together with its development level, those factors were analyzed that might affect the work of the employees such as the size of the available area, the number of vehicles, the equipment of offices and the modernity of information technology devices. The respondents assessed the appropriateness of the factors on a 1-5 scale, the results of the responses are shown in Figure 12 in a national and regional breakdown. By taking a look at the national averages, it can be seen that the number of vehicles necessary for inspection is the lowest (3,9), while the low value of the modernity of information technology devices (2.8) is the biggest problem. At a regional level, more spectacular difference can be observed in the area of rooms (workspaces).

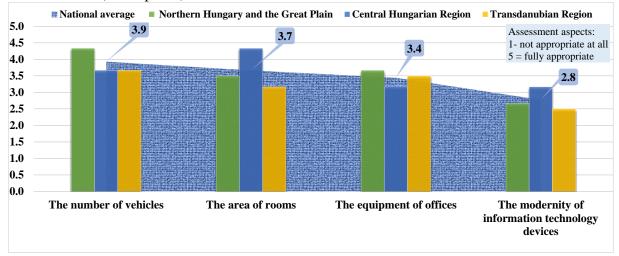


Figure 12 – The assessment of organizational infrastructure in territorial division Source: own research based on a questionnaire survey

The structure of organizational activities was analyzed based on the model of the system of activities, first from the aspect of what activities organizations put an emphasis on during their operation. Figure 13 shows that the most important activities are law enforcement and regulatory supervision (78% and 72% of the respondents marked these activities among others), while training on consumer protection (17%) proved to be the least important kind of activity.

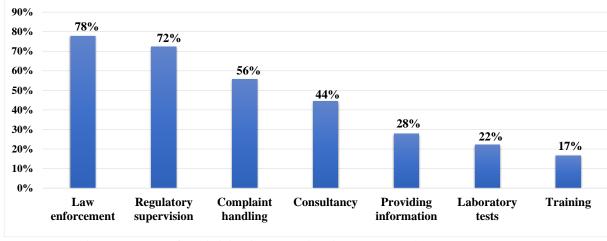


Figure 13 – The importance of activities in organizational operations

Source: own research based on a questionnaire survey

The examination of human resources was directed at the workload of employees and the extent of labour shortage. Labour shortage was examined with the help of the questionnaire survey, while the gathered data were used to establish how many different activities are assigned to an employee. Figure 14 shows by regions and by activities the fields where more employees are needed. Comparing the results to the previous figure (Figure 13), it can be concluded that certain activities (for instance training on consumer protection) cannot be performed because of the lack of staff members. It is underlined by the fact that the organizations feel labour shortage even in the activities that are considered the most important ones. 60% of the respondents said that more employees would be needed for law enforcement, while 40% of them reported that more employees would be needed for regulatory supervision.

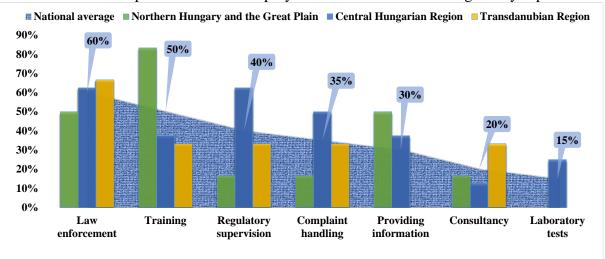


Figure 14 – The assessment of the lack of labour force in particular types of activities Source: own research based on questionnaire survey

The supplied data gave an answer to the question of the headcount related to each activity. Based on the returned data, Figure 15 shows the proportional distribution of the headcount associated with the activities by extreme values (minimum and maximum values) relative to the total number of employees. It can be concluded that all employees perform complaints handling and consultancy activities within the organizations. Most of the employees also carry out supervisory [consumer protection (76%) and market surveillance (58%)] and law enforcement activities while the lowest proportion was reached by the activities of training and providing information.

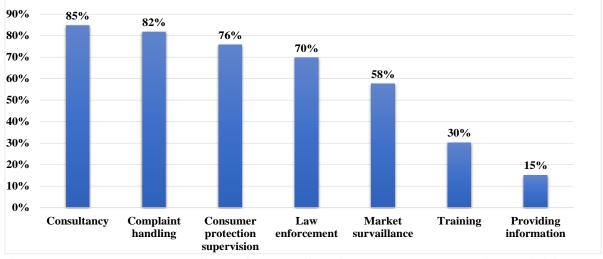


Figure 15 – The percentage of workforce performing consumer protection activities Source: own research based on questionnaire survey

During the structured interviews, to the question of what factors cause the greatest difficulty in the operation of organizations, most of the interviewees identified the lack of sufficient labour force together with the shortage of financial resources. According to their opinion, the scope of authority of the regional organizations has steadily expanded over the years, which has not been followed by the increase of labour force. As a result, they find it difficult to perform a wide range of tasks, therefore, they are mainly carried out in order of importance. As a consequence of insufficient financial resources, the interviewees remarked that the employees' workload was not manifested in their salaries, so in many cases they cannot perform their tasks related to providing information and consulting. As an example, it was mentioned that they could not pay the participation fee of certain events and exhibitions. The fourth thesis was formulated as a summary of the survey results of the resource supply at the central and regional institutions for consumer protection.

Thesis T4

The human resource supply and the supply of information technology devices of the institutions for consumer protection are at a low level in Hungary in the middle of the 2010s. Labour shortage is general, affecting all areas of activities. The out-of-date information technology devices causes a bigger problem for the regional institutions for consumer protection.

Testing Hypothesis H5 (which was related to the examination of indicators measuring the performance of consumer protection organizations) was based on the questionnaire survey and the structured interviews. In open-ended questions, the respondents had to define which indicators they classified to the measurement of organizational performance and what changes in direction they took into account. A total of 64 indicators was given by the respondents and there was a correspondence only in 14 cases. When analyzing the results, it was concluded that the listed indicators were fundamentally based on activities so they were categorized in accordance with the structure of activities. The overall result is shown in Table 2. In the distribution of indicators, 34% of them were directed at regulatory supervision, 20% of them were aimed at complaints handling. They were followed by providing information on consumer protection and law enforcement. Those indicators were classified into the category of 'other' (such as cost-efficient operation, the number of the applicant consumer-friendly enterprises) that were not specifically bound to the activity, and two other answers were listed in this category according to which there were no such indicators at all. Linking the activities to a subsystem level, most of the indicators were related to administrative subactivities, followed by supporting and legal enforcement subactivities.

| by supporting and legal emorement subactivities. | | | | | |
|--|--------------------------|----------------------------|--|--|--|
| Activity | Category of subactivites | Distribution of indicators | | | |
| Regulatory supervision | Administrative | 34% | | | |
| Complaint handling | Legal enforcement | 20% | | | |
| Providing information on consumer protection | Supporting | 16% | | | |
| Law enforcement | Administrative | 11% | | | |
| Other | - | 6% | | | |
| Training on consumer protection | Supporting | 5% | | | |
| Laboratory tests | Administrative | 5% | | | |
| Consultancy on consumer protection | Administrative | 2% | | | |
| Organizational cooperation | Supporting | 2% | | | |
| Total | | 100 % | | | |

Table 2 – The distribution of indicators applied for measuring organizational performance according to types of activities

Source: own research based on questionnaire survey

During the structured interviews, it was said in several cases that the respondents had no knowledge of such indicators and they would not consider their introduction reasonable. This opinion was based on the fact that data are difficult to compare because it depends on several factors (the location and the size of the county, the examined areas and so on). On the other hand, internal and external audits were mentioned during which professionalism, the legality of procedures, keeping of administrative deadlines and the compliance with various internal regulations were inspected. In their view, reports made on certain areas of investigation also show effectiveness, which, in some cases, they measure themselves (for example, in the case of laboratory testing, the measurements are based on customer satisfaction questionnaires), or the achieved ranking in the detection of dangerous products on the RAPEX⁷ list was also classified here as an indicator suitable for the assessment of the efficiency of the organization. Thesis T5 was formulated on the basis of the empirical research and the organizational data collection.

Thesis T5

In the performance of the tasks of the institutions for consumer protection, regulatory supervision plays a dominant role. The organizations carry out the assessment of their own performance and operation according to different indicators. They do not apply value-based indicators, the indicators in use are fundamentally based on the material quantification of activities and centred around supervision by adjusting the weight of the actual activities.

6.4. Thesis related to the examination of the national system of consumer protection activities

Hypothesis H6 was verified by processing surveys in the European Union, questionnaire queries and the results of the structured interviews. In the case of the questionnaire, the activities were examined at the subsystem level of the model resulting from the theoretical research. The managers were asked to assess the activities primarily from the aspect of their effective contribution to consumer protection on a scale ranging from 1 to 5 (Table 3). According to the respondents, mostly complaint handling, regulatory supervision and public intervention contribute to efficiency in the ranking of national averages. In contrast, the contribution of judicial proceedings, alternative dispute resolution and representation of civil interests was the least significant to the efficient realization of consumer protection. The validity of the latter result is also highlighted by the fact that these organizations were regarded as the weakest ones in the institutional system (Table 8)

| Activity | Category of subactivites | National average | Deviation |
|--|--------------------------|------------------|-----------|
| Complaint handling | Legal enforcement | 4.33 | 0.57 |
| Regulatory supervision | Administrative | 4.28 | 0.79 |
| Public intervention | Supporting | 4.22 | 0.70 |
| Law enforcement | Administrative | 4.17 | 0.89 |
| Laboratory tests | Administrative | 4.11 | 0.81 |
| Providing information on consumer protection | Supporting | 4.06 | 0.79 |
| Consultancy on consumer protection | Supporting | 4.00 | 0.83 |
| Training on consumer protection | Supporting | 3.89 | 0.91 |
| Judicial proceedings | Legal enforcement | 3.67 | 0.75 |
| Alternative dispute resolution | Legal enforcement | 3.28 | 0.77 |
| Representation of civil interests | Supporting | 3.00 | 0.92 |

Table 3 – The assessment of the importance of consumer protection activities

Source: own research based on questionnaire survey, assessment aspects: 1= insignificant, 5= utterly significant

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⁷.RAPEX stands for Rapid Alert System for Non-food Consumer Product

In the further analysis, it was examined what activities needed strengthening. The respondents could mark more than one activity, the aggregated results are shown in Table 4. While in the case of their contribution to efficiency, such categories were ranked in the first place as legal enforcement and administrative, 60% of the respondents said that within the group of supporting activities, training on consumer protection should be given more emphasis and secondly, according to 50% of them, the level of public intervention should be increased. Regarding legal enforcement activities, it was considered that alternative dispute resolution did not contribute significantly to the efficiency of consumer protection, however, it was also agreed that it would be appropriate to strengthen its role which cannot be said about the role of judicial proceedings. The activity of representing civil interests is very similar to the latter one, it is not only regarded insignificant (holding the last place among the activities) but the need for its strengthening is not considered important, either.

| Activity | Category of subactivies | National distribution |
|--|-------------------------|-----------------------|
| Training on consumer protection | Supporting | 60% |
| Public intervention | Supporting | 50% |
| Alternative dispute resolution | Legal enforcement | 50% |
| Complaint handling | Legal enforcement | 50% |
| Providing information on consumer protection | Supporting | 45% |
| Regulatory supervision | Administrative | 40% |
| Consultancy on consumer protection | Supporting | 35% |
| Judicial proceedings | Legal enforcement | 25% |
| Representation of civil interests | Supporting | 25% |
| Law enforcement, administrative measures and decisions | Administrative | 20% |
| Laboratory tests | Administrative | 15% |

Table 4 – The necessity of strengthening consumer protection activities

Source: own research based on questionnaire survey

In terms of the results of the structured interviews, the highest priority among consumer protection activities in Hungary is given to monitoring compliance with consumer protection rules, which is essentially justified by the voluntary law-abiding behaviour of enterprises. It was also confirmed by the results of previous international surveys. According to the opinion of consumer protection experts, it has improved in recent years as evidenced by the decrease in the ratio of opposition proceedings, which cannot be considered fully correct since the downward trend in the ratio of opposition proceedings, on the one hand, has not been steady, on the other hand, this data cannot be analyzed in itself because this change can be traced back to other reasons.

In addition to the monitoring activities, training and providing information on consumer protection was highlighted by the respondents as an important task. According to the respondents, experience has shown that many consumers are aware of the fact that they have rights but most of their knowledge is very incomplete so they cannot stand up to enforce them. It also arose in the case of education that actors in the competitive sector should organize trainings on consumer protection, which, in the long run, could result in putting consumers in the foreground in a competitive situation. Based on the interviews, increasing consumer awareness (concerning all age groups) could create a basis for most of the consumers for making wise and not hasty decisions in a given situation. It would also result in a marked decrease in the number of future consumer compaints, objections and petitions as well. With regard to changes in the system of activities, the role of public intervention was highlighted.

In addition to the empirical results, for setting up Thesis T6, the findings of the previous theoretical research were also used.

Thesis T6

T6/a

In Hungary, complaint handling is in the foreground among the opportunities of the enforcement of consumer rights. The role of alternative dispute resolution is increasing, however, the use and significance of judicial proceedings are minimal.

T6/b

In Hungary the weight of the activities supporting the system of consumer protection is relatively small, despite their significance. Currently, mainly providing information and consultancy contribute to the efficient operation of the system. In spite of their importance, training on consumer protection and the representation of civil interests do not fulfil their functions. A radical transformation of the area would be needed.

6.5. Theses related to the examination of the national system of institutions for consumer protection

Hypothesis H7 related to the institutional system of consumer protection in Hungary as well as the examination of current and previous changes. The verification of the hypothesis was carried out by processing the results of the primary research. During the questionnaire survey it was asked as a filter question whether managers considered necessary the further development of the institutional system. The results are shown in Figure 16 and it was made clear that a significant majority of respondents consider the further development of the institutional system necessary (61% of them gave the answer "fully needed" and 28% of them said "partially needed"). None of the respondents said that further development was not needed at all.

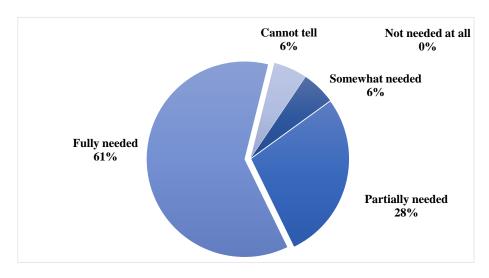


Figure 16 – The necessity of developing the institutional system

Source: own research based on questionnaire survey

During the identification of problem areas in the institutional system, the factors to be evaluated on a scale ranging from 1 to 5 were compiled based on the conclusions from the literature research and the opinions collected from the semi-structured interviews. The averages of the resulting scores ranked by the national results are shown in Table 5, indicating the degree of difficulty that is caused by the individual factors compared to the national level in a given

area. After taking the lowest and the highest national average results into account, three categories were determined. Factors (x in red circle) having a value below 2.7 indicate insignificant, factors between 2.7 and 3.1 (! in yellow circle) show moderately significant while factors with a value above 3.1 (green circle) present significant difficulties in the operation of the organization.

| Factors | Northern Hungary and the Great Plain | Central Hungarian Region | Transdanubian Region | National average |
|--|--------------------------------------|-----------------------------|-------------------------|------------------|
| Organizational transformations | ⊘ 4.00 | | ⊘ 3.67 | 3.58 |
| Obsoleteness of information technology devices | ⊘ 3.67 | 3.00 | 3.83 | 3.45 |
| Low level of financing | 3.17 | | 3.17 | 3.32 |
| Great number of legal regulations | 3.33 | 3.00 | ⊘ 3,50 | 3.25 |
| Dependency in financial management | 3.67 | 2.60 | 3.20 | 3.19 |
| Low level of device supply | 3.33 | 3.00 | <u>9</u> 3.00 | 3.10 |
| Divided organizational management | 3.17 | <u>2.86</u> | 3.17 | 3.05 |
| Lack of predictability | 3.33 | 2.50 | 3.17 | 3.00 |
| Occurence of legal loopholes | 2.50 | 3.00 | <u>Q</u> 2.83 | 2.80 |
| Inappropriate information flow | <u>9</u> 2.83 | 2.67 | <u>Q</u> 2.83 | 2.78 |
| Impact of lobby interests | 3.00 | 2.17 | <u>Q</u> 2.75 | 2.63 |
| Political influence | 2.33 | ② 2.50 | 9 3.00 | 2.53 |
| Lack of skilled labour force | 1.83 | <u>2.86</u> | 2.33 | 2.37 |
| Accordance with performance measurement indicators | 2.83 | 2.00 | 2.17 | 2.35 |
| Response aspects | 1 | Notation – Va | lue threshold | |
| 1 – Does not cause any difficulties | 8 | below 2.7 not | significant | |
| 5 – Causes major difficulties | (1) | $2.7 - 3.1 \mod 6$ | erately significant | |
| | ⊘ | above 3.1 sign | ificant | |

Table 5 – The national ranking of factors causing difficulties together with their territorial assessment

Source: own research based on questionnaire survey

The results show that regardless of the areas, the main problems were provoked by organizational changes and the low level of financial supplies. In the case of Northern Hungary and the Great Plain together with the Transdanubian region, the obsolescence of information technology devices, the great number of legal regulations, the dependence on financial management, divided organizational management and lack of predictability were all added to the existing problems. Among other factors, respondents pointed out the high turnover rate of managers as well.

During the structured interviews it was asked what factors brought about the greatest difficulty. On the one hand, most of the respondents marked the low level of financing and the lack of skilled labour force, on the other hand, they also named difficulties arising from management. In the case of the institutions for consumer protection, various management expectations pose serious difficulties. From the side of financial management (government offices), the expectation of cost-effective operation, while from the part of professional management (central office) the expectation of high-quality and efficient professional work appears. In the case of cost-effective operation, such problematic factors were listed as the high mileage of vehicles or restrictions on the purchase of official samples. Among the difficulties, unnecessary and excessive administrative burdens arising from the procedures and the organizational structure were also mentioned, taking time and energy away from effective and professional work.

During the questionnaire survey, the assessment of the institutional structure was also examined with special reference to its fragmentation, the cooperation of public institutions with other organizations, the occurrence of disputes over the scope of authority, the nature and range of organizational activities (Table 6). The respondents were asked to mark on a scale ranging from 1 to 5 to what extent they agreed with the statements below. By averaging and arranging the results in descending order, it can be stated that most of the respondents agreed with the statement that the structure of the institutional system was fragmented and there was an adequate cooperation between national consumer protection organizations. Opinions are

divided as to whether the activities of various organizations should be limited and there is no agreement on the question of the appropriateness of cooperation between public organizations and conciliatory bodies, either.

| Statements | National average | Deviation |
|---|---------------------|-----------|
| There is an adequate cooperation between national consumer protection organizations. | 3.5 | 0.88 |
| The structure of the consumer protection institutional system is fragmented. | 3.3 | 1.31 |
| There are not any disputes on competency between national consumer protection organizations. | 3.3 | 1.35 |
| There is an adequate cooperation between national consumer protection institutions and conciliatory bodies. | 3.2 | 1.52 |
| There is an adequate cooperation between national and civil consumer protection institutions. | 3.0 | 1.35 |
| The activity of national consumer protection institutions has a preventive nature. | 3 | 1.05 |
| The scopes of authority of national consumer protection institutions are fully separated from one another. | 2.9 | 0.86 |
| The scope of activity of individual organizations should be constricted. | 2.7 | 1.79 |
| The number of consumer protection organizations is too high. | 2.6 | 1.43 |
| The financing of national organizations is satisfactory | 2.2 | 1.53 |

Table 6 – The assessment of the national institutional system

Source: own research based on questionnaire survey

Assessment aspects: 1= Does not agree at all, 5= Fully agrees

Taking into account the empirical results presented in the verification of Hypothesis H7 and the institutional transformations reviewed in the literature, Thesis T7 was formulated.

Thesis T7

In Hungary, an established model of the institutional system of consumer protection still has not evolved by the middle of the 2010s. Its main reason is the frequent and radical transformation of the organizational structure of public administration, which gives a basis for the institutional background. In reality, it has led to the division of the management of the institutional system of consumer protection and partly to the fragmented structure of the system.

Hypothesis H8 applied to the development directions of the national institutional system. Just as previously, the examination was carried out by comparing a number of questions. In terms of cooperation between the three institutional pillars of consumer protection (Table 6), public institutions show a stronger relationship with conciliatory bodies than with civil organizations for consumer protection. Looking at the role of organizations within the system, 45% of the respondents said that the role of conciliatory bodies should be strengthened and only 25% of them said the same about the role of civil organizations for consumer protection (Table 7).

| Statements | National figures |
|--|------------------|
| Regional authorities for consumer protection | 94% |
| Hungarian Authority for Consumer Protection | 83% |
| Conciliatory bodies | 45% |
| Authorities involved in consumer protection activities (GVH, MNB, NÉBIH, etc.) | 28% |
| Civil organizations for consumer protection | 25% |
| Public regulatory and supervisory bodies | 11% |
| Local governments | 11% |
| Ombudsman | 11% |
| Courts | 6% |

Table 7 – The assessment of strengthening the types of institutions involved in consumer protection

Source: own research based on questionnaire survey

It is further nuanced by the assessment of the strength of the other types of institutions by the central and regional institutions for consumer protection (Table 8). All in all, public authorities are considered strong but the regional institutions (then inspectorates) are not regarded as strong as the other public institutions even in their own opinion. Compared to the ranking above (Table 7), the results can be considered reliable because the regional institutions considered HACP, authorities involved in consumer protection activities, and public regulatory and supervisory bodies stronger than their own organization. It was found that he weakest element in the system was the role of civil organizations for consumer protection, followed by local governments and the institution of the Commissioner for Civil Rights (ombudsman). In this regard, however, opinions are quite different because there is a high standard deviation in the case of any of the three institutions (between 1.68 and 1.87), besides, similar differences of opinion can be revealed when the role of courts is taken into consideration.

| Titles | National everage | Deviation |
|--|------------------|-----------|
| Hungarian Authority for Consumer Protection | 4.1 | 0.72 |
| Authorities involved in consumer protection activities | 3.9 | 1.07 |
| Public regulatory and supervisory bodies | 3.8 | 0.99 |
| Regional authorities for consumer protection | 3.7 | 0.88 |
| Courts | 3.2 | 1.61 |
| Conciliatory bodies | 2.6 | 1.17 |
| Ombudsman | 2.4 | 1.87 |
| Local governments | 2.1 | 1.68 |
| Civil organizations for consumer protection | 2.1 | 1.71 |

Table 8 – The assessment of the strength of consumer protection institutions

Source: own research based on questionnaire survey Assessment aspects: 1= very weak, 5= very strong

In the course of further examining the institutional system of consumer protection, the factors potentially influencing the improvement of the efficiency of consumer protection were determined based on the previous literature research, the results of EU surveys and semi-structured interviews. The primary hypothesis was that the main problem was caused by the the low level of consumer awareness as well as entrepreneurial awareness along with the low level of voluntary compliance with rules and regulations, which was also confirmed by the results. Table 9 shows the resulting answers ranked according to the average results. Increasing the role of public intervention in the field of consumer protection and the changes in the legal environment can be considered essential. The operation of the organizations would be helped to a great extent if consumer protection was taken to a higher political level, state subsidies increased, the organizations functioned on the basis of carefully elaborated consumer protection strategy and the transparency of the legislation on consumer protection improved.

Based on the research results, the efficiency of the organizations would be promoted by changes related both to consumers and enterprises (increasing awareness and consciousness). The improvement of legislation was identified as the second most emphasized area. In this regard, the responses showed uniformity, while the greatest deviation could be observed in terms of corruption, the EU's commitment to reduce bureaucracy and decrease lobby interests, respectively. In the case of the integration of activities into a single organization, the opinions were quite diverse. In relation to this, the respondents identified terminating the transformation of public administrative organizational structures, increasing state subsidies and the number of labour force as areas in need of further improvement. At the time of the ongoing organizational transformations, there were worries about the regional integration and the loss of the professional management of HACP, which could have endangered the implementation of the strategic objectives of consumer protection and could have actually worsened the long-standing management problem of the organizational structure. The fruitful and effective form of

performing consumer protection activities would be seen if the control over the regional institutions was returned directly to HACP and it would also be responsible for the implementation of coordination between several organizations for consumer protection in accordance with the national consumer protection strategy.

| Factors | National average | Deviation |
|---|------------------|-----------|
| Increase in consumer awareness | 4.22 | 0.72 |
| Increase in the information supply for customers | 4.11 | 0.75 |
| Increase in the transparency of legal regulations | 4.06 | 0.91 |
| Increase in the information supply for entrepreneurs | 4.06 | 0.81 |
| Improvement in the trustworthy market behaviour of businesses | 4.00 | 0.72 |
| Achieving a higher level for consumer protection in politics | 3.94 | 0.89 |
| Increase in the extent of state subsidies | 3.94 | 0.95 |
| Improvement of the jurisdictional system in the field of consumer protection | 3.93 | 1.01 |
| Terminating the transformation of public administrative organizational structures | 3.93 | 1.36 |
| Integrating consumer protection activities into a single organization | 3.81 | 1.45 |
| Concentration of consumer protection activities | 3.71 | 1.09 |
| More profound elaboration of consumer protection strategy | 3.65 | 1.02 |
| Decreasing lobby interests | 3.62 | 1.47 |
| Decreasing bureaucracy | 3.44 | 1.42 |
| Deregulation | 3.35 | 1.15 |
| Decreasing the requirement of EU legislative alignments | 2.75 | 1.62 |
| Decreasing the level of corruption | 2.55 | 1.85 |

Table 9 – The assessment of the factors improving the operational efficiency of national institutions for consumer protection

Source: own research based on questionnaire survey

Assessment aspects: 1= Would not improve at all, 5= Would improve significantly

According to the respondents, targets for improvement could be drawn only in the case of a predictable, long-term operation of the same structure. Regarding human resources, more inspections could be made with a bigger capacity of labour force, encompassing greater areas of consumer protection. In the case of financing, the necessity of increasing salaries by 50% was identified, which could convince colleagues with greater expertise not to leave the organizations in the long run. In addition, according to several respondents, the scope of authority of the organizations should be broadened, such as extending the range of consumer protection inspections to the field of food safety and quality as well. The verification of Hypothesis H8 was carried out by empirical research and the comparison of international surveys, allowing the formulation of Thesis T8.

Thesis T8

In Hungary, the more efficient operation of the system of consumer protection could be fostered by raising consumer awareness as well as imposing stricter supervision on enterprises so as to comply with regulations. In order to achieve this, strengthening the institutions for consumer protection, a greater extent of centralization, an increase in public intervention and an improvement in the transparency of the legal environment would be necessary.

In summary, the consumer protection system and institutional improvement is definitely warranted. The overall improvement of the stronger state action and control, while for consumer organizations more flexibility and more focused action would be needed in the area of ensuring policy enforcement official. In addition to the further development of the law enforcement

official activities, while supporting activities in the field of developing new concepts would be necessary, particularly in the area of consumer education skills. Table 10 shows a summary of the subject and study aspects of the research activities. In the dissertation and thesis I set up eight hypothesis, three of which have the theoretical, empirical research related to five. The subject of the research, according to the activity-three, while five of the institutional system bound along different test criteria.

| Hypothesis | Examination method | Research subject | Examination aspect | Thesis |
|------------|-----------------------|----------------------|---------------------------------------|--------------|
| H1 | 7D1 .: 1 | System of activities | Taxonomical model | T1 |
| H2 | Theoretical | System of activities | Taxonomical model | T2 |
| Н3 | research | Institutional system | Institutional structure | Т3 |
| H4 | Empirical research | Institutional system | Resource supply | T4 |
| Н5 | | Institutional system | Organizational performance assessment | Т5 |
| Н6 | | System of activities | Role played in the system | T6/a T6/b |
| H7 | | Institutional system | Institutional structure | T7 |
| Н8 | | Institutional system | Development directions | Т8 |

Table 10 – Summary of research activities

Source: own edition

All in all, it can be stated that the original objectives that were set up at the beginning of the study have been achieved. Because of its interdisciplinary nature and complexity, the comprehensive analysis of consumer protection is not dealt with in the literature, present research intended to make up for the absence of such studies. By elaborating a model for the system of consumer protection activities, this sophisticated system has become more transparent.

7. UTILIZATION AND DIRECTIONS FOR FURTHER DEVELOPMENT

In practice, the findings of the research could be used mostly by managers amd specialists in consumer protection which is also evidenced by the fact that some of the organizations have already put the elaborated structure of activities in use. Another target group using the findings of the research could be researchers and decision-makers in the field of consumer protection, classify, for whom the systemic approach could provide great help in their work. The most important area of utilization is education. The research results also confirmed that the integration of consumer awareness into the education system would be essential. Given that consumer protection is a form of public service, it could be incorporated as a curriculum into the area of institutional management. Accordingly, one of the directions for further development would primarily be the elaboration of a curriculum for students of economics who do not meet such subjects during the years of their studies. It seems appropriate even in a shorter term to carry out a research that would explore the attitude of consumers and enterprises toward certain issues of consumer protection. During the in-depth interviews with managers, it was repeatedly suggested that they would be eager to be involved in such researches. In addition, extending the examination of the analyzed areas to other state organizations, conciliatory bodies and civil organizations for consumer protection as well as raising the research to an international level are also included in future plans.

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