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**Faculty of Law**

# **Journal of Law**

**№2, 2019**



**უნივერსიტეტის  
განმცემლობა**

## **Consumers' Right to Education in Georgia and EU States**

*Today, consumers participate in many markets, where the flow of information, also, a wide range of products and services are available. In general, makers of products and services, as well as suppliers, have market power and informative advantage compared to consumers, who are hardly aware of the important terms and conditions of the proposed services and products. This feature of the markets naturally forces state governments to increase the level of financial education of consumers.<sup>1</sup>*

*Generally, consumers' education can develop critical thinking, increase customers' awareness and enhance their activity. Today consumers' education covers many areas. In particular, the rights and obligations of the parties, issues of personal financing, the rules of proper use of products, the use of digital technologies, etc. So it comes out, that consumers' education is a difficult process.<sup>2</sup>*

*Last time, the European Organization for Economic Cooperation and Development surveyed various states and identified the problems in regards to consumer education (customers' scant awareness towards consumer issues; absence of educational strategies and legal mechanism, as well as limitation of relevant resources). Unfortunately, Georgia still faces such challenges, which are caused by flawed legislation, weak cooperation between authorized agencies or organizations and not having links with similar foreign institutions; Also, the passivity of the private sector.*

*Considering all these factors, Consumers' Right to Education is a substantial legal issue. Accordingly, the purpose of this paper is to analyze national, international regulations and established practices; identify existing legal problems and suggest procedures for their consecutive elimination. To achieve this goal, comparative-legal and analytical research methods will be used.*

**Key words:** *Consumers' Right to Education, The UN Resolution № 39.248, Draft Law "On Consumer Rights Protection".*

### **1. Introduction**

The consumers should be properly informed at any time, to make effective decisions and protect own interests. From this point of view, consumers' education has the utmost importance and it is the process of acquiring and developing skills for informed and useful decision making. Education is one of the basic rights of consumers (which in turn, includes the right to safety, to be informed, to satisfy basic needs, to redress, to be in a healthy environment).<sup>3</sup>

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<sup>1</sup> *Neuberger D.*, Financial Inclusion, Regulation and Education in Germany, ADBI Working Paper, №530, Asian Development Bank Institute (ADBI), Tokyo, 2015, 17.

<sup>2</sup> OECD, Consumer Education Policy Recommendations of the OECD's Committee on Consumer Policy, Paris, DSTI/CP, 2009, 5/Final, 3.

<sup>3</sup> *Harding C., Kohl U., Salmon N.*, Human Rights in the Market Place, The Exploitation of Rights Protection by Economic Actors, Aberystwyth University, UK, 2016, 132.

Consumer education is also important for entrepreneurs who operate in competitive conditions and want to increase sales, get more financial benefits and strengthen market positions. Of course, for comparison of many products or services, consumers need to have full information and the ability to correctly perceive it, which determines their decision — purchase a specific product and service or not. Therefore, entrepreneurs are trying to provide timely and thorough information to the customers, to sell their products and services. Financial education is crucially meaningful as well because it helps individuals to precisely determine their needs. At the same time, consumers who ignore this factor spend considerably more financial resources on services/products and are more dependent on loans.<sup>4</sup> The "Gallup World Poll" survey also illustrates the significance of financial education. It was conducted in 2014, and 150,000 people were interviewed worldwide. Subsequently, the highest rate of financial intelligence in Europe was attested in Denmark, Finland, Germany, Holland, Sweden, Norway, and Great Britain. It has been found that around 65% of adults are well aware of financial issues.<sup>5</sup> So, these countries pay enough attention to the multilateral education of consumers. It should be noted that consumers' education is exceptionally valuable; that it serves the legitimate, economically reasonable interests and needs; also, promotes fair and balanced competition, which is the state's priority goal, as well as the common public benefit. Consequently, consumers' teaching is a crucial element<sup>6</sup> of state politics and one of the bases of public-private sector collaboration.

Therefore, consumers' right to education is reflected in both international and national legislation and recommendations, guidelines or action plans. For instance, consumers' right to education (under Article 169<sup>7</sup> of "The Treaty on the Functioning of the European Union") is tightly connected with the right to be informed and extends it. Articles 165 and 167<sup>8</sup> of the same agreement have similar functions. Also, consumers' education is one of the main objectives of clients' protection under Article 153 of the so-called "Treaty of Amsterdam" of 1997, stating that the EU must provide consumers' study.<sup>9</sup> Here also should be emphasized that these norms are important (but not the only) protective mechanisms for consumers' education, which will be better seen in the examples of separate states.

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<sup>4</sup> *Klapper L., Lussardi A., Oudheusden P. V.*, Financial Literacy Around the World: Insights From The Standard & Poor's Ratings Services Global Financial Literacy Survey, 2015, 4, <[https://responsiblefinanceforum.org/wp-content/uploads/2015/12/2015-Finlit\\_paper\\_17\\_F3\\_SINGLES.pdf](https://responsiblefinanceforum.org/wp-content/uploads/2015/12/2015-Finlit_paper_17_F3_SINGLES.pdf)> [28.03.2019].

<sup>5</sup> *Ibid*, 7.

<sup>6</sup> *Reich N., Micklitz H. -W., Rott P., Tonner K.*, European Consumer Law, 2<sup>nd</sup> ed., Vol. 5, Cambridge, 2014, 26.

<sup>7</sup> According to Article 169.1 of "The Treaty On The Functioning Of The European Union", the European Union, together with other measures, facilitates the right to educate consumers for protecting their interests. Article 169, Consolidated Version of the Treaty on the Functioning of the European Union, Official Journal of the European Union, EU, C 326/47, 01/12/2009.

<sup>8</sup> According to Article 165, the European Union provides cooperation between the Member States to increase the quality of education. Besides, during the educational process, the Union will consider the cultural and linguistic distinction of states. Under Article 167, the European Union will assist member states in the development of common cultural values and respect their national or regional diversity. *Ibid*, Articles 165, 167.

<sup>9</sup> Article 153, Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts - Final Act, Official Journal of the European Communities, Vol. 40, OJ C 340, 10.11.1997, <<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:1997:340:FULL&from=EN>> [28.03.2019].

## **2. Guarantees of the Consumers' Right to Education**

To create guarantees for the consumers' right to education, it was necessary to identify the existing challenges in states, divide them into categories and develop appropriate recommendations. That is why the Committee on Consumer Policy (CCP) of the Organization for Economic Co-operation and Development (OECD) conducted a study in 2008 to determine which mechanisms were providing consumers' education in member states. An analytical report was prepared regarding the support of consumer education institutions in different countries, and the NGOs' role in this process; this report touched main trends and challenges, also, assessment mechanisms for education programs. The survey was conducted in twenty-seven EU states and the following six major challenges were identified:

1. Most of the countries did not have consumers' education strategies;
2. Increasing the level of consumers' education was inevitable;
3. Only a small part of the schools' curriculums contained elements of consumers' education;
4. It was necessary to better integrate consumers' education in different learning systems;
5. The lack of motivation for teaching consumers issues has been determined;
6. The resources for consumers' education were limited.<sup>10</sup>

In 2009 the Committee on Consumer Policy (CCP) made recommendations based on this analytical report, and set the main tasks, which in turn, were divided into the following subcategories:

### **1. Establish Goals/Strategies to Ensure Consumers' Education, and Evaluate their Results –**

a) It ensures the efficiency of consumers' education policy. That is why, when defining such goals and developing strategies, proper coordination of different institutions and state authorities is needed, both at internal and other relevant levels; b) Customers' education should start from an early age and continue throughout life. It should be integrated into long-term educational programs or school curricula (according to the need); c) Materials for consumers' education should be relevant to current requirements.

**2. Selection of Common Approaches to Consumers' Education –** a) Despite the existence of separate educational programs, consumers should be involved in school projects. It is recommended that consumers' education should be taught as an independent subject in schools. At the same time, efforts must be taken to interest teachers and pupils with consumers' tuition issues; b) Different agencies and institutions should cooperate to create easily accessible teaching materials for the teachers; c) The state governments must transform the consumers' teaching into a constant process; d) Consumers' educational programs should vary by addressee groups (considering their demographic and socio-economic factors). Attention must be paid to relatively vulnerable consumers – children, old people, persons with disabilities and others; e) TV channels, internet resources (educational portals, social networks, blogs, news sites, video materials, etc.) should be effectively used to increase consumers' awareness.

**3. Improve Coordination and Co-operation of Actors in Customers' Education Process –** a) Intergovernmental co-operation between relevant institutions (especially, between Ministries of Educa-

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<sup>10</sup> OECD, Consumer Education Policy Recommendations of the OECD's Committee on Consumer Policy, Paris, DSTI/CP, 2009, 5/Final, 3.

tion and Consumer Affairs) must be improved; b) Business sector should advise governments on consumers' education issues; They must create methodologies and guidelines to educate customers in respective fields; c) Competent agencies should improve international cooperation to enhance the overall level of consumers' education. Successful experience of different states must be shared; d) Participants in the process must share responsibility in different sectors, create a synergy effect and exclude inefficient expenditure of funds; e) Teachers and other stakeholders should work actively to improve consumers' educational materials.<sup>11</sup>

To overcome the identified challenges and fulfill the presented recommendations, the EU has begun implementing various measures. Namely, in 2003 the European Commission launched the project DOL-CETA (Developing On-Line Consumer Education and Training for Adults). EU experts have developed a curriculum for eight years that included issues of legislation on consumers' education, financial tuition, usage and safety of service/production. The project aimed to raise awareness of EU citizens regarding consumer rights. As for the project beneficiaries, they were: general public, lecturers, teachers, and non-profit organizations. However, due to the costliness of the project, it was suspended in 2013, and replaced by the website – "Customer Classroom".<sup>12</sup> This multi-lingual site is designed to provide EU teachers with teaching materials for educating consumers in secondary schools. They are categorized and updated periodically; teachers have full access to them and can upload own study materials to share with others.<sup>13</sup> Additionally, a consumer plan was published in 2012 by which the European Commission creates platforms for sharing best practices, and supplying teaching materials to specialists working with adolescents aged 12-18.<sup>14</sup>

We should represent separate state guarantees to better understand the importance of consumers' right to education and to carry out the comparative-legal analysis. Thus, given article reviews the established practice of Georgia, together with, Eastern, Central and Northern European states (Finland, Germany, Austria, Romania, Italy, Sweden, the Czech Republic, Hungary, Spain, and Norway). It should be noted that these ten states have gradually improved consumers' teaching standards at the national level, strengthened inter-agency cooperation, elaborated action plans and are intensively implementing various activities. Therefore, consumers' education in these countries has become the priority of the state and its importance is increasing.

In Austria, the Ministry of Social Affairs and Consumer Protection<sup>15</sup> provides the school teachers with the necessary information about consumers' education under 2011/83/EU Directive on Consumer

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<sup>11</sup> Ibid, 2, 5- 8.

<sup>12</sup> Euro Parliament, Parliamentary Questions, 2014, <[www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2014-004562+0+DOC+XML+V0//EN&language=en](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2014-004562+0+DOC+XML+V0//EN&language=en)> [04.12.2018].

<sup>13</sup> The site is available in Norwegian, German, English, French, Italian, Polish, Romanian, Slovak, Swedish, Danish, Estonian, Spanish, Croatian, Latvian, Hungarian, Dutch, Portuguese, Slovak, Finnish, Czech, Belgian and other languages. Consumer Classroom, European Commission, <[www.consumerclassroom.eu/en/about](http://www.consumerclassroom.eu/en/about)> [04.12.2018].

<sup>14</sup> Overview of Consumer Education in Europe, 1-2, <[www.academia.edu/14258385/Overview\\_of\\_consumer\\_education\\_in\\_Europe](http://www.academia.edu/14258385/Overview_of_consumer_education_in_Europe)> [28.03.2019].

<sup>15</sup> It is noteworthy that the 3<sup>rd</sup> department of this Ministry specializes in consumer protection. Basic Information Report Austria, Reporting Year 2012/2013 Institutions, Procedures, Measures, Federal Ministry of Labor, Social Affairs and Consumer Protection, Vienna, 2013, 10.

Rights<sup>16</sup>. The Ministry also participates in conferences and training programs to retrain relevant specialists. Teachers, interested in the field of customers' information and education, receive newsletters and other materials four times a year. Besides, involvement in the program is free and it spreads on the entire territory of Austria. The Ministry of Finance implements various activities for consumers' education as well. In particular, it runs the youth educational website. At the same time, the online portal disseminates educational and informational videos. Additionally, the Austrian Tax and Customs Administration and Austrian school heads cooperate to teach tax and customs issues to pupils.<sup>17</sup>

In Germany, statewide-operating institutions and authorities are financed from the federal budget to promote general education and counseling programs for the consumers. The leading role in this process is played by the Federation of German Consumer Organisations (VZBV), which unites 51 associations. It has been consulting individuals for already 30 years about energy consumption matters. Namely, more than 350 Energy Consultants in the whole country provide information to the customers about energy producers, consumption and conservation issues.<sup>18</sup>

It is noteworthy, that since September 2016 a new study scheme has been presented at secondary schools in the south-east of Germany – Baden-Württemberg; the compulsory syllabus was developed, which introduced nutrition and consumers' education concerns as an interdisciplinary subject in secondary schools.<sup>19</sup> Particular attention is paid to the consumer's financial literacy, for which the financial tuition project operates. It is run by consumers' advisory organizations and other institutions to avoid consumers' over-indebtedness. Customers learn to define their economic needs, and critically assess financial services. The Organization for Economic Cooperation and Development has evaluated this program as one of the most successful programs in the field of consumers' education.<sup>20</sup> It is noteworthy that Germany has the largest retail market for drinks and foodstuff throughout Europe, so German clients are constantly focusing on organic, safe and quality products. Consequently, it is not surprising that they are more aware of product consumption issues.<sup>21</sup>

In Romania, more than 800,000 registered firms operate (mostly, private companies), which try to maintain competitiveness, through the introduction of high-grade management; part of them aim to join an international market. In this process, the state needs national policies and strategies which include

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<sup>16</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on Consumer Rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance), Official Journal of the European Union, L 304/64, (12), 22/11/2011.

<sup>17</sup> Behavioural Insights Applied to Policy, Austria, Country Overview, 3, <[www.ec.europa.eu/jrc/sites/jrcsh/files/jrc-biap2016-austria\\_en.pdf](http://www.ec.europa.eu/jrc/sites/jrcsh/files/jrc-biap2016-austria_en.pdf)> [01.04.2019].

<sup>18</sup> Federation of German Consumer Organisations – VZBV, The Voice of the Consumer, 1, 3, <[www.en.vzbv.de/vzbv\\_image\\_brochure.pdf](http://www.en.vzbv.de/vzbv_image_brochure.pdf)> [01.04.2019].

<sup>19</sup> *Angele C.*, Nutrition and Consumer Education as a Constituent Part of Global Education in the Light of the New Education Framework in State Schools in Southern Germany: The Case of Baden-Württemberg, *International Journal of Development Education and Global Learning*, 9 (2) 2017, 90.

<sup>20</sup> *Neuberger D.*, Financial Inclusion, Regulation, and Education in Germany, ADBI Working Paper, № 530, Asian Development Bank Institute (ADBI), Tokyo, 2015, 17-18.

<sup>21</sup> *Daly E.*, Origin Green Ambassador, German Market, German Consumers are Educated, Discerning and Future Focused, <[www.bordbia.ie/industry/manufacturers/insight/alerts/pages/germanconsumersareeducated,discerningandfuturefocused.aspx](http://www.bordbia.ie/industry/manufacturers/insight/alerts/pages/germanconsumersareeducated,discerningandfuturefocused.aspx)> [01.04.2019].

elements of maintaining the quality of production/service, developing competition and educating the consumers.<sup>22</sup>

That is why the National Authority for Consumer Protection has been annually conducting consumers information activities since 2001; it holds press conferences and spreads printed materials. Since 2008 a special campaign is being run, which serves to inform customers and develop textbooks for them. Thus, Romania fulfills the UN Resolution № 39.248 – “The Director Principles for the Consumers’ Protection“, by which the Member States should establish a Consumers’ Education System and provide their effective learning.<sup>23</sup> Of course, in this process, Romania should also pay due attention to the introduction of Customers’ Education Elements to Schools (as it is in Germany and Austria).

As for Italy, the United Nations Environment Program has developed a package of recommendations and guidelines titled "Here and Now! Education for Sustainable Consumption". It includes formal and informal learning of young customers by using a variety of interdisciplinary methods. Italy has developed a curriculum in cooperation with "Norway Hedmark University College" to fulfill these guidelines.<sup>24</sup> At the same time, in the city of Rome "Roma Tre University" periodically publishes special editions on important consumers’ issues. In Italy, consumers' education activities are also implemented by the *National Consumer Union*, which specializes exclusively in consumers’ rights protection.<sup>25</sup> Besides, The Italian Competition Authority (ICA) has put forward several initiatives, under which funds can carry out financial projects to increase clients’ awareness and education levels, especially in younger generations.

In Sweden, Customer Agency creates and disseminates consumers' educational materials following the requirements of the Higher Education Act.<sup>26</sup> In schools "Household and Consumer Education" is a separate discipline and is taught in high classes in parallel to major subjects. Consumers' education is mandatory here; pupils receive the necessary information on food and health, customers’ rights, family economies, environmental protection, and advertising.<sup>27</sup> It should be noted that consumers' associations can participate in the development of school curriculums, but their role is mostly informal and limited to organizing debates, seminars, or school competitions. However, to provide additional guarantees for consumers, associations will develop educational and pedagogical materials (teachers’ manuals, brochures, questionnaires) and provide training for teachers and trainers.

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<sup>22</sup> *Drăgulănescu N.-G.*, Years of Quality Management and Consumer Protection in Romania, University Polytechnics of Bucharest, 2013, 13, <[www.researchgate.net/publication/307473866\\_21\\_years\\_of\\_quality\\_management\\_and\\_consumer\\_protection\\_in\\_Romania/download](http://www.researchgate.net/publication/307473866_21_years_of_quality_management_and_consumer_protection_in_Romania/download)> [01.04.2019].

<sup>23</sup> *Condrea E., Popovici V., Bucur Crina R.*, The Consumers’ Protection in Romania – Authorities’ Permanent Preoccupation, 601, <<http://steconomiceuradea.ro/anale/volume/2008/v2-economy-and-business-administration/106.pdf>> [03.12.2018].

<sup>24</sup> Here and Now! Education For Sustainable Consumption, Recommendations And Guidelines, United Nations Environment Programme, Paris, 2010, 36, <[www.unep.fr/shared/publications/pdf/DTIx1252xPA-Here%20and%20Now%20EN.pdf](http://www.unep.fr/shared/publications/pdf/DTIx1252xPA-Here%20and%20Now%20EN.pdf)> [28.03.2019].

<sup>25</sup> National Consumer Union of Italy, <[www.consumatori.it/welcome/](http://www.consumatori.it/welcome/)> [03.12.2018].

<sup>26</sup> OECD, Promoting Sustainable Consumption – Good Practices in OECD Countries, 2008, 26, <[www.oecd.org/greengrowth/40317373.pdf](http://www.oecd.org/greengrowth/40317373.pdf)> [03.12.2018].

<sup>27</sup> Consumer Education – Draft Report, Directorate for Science, Technology and Industry, Committee on Consumer Policy, Organisation for Economic Co-operation and Development, DSTI/CP, 11/REV4, 2007, 5, 8, 20, <[www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP\(2007\)11/REV4&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/CP(2007)11/REV4&docLanguage=En)> [03.12.2018].

In general, it is considered that the possibility of choice and information on the product is closely related to the customers' literacy index. Studies have shown that this indicator is particularly important in the emerging market economy. For example, in Hungary, under Communist governance, customers had a limited choice, there were no international companies on the market, and local clients involuntarily purchased low-cost goods produced in Central and Eastern Europe. This fact was reflected in the level of consumers' education to some extent. However, in the late 1990s, when new products/brands became available in the country and marketing campaigns were spread, the industry's representatives have observed positive changes in customers' education.<sup>28</sup>

Nowadays consumers' early-stage education is a priority of state policy in Hungary; the relevant agencies cooperate with secondary and higher education institutions to run various activities. A special website for children has been operating since 2012, where they are being acquainted with educational materials in many formats. According to the Act of 2011 – “on National Public Education”, since 2016 students have been passing tests, including consumers' issues on the final examination of the secondary education institution.

In Finland, consumers' education was not initially taught in schools as an independent subject and was distributed in separate disciplines. However, in 1994, the National Board of Education published a curriculum that expanded the municipalities' and schools' delegated rights. New curriculums were created in schools, and consumers' education became more valuable.<sup>29</sup> At present, the Finnish National Agency for Education implements the consumer's pre-school education programs at the primary and secondary stages, thus facilitating the retraining of teachers in this field. In particular, the agency provides them with the necessary educational resources and training methodology.

Also, the Finnish Competition and Consumer Agency has identified priority directions of customers' tuition and has set goals that are divided according to age groups. These main directions include effective consumption of products; media and technological awareness; teaching management at home and customers' involvement; consumers' rights and liabilities; issues of personal financing; marketing and commercial media.<sup>30</sup> Naturally, these mechanisms will provide additional guarantees for consumers' education, especially in terms of service and product flow.

In the Czech Republic governmental institutions<sup>31</sup> work on consumers' education, which disseminates educational materials through websites, printed press, TV, and radio. NGOs complete teaching projects with state funding; they spread information and print manuals on the internet, consult individuals,

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<sup>28</sup> *Cutler R. A., Price L. L., Feick L., Micu C.*, The Evolution of Consumer Knowledge and Sources of Information: Hungary in Transition, *Journal of the Academy of Marketing Science*, Vol. 33, № 4, 2005, 608, <[www.academia.edu/17831503/The\\_Evolution\\_of\\_Consumer\\_Knowledge\\_and\\_Sources\\_of\\_Information\\_Hungary\\_in\\_Transition](http://www.academia.edu/17831503/The_Evolution_of_Consumer_Knowledge_and_Sources_of_Information_Hungary_in_Transition)> [01.04.2019].

<sup>29</sup> *Kärpijoki K.*, The Objectives and Contents of and the Working Methods in Consumer Education for Teacher Training, Copenhagen, 2000, 12.

<sup>30</sup> Consumer Education, Finnish Competition and Consumer Authority, <[www.kkv.fi/en/education/](http://www.kkv.fi/en/education/)> [01.04.2019].

<sup>31</sup> Including, the Ministry of Education, Youth Affairs and Sports, which provides the financial education of consumers in secondary schools, and the Office for the Protection of Competition (UOHS). The World Bank Private and Financial Sector Development Department Europe and Central Asia Region, Czech Republic Technical Note on Consumer Protection in Financial Services, Washington DC, 2007, 13, <[www.sitere-sources.worldbank.org/EXTECAREGTOPPRVSECDEV/Resources/CR\\_CPFS\\_12June07.pdf](http://www.sitere-sources.worldbank.org/EXTECAREGTOPPRVSECDEV/Resources/CR_CPFS_12June07.pdf)> [02.04.2019].



conduct seminars, lectures, and discussions. The media outlets are also involved in the same process. The Czech Consumer Association (SCS) has an important role, which added consumers' education into syllabuses of primary and secondary schools, and cooperates with pedagogic faculties.<sup>32</sup> It has been publishing a special magazine – *Shield of Consumer*, brochures, reference books, as well as, CDs since 1993. Association's website – *World of Consumer* also operates and is available in Czech, English, French and German languages. Comments on the acting legislation and draft laws concerning consumer protection are posted on this site.

In 2004, the book "Guide to the Capital Market" was also published here, which is designed for students of secondary schools and vocational colleges, and focuses on economic issues. In 2004-05 a seven series broadcast – "Investment Advisors" was transmitted in the Czech television and radio. It was also published in DVD format and sent to schools as study materials.<sup>33</sup> Additionally, in 2005, the Czech Consumer Association started a large-scale campaign called "Read Before You Sign!", which advises consumers to carefully review terms before signing important documents (especially, before purchasing financial services).<sup>34</sup>

Consumers' protection is one of the basic principles of the Spanish constitution; according to article 51, the government should also provide consumers' education.<sup>35</sup> Here regulatory norms of customers' protection are based mainly on the Constitution and EU legislation.<sup>36</sup> In 1983, consumers' associations, from eight independent autonomous regions, created Consumer Confederation (CECU), which is a member of the Spanish Consumer Board. This confederation represents a country at the European level – European Association for the Co-ordination of Consumer Representation in Standardisation (ANEC) and the European Consumer Consultative Group (ECCG).

Consumer Confederation has organized six Regional Congresses for Hispanic and Latin American agencies, where eighteen consumer associations have participated. As a result, cooperation agreements have been signed with some of them. Today Confederation is lobbying clients; conducts informational and educational campaigns/projects; cooperates with various agencies, both at national and European levels.<sup>37</sup> Similar to Finland, Germany, Austria, Romania, Italy, Sweden, Czech Republic and Hungary, consumers' education programs are also implemented here. Including, the school program for raising the consumers'

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<sup>32</sup> Consumers Defence Association of the Czech Republic (SOS), <[www.nepim.eu/cms/index.php?article\\_id=13&clang=3](http://www.nepim.eu/cms/index.php?article_id=13&clang=3)> [04.12.2018].

<sup>33</sup> The World Bank Private and Financial Sector Development Department Europe and Central Asia Region, Czech Republic Technical Note on Consumer Protection in Financial Services, Washington DC, 2007, 39, <[www.siteresources.worldbank.org/EXTECAREGTOPPRVSECDEV/Resources/CR\\_CPFS\\_12June07.pdf](http://www.siteresources.worldbank.org/EXTECAREGTOPPRVSECDEV/Resources/CR_CPFS_12June07.pdf)> [02.04.2019].

<sup>34</sup> *Ibid*, 21.

<sup>35</sup> *Gutierrez J., Buigas B.*, Consumer Protection in Spain, *Comparative Law Yearbook of International Business*, Barcelona, 2014, 2-3.

<sup>36</sup> *Ibid*, 1.

<sup>37</sup> Consumers International, <[www.consumersinternational.org/members/members/confederation-of-consumers-and-users-cecu/](http://www.consumersinternational.org/members/members/confederation-of-consumers-and-users-cecu/)> [02.01.2019].

awareness. Printed resources and sites are also available to better inform customers about foodstuffs and services.<sup>38</sup>

Norway is not a member of the EU but establishes its similar standards and guarantees for customers' literacy. According to the Nordic Council of Ministers,<sup>39</sup> the study showed that children have a significant impact on the families' market decisions and they master the role of consumers from an early age. In parallel with the change of society, media and markets, nowadays consumers' education should start from a young age.<sup>40</sup> According to the Council of Ministers, consumers' education issues should be studied through different subjects in schools (such as Ethics, Home Economics, Foreign Languages, Social or Natural Sciences, Arts, Psychology, Mathematics, Technologies, Media, etc).

Accordingly, clients' education is a priority for the Norwegian government, which includes: teacher retraining on consumers' protection issues, and creating appropriate school programs; providing schools with informational resources; widely distributing necessary materials; sharing the experience of Erasmus Academic Network by the Norwegian University; considering the consumers' education recommendations of Organisation for Economic Co-operation and Development; collaborating with the United Nations in respective projects.

Obviously, Norway is gradually reaching these priority goals. In particular, new manuals for teacher retraining were developed in 2010; "Consumer Protection and Personal Economics" has entered as a separate subject in a national curriculum; later the subject "Food and Health" has been renewed.<sup>41</sup>

In Georgia, Public Defender's Office of Consumer Interests has been working on consumers' education from 2014. It organizes various events to raise clients' awareness and provide information. The office is consulting clients about their rights, conducts informational campaigns, organizes workshops, disseminates brochures and cooperates with media representatives.<sup>42</sup> However, misinforming the customers is still problematic, which negatively affects their level of Consumer Education. In particular, the Public Defender's Office published year's report indicating that, like the previous year, in 2017, the misinforming problem of telecommunications service clients was crucially substantial. Therefore, citizens' respective

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<sup>38</sup> European Commission (EC), Consumer Policy Institutions, National Consumer Organizations at Listing, 2017, Finland - 3, 4, 6, 11, 12, 13, Germany - 14, Austria - 17, Romania - 14, Italy - 19, 20, Sweden - 8, Czech Republic - 16, Hungary - 29, Spain - 2, 3, 6, 8, 9, <[www.ec.europa.eu/info/strategy/consumers/consumer-protection/our-partners-consumer-issues/national-consumer-organisations\\_en](http://www.ec.europa.eu/info/strategy/consumers/consumer-protection/our-partners-consumer-issues/national-consumer-organisations_en)> [07.11.2018].

<sup>39</sup> Economic, Legal and Cultural Cooperation Council of Denmark, Iceland, Norway, Finland, and Sweden. Created in 1952, it has 87 members. Nordic Co-operation, <[www.norden.org/en/nordic-council](http://www.norden.org/en/nordic-council)> [02.04.2019].

<sup>40</sup> Teaching Consumer Competences – a Strategy for Consumer Education, Proposals of Objectives and Content of Consumer Education, Copenhagen 2009, 20, 26.

<sup>41</sup> European Commission (EC), Consumer policy institutions, National Consumer Organizations at Listing, 2017, Finland - 3, 4, 6, 11, 12, 13, Norway - 15, <[www.ec.europa.eu/info/strategy/consumers/consumer-protection/our-partners-consumer-issues/national-consumer-organisations\\_en](http://www.ec.europa.eu/info/strategy/consumers/consumer-protection/our-partners-consumer-issues/national-consumer-organisations_en)> [09.11.2018].

<sup>42</sup> Public Defender's Office of Consumer Interests periodically participates in thematically related activities of consumer education (e.g. held meeting with "Caucasus Online" Ltd representatives regarding to the Ombudsman's recommendations; organized roundtable discussion "the TV service quality in Georgia"; held a press conference concerning the International Day for the Protection of Consumers' Rights. Public Defender's Office of Consumers Interests (Independently Operating with the Georgian National Communications Commission), Report of the Public Defender's Office of Consumer Interests 2014, Tbilisi, 2014, 9, 18, 25, 32 (in Georgian).

appeals to the office have increased significantly. Most of the received complaints concerned with inaccurate, dubious and erroneous information given to consumers by the service providers.<sup>43</sup>

Truly, the Public Defender's Office is protecting consumers' right to education to some extent, but it does not apply to school education programs; in other words, the Office does not cooperate with the Ministry of Education, Science, Culture, and Sport of Georgia. Consequently, the abovementioned measures are insufficient, and cannot provide significant benefits concerning efficiency, duration, or scale.

The Ministry of Education, Science, Culture, and Sport of Georgia, is also working to secure this right. In particular, the component of the customer's education is partially included in the subject of the III-IV class "Me and the Society" which is already taught in schools. Also, the subject "Citizenship" has been prepared for VII-IX classes, which also envisages educating students in consumers' rights and responsibilities;<sup>44</sup> its teaching is scheduled to start from 2019-2020 academic year.<sup>45</sup> However, it is noteworthy that these subjects are intended only for schoolchildren and do not provide the elderly consumers' education. Whereas in Georgia (as in other states) the middle age consumers are the most active economically, because of having an independent source of income.<sup>46</sup> Accordingly, their education programs must be activated in Georgia to balance the interests of different age customers.

It is also noteworthy that Article 2 of the 2015 Draft Law "On Consumer Rights Protection" (edition of June 14, 2018) defined the state policy in the field of consumers' protection, and determined that the state should provide consumers' education.<sup>47</sup> In essence, this provision was progressive because it obliged the state to create the customers' education mechanisms, and practically activate them. However, later this record was removed and the latest version of the draft law<sup>48</sup> does not consider the obligation of the state to provide consumers' education. Thus, the legislator has, willingly or unwillingly, restricted the means of realizing consumers' right to education in the perspective.

In the final edition of the draft law, another record was made regarding consumers' tuition. In particular, section "D" of Article 38 points out that Non-entrepreneurial (Non-commercial) Legal Entities are entitled to participate in the implementation of consumers' informative campaigns and educational

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<sup>43</sup> Public Defender's Office of Consumers Interests (Independently Operating with the Georgian National Communications Commission), Report of the Public Defender's Office of Consumer Interests 2017, Tbilisi, 2017, 10 (in Georgian).

<sup>44</sup> Reply of the Ministry of Education and Science of Georgia on requested information on the Consumers' Education № MES 2 18 00328434, 23 March 2018 (in Georgian).

<sup>45</sup> Reply of the Ministry of Education and Science of Georgia on requested information on the Consumers' Education № MES 5 18 01575946, 7 December 2018 (in Georgian).

<sup>46</sup> According to data from the National Statistics Office of Georgia, in the 2nd quarter of 2018, an economically active population constituted 64 percent of the working-age population, <[www.commersant.ge/ge/post/sa-qartveloshi-umushevroba-mcredit-shemcirda](http://www.commersant.ge/ge/post/sa-qartveloshi-umushevroba-mcredit-shemcirda)> [13.12.2018] (in Georgian).

<sup>47</sup> According to Article 2 of the draft law, the state provides Consumer Awareness Education, including about the means and rules of protection of their rights. Article 2, paragraph "B", Draft Law of Georgia "On Consumer Rights Protection", the Committee on European Integration of the Parliament of Georgia, 14/06/2018.

<sup>48</sup> In particular, edition of February 28, 2019.

programs.<sup>49</sup> However, this technical maneuver does not correct the above-mentioned legislative defect, and cannot fully restore customers' guarantees. Moreover, the legislator avoids protecting the consumers' right of education to the state level and imposes this responsibility to Private Legal Entities, which will naturally be less effective in realizing this right. Lack of efficiency can be caused by limited financial and human resources of these legal entities, and/or their resistance to participate in such projects. It is also noteworthy that the draft law has not been approved for the fourth consecutive year, and hence, even these legal entities cannot effectively implement the consumers' education programs (due to the absence of legislative framework).

Moreover, the draft law does not consider mechanisms for sharing successful practice of the European countries (Finland, Germany, Austria, Romania, Italy, Sweden, Czech Republic, or Hungary); whether it be an active participation of state institutions or private associations, agencies or companies in educational projects; conducting consumers' teaching campaigns; creating and disseminating proper television, radio, and internet resources, retraining of teachers and other specialists. The mentioned shortcoming (if it is not corrected or neutralized before the adoption of the law) will, naturally, hinder the fulfillment of obligations taken under Articles 345 and 346<sup>50</sup> of the Association Agreement with the European Union.

### **3. Conclusion**

As it turns out, unlike the EU member states (Finland, Germany, Austria, Romania, Italy, Sweden, the Czech Republic, and Spain), in Georgia consumers' education is relatively on a low level and is not integrated into a unified educational system. Legislative shortcomings should be considered as an important precondition for this fact (first of all, not adopting the Draft Law "On Consumer Rights Protection"), as well as the lesser interest of the state and business sector with this issue. Although some Agencies and Right Defenders work on consumers' education, they cannot properly protect consumers' right to education, because of a small scale of activities.

Therefore, to improve the quality of consumers' education in Georgia, it is necessary to restore the initial edition (of June 14, 2018) of Article 2 of Draft Law "On Consumer Rights Protection", and adopt this law soon. This would provide the basis for effective cooperation between ministries and agencies, educational institutions, entrepreneurs and consumers.

Moreover, Georgia should guide with the best foreign experience while implementing the consumers' right to education in practice; it may even consider an example of Hungary that is not the EU

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<sup>49</sup> Article 38, paragraph "D", Draft Law of Georgia "On Consumer Rights Protection", the Committee on European Integration of the Parliament of Georgia, 28/02/2019.

<sup>50</sup> Under Article 345, the Parties shall cooperate to ensure a high level of consumer protection and to achieve compatibility between their consumer protection systems. Under Article 346 (b), if necessary, the Parties cooperation may include: Promoting the exchange of information about consumer protection systems, which, in turn, involves the consumer education/awareness and strengthening their possibilities. Association Agreement between Georgia and the European Union, 30/08/2014, <[www.parliament.ge/ge/gavigot-meti-evrokavshirtan-asocirebis-shetanxmebis-shesaxebe/associationagreement1](http://www.parliament.ge/ge/gavigot-meti-evrokavshirtan-asocirebis-shetanxmebis-shesaxebe/associationagreement1)> [12.12.2018] (in Georgian).

member state, but closely cooperates with it, and implements successful programs of consumers' education.<sup>51</sup>

One of the most important programs for consumers' education is "Teaching and Learning for a Sustainable Future",<sup>52</sup> whose main purpose is to use educational tools for ensuring proper consumption of products. The United Nations Educational, Scientific and Cultural Organization (UNESCO) implements this program and it targets students, teachers and other individuals involved in the consumers' education. The program helps to develop the necessary consumer skills, organize family budgeting, and overcome financial difficulties.

Consequently, Georgia as a member of the United Nations can deepen cooperation with the UN and engage in this educational program. This would help to effectively implement the Law "On Consumer Rights Protection" in regards to the consumers' education, which in turn would protect the interests of clients, business and the state.

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<sup>51</sup> This is the United Nations' "Consumer Informing Program", which operates as a global platform for delivering quality information on products and services. The program helps member states to cooperate; during the implementation of relevant policies, strategies and projects. The program is supported by *the European Commission, the International Trade Center (ITC), the United Nations Environment Agency (UNEP)* and other international organizations.

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<sup>52</sup> Teaching and Learning for a Sustainable Future, A Multimedia Teacher Education Programme, <[www.unesco.org/education/tlsf/](http://www.unesco.org/education/tlsf/)> [24.11.2018]; <[www.unesco.org/education/tlsf/mods/theme\\_b/mod09.html](http://www.unesco.org/education/tlsf/mods/theme_b/mod09.html)> [27.11.-2018].

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