

CONSUMER PROTECTION: NORTH MACEDONIAN LEGISLATION IN RELATION TO THE EUROPEAN UNION ACQUIS

Faton SHABANI

Faculty of Law, University of Tetova
faton.shabani@unite.edu.mk

Abstract

Consumer protection itself comprises a set of legal rules and practices designed to protect buyers of goods/services from unfair, fraudulent or deceptive business practices. It aims to provide certainty, to ensure that consumers are treated fairly so that they can make informed decisions by promoting a secure environment that offers effective legal redress for harm caused by defective products/services or, in the last resort, by unfair conduct. Consumer protection has the main objective of enabling consumers to make well-informed decisions about their choices and to have easier access to effective redress mechanisms, which in turn pushes businesses to guarantee the quality of the products and services they offer. The European Union (EU) has consumer protection as one of its cornerstones, as laid down in the Treaty on the Functioning of the European Union (TFEU) from 1957 (1 December 2009 under its current name), while the Modernisation Directive (2019) recently amended four existing consumer law directives. It aimed at strengthening the enforcement of EU consumer protection rules and updated rules in line with the development of digitalisation. In North Macedonia, a new Law on Consumer Protection was adopted and entered into force in 2022. The new Law, which is fully harmonized with EU directives, regulates the provisions that enable the implementation of European law in the field of consumer protection, while at the same time containing more clearly defined obligations that traders and legal entities must fulfill towards consumers. In addition, North Macedonia adopts a new consumer protection program every other year. It recognises the need to strengthen its human resources and capacities in many of the relevant bodies, as well as to improve coordination between these bodies, in order to be able to fully implement the EU *acquis*. The author, through the relevant methodology, analyzed the EU system and that of North Macedonia, their comparison, as well as the historical aspect of the development of consumer protection law but also the perspective that is appearing on the horizon. The findings from the research in question provide results according to which the country has been moving in the assessment in recent years: from some progress to limited progress.

Keywords: *legal rules, unfair conduct, quality products/services, Modernisation directive, Law on Consumer Protection, comparison.*

1. Introduction

The notion of ‘consumer’ as used in law differs from the concept used in other fields. The theory almost agrees with the general definition of a consumer as: "A person who buys goods or services for their own use" or “someone who buys goods or services for personal use” (Cambridge Dictionary, web). Through such a definition, it is intended to categorize the category of persons who deserve special protection in relation to traders, whose position is not only stronger in the market, but they also possess profound professionalism in the economic activity they exercise.

In the current EU consumer *acquis*, the notion of consumer is specified separately in each adopted instrument depending on the perspective and purpose of the regulation. Thus, the notion of consumer is defined in several directives in the field of contract law, while ultimately the most widely accepted definition remains that of the Consolidated Text of the Consumer Rights Directive: “‘Consumer’ means any natural person who, in contracts covered by this Directive,

is acting for purposes which are outside his trade, business, craft or profession” (Article 2(1), Consumer Rights Directive, 2011).

According to Article 2(34) of the Law on Consumer Protection of North Macedonia: "A consumer is any natural person who supplies goods or uses services for purposes that are outside his trade, business, craft or professional activity".

In general, the areas of consumer protection legislation cover the production of goods, advertising, distribution and information duties, use of unfair contract clauses and standard form contracts, individual sales and other contracts where one party is a consumer, and damage caused by the distributed products (Campbell, 1995).

Laws have been used to protect consumers for centuries. These laws have drawn on a variety of legal forms, including criminal law, tort, and contract, to achieve their objectives. In addition to those laws that specify consumer protection as their primary concern, numerous other provisions have the effect of protecting the consumer, for example by streamlining the prosecution of fraud, protecting property, or facilitating litigation. As a result, the boundaries of consumer protection law are not easily drawn (Cartwright, 2004).

In Macedonian law, consumer protection is a topic which embraces various fields of law. For many years, it has been the declared aim of both the Government and Parliament to improve the legal and economic position of consumers in the market. After there had been a certain amount of consumer protection for decades, the main improvements started in the early 2010's. The latest improvements have been brought about by EU regulations with the adoption of the new consumer protection law in 2022. Among the innovations that the legislator has brought to this law, in some cases, the provisions of the law already include the implementation of EU standards from certain EU Directives.

2. EU *acquis*

EU consumer protection law provides consumers with a high level of protection, ensuring their health, safety, and economic interests are protected through a wide range of rules spread across various legal acts principally included in directives and regulations. This *acquis*, under the pressure of rapid and frequent changes in recent times, is subject to systematic review. Strong consumer law sets an EU-wide framework to combat unfair commercial practice, unfair contract terms and misleading advertising, both in domestic and cross-border situations, whilst securing consumers' rights to withdraw from contracts and seek adequate redress (The EU and Consumers, 2013).

- **Consumer Rights Directive** (Directive 2011/83/EU): Gives consumers the same strong rights across the EU. It aligns and harmonizes national consumer rules, for example on the information consumers need to be given before they purchase goods, services or digital content, and on their right to cancel online purchases, wherever they shop in the EU. The purpose of this Directive is, through the achievement of a high level of consumer protection, to contribute to the proper functioning of the internal market by approximating certain aspects of the laws, regulations and administrative provisions of the Member States concerning contracts concluded between consumers and traders (Article 1, Consumer Rights Directive, 2011).
- **Product Liability Directive** (Directive (EU) 2024/2853): Updates and adapts the EU's liability rules for new technologies, ensuring better protection for victims and greater legal certainty for economic operators. This Directive ensures that victims can claim compensation from manufacturers when they suffer damage caused by a defective product. It lays down common rules on the liability of economic operators for damage suffered by natural persons and caused by defective products, and on compensation for such damage (Article 1, Product Liability Directive, 2024). The objective of this Directive is to

contribute to the proper functioning of the internal market while ensuring a high level of protection of consumers and other natural persons (Article 1, Product Liability Directive, 2024).

- **Unfair Commercial Practices Directive** (Directive 2005/29/EC): Has at the center of regulation ban misleading and aggressive commercial practices. The purpose of this Directive is to contribute to the proper functioning of the internal market and achieve a high level of consumer protection by approximating the laws, regulations and administrative provisions of the Member States on unfair commercial practices harming consumers' economic interests (Article 1, Unfair Commercial Practices Directive, 2005).
- **Unfair Contract Terms Directive** (Directive 93/13/EEC): Protects against unfair terms in consumer contracts. The purpose of this Directive is to approximate the laws, regulations and administrative provisions of the Member States relating to unfair terms in contracts concluded between a seller or supplier and a consumer. The contractual terms which reflect mandatory statutory or regulatory provisions and the provisions or principles of international conventions to which the Member States or the Community are parties, particularly in the transport area, shall not be subject to the provisions of this Directive (Article 1, Unfair Contract Terms Directive, 1993).
- **General Product Safety Regulation** (Regulation (EU) 2023/988): Ensures the safety of all consumer products sold in the EU. The objective of this Regulation is to improve the functioning of the internal market while providing for a high level of consumer protection. This Regulation lays down essential rules on the safety of consumer products placed or made available on the market (Article 1, General Product Safety Regulation, 2023).
- **Digital Content Directive** (Directive (EU) 2019/770): Governs contracts for the supply of digital content and digital services. The purpose of this Directive is to contribute to the proper functioning of the internal market while providing for a high level of consumer protection, by laying down common rules on certain requirements concerning contracts between traders and consumers for the supply of digital content or digital services, in particular, rules on (Article 1, Digital Content Directive, 2019):
 - the conformity of digital content or a digital service with the contract,
 - remedies in the event of a lack of such conformity or a failure to supply, and the modalities for the exercise of those remedies, and
 - the modification of digital content or a digital service (Article 1, Digital Content Directive, 2019).
- **Sale of Goods Directive** (Directive (EU) 2019/771): Covers contracts for the sale of goods. The purpose of this Directive is to contribute to the proper functioning of the internal market while providing for a high level of consumer protection, by laying down common rules on certain requirements concerning sales contracts concluded between sellers and consumers, in particular rules on the conformity of goods with the contract, remedies in the event of a lack of such conformity, the modalities for the exercise of those remedies, and on commercial guarantees (Article 1, Sale of Goods Directive, 2019).

3. Legislation of North Macedonia

According to the Ministry of Economy, which is directly responsible for implementing consumer protection policy, legal and institutional consumer protection is one of the important components of economic development. Consumer protection policy in the North Macedonia has a horizontal dimension, i.e. it encompasses a large number of ministries, state and public institutions, local government units and citizen associations. Consumer protection policy, which is largely implemented through appropriate legal regulations and programs at the national and

local levels, is a mechanism for promoting competition and achieving better quality in the everyday lives of citizens – consumers (Ministry of Economy, web).

- **Law on Consumer Protection** (Official Gazette, 2022): Adopted in accordance with the EU consumer protection directives and regulations platform, with an aim to regulate the rights and obligations of consumers and traders in consumer relations, the methods and procedures for protecting consumer rights, informing consumers, improving consumer knowledge about their rights and the methods and procedures for protecting them, the rights and obligations of associations and unions whose area of activity is the achievement of the goals of protecting consumer rights, the rights and obligations of the competent authorities, bodies and other bearers of consumer rights protection, as well as other issues of importance for the position and protection of consumer rights (Article 1 of the Law on Consumer Protection, 2022).
- **Law on Consumer Protection in Consumer Credit Agreements** (Official Gazette, 2011): This law regulates the protection of consumers when concluding and implementing consumer credit agreements. A consumer credit agreement is an agreement by which the creditor grants or promises to grant the consumer credit in the form of a loan, overdraft, deferred payment for products and services, financial leasing or other similar financial service (Article 2, Law on Consumer Protection in Consumer Credit Agreements, 2011). Given the complicated content of this agreement, the consumer is very exposed to various violations of his rights.
- **Consumer Protection Program for 2025** (Official Gazette, 2025): It has been approved by the Government based on Article 170(1) of the Law on Consumer Protection. This Program establishes the basic objectives of the consumer protection policy, the measures and activities for the implementation of the consumer protection policy, the counseling, education and information of consumers and the means for the implementation of this Program. In line with the strategic priorities of the EU for improving the quality of life of citizens, the high standards of consumer protection set out in this Program relate to:
 - improving consumer protection legislation;
 - improving consumer information and education, as well as raising awareness of their rights; and
 - strengthening cooperation between institutions involved in consumer protection and supporting the non-governmental sector in the area of consumer protection.

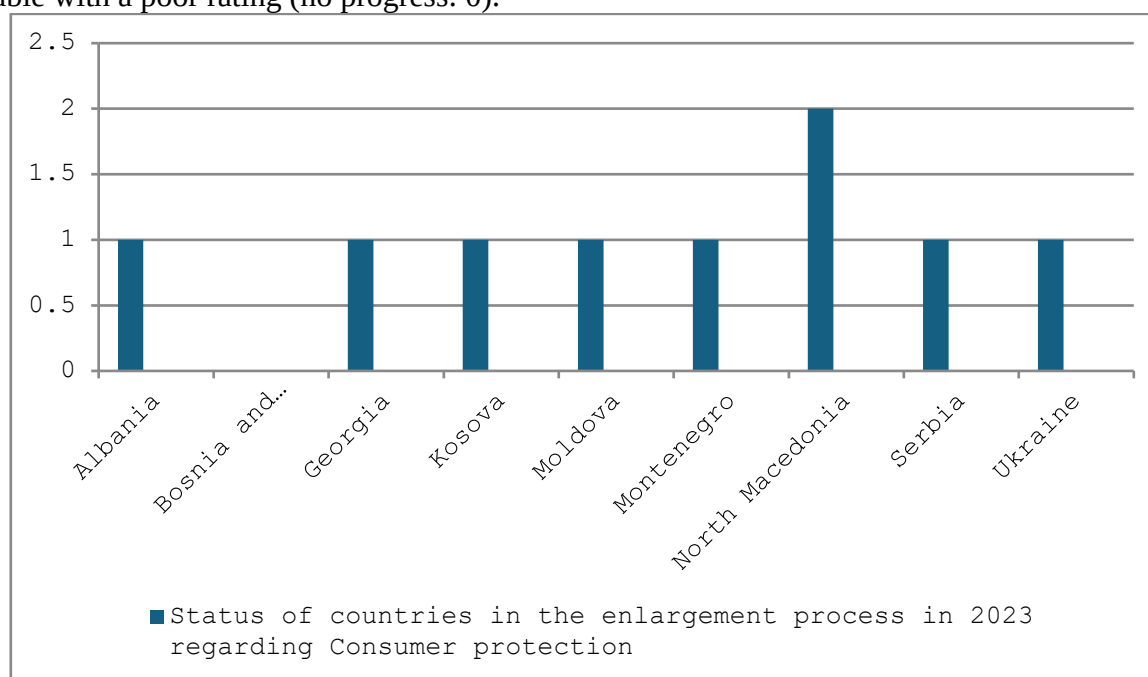
4. European Commission assessment

4.1. *North Macedonia Screening Report (2023):*

In the report prepared by the Commission on the occasion of the completion of the screening process of domestic legislation for its approximation with the EU *acquis* during 2022, regarding consumer protection as Chapter 28 within Cluster 2, the Commission finds that national legislation is partly aligned with the horizontal EU *acquis* on consumer protection. There are a large number of state bodies involved in consumer protection. North Macedonia needs to reinforce the human resources and their capacities in many of the relevant bodies, and also to improve the coordination between these bodies, in order to be able to fully implement the EU *acquis*. North Macedonia has established a consumer protection council, as foreseen by the relevant EU *acquis* (Screening Report - North Macedonia, 2023).

Chart 1 reflects the comparison of the progress assessment by the European Commission for the countries of the EU enlargement process based on 2023 Report. Compared to other countries, North Macedonia for Chapter 28 (Consumer and Health Protection) from Cluster 2 (Internal Market) has the highest rating (some progress: 2), while all other countries have the

lowest rating (limited progress: 1) while Bosnia and Herzegovina remains at the bottom of the table with a poor rating (no progress: 0).



Leveling progress

0	No progress
1	Limited progress
2	Some progress
3	Good progress
4	Very good progress

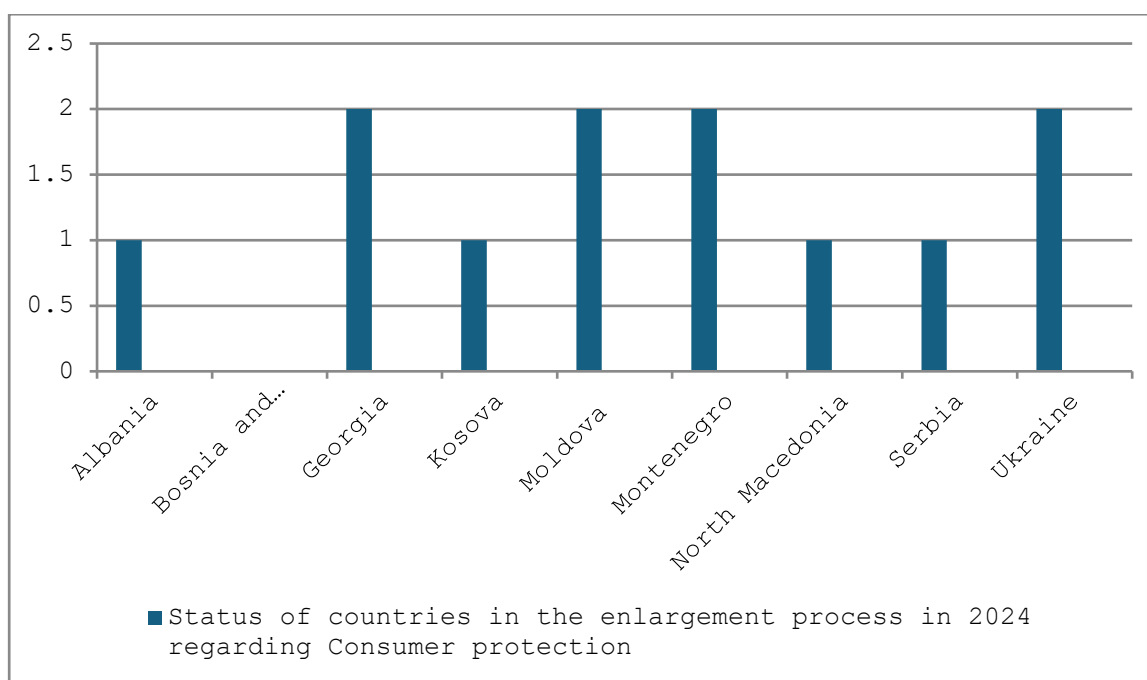
Chart 1. North Macedonia progress compared to other countries in the enlargement process in 2023 (Chapter 28: Consumer and Health Protection, from Cluster 2: Internal Market)

Source: European Commission Country Reports from 2023, with visual projection of the *author*

4.2. North Macedonia 2024 Report:

According the Commission 2024 Report, the Law on consumer protection is broadly aligned with most of the EU consumer *acquis*, and clearly defines the responsibilities of the physical and legal commercial bodies towards consumers. However, national legislation is not aligned with the EU *acquis* on package travel. The next three-year consumer protection strategy (2025-2028) is yet to be adopted, and a web platform providing information on consumer protection still needs to be developed. Mediation in consumer disputes in place, based on the provisions of the national Law on mediation, adopted in 2022, but it is still difficult for consumers to access mediation services (North Macedonia 2024 Report).

Chart 2 provides a comparative picture of North Macedonia with other enlargement countries regarding Chapter 28 Consumer Protection based on the European Commission reports for 2024. The Chart shows that North Macedonia is assessed as having limited progress (1), together with Albania, Serbia and Kosovo, while Montenegro, Moldova, Ukraine and Georgia have some progress (2). Bosnia and Herzegovina continues to be in a position of no progress (0).



Leveling progress

0	No progress
1	Limited progress
2	Some progress
3	Good progress
4	Very good progress

Chart 2. North Macedonia progress compared to other countries in the enlargement process in 2024 (Chapter 28: Consumer and Health Protection, from Cluster 2: Internal Market)

Source: European Commission Country Reports from 2024, with visual projection of the author

Conclusion

Consumer protection is important because it protects consumers from unfair and deceptive business practices, enabling them to be in a position to make informed decisions and to have legal remedies available to them to seek redress. Such importance has led the EU to place consumer protection at the center of the agenda by creating a stable legal platform with continuously updated directives and regulations in order to respond to consumer-harming acts in the market. Such a path, although with difficulty, is also being followed by North Macedonia through the harmonization of its legislation with that of the EU. The Law on Consumer Protection (2022) and the Consumer Protection Program for 2025 are evidence of this legal harmonization. From the analysis of the European Commission reports for the last two years (2023 and 2024), it is noted that North Macedonia has a decline in its rating in terms of Chapter 2: Consumer and Health Protection (as part of Cluster 2: Internal Market) from some progress (2) in 2023 to limited progress (1) in 2024. The selection of the two years 2023 and 2024 for research is precisely the fact that the 2023 Report is the report of the screening process that is being carried out for the first time for North Macedonia during 2022, while the 2024 Report is important for understanding how many of the recommendations made by the European Commission have been taken into account by taking concrete steps to improve the situation towards a positive path towards EU membership.

References

- [1] Campbell, Dennis (editor). International Consumer Protection (Volume 1), Springer Science + Business Media Dordrecht, 1995.
- [2] Cartwright, Peter. Consumer Protection and the Criminal Law: Law, Theory, and Policy in the UK, Cambridge: Cambridge University Press, 2004.
- [3] Commission Staff Working Document: North Macedonia 2024 Report.
- [4] Consumer Protection Program for 2025, Official Gazette of the Republic of North Macedonia, No. 24/2025.
- [5] Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council, *OJ L 149*, 11.6.2005.
- [6] 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, *OJ L 304*, 22.11.2011.
- [7] Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services, *OJ L 136*, 22.5.2019.
- [8] Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC, *OJ L 136*, 22.5.2019.
- [9] Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC, *OJ L*, 2024/2853.
- [10] Law on Consumer Protection, Official Gazette of the Republic of North Macedonia, No. 236/2022
- [11] Law on Consumer Protection in Consumer Credit Agreements, Official Gazette of the Republic of North Macedonia, No. 51/2011 as amended by Law Amending the Law on consumer protection in consumer credit agreements, Official Gazette of the Republic of North Macedonia, Nos. 145/2015, 23/2016, 20/2019, 122/2021.
- [12] Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, *OJ L 135*, 23.5.202.
- [13] Screening Report: North Macedonia, 2023.
- [14] The EU and Consumers, Citizens Information Board, 2013, 1, https://www.citizensinformationboard.ie/downloads/eu_leaflets/2013_EU_consumers.pdf [accessed: 25.10.2025].
- [15] <https://dictionary.cambridge.org/dictionary/english/consumer> [accessed: 25.10.2025].
- [16] <https://www.economy.gov.mk/mk-MK/ministerstvo/sektor-za-vnatresen-pazar/koj-gi-stiti-pravata-na-potrosuvacite> [accessed: 22.10.2025].