

CHAPTER IX

Customer Awareness Understanding in Services Sector

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Objectives for Chapter IX

Learning this Chapter, you will be able to

- Understand the concept of the service
- Describe the main difficulties to protect customer on service markets
- Give the example of activities and institutions responsible for customer protection on service markets in EU

ABSTRACT

Consumers are very important participant of the service market, generating high demand for its products and services. However, in many cases, as non-professional clients, they require a special legal protection, securing their interests in contractual relations with service institutions. The European Commission, as well as the national legislation of the Member States of the European Union seek to provide it for consumers, although it manages to varying degrees of success (Szustak 2014). The aim of the chapter is to present the key elements of service and service market characteristics together with the consumer protection system, combined with the indication of the EU and the national legal basis, as a way to increase customer awareness in service sector. In the chapter different examples of the service markets are provided.

Keywords: Service, Service Market, Single Service Market, Institutional Customer Protection, Non-institutional Customer Protection, Legal customer protection, Health Care, Transportation, Finance Services

8.1. Why services are different than products?

One of the main goals and the most important pillars of the European Union is a unique market promoting four freedoms: free movement of people, free movement of goods, free movement of services and free movement of capital. Free movement of goods and services has contributed to the development of a unique market from which both the citizens and the business sector benefit daily.

EU unique market, with the population of over 500 million people, makes buying and selling goods and services easier and enables consumers to choose from a wide range of products and services. It also creates new challenges and threats. One of them is a challenge of the consumer protection and customer awareness about its customer rights.

Service as a product on the market

To discuss the services as a product on the market and how can be perceived by the customers the starting point should be connected with the basic understanding of its specifics. The main characteristics of the services make them unique and quite differently perceived than physical goods. They also can cause some confusion and misunderstanding among customer. Understanding the services and its characteristic is a first step to build the customer awareness as a part of overall customer protection system.

Service definition

A service may be describe as any activity or benefit that a supplier offers a customer that is usually intangible and does not result in the ownership of anything. The provision of a services may or may not be tied to a physical product. It means the customer in the same time can buy “two or more things” the service/s and the product/s.

Services according to the International Standard Industrial Classification (ISIC), include the following: wholesale, and retail trade; restaurants and hotels; transport, storage and communications; financial, insure, real estate and business services; personal, community and social services; government services. The key assets managed by the firm in each of the above businesses is a system for people and machines or equipment. These systems are developed by the firm over many years and are the result of investment in human, financial and physical resources. The unique blend of these assets in a system gives the

services firm its differentiated competitive advantage (Hollesen, 2007:228).

More amusingly, services have been described as “something that may be bought and sold, but which cannot be dropped on your foot”.

Five main service characteristics

Consumer in process of buying the service and the organisations selling the service must consider five main service characteristics: intangibility, inseparability, variability, perishability and lack of ownership. It means that all five of them in the same time influence on customer and his behaviour. It will be look at each of these characteristics in the following sections:

Intangibility

Pure services, such as a consultancy session with a psychiatrist, cannot be touched. Nor can travel on a train or aeroplane, although, the train and aeroplane are themselves tangible. Nor can you touch the “atmosphere” on a train or aeroplane, nor can you touch conversation with fellow passengers. So, it can be said that service intangibility means that services cannot be readily displayed, so cannot be seen, tasted, felt, heard or smelled before they are bought.

Inseparability

Inseparability refers to the notion that, in many service operations, production and consumption cannot be separated; that is, a service is to a great extent consumed at the same time as it is produced. For example, although the hairdresser may prepare in advance to carry out the service, most of the hairdressing service is produced simultaneously as the customer consumes the service (Baron & Hariss 2003:19).

Variability

Organisation providing services to consumers know that no two services provisions are exactly the same, whether the attempts to standardise them. As services involves people in production and consumption, there is considerable potential for variability. Service variability means that the quality of services depends on who provides them, as well as when, where and how they are provided (Kotler,et al., 1999).A concert performed by a group on two nights may differ in slight ways because it is very difficult to standardise every dance move. Generally systems and procedures are put into place to make sure the service provided is consistent all the time, training in service organisations is essential for this, however in saying this there will always be subtle differences.

Perishability

This refers to the fact that, unlike physical goods, services cannot be stored for later sale or use. The perishability of services is not a problem when demand is steady. For example public transportation companies have to own much more

Lack of ownership

equipment because of rush-hour demand than they would if demand were even through-out the day (Kotler,et al., 1999).

When customers buy physical goods, such as cars and computers, they have personal access to the product for unlimited time. They actually own the product. They can even sell it when they no longer wish to own it. In contrast, service products lack that quality of ownership. The service consumer often has access to the service for a limited time (Kotler,et al., 1999). For example when buying a ticket to the USA the service lasts maybe 10 hours each way , but consumers want and expect excellent service for that time. Because you can measure the duration of the service consumers become more demanding of it.

Many service organizations offer a variety of services and products to their customers. In many cases customer can have the strong difficulty to understand the structure of the offer which refers to the combination of good, services, and even ideas it offers (Thomas, 2004:197). Together with the effect of service characteristics can confuse, mislead or even make the customer receptive to illegal marketing practices. From other side lack of ability to understand how services work can lead to poor services quality, excessive creation of demand for services, inability to complain

Reflection Theme 8.1



What are the basic characteristics of services compared with goods? What are the implications of those characteristics for Lufthansa and your University?

[Use the space below to answer.]

8.2. Service market in EU. Can customer experience the single service market in EU?

Service Directive in 2009

The EU services market is an important part of the EU Internal Market, where many administrative and regulatory barriers still exist. A breakthrough in the process of eliminating those barriers and liberalizing access to markets for service enterprises was supposed to be connected with the implementation of the Services Directive in 2009 (Directive 2006/123). With regard to the elimination of barriers, the directive it has primarily forced the Member States to simplify procedures related to starting and running a service activity and the introduction of single points of contact. Additionally to prevent introducing the new barriers instead of the ones abolished by the directive, provisions Directives obliged EU Member States not to introduce their own requirements / procedures, if they are not necessary in all activities targeted at service providers and recipients (Stefaniak 2016).

However, neither the implementation of the services directive nor the suggestion of further ones strategies or programs did not lead to the completion of the single market services in the EU, which is still subject to restrictions resulting primarily from differences in the applied national regulations (Ambroziak 2013). Currently, the Commission The European Union is implementing a new internal market strategy, of which it is an element presented at the beginning of 2017, the so-called "Service package". Elimination of still functioning barriers on the EU services market is mainly aimed also at increasing the availability of services for European customer.

Service market

The service market includes both consumer services (so-called services to the public) and services purchased by institutions, in particular business entities (production and investment services). The service market is very diverse. The services market includes the government sector (courts, employment agencies, hospitals, police, armed forces, fire brigades, post offices and schools), non-profit private sector (museums, churches, colleges, foundations), a significant part of the business sector (lines airports, banks, hotels, insurance companies, law offices, etc.). Service providers are also employees of the production sector, such as IT specialists, accountants and lawyers.

Consumer awareness in relation to services

In 2017 service industries represent more than two-thirds of all economic activity in Europe; they have accounted on average for more than 75% of the growth rate of the last decade. However, taking into consideration the same time span, data shows European economies have grown more slowly for instance than in the United States. The service trade liberalization as well as effective forms of consumer support on this market may make it more dynamic.

The consumers awareness and expectations in relation to the products offered in EU is growing. Consumers become the experts with significant knowledge about product and service itself. The situation is different if they are asked about the consumer rights, and institutional protection.

The problem is particular important for European market due to the number of customer, and different protection systems. It is one of the priority of European Commission is to increase the customer rights awareness. The good example is the Consumer Rights Awareness Campaign. It was said that *consumers should be aware of their rights under EU law so they can use them every day, when shopping online or on the high street.* That's why the European Commission has organised a campaign informing citizens of their rights under EU consumer law and pointing them to the right places where they can get advice and help in case of questions or problems.

The Consumer Rights Awareness Campaign, which was started in spring 2014, aimed to increase the general knowledge among traders and consumers of EU-wide consumer rights, that stem mostly from national transposition of EU directives. Particular focus is on the [Consumer Rights Directive](#), the [Unfair Commercial Practices Directive](#), the [Unfair Contract Terms Directive](#) and the [Consumer Sales and Guarantees Directive](#) (more information: https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=30149).

Test 8.2



Considering the above mentioned service characteristics, provide a synthetic example to a possible threats to customer rights.

[Use the space below to answer.]

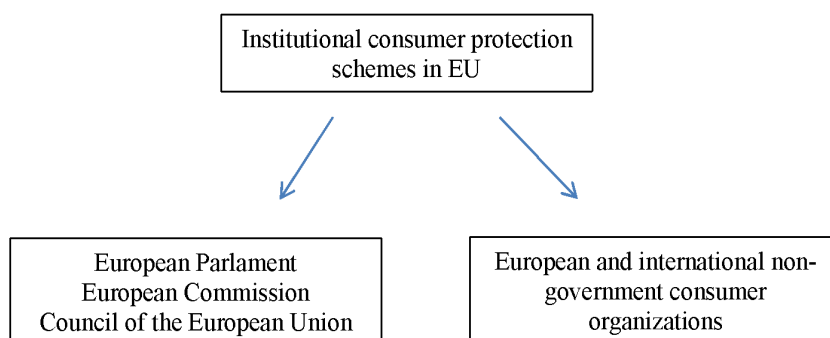
8.3. Institutional and legal dimensions of customer protection on Service Market in EU

Institutional consumer protection schemes

There are two separate frameworks that could be distinguished when institutional consumer protection schemes are analyzed. The first framework covers the European Union decision making bodies that are involved with consumer protection: European Parliament, European Commission and Council of the European Union. Those bodies, directly connected with the legal customer protection, create not only consumer regulations and laws, but also different legal standards, strategies and agendas that shape the customer policy in the European Union. The second framework involves European and international non-governmental consumer organizations and scientific committees that aim to promote and protect the interests of

all the customers in the European Union (Malczyńska-Biały, 2017:191-192). The both costumer protection shames are also dedicated to the services markets. Figure 1 shows the institutional consumer protection schemes in EU.

Figure 1. Institutional consumer protection schemes in EU



Source: Based on Malczyńska-Biały, 2017:191-192

The European Parliament, Commission and Council

The European Parliament together with the European Council implements the legislative function in relation to consumer legislation. As one of essential decision making body in the European Union, The Council of European Union negotiates and adopts the legislative acts including consumer laws. It issues the legislative acts in the form of union strategies and consumer agendas that do not have the legal validity In addition it also coordinates the policies of the member states in the fields of economic and fiscal policies, employment policy as well as in education, youth, culture and sport policies (The Council of European Union, 2018). Depending on the discussed subject the Council meets in ten different configurations (Council configurations, 2017). With regard to consumer protection the most important configuration is EPSCO- Employment, Social Policy, Health and Consumer Affairs Council configuration, which aims to increase the employment level and improve both working and living conditions, ensuring at the same time a high level of human health, consumer and environmental protection in the European Union. In the field of consumer policy EPSCO together with European Parliament adopts Union-wide rules and regulations to effectively protect the health and safety of the consumers together with their economic interests (Employment, Social Policy, Health and Consumer Affairs Council configuration (EPSCO), 2018).

Non-governmental customer organizations

The second scheme of institutional consumer protection in European Union is represented by independent, non-governmental consumer organizations and scientific committees. Their informational, advisory, educational and promotional forms of activities that include large number of different initiatives and campaigns imply the necessity of setting the relevant legal solutions and regulations. The main aim of customer organizations is to represent consumers from the European Union, make them aware of wide range of customer rights, and most importantly to influence the regular formulation, review and development of European Union policies and regulations, which effectively promote, defend and realize consumers' interests in daily life (Maczynska-Bialy M., 2017:194).

European Commission works very closely with various customer organizations, which are federations on national bodies from all over the European Union. There are four most influential federations that cooperate with different decision making bodies:

- ✓ European Association for Coordinating Consumer Representation in Standardization (ANEC).
- ✓ European Consumers' Organization (BEUC),
- ✓ Confederation of Family Organizations in the European Union (COFACE).
- ✓ European Community of Consumer Cooperatives (EUROCOOP) (European and international consumer organizations, 2018).

Reflection Theme 8.3



Based on the www identify the main activities of the European federations towards consumer service markets.

[Use the space below to answer.]

8.4. Institutional dimensions of consumer protection on service market – national perspective

In each EU Member State, there are national authorities competent for the protection of consumers' rights when dealing with specific service situation for example financial, tourism, internet and telecoms markets. The table 1 below provides an examples of countries and their respective competent authorities of credit or financial institutions where consumers may find useful information and help.

Table 1. Examples of national competent institutions dedicated to help customers on financial services market in EU.

Country	National competent institutions
Austria	Financial Market Authority Federal Ministry of Labour, Social Affairs and Consumer Protection
Belgium	The Financial Services and Markets Authority National Bank of Belgium Ministry of Economy Ombudsfin Ombudsman des assurances
Finland	Financial Supervisory Authority The Finnish Competition and Consumer Authority Regional State Administrative Agency The Finnish Financial Ombudsman's Bureau Consumer Disputes Board Consumer Advisors
Croatia	Croatian National Bank Croatian Financial Services Supervisory Agency
Italy	Bank of Italy Italian Competition Authority
Poland	Komisja nadzoru finansowego Urząd ochrony konkurencji i konsumentów

Financial service institution helping the customers

In some industries like health care it can be identify strong involvement of the non-governmental institutions dedicated to increase patient awareness and protect the patients' right. Very good example is the Active Citizenship Network which is decided to organize a widespread campaigns in cooperation with some of the national patient associations involved in its network. On the picture below you can find the example.

Picture 1: The campaign dedicated to increase patient awareness




Patients involvement



Airline passengers rights

In transportation sector it is also possible to find big number of institutions dedicated to protect passenger rights. Due to number of different means of transportations in EU organisations and are specialised in: air passengers right, rail passengers rights, bus and coach passenger rights and ship passengers rights. All of them have a detailed description on EU website concentrating mainly on delays and cancellations, and information where the passengers can find help. It can be also find some compression between different legal systems, see picture 2.

Picture 2: The campaign dedicated to increase passenger awareness

 Denied Boarding Compensation What the Canadian government is proposing in their "Passenger Bill of Rights"		
Will you be compensated? Europe vs Canada		
		
Airline closes check-in counter before the published cut-off time	✓	✗
Insufficient staffing at check-in counter causing passenger to miss their flight	✓	✗
Airline moves passenger to a different flight without their consent	✓	✗
Airline claims "outside our control" or due to "urgent maintenance"	✓	✗
Aircraft departs full and airline admits responsibility	✓	✓
There is no excuse for denied boarding in Europe, including when flights leave with seats available. ... Canadians will only be compensated if they prove their flight was full when it departed without them and the airline does not claim there were maintenance issues.		

To increasing the level of legal protection of airline passengers and recognizing that the legal regulations existing in this area, both internationally (international conventions) and in case of individual Member States of EU, re insufficiently, legitimate bodies of the EU issued the Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding or cancellation or long delays of flights. It requires from the Member States to designate a national body responsible for implementing the provisions of the Regulation which is empowered to take the necessary measures to ensure compliance with passengers' rights, including the handling of passenger complaints against its provisions. At the same time, which is very important, is pointed out that the filing of complaints by passengers does not infringe passengers' rights to claim further compensation.

Consumers on the European Union market may receive specific advice as part of the following services: insurance and finance, telecommunications, energy and fuels, air and rail travel. The way of applying for compensation depends on the adopted legal system by the country.

Test 8.3



Provide a synthetic example of institutions in your country which are responsible for information campaigns.

[Use the space below to answer.]

8.5. Good practices principals in a service markets - non-legislative regulations protecting the customers

Non-legislative institutions

As discussed the consumer protection is based on two main elements: legislative (law) and non-legislative (institutions) means of consumer protection. Apart of governmental institutions, the non-governmental and a privet persons can be identify as a examples of the non-legislative entities. They can be involved in economical, organisational and educational activities aimed to protect the customer rights. As a non-legislative regulations the self-regulation, soft law and deregulation can be described as the most popular on the service market in Europe.

Private policy stakeholders have always had a relatively open access to official officeholders in EU legislative processes, especially economic actors in sectors relevant to the working of the internal market. Their actions at the European

Self-regulation concept

level aim at achieving outcomes in public rule making that reflect their preferences and interests (Hix 2005, p. 12). According to van den Hoogen and Nowak (2009) the encouragement of self-regulation as an alternative to the classical legislative instruments intends to enhance further this role of private actors in European integration. It fits into a broader trend in Europe towards a more participatory style of governance which on its turn has been affected by the neoliberal ideological shift in public policy-making from government towards the market. In a pure sense, self-regulation concerns private actors who make rules for and by themselves on a voluntary basis to address common problems or interests (van den Hoogen, Nowak 2009).

Soft law is a capacious term applying to self-regulation, voluntary regulation, co-regulation, quasi-regulation, and private governance. It can be defined (Mokrzysz-Olszyńska 2007)

Soft-law

- broadly – than it stands for all rules of conduct other than formal laws, administrative regulations and agreements, or
- narrowly – when it is understood as a set of instruments developed by professionals on their own initiative, in cooperation with consumers and/or the state, or following an authorization granted by the state, and then implemented based on an agreement.

Reflection Theme 8.4



Identify the non-profit institutions that help customers on service market in EU. What is the scope of activities?

[Use the space below to answer.]

The European Advertising Standards Alliance (EASA)

EASA promotes responsible advertising in commercial communications by means of effective self-regulation, while being mindful of national differences in culture, as well as legal and commercial practice. Advertising self-regulation helps ensure that ads are legal, decent, honest and truthful and by doing so helps create consumer trust in advertising and in brands. It works best within a regulatory framework, and has numerous advantages both for consumers and advertisers as well as regulators.

For Consumers: *Protecting consumers:* Advertising is a vital element of the economy by informing consumers of the different products and services available. Effective advertising self-regulation helps ensure that this advertising is responsible and can be trusted. *Consumers can voice concerns:* It also provides an additional layer of consumer protection, especially in areas such as taste and decency of an ad. Through this system the consumer can complain quickly, at no cost, and the advertiser must demonstrate that its advertisement did not breach the code, rather than the complainant proving that it did.

For the Advertising Industry: *Maintain consumer trust and brand reputation:* Consumer trust in a brand is crucial to corporate success, which is why brand reputation is extremely important. Advertising self-regulation, through the promotion of responsible advertising, helps build consumer trust in brands, which in turn builds brand loyalty, increases sales, and strengthens market share.

For Regulators: *Ad standards complementing regulation:* Advertising standards are designed to complement regulation. The costs of developing, implementing and enforcing ad standards are carried by the local ad ecosystem (more information: <http://www.easa-alliance.org/>)

Active Citizenship Network (ACN)

Active Citizenship Network (ACN) was initiated in December 2001 as the European and international interface of the Italian civic participation organisation *Cittadinanzattiva* (Active Citizenship). ACN is a flexible network of European civic organizations which are involved as partners in its different projects, addressed to encourage active participation of citizens in European policy-making. ACN mirrors *Cittadinanzattiva*'s Italian policies, such as health, corporate social responsibility, education and training at the global level.

ACN's mission is to promote and support the construction of the European citizenship as an "active citizenship" which means the exercise of citizens' powers and responsibilities in policy-making. It recognizes the prior role of national and local civic organizations in this process and advocates enrichment of the European Union subsidiarity concept by strengthening the relationship between institutions and citizens, so that institutions favour free initiative of citizens, both individuals and organizations, in carrying out activities directed towards the common good, (<http://www.activecitizenship.net>)

Association of Passenger Rights Advocates (APRA)

The Association of Passenger Rights Advocates (APRA) was established in 2017 by passenger rights organizations from across the EU, offering a united voice on the protection of air passengers. APRA's mission to ensure maximum protection for air passengers by actively engaging in a constructive dialogue with the European and national institutions, as well as airlines, airports, National Enforcement Bodies, and other key stakeholders.

APRA offers a combination of solid data, in-depth analysis and collective expertise to inform policy makers, promote the interest of European air passengers and, in particular, provide access to justice (more information: <http://www.passengerightsadvocates.eu>).

Answers and Comments to Tests

Test 8.1

The services are different from physical products (a correct answer should take into consideration the following) :

- ✓ difficult to assess the quality
- ✓ very intangible in nature
- ✓ strong connection with the provider
- ✓ example: Students can refer to main service characteristics

Test 8.2

Can customer experience the single service market in EU ? (a correct answer should take into consideration the following):

- ✓ Services Directive in 2009 (Directive 2006/123)
- ✓ "Service package" concept
- ✓ The barriers still exist
- ✓ example: Students can give the examples of services where still the barriers are.

Test 8.3

Are only legislative regulations on service market in EU dedicated to protect customer rights? (a correct answer should take into consideration the following):

- ✓ no there are non-legislative regulations also
- ✓ soft law concept
- ✓ private policy stakeholders
- ✓ example: Students can refer to the examples of the institution and their activities

Chapter IX Assessment



Mention few changes from current situation of protection customer rights on service markets in EU.....

Write an essay of maximum 300 words starting from the idea what are the essential problems, barriers to overcome in that situation.....

[Use the space below to answer.]

Conclusion

Consumer awareness is an act of making sure that consumer is aware of the information about products, goods, services, and consumers rights. Consumers have the right to information, right to choose, right to safety. It is especially challenging when the services are discussed. The specifics of the product, its intangibility, can be misleading and make the customer susceptible to illegal practices. Both legal systems and institutional systems should protect the rights of the customer and in the same time give him the opportunity for education. The strong impact apart of governmental bodies have non-governmental institutions in Europe. They are mainly focused on providing the help to customers in particular situations but also for strong educational activities. By informing and educating consumer on their rights and empowering them to make smarter and better choices based on clear, accurate and consistent information independent, the non-governmental consumer organizations also play a significant role in consumer protection and implementation of consumer law in the European Union.

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