

POLAND

Report of activities for the year 2000

Consumer protection

The protection of consumer rights and interests is one of the major goals of the Polish government and constitutes an important factor of the socio-economic programme. The activities of the OCCP in this field are based on the official government document entitled "The government consumer policy for the years 2000-2001", containing tasks and time schedule for their implementation.

I. Legal frameworks

The year 2000 was very important for the increase of the level of consumer protection standards due to the enactment of several legal acts of the paramount significance in this area. Most of legislative works concentrated on the transposition of the European Union "consumer" directives:

- the Act of 2 March 2000 effective since 1 July 2000 transposes into the Polish law four directives: sales away from business premises, distance selling, unfair contract terms and product liability; The law is aimed first of all at the protection of economic interests of consumers, which as a rule have a weaker bargain position than entrepreneurs, and need help in redress. The President of the OCCP keeps a register of unfair contract terms and is entitled to institute lawsuits to assess provisions of the sample contract as null and void.
- the Act of 16 March 2000 on amendments to the Act on combating unfair competition and to the Act on radio and TV broadcasting came into force on 19 July 2000 (Community directives on misleading and comparative advertising); In addition to regulating issues of comparative advertising, the law authorises the President of the OCCP and district (municipal) consumer advocates to apply to the court for temporary orders against persons committing acts of unfair competition, they are also entitled, together with business and consumer organisations, to institute penal proceedings. The President of the OCCP may request disclosure of the data concerning persons ordering broadcasting advertising and its records.
- the Act of 22 January 2000 on general product safety, effective since 8 September 2000, transposes the said directive and also gives the Council of Ministers the legal delegation to issue implementing regulations transposing several further Community regulations, such as: safety of toys, dangerous imitations, textiles names and safety, check for conformity with safety requirements of products imported from third countries, establishing national systems for information about dangerous products and for monitoring consumer accidents. The above legal act together with its implementing regulations significantly contributes to the increase of protection of consumer's life and health.
- the Act of 15 December 2000 on competition and consumer protection which came into force on 1 April 2001 is strengthening and extending competence of the President of the OCCP in the field of consumer protection. This act also regulates the issues concerning cooperation between the OCCP and consumer NGOs and support given to these organisations.

The President of the OCCP has a leading role in the enforcement of the listed legal provisions.

The representatives of the OCCP were active in giving opinion on draft legal acts elaborated by other administration sectors, but having an impact on consumer protection.

Consumer Policy Department elaborated several materials for the Parliamentary Commission for Competition and Consumer Protection, e.g. information about implementation of the government consumer policy for the years 1998-1999, report on the functioning of the institution of consumer

advocates, information on government consumer policy for the years 2000-2001, directions of the Trade Inspection activities in 2000, elaboration about consumer position on the bank services market.

The employees of the Consumer Policy Department participated in all meetings of the above Parliamentary Commission.

II. Enforcement of consumer rights

The President of the OCCP performs his tasks supported by the Trade Inspection, which is the nationwide market surveillance body, controlling quality and conditions of sales of products and services offered to consumers, as well as fairness of entrepreneurs' behaviour. In addition to its control function the Trade Inspection is offering the out-of-court settlement of consumer disputes in 35 courts of conciliation. The Chief and Voivodship Inspectorates are providing free of charge legal advice for consumers and, what should be underlined, also for entrepreneurs which in many cases prevents disputes before courts.

In the year 2000 Consumer Policy Department received 564 consumer claims.

Pursuant to the provisions of the Act on combating unfair competition the Office issued in the year 2000 203 summons for abandoning acts of unfair competition, 45 *ex officio*, 39 pursuant to consumer claims, 116 based on information of the Trade Inspection, 3 based on information of consumer advocates. Out of the total number of summons 124 pertained improper marking of products, 50 advertising (misleading, onerous, contrary to good practice), 29 were connected with other acts of unfair competition.

In 182 cases business entities complied with the OCCP's request, 21 refused, and 2 cases the Office directed to the court by virtue of the provisions of the Act on combating unfair competition.

The consumer right to information was implemented in several ways. In most cases following activities have been commissioned to the consumer NGOs:

- providing free of charge information and legal support for consumer redress;
- editing non profit literature, educational materials, leaflets and brochures for consumers;
- consumer education in schools;
- comparative tests of consumer products and services;
- training for consumer advocates.