

Activity report of the President of the Office of Electronic Communications (UKE) on out-of-court consumer dispute resolution (ADR) in 2018.

The President of UKE conducts out-of-court consumer dispute resolution proceedings in the scope of **telecommunications and postal services**.

The proceedings aim at amicable settlement of disputes between consumers and service providers. They lead to a compromise that will be satisfactory for both the applicant and the service provider. The procedure requires the consent of both parties.

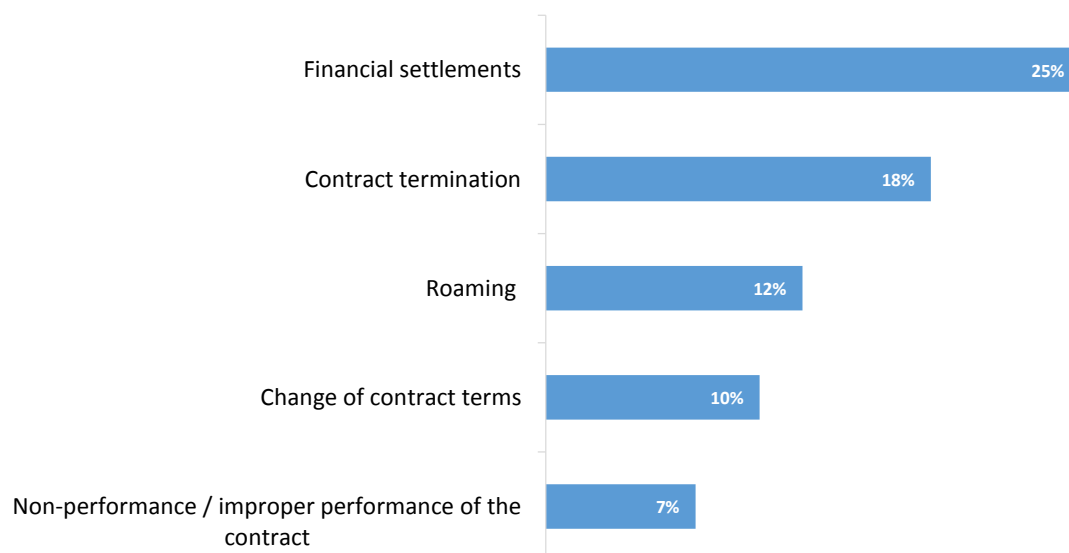
1. Telekomunications

In 2018 the President of UKE received 1398 requests for instigating ADR proceedings.

The five most common topics of the ADR request include:

Chart 1

Subject matter of the ADR requests



Source: UKE

Most common problems leading to consumer disputes under ADR procedures and relevant recommendations:

1. Financial settlements (invoices/fees)

Recommendations: if the service provider incorrectly charges for the services provided or issues a note for early termination of the contract, we recommend to submit a complaint to the service provider requesting clarification and providing a proper financial settlement.

2. Termination of the contract

Recommendations: the detailed terms of the contract should be read, attention should be paid to the duration of the contract. Early termination of the contract, results in penalties being charged by the service provider - so-called "contractual penalty".

3. Roaming – charging additional fees

Recommendations: before traveling abroad you should read the price list for roaming services.

. In the case of trips to the EU and EEA, you will be charged on the same basis as for the service at home (RLAH principle). Service providers may charge additional fees as part of their fair use policy (FUP) or based on a decision of the President of UKE. In case of travelling outside the EU and EEA countries, the rates for international calls in operator's price list should be carefully read.

4. The change of the contract terms

Recommendations: before signing an annex, a consumer should verify whether conditions of the service provision agree with the terms presented during a phone conversation with an agent.

When the terms and conditions of a contract were changed during a phone call, a consumer should verify the agreed terms and conditions with a confirmation delivered by the service provider.

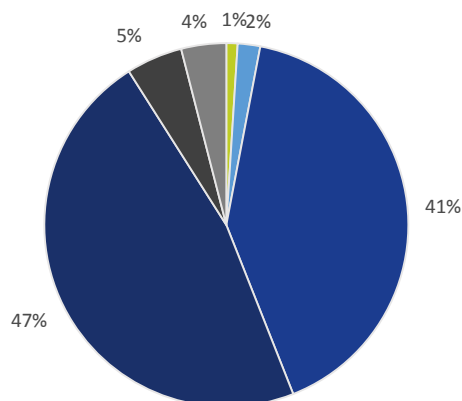
5. Improper service performance

Recommendations: everyone has the right to lodge a complaint if the supplier improperly provides services and to claim compensation specified in the regulations for the provision of services.

The President of the UKE has refused to examine 6,2% cases from all submitted the ADR requests.

Chart 2

Specific grounds for refusal, by percentage



- Dispute already dealt with
- A request submitted by a company
- Lack of complaint proceeding
- Exceeded deadline for the request submission
- Dispute beyond the of UKE competence
- The value of a dispute below PLN 20

Source: UKE

3,72% ADR proceedings were terminated before achieving a result. The reasons were inter alia withdrawal of the request, failure to complete a request with data or documents specified in the ADR rules.

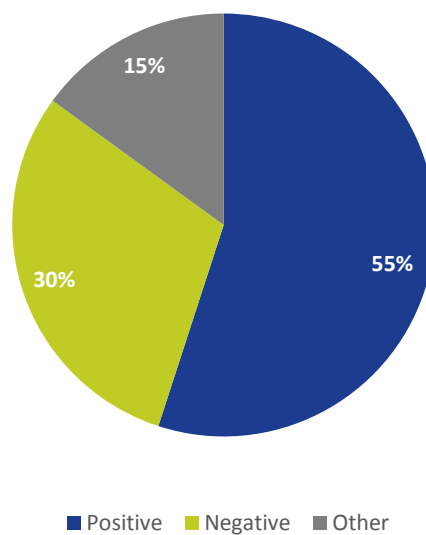
Average time of an ADR proceeding is 23 days.

The President of the UKE does not keep detailed statistics on whether the parties have followed the outcome of ADR proceedings.

51% of proceedings were concluded in favor of the consumer. UKE regained over PLN 400 thousand for the consumers.

Chart 3

Efficiency of the ADR proceedings



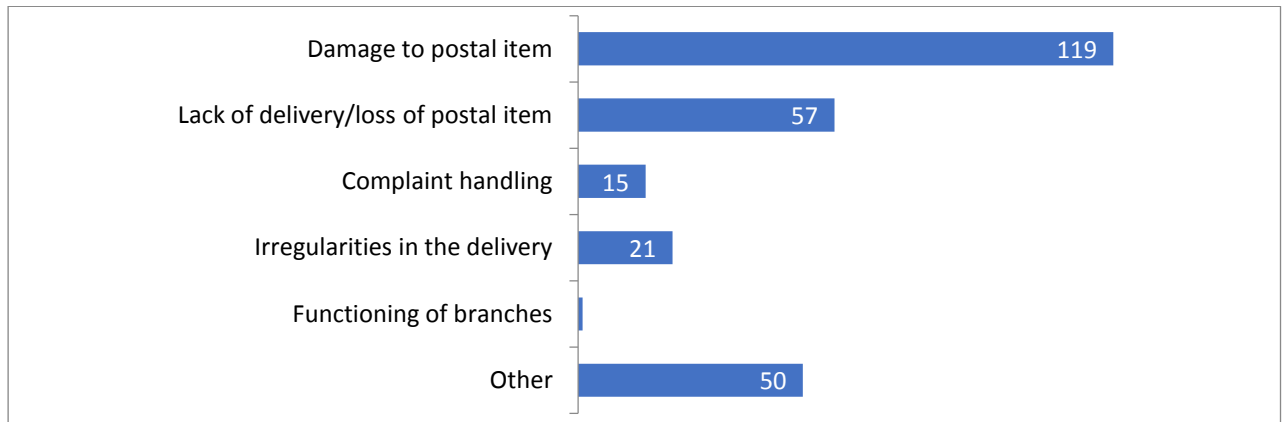
Source: UKE

2. Postal Services

In 2018 UKE received 263 request for instigation of ADR proceedings.

Chart 4

Subject matter of the ADR requests



Source: UKE

The problems leading to consumer disputes:

1. Lack of proper parcel packaging

Recommendations: When shipping easily broken or fragile items, special care should be taken to ensuring that the package is properly packaged according to its weight, shape and type of content. Sensitive content should be marked in a manner specified by the postal operator in the regulations, including use of an external mark placed on the parcel.

2. Lack of knowledge of the terms of the regulations on postal service provision

Recommendations: before choosing a postal service provider and a type of a service provided, it is necessary to get acquainted with the regulations, in particular when it comes to the terms and time of providing the service or amount of compensation in the event of non-performance or improper performance of the service.

2. Lack of detailed damages protocol

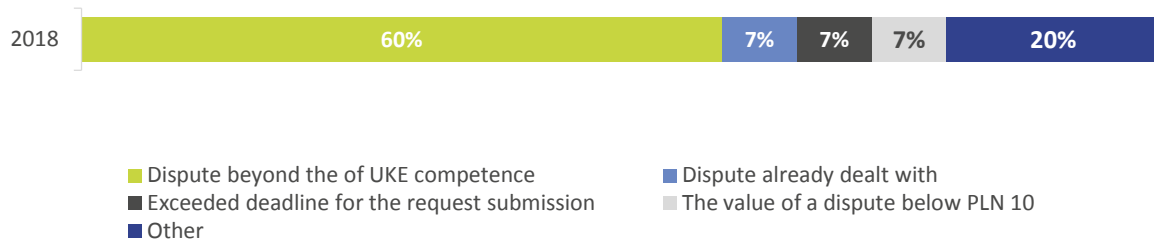
Recommendations: in the event of damage to or partial loss of a postal item, a damages protocol drawn in the presence of an employee of the operator which delivered it, is a basis for a complaint. If the damages were not visible outside the postal item upon its receipt, the postal service provider should be made aware of them within 7 days from receiving the package

The President of UKE refused to examine 6 % of cases from all the ADR requests submitted.

Most refusals concerned the subject of the dispute outside UKE's competence.

Chart 5

Percentage share of individual grounds for refusing to resolve a dispute



Source: UKE

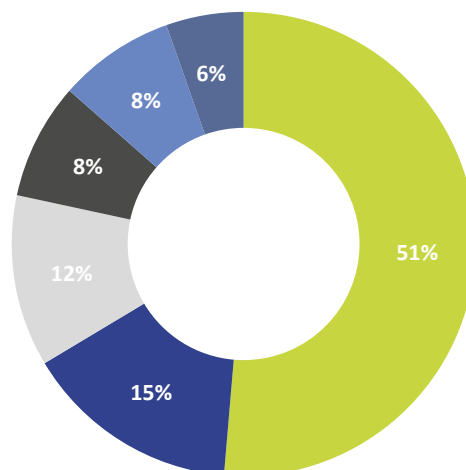
4% of ADR proceedings were terminated before achieving any result. The reason was failure to complete a request with data or documents specified in the ADR rules.

Average time of an ADR proceedings is 37 days.

The President of UKE does not keep detailed statistics on whether the parties have followed the outcome of ADR Proceedings.

Chart 6

Effectiveness of ADR proceedings



- Operator refused to participate in ADR proceedings
- Parties did not agree to the proposed solution of the dispute
- Parties agreed to the proposed solution of the dispute
- Recognition of the applicant's claim prior to the presentation of proposals for resolving the dispute to the parties
- Refusal to initiate ADR proceedings
- Applications left without recognition

Source: UKE

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