

Activity report of the President of the Office of Electronic Communications (UKE) on out-of-court consumer dispute resolution (ADR) in 2019

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.

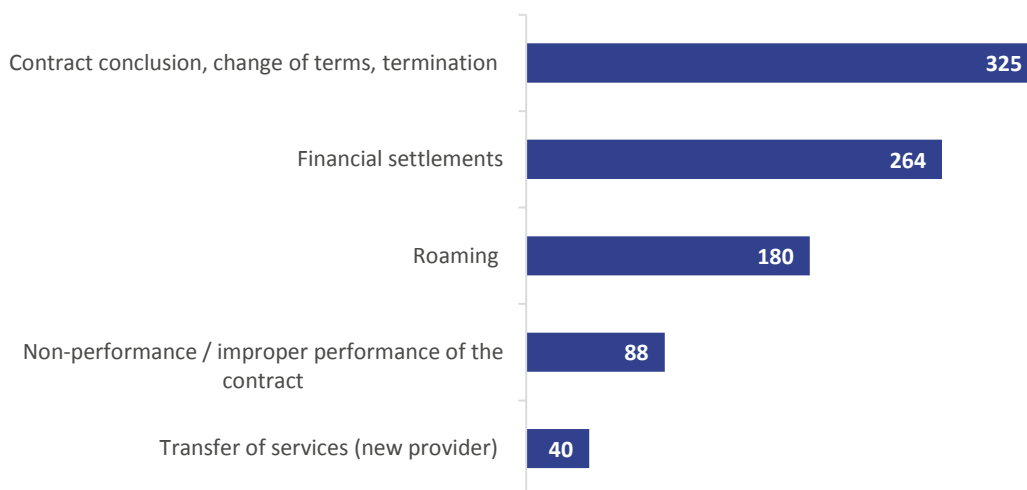
1. Telecommunications

In 2019, UKE received 1024 requests for instigating ADR proceedings.

The 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:

1. Contract conclusion, change of contract terms, termination of the contract

Recommendations: Before concluding the contract or accepting the terms sent by the service provider, e.g. to an e-mail address, the detailed terms of the contract should be read. In particular regarding the charges incurred, the duration of the special offer, additional services and the term of the contract. Early termination of the contract, results in penalties being charged by the service provider - so-called "contractual penalty".

2. Financial settlements (invoices/fees)

Recommendations: if the service provider incorrectly charges for the services provided, a complaint must be submitted to the service provider requesting clarification

and providing a proper financial settlement. After the complaint procedure is exhausted, the consumer may pursue further claims under the ADR procedure.

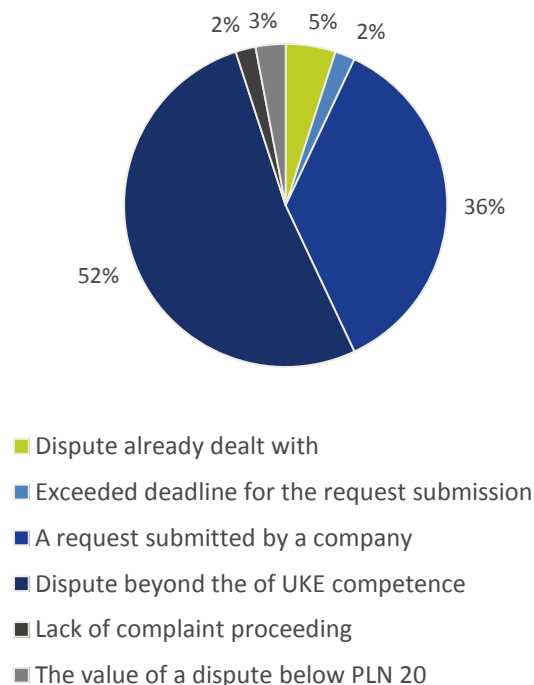
3. Roaming – charging additional fees

Recommendations: Before you travel abroad - both to EU and EEA countries and outside - 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 the case of fees charged in violation of FUP or the decision of the President of UKE, a complaint must be submitted. In the event when a complaint was not accepted, consumer may submit a request for intervention to the President of UKE or an ADR request.

The President of the UKE has refused to examine 5,7% cases from all submitted the ADR requests.

Chart 2

Specific grounds for refusal, by percentage



Source: UKE

3% of all 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 rules.

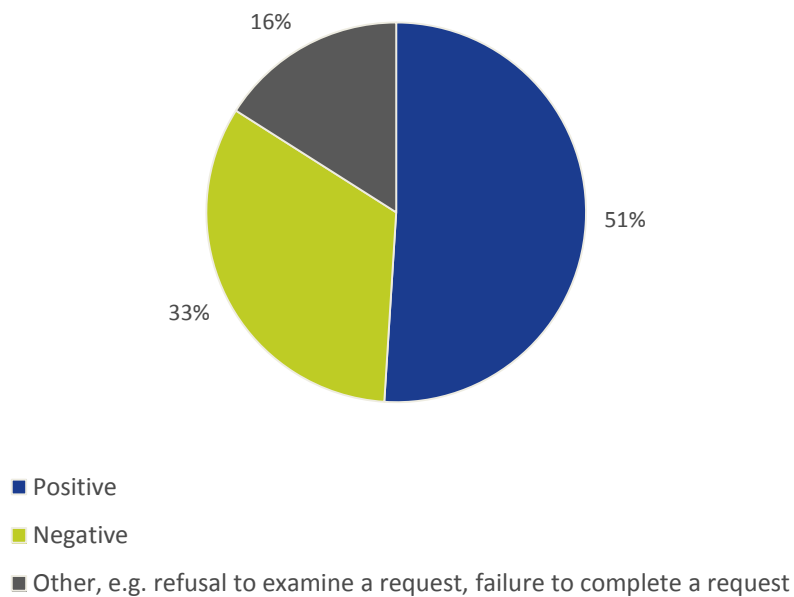
Average time of an ADR proceeding is 24 days.

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 As part of interventions and the out-of-court procedures, UKE regained over PLN 400 thousand for the consumers.

Chart 3

Efficiency of the ADR proceedings

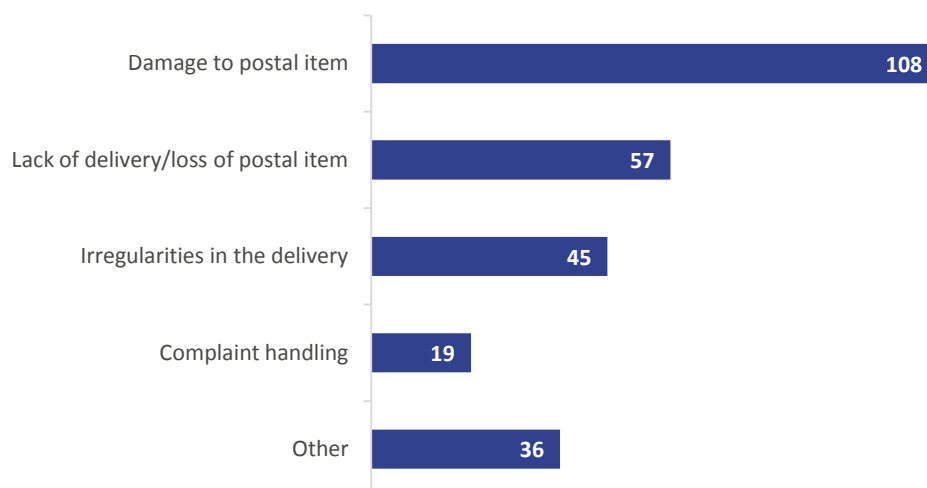


Source: UKE

2. Postal Services

In 2019 UKE received 259 request for instigation of ADR proceedings.

Chart 4

Subject matter of the ADR requests¹

Source: UKE

¹ Some cases relate to more than one subject

The most common problems leading to consumer disputes:

1. 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.

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.

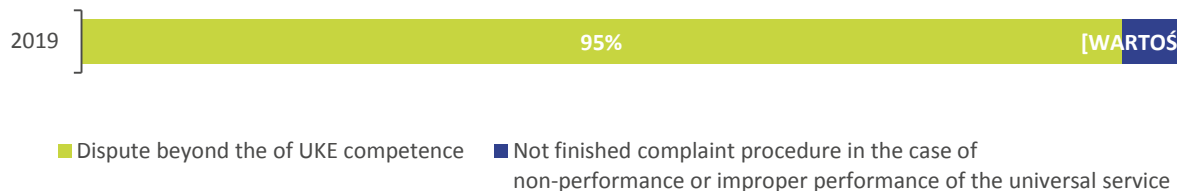
3. Lack of opportunity to declare the value of a postal item or insurance .

Recommendations: In the cases of sending items of significant value, an indication of a value of each postal item should be possible in order to guarantee, which in case of its damage or loss guarantees compensation in the indicated amount. An insurance is another way of protection.

The President of UKE refused to examine 8 % of cases from all the ADR requests submitted.

Chart 5

Percentage share of individual grounds for refusing to resolve a dispute



Source: UKE

1% 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.

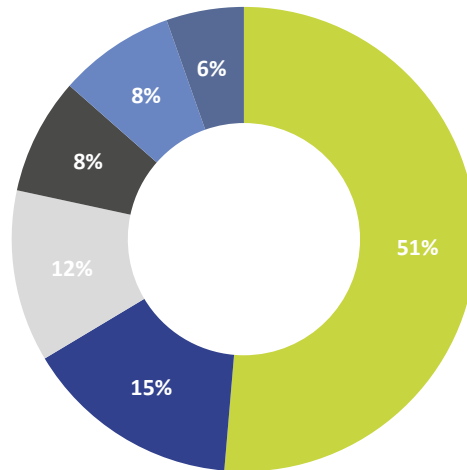
Average time of an ADR proceedings is 36 days.

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

As part of the proceedings, over PLN 10,000 were regained for the benefit of the consumers.

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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