



Activity report of the President of the Office  
of Electronic Communications (UKE)  
on out-of-court consumer dispute  
resolution (ADR) in 2017

The President of UKE is responsible for the proper functioning of the telecommunications and postal services markets. Its responsibilities include ensuring compliance with consumer interests.

For this purpose, the President of UKE as an authorised entity, notified to the European Commission's ADR database, conducts out-of-court consumer dispute resolution proceedings in the scope of telecommunications and postal services.

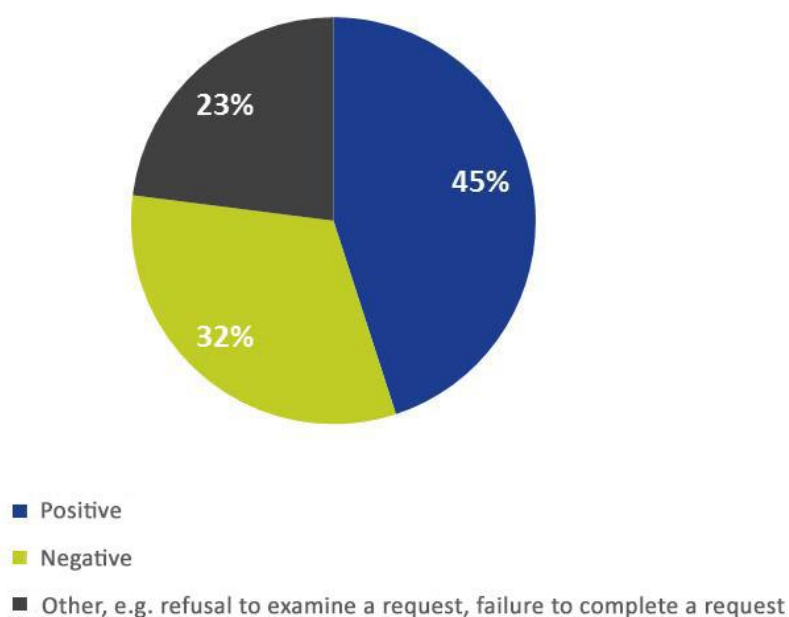
Such proceedings aim at amicable settlement of disputes between consumers and service providers, which shall be based on goodwill and the parties' willingness to reach an agreement. They require the consent from both consumer and service provider.

## 1. Telecommunications

In 2017 the President of UKE received 1559 requests for instigating ADR proceedings. 45% of proceedings were resolved in favour of the consumers. UKE retrieved more than PLN 400 000 for the consumers.

Chart 1

Efficiency of the ADR proceedings

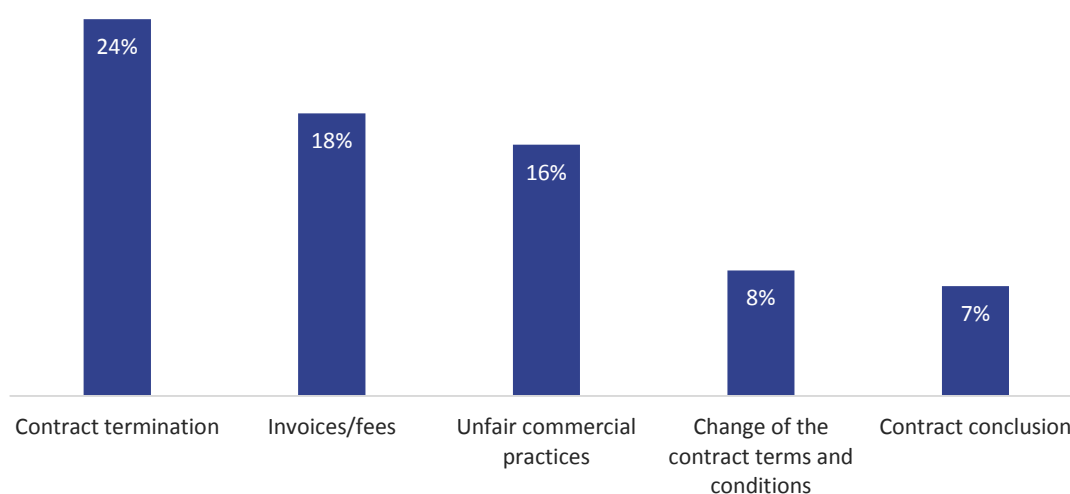


Source: UKE

Most frequently, the consumers have requested for an amicable settlement of a dispute with service provider related to termination of a contract before the expiration date, contractual penalties or unfair commercial practices.

Chart 2.

#### Subject matter of the ADR requests



Source: UKE

Problems leading to consumer disputes:

1. Unfair practices of commercial agents (misleading a consumer while entering into a contract)

Recommendations: Consumers should pay attention to the documents they sign. They should verify the terms and conditions of a contract, especially the service provider they are concluding the contract with.

2. Premium Rate SMS - activation of a service

Recommendations: Users of Premium Rate services should pay attention to the way of activating services. It is crucial to read the communications on websites where most frequently the Premium Rates subscriptions are activated.

3. The change of the contract terms and conditions inconsistent with the arrangements made during a phone call

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. In

the case 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

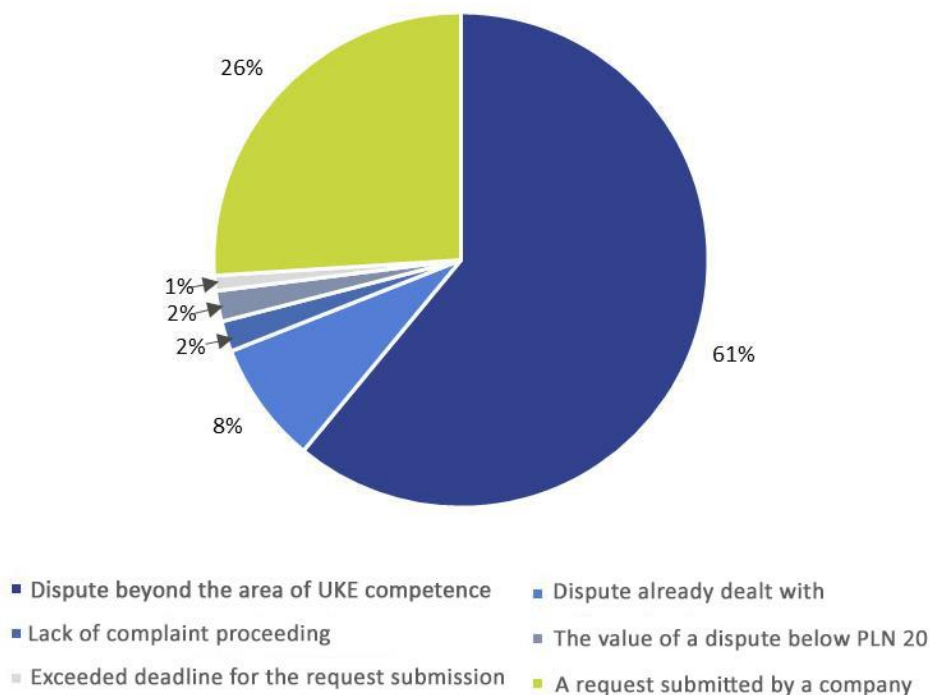
#### 4. Financial settlements (invoices/fees)

Recommendations: A consumer has the right to submit a complaint if an operator charges a fee for service provision or issues a note for an early termination of a contract incorrectly.

The President of the UKE has refused to examine 4,2% cases from all submitted the ADR requests. The most frequent reason of refusal was a dispute subject matter lying beyond the area of competences of the President of UKE.

Chart 3.

Specification of the grounds for refusal, by percentage



Source: UKE

2.2% ADR proceedings were terminated before achieving a result. Main reasons were inter alia withdrawal of a request, failure to complete a request with data or documents specified in the rules.

Average time of an ADR proceeding is 32 days.

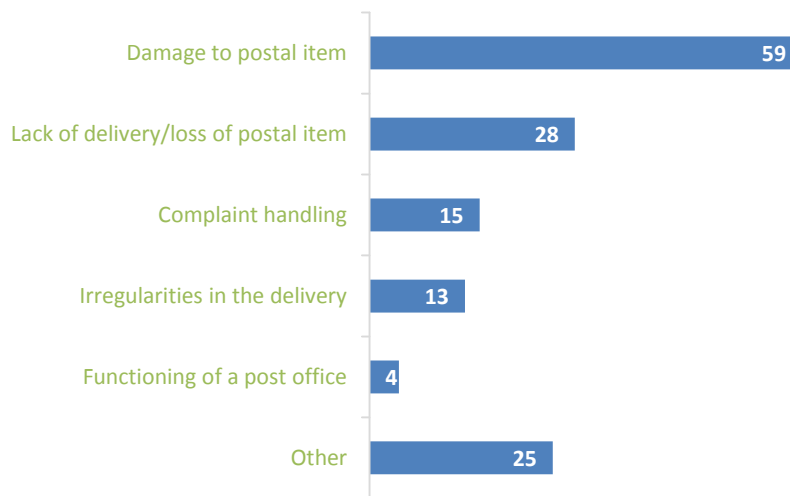
The President of the UKE does not keep detailed statistics on whether the parties have followed the outcome of ADR proceedings.

## 2. Postal Services

In 2017 UKE received 144 request for instigation of ADR proceedings.

Chart 1.

### Subject matter of the ADR requests



Source: UKE

Problems leading to consumer disputes:

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

Recommendations: In the cases of shipping the items of significant value, an indication of a value of each postal item should be possible in order to guarantee a compensation in an indicated amount. An insurance is another way of protection

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

Recommendation: Before choosing a postal service provider and a type of a service provided, a regulation should be consulted especially when it comes to the terms and time of service provision or a limit of compensation in a situation of a failure to provide or improper provision of a service.

3. 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 damages were not visible outside the postal item upon its receipt, they should be notified to the postal service provider within 7 days from receiving the package.

The President of UKE has refused to examine 9.03 % of cases from all the requests submitted. All refusals were related to the subject matter of a dispute lying beyond the area of competences of the President of UKE.

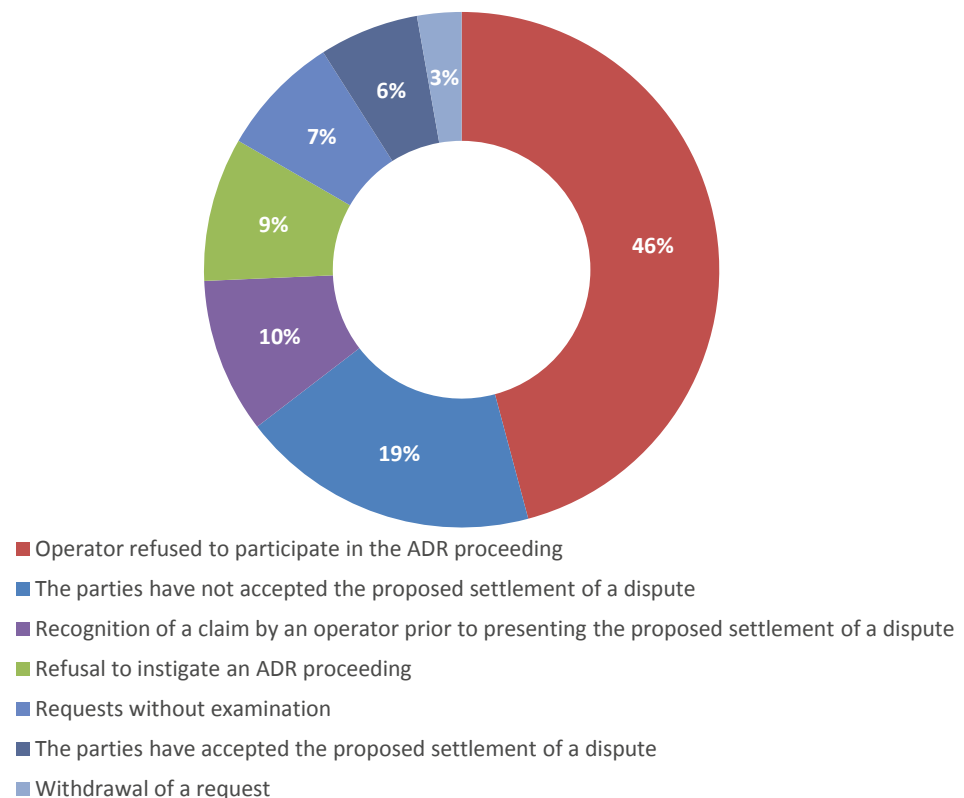
4.92% ADR proceedings were terminated before achieving any result. Among reasons were inter alia withdrawal of a request (3.28%), failure to complete a request with data or documents specified in the rules (1.64%).

Average time of an ADR proceeding is 32 days.

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

Chart 6.

#### Efficiency of ADR proceedings



Source: UKE

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